

EAST CLINTON FIRE DISTRICT

July 16, 2019

FINAL

Special Meeting 7:00 PM

COMMISSIONERS IN ATTENDANCE:

Stephen Forschler, Chairman
Byron Calame
Michael DiGiacomio
Robert Trzcinski
Arthur Weiland (arrived 7:00)

COMMISSIONERS ABSENT:

None

ALSO IN ATTENDANCE:

Robert Simon, Treasurer

Chairman Forschler called the meeting to order.

Correspondence:

- A motion was made by Commissioner Trzcinski and seconded by Commissioner DiGiacomio to authorize Chairman Forschler to sign the letter to Robert Balkind, Commissioner of the Dutchess County Department of Public Works dated July 16, 2019 regarding the reduction of the weight rating of the Fiddlers Bridge Road. Commissioner DiGiacomio said he thought the letter might carry more weight if it came from both East and West Clinton together and if the letter actually stated the weight of the West Clinton trucks. Commissioner Trzcinski said the ECFD is an independent municipality so based on that, he thinks it would be better if both East and West Clinton sent their own letters. He said the Town of Clinton has already sent a letter. Chairman Forschler suggested sending a copy of this letter to West Clinton so they can see what we sent and Commissioner DiGiacomio thought that was a good compromise.

Commissioner Weiland	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner DiGiacomio	Aye		

Motion carried 5-0.

- A motion was made by Chairman Forschler and seconded by Commissioner Weiland to authorize Chairman Forschler to sign the letter dated July 16, 2019 to the ECFD member regarding a medical leave. Commissioner Trzcinski said he would like to see the letter state fire district's physician instead of fire district's healthcare provider.

Commissioner Calame	Aye	Commissioner Weiland	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0

Chairman Forschler will contact TEK to get the name of a physician.

- FOIL request from Russo Consultants dated July 12, 2019 regarding a vehicle fire. Chairman Forschler directed the secretary to forward the request to the board's attorney.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to adjourn into executive session at 7:07 p.m. to discuss a personnel issue.

Commissioner Calame	Aye	Commissioner Weiland	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0

A motion was made by Commissioner Trzcinski and seconded by Commissioner Calame to return to public session at 7:18 p.m.

Commissioner Calame	Aye	Commissioner Weiland	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0

Policy issues:

- Drug testing policy: Commissioner Trzcinski referred to the Policy Manual statement that random testing will be conducted of a number of members equal to at least one third of the number of active members tested each year, in the discretion of the Board of Fire Commissioners in a manner which assures randomness. Commissioner Trzcinski said no such action has been taken and asked if TEK can do this. Mr. MacLeod has said previously that the district should be doing this testing. Commissioner DiGiacomio said he will look to see what company he uses for random drug testing and let the board know. Mr. MacLeod has mentioned that his district does it yearly. This is on Mr. MacLeod's list of policy revisions to examine.
- Physical ability policy: Commissioner Trzcinski referred to Page 79 item 14 which states "Individuals shall be permitted to obtain their physical from their individual physician if they so choose, at their cost, so long as they meet the requirements of the District" and said this is in conflict with some other statements and should be removed.

A motion was made by Commissioner Trzcinski and seconded by Commissioner Weiland to strike Item 14 from the Physical ability policy. Chairman Forschler said we would need a medical professional's opinion as to what the standards are. He said he believes the board needs Mr. MacLeod's input to review this policy in its entirety and asked why focus on this one paragraph when the whole policy needs to be re-done. Commissioner Trzcinski said because we have items right now that are causing confusion. This statement is in direct conflict with another policy.

Commissioner Calame	Aye	Commissioner Weiland	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0

- Physical ability policy - Page 80, Item 16 – Commissioner Trzcinski said this deals with the same topic, use of personal physicians, but since Item 14 has been removed, the impact of this paragraph is de-weighted.
- Investment policy – Commissioner Trzcinski referred to page 70, Responsibility for Enforcement which states "The Treasurer shall have primary responsibility for the Investment Policy" and said the board is in charge of the investment policy and the treasurer does as the board directs.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to amend the Investment Policy to read “The board shall have the primary responsibility for the Investment Policy.”

