

EAST CLINTON FIRE DISTRICT

November 13, 2019

COMMISSIONERS MEETING – FINAL

Regular Meeting 7:30 p.m.

COMMISSIONERS IN ATTENDANCE:

Stephen Forschler, Chairman
Byron Calame
Michael DiGiacomio
Robert Trzcinski
Arthur Weiland

COMMISSIONERS ABSENT:

ALSO IN ATTENDANCE:

Robert Simon, Treasurer
James Passikoff, left at 8:00 p.m.
Rod MacLeod, Attorney, arrived at 8:35 p.m.

Chairman Forschler called the meeting to order at 7:30 p.m. and explained to the public the process of reviewing the Vouchers and Financials.

CORRESPONDENCE:

- Wilmington Trust Statement for period of 6/1/18 through 9/30/19 – Commissioners copied.
- Division of Criminal Justice Services dated November 1, 2019 – 2019 Annual Validation of Police Officer and Peace Officer Registry Data – to Chief Estes to validate names, information, and mandated basic training for fire police.
- Brochure for Basic Fire Commissioner Training classes – Completed by all commissioners.
- Correspondence from Ford re: 2019 F-350 Ford Truck, VIN 1FTRF3BTXKED18518 – door latch freezing concerns – Chief Estes already received and took care of it.
- Mark Nelson, Custom Shoemaker – Fall Special – Work Boot Recrafting – Discarded
- PERMA – 2019 Fall Educational Conference Member Questionnaire – to Commissioner Trzcinski
- Ford Safety Recall 2019 F-350 Ford Truck, VIN 1FTRF3BTXKED18518 – Seatbacks reclining mechanism – Chief Estes already received and handled it.
- RBC Statement – Commissioners copied
- Past Due ESO Invoice – This has been taken care of per Mr. Simon.
- From Stenger Roberts Davis & Diamond dated November 5, 2019 “Paul Herman d/b/a/ Emergency Vehicle Specialists – Duly noted. To Secretary for filing.
- United States Senate, Charles Schumer, Senator dated October 31, 2019 – Webinars – to Chief Estes
- PERMA – Information for 2020 Renewals – to Commissioner Trzcinski
- Penflex – Governor Cuomo signed the law raising the allowed contribution to \$1,200 for Defined Contribution Service Award Programs.

MINUTES:

A motion was made by Commissioner Calame and seconded by Commissioner DiGiacomio to accept the October 16, 2019 regular meeting minutes as amended.

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

Motion carried 5-0

FINANCIALS:

Having reviewed the vouchers, a motion to pay the bills per the abstract dated as of October 31, 2019 was made by Commissioner Weiland and seconded by Commissioner Calame. Commissioner Trzcinski asked if the bill from TEK will be paid in full as there were some anomalies during that time. Chairman Forschler said all these people were on the list for physicals and TEK did the work. Commissioner Trzcinski said TEK didn't apply the requirements so therefore he has an objection to paying that bill. Commissioner Calame asked how do we compare Chairman Forschler's list to the invoices from TEK. Chairman Forschler said he and Chief Estes pulled the list together for TEK of the people who they thought would make status of this year. Everyone on the bill was on that list. Commissioner Trzcinski asked how did TEK assign someone an auxiliary status and why we pay for it. Chairman Forschler said that was assigned if a person was currently a member of Support and did not make the standards. This will be re-addressed later in the meeting.

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 accept the bank statement for the period ending on October 31, 2019 and in agreement with that noted on balance sheet as put forward by Mr. Passikoff with no exceptions.

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

Motion carried 5-0. It is noted that there has been a transfer from general savings to general checking in the amount of \$15,000 with signatures from Commissioners DiGiacomio and Trzcinski.