Commissioner Weiland	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner DiGiacomio	Aye		

Motion carried 5-0.

- Active Member Policy – Commissioner Calame distributed a draft revision of the Active Member Policy with the proposed changes underlined. The first change is Item 7 “Have responded to at least five percent (5%) of total fire or rescue calls during the previous calendar year.” This five percent (5%) does not exist in the current policy. When the requirement for LOSAP was addressed, Commissioner Calame said he does not see this as redundant to that requirement – getting 50 points is not the same as actually making 5% of total fire and rescue calls. We are focused to make sure we have committed people to the mission and helping to fulfill it. The policy is making clear who is an active volunteer firefighter. That statement applies to LOSAP, VFBL, workers comp. This percentage is less than what it takes to get the 25 LOSAP points for fire or rescue – that is 10%. There was some discussion about whether it should be 5% of either fire calls or 5% of rescue calls or a combination of both. Chief Estes thought it should be fire or rescue calls.

A motion was made by Commissioner Calame to add to the Active Member Policy the requirement that a member has responded to at least 5% of total fire and rescue calls for the previous calendar year. There was no second. The motion failed.

A motion was made by Commissioner Weiland and seconded by Commissioner Trzcinski to change item 7 to read: Have responded to at least five percent (5%) of total fire or rescue calls during the previous calendar year. After discussion which clarified the intent to have to have either 5% of total fire calls or 5% of total rescue calls, not a combination of both fire and rescue calls, Commissioners Weiland and Trzcinski agreed to change the motion to read: Have responded to at least five percent (5%) of total fire or total rescue calls during the previous calendar year.

Commissioner Weiland	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner DiGiacomio	Aye		

Motion carried 5-0.

The next group of changes is under Item 8. Commissioner Calame said the effort here is to create some criteria for our new driver operator position subsidiary to make sure it requires some commitment beyond people coming over to say I want to drive. Active members would have to qualify in line with these requirements. Chairman Forschler asked if we have a set of driver operator qualifications, why do we have to add these to the active member policy – why not just amend the driver operator policy? Commissioner Calame said the goal is to use the active member policy created last year to deal specifically with the board question of who is an active volunteer firefighter in this district which then determines who is eligible for LOSAP. It states the specific qualifications and enforces training that has to be completed for certain jobs and positions and subsidiaries in this district. This is to create some qualifications that go beyond what the driver operator policy previously approved contains. Commissioner DiGiacomio said he thinks the active member policy should be broad brush and to go further

should be in the specific policy for that position. Chairman Forschler said there is distinction in the current policy between fire apparatus drivers and non-fire apparatus drivers. There are more than two fire apparatus. They need pump ops for the brush truck – for any pumper. He does not see that the updated active member policy spells out the distinction between drivers of fire apparatus or non-fire apparatus drivers. The second number 5 is in conflict with the current driver operator policy. Commissioner Calame said here is a fourth category of person defined by training and qualifications who is an active member of the district and an active firefighter. Commissioner Weiland suggested stating instead “driver operator as defined in our current manual” and add to the driver operator policy defensive driving requirements if we so choose.

A motion was made by Commissioner Weiland and seconded by Chairman Forschler to add in 8.b. after EMT-B “and current certification”.

Commissioner Weiland	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner DiGiacomio	Aye		

Motion carried 5-0.

A motion was made by Commissioner Weiland and seconded by Chairman Forschler to modify 8.d. as follows: “A Driver-Operator as defined in the district’s Driver-Operator Policy”.

Commissioner Calame	Aye	Commissioner Weiland	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