Question for Mr. Passikoff – Chairman Forschler said Chief Estes has discovered that 11 of our Scott bottles are due to expire as of the end of March, 2020. There is \$14,000 budgeted for Scott bottles that we haven't used yet. After a discussion between Chairman Forschler and Mr. Passikoff, it seems clear there is enough cash to get through the next few months. Mr. Simon said will do installments for the insurance until he is sure the money is there pending the tax check from the town. Mr. Passikoff said per page 2 under net assets, at the beginning was

\$195,445.04. After the \$75,000 plus allocated to the equipment reserve fund and \$65,000 allocated to the LOSAP fund, there is \$54,877.50 left. If you have \$100,000 left this year, that brings the total to about \$150,000. If your expenses remain the same as they were at the end of 2018, you'll be fine. Chairman Forschler said he wants to get the purchase of the Scott packs in this fiscal year. Mr. Passikoff said no matter when you get them, we can accrue the expense into the 2019 budget. Chief Estes said he will purchase them this year if that is what the board prefers. Commissioner Calame referred to page 5 and asked what is the line Building Maintenance – Other for? He noted it is over by \$5,611. Mr. Passikoff said he goes to this line when there is nowhere else to put the expense. Mr. Simon said the Arnoff Moving and Storage expense went in there as well as supplies from Williams, the lock repair for the door, and uniform shirts. Mr. Passikoff said when we changed over to Quickbooks, we moved it from building maintenance.

FIRE POLICE: Tim Odell N/A

DEPARTMENT: Monthly calls: 9 Year to Date: 75 through 10/31/19

Car 1 – Don Estes

- Make up modular last Tuesday covering requirements needed to respond in 2020. There are only a few more people remaining that need to make up OSHA modules. There are a few people that may not make it. Chief Estes said he would run an extra drill if someone asked and Ms. deHaan agreed to do the same. There are two more scheduled drills for the year.
- The drill on Thursday will be chimney fires and ladder and roof operations.
- Education tools were serviced last Friday and we got an excellent report.
- 38-68 is winterized so is no longer deconning – the AED had to be taken in.
- We ordered a new 14 foot ladder. One of our roof ladders was missing a lot of rivets – there was too much wear on the ladder. Chief Estes called Waterway who does the ladder inspections and told them they obviously didn't inspect this ladder. He is looking for new ladder and hose inspector for next year. The broken ladder will be cut up with a saw.
- We ordered two more portable carbon monoxide detectors. The drill last month was on carbon monoxide and was an excellent drill. As part of practical experience, we pulled the equipment out and ran one small generator in the bays for 10 minutes and the readings were very high.

Car 2 – Jim Bathrick - N/A

Car 3 – Kevin Russell - N/A

- Chairman Forschler noted that the oil was changed for 38-71.

SUPPORT: Maryann Thompsett – N/A

RESCUE: Susan deHaan Monthly Calls: 15 EMS calls Year to Date: 106 as of 10/31/19
Assisted at fire calls 4 times

- Response with all calls.
- Had a lovely compliment yesterday. There was an EMS call and the NDP ALS unit was there – they had the patient loaded. Once we got there they acknowledged it's East Clinton so they can transport. We've got a good reputation.
- Ambulance got its oil changed.
- Ms. deHaan went to a Captain's Rescue Meeting at Vassar to learn the updates to their new procedures.
- We are almost done with the protocol exams. Ms. deHaan will submit to the region so they know we have complied.

MEMBERSHIP: Ed Olson - N/A

SAFETY: Chairman Forschler

- Our goal is to have the quarterly meeting on the 25th.

Town of Washington – Chairman Forschler said the TOW voted not to the renew contract. Mary Alex sent a letter, Chairman Forschler wrote back that her verbiage was not correct in the letter she sent to Dana Smith so she modified the letter. As of December 31, 2019, East Clinton is no longer the first response for fire, only for mutual aid. Commissioner Weiland said he asked Dana Smith how East Clinton could be on call for the school and Dana has some thoughts as to how that could be accomplished. It is up to the TOW to say whether or not they would want to do such a thing; we can't do it unilaterally. East Clinton would have to make this request to the TOW.