There was discussion regarding the creation of the scene support group based on the document dated August 21, 2012. There was a resolution of the board at that time to create support and the August 12, 2012 document prepared by the chief lists the activities of the support people.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to add an 8F that specifically recognizes the Scene Support subcategory making specific reference to the August 21, 2012 description of activities. Commissioner Calame proposed imposing a requirement that such people should have documented attendance at classes covering units 1-8 in Firefighter 1. Chairman Forschler said he is not sure all those requirements apply. He would agree to add the two requirements of (1) attendance at a four hour in-house on-scene safety training and (2) attendance at the de-contamination course. Expectations of fire scene support are decontamination and rehabilitation. That is done in the cold zone. Commissioner Trzcinski said the document that was notarized by the district secretary was notarized for a reason – to create the resolution activating the scene support people. That was the expectation of the district – to allow scene support to get LOSAP points. Chairman Forschler said the resolution was done on October 16, 2012. The description of duties dated August 21, 2012 was the foundation of the resolution. The resolution officially made it a subsidiary group. Commissioner Trzcinski said alluding to that document from the chief and certified by the secretary may not carry the weight of the board putting it in the resolution. Chairman Forschler said we can modify that document. Chief Estes said the class will give the scene support people the diagram of the different zones and an understanding of the different zones, traffic patterns, and fire operations around a fire scene for better establishment of zones. Within that will be an augmentation to the previously required decon class that is offered through the county. Safety will be inclusive of fire house safety and assisting with the racking of hose and safety equipment.

They will also be trained to exchange SCBA bottles and be given the awareness of heat exhaustion and other fire related potential illnesses and injuries during the decon and rehab process. They will not be trained on how to fill the SCBA tanks. They don't need that – it is not necessary – that is not an emergency type of situation. Commissioner Trzcinski thinks they should be trained to fill the bottles which is part of a support function. Chief Estes said he will let them learn how to fill the SCBA bottles but not to change out tanks. Commissioner Trzcinski said the district is paying LOSAP points for a classification of people and the people need to be able to meet the classifications. Mr. Russell thinks it would cost the district more to have support people filling the SCBA bottles.

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

Motion carried 4-1.

Commissioner Calame said he thinks the revisions in this document now make clear that the ECFD Active Member designation is to be equal to and synonymous with Active Volunteer Firefighter and he thinks that is important. Mr. MacLeod has not yet looked at this policy update. Chairman Forschler said the board should wait for Mr. MacLeod's input before voting on the policy.

- LOSAP – Chairman Forschler said the board has had communications with Mr. MacLeod at previous meeting regarding LOSAP. There is statute that defines what activities we can award points for in LOSAP. The statute does not require we award points for all activities but places limits on how many points for those activities and defines the categories for which points may be awarded. There is not a great deal of flexibility within most of the categories. There has been some interest to modify the point system to award points only for those activities that fulfill the mission of the fire district which is, broadly speaking, protection of the district. Chairman Forschler said he has discussed this with Chief Estes.

A motion was made by Commissioner Calame and seconded by Commissioner Weiland to adopt the following motion: Be it resolved, the revised East Clinton Fire District Service Award Program Point System below shall replace the existing Point System, effective January 1, 2020. Penflex is hereby directed to use the revised Point System in all applicable documents and materials prepared for use after January 1, 2020 by the East Clinton Fire District Length of Service Award Program. The Point System is as follows:

1. Training Courses (other than drills) – 25-point maximum. Based on duration of training courses as follows:
 - a. Under 20 hours: One(1) point per hour; no more than five (5) points per course.
 - b. 20-45 hours: Five (5)points plus one (1) point per hour for each hour over twenty hours; no more than ten (1)) points per course.
 - c. 45-100 hours: Fifteen (15) points per course.
 - d. Over 100 hours: Twenty-five (25) points per course

Note: Before enrollment in a training course, it must be on the List of Approved Training Courses maintained by the District to qualify for credit in the Service Award program. A certificate of completion must accompany a request for points. Persons who are paid to attend training courses as part of their job or profession get no credit in the Service Awarded Program for attending such courses.
2. Attendance at Drills – 20-point maximum.

One (1) point per drill; minimum two-hour duration.

Note: Extra-long drills of four (4), six (6), or more hours may be considered as two or more separate drills of at least two (2) hours duration each.

3. Participation in Department Responses – 25-point maximum (50 points if responding to both fire and rescue calls).
 - a. Twenty-five points are earned for responded to ten percent (10%) of the total ambulance calls for the year.
 - b. Twenty-five points are earned for responding to ten percent (10%) of all other calls.
4. Miscellaneous Activities – 15-point maximum.

Participation in the activities listed below for which points cannot be earned otherwise. One point per activity.

 - a. Quick calls
 - b. Other equipment and station maintenance and testing.
5. Line of Duty Disability – Five (5) points per month; no maximum.

In the event that an Active Member is either totally and temporarily disabled, or partially and permanently disabled, as certified by the Workers’ Compensation Board or other competent authority approved by the Board of Fire commissioners, and the disability occurs during the course of service as a volunteer, while actively engaged in providing line of duty services, as defined in subdivision one of section five of the Volunteer Firefighters’ Benefit Law, the Active Member shall receive five (5) points for each complete calendar month of such disability. However, if such disability shall be awarded on account of such disablement, then no future points shall be credited under this line of duty disability provision after the date of the awarding of such disability by the Board of Fire Commissioners.

Commissioner Calame said the district would be awarding LOSAP points per this document only for training courses, attendance at drills, participation in department responses, miscellaneous activities which are only to include what we call quick calls, other equipment and station maintenance and testing and line of duty disability which is required by statute. Commissioner Weiland asked for a description of quick calls. Chief Estes said more accurately, quick calls are described as weekly equipment checks. They are a weekly event that we want to maximize participation in – one of the activities that most ensures public safety. Chief Estes said to call quick calls weekly equipment checks would make more sense. Quick calls is an antiquated term. Commissioners Calame and Weiland agreed to change quick calls to weekly equipment checks. Chairman Forschler said with regard to 4B, we would award points for work details relating to equipment and station maintenance and testing and other duties that support the mission of the fire district. To avoid any debate about whether a particular activity falls into that category, the wording of 4B should be work details involving other equipment and station maintenance and testing. Commissioner DiGiacomio suggested adding Participation in the “approved” activities. Commissioners Calame and Weiland agreed to those changes.

Commissioner Calame	Aye	Commissioner Weiland	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

A motion was made by Commissioner Calame and seconded by Commissioner Trzcinski to adopt the following motion: BE IT RESOLVED, the Board General Counsel shall prepare, in coordination with Penflex, a formal board resolution establishing a Defined Contribution Service Award Program for individuals who are approved as Active Members or Reinstated Active Members of the East Clinton Fire District on or after January 1, 2020, that includes provisions that would:

- (1) Pay a \$500 annual benefit to eligible participants who have earned a year of service credit;

- (2) Award a year of service credit to participants earning 50 or more points during a program year under the East Clinton Fire District Service Award Program Point System;
- (3) Allow participants to earn service credits for up to 40 years;
- (4) Establish 55 as the entitlement age when participants may start receiving benefits, and
- (5) Be administered by the State Comptroller's Office (where the current fee, established by law, is \$43/participant).

Be it further resolved, the General Counsel shall prepare a referendum ballot statement reflecting the formal board resolution. Both the board resolution and ballot statement shall be delivered to the board secretary by August 10 for consideration at the Board's August 15 meeting.

Chairman Forschler said he would vote against the age 55 entitlement age. Commissioner Calame said in a defined contribution plan, the money is going in. Commissioner Trzcinski said that is not the same plan that currently exists for current members. This is the other plan that is much less costly for the district. Commissioner Calame said advocacy was expressed for a two tier system. Chairman Forschler summarized the motion for the public. Commissioner Calame said the plan has to pay the required amount every year. Why not let people get the money at 55? If you are putting the money aside for a 30 year old, why not let him begin to get that at age 55? And, if someone joins at age 55, they are qualified to get the money right away. There is no investing, no present value. Every year the money is put aside with someone's name on it. They might as well have it. Chairman Forschler said the money is invested. It is not a liability to the district. It is an asset to the participants. We have no liability relative to performance of pay out. You don't make investment choices. Commissioner Calame said the money would go into a big state fund which the state charges \$43 per person to administer. They have an investment vehicle for New York State. Commissioner Calame said if we changed the entitlement age to 60, the money would go in to be invested. Commissioner Weiland said if we pay out the \$500 per year, the tax is theirs. Commissioner Calame said when this is presented, he believes the 55 age as unappealing to taxpayers opposed to LOSAP can be overcome. Keep in mind this is for new people and won't come into play for awhile. Commissioner Trzcinski said the statute allows up to \$700 – why are we at \$500? Commissioner Calame said he was using Clermont as an example but he has no problem with more or less. \$1,200 has been approved by both houses in Albany and as of 10 days ago, it is still on governor's desk and would present an additional option if he signs it. This would require a new referendum to go to a new number. Commissioner DiGiacomo asked if someone was 30 and in the plan for a number of years, and quit the department, what happens to their benefit? Commissioner Calame said if they are in for more than five years, they would be vested assuming we keep the vesting the same as the current policy. That money would be there when they met the required age, 55 or whatever age is agreed upon. They would have to keep the state advised of their address. This program is administered by Penflex. They have a five year contract to run this program for the state. They also handle the defined benefit plan for the state. You can put a defined benefit in this program and pay \$43 a person. Commissioner Calame said he thought it was best to have a new tier for new people and leave everything else alone. In the realm of that, that is why he picked \$500. The board can decide what number. Commissioner Weiland said vested is not mentioned in this document. Chairman Forschler said he believes it is part of the statute for defined contributions. Chairman Forschler said he would vote against motion as it stands – he thinks 55 is too low and \$500 is too low. He suggested increasing the entitlement age to 60 and the annual payout be increased to a maximum number of \$700 now or if it changes, up to \$1,200 for the annual contribution for eligible participants who have earned a year of service credit as approved by the Board of Fire Commissioners.

Commissioner Trzcinski said with \$1,200, at some point, this program starts to get expensive. Chairman Forschler said it's cheap for the district for a 30 year old to earn a year of service - it costs about \$600 - with no payout until 55, you have all intervening years to earn an assumed rate to enable the district to make the payout. It is expensive for someone older for the district to earn 50 points – it could be to the tune of \$3,000 for a 57 year old to earn a year of service because you have to start paying that out right now. With a defined contribution plan, it doesn't make a bit of difference. You pay out the resolved amount no matter how old you are. Commissioner Trzcinski said we have to consider voter support. Chairman Forschler said Tony Hill made the statement when he was here that \$700 is meager and there would be more support for a more radical change if the amount were higher. Chairman Forschler thinks \$700 is meager. Commissioner Weiland said under the current plan, you get more money with the number of years. Chairman Forschler said the only liability the district has is the contribution the district is making for that individual per year under a defined plan. Commissioner Weiland said in the current plan, when a newbie is vested and reaches entitlement age, they will get \$1,200. If they earn more, they keep getting more. He thinks \$1,200 is a reasonable number and a better incentive. He doesn't see any incentive for retention and length of service compared to what we have. Chairman Forschler said this is the way the district is going due to the expense. We need to make a change. Commissioner Weiland said it will be safer for the tax payers. Commissioner Trzcinski said we either get new members or we hire new members and that is going to be expensive - \$1,200 is fine. Make it \$700 now and if it changes, \$1,200. Commissioner DiGiacomio agreed with \$700 now and \$1,200 if the governor signed the bill. Commissioner Calame thinks the entitlement age should be 62 and he is willing to go to \$700 and Commissioner Weiland agreed with that. Commissioner Calame agrees with the motion stating \$700 with a provision that if the governor signs the bill within 60 days from today, Mr. MacLeod would be automatically instructed to draft it at \$1,200. Commissioner Calame does not want that provision in the document itself. Commissioner Weiland agreed with that. If it increases to \$1,200 after the referendum, it stays at \$700.

Commissioners Calame and Weiland agreed to the following changes to the motion: Change Item 1 from \$500 to \$700, change Item 4 from 55 to 62 and add the following provision to the motion: Be it further resolved, this motion is approved with the provision that if the governor of New York signs the bill within 60 days from this day (July 16, 2019) increasing the annual benefit to \$1,200, the board's General Counsel is automatically instructed to draft the resolution at \$1,200. If the \$1,200 increase occurs after the notice of the referendum is approved by the board, the annual payout remains \$700.

Commissioner Calame	Aye	Commissioner Weiland	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0

A motion was made by Commissioner DiGiacomio and seconded by Chairman Forschler to adjourn the meeting at 9:15 p.m.

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

Motion carried 4-1.

The next regular meeting of the Board of Commissioners will be held on Wednesday, August 14, 2019.

Respectfully submitted,

Karen Buechele, Secretary
East Clinton Fire District