A motion was made by Commissioner Weiland and seconded by Chairman Forschler to authorize someone to contact the TOW to see if they have some interest in pursuing East Clinton being of immediate assistance if needed at the school for EMS and fire. Commissioner Calame said he likes the idea of helping the kids but will it attract more and more special situations. Chief Estes said he looks at our primary responsibility which is to serve and protect. In this case we have a burden and responsibility to the 75 students and 10 teachers there on a regular basis and we fail in that responsibility if we don't cover it. We have one or two calls to that school a year. This is a zero tax discussion. They don't pay taxes to the TOW. If we annexed, there would be no tax involved. Chief Estes said he talked to Pastor Jeff who was totally taken aback - he had no idea.

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

Motion carried 5-0.

Chairman Forschler will contact Mary Alex via email and will offer, if they are willing, that East Clinton be first dispatch EMS and fire for Upton Lake Christian School and Church property only.

Facilities Committee Update – No update for this month.

District policies:

Physical requirements – Chairman Forschler said on October 2nd Lisa from TEK contacted him asking what they should do if someone does not pass support – what are the requirements for auxiliary? Chairman Forschler said we had not considered that. If we have people at fire scenes, we need to make sure they are physically fit. If the board approves auxiliary as non-active status, they will need physicals. We have no one going in for auxiliary. We have two people that passed only for auxiliary. At this point, if we are interested in auxiliary, we will discuss standards. If auxiliary people are on a scene, they are not covered by VFBL. That is what liability coverage is for. It is not workers compensation. Chairman Forschler drew up a description for non-active duty auxiliary if we are interested in having auxiliary on a scene who can only serve refreshments. Commissioner Trzcinski said he thought these questions were answered during the active member discussion and said he is not. The insurance requirements pose a risk to the tax payers. Commissioner Weiland said he is not interested in having the public serving coffee at a fire scene. Chairman Forschler said if we are not interested in auxiliary, those members will need to be notified they are not active members and cannot be on scenes in the cold zone to refresh people who may need it. This discussion will be taken up again when Mr. MacLeod arrives.

Drug testing – A motion was made by Commissioner Trzcinski and seconded by Commissioner Weiland that Commissioner Trzcinski contact E1 to get the cost of drug testing, how they will administer it and if they are authorized. Chairman Forschler said TEK suggested randomly showing up at drills for drug testing. If the people selected were not in attendance, they would be tested at a later date. This testing is for all active members. Commissioner Trzcinski said when an incident occurs with one of our vehicles, drug testing must occur and that has not been happening. We are neglecting to do incident reports. We need a standard to follow once an incident occurs. Mr. DiGiacomio asked how is drug testing accomplished at 2 a.m. Chief Estes said they are sent to a hospital. Commissioner Trzcinski said it is our responsibility to see that happens.

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

Motion carried 5-0.

Auxiliary – Commissioner Calame said the board has not discussed this and he can't think of anything that said okay, the Chair can go ahead and create this new thing. He did say he has some interest in auxiliary. It ought to be within the company organization because the people are not active volunteer firefighters so, therefore, are not active members of the district. How far can people be asked to help and to serve coffee and supporting in that way? Commissioner Trzcinski said the chief has the authority to ask people to help and then it falls under the East Clinton Fire District and insurance. There was some discussion regarding how auxiliary came into being and one thought was when the Tim McCormack letter was implemented. Chairman Forschler said we had support people take the physical and not meet standards. If we are interested in having them fulfill as auxiliary, fine. If not, they are not active members.

A motion was made by Commissioner Trzcinski and seconded by Commissioner Calame to adjourn into Executive Session at 8:23 p.m.

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 Weiland to return to Public Session at 8:38 p.m.

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

Motion carried 5-0.

Mr. MacLeod arrived at 8:35 p.m.

Non active auxiliary status – Chairman Forschler said the concerns are liability on the scene, what insurance covers, would people still require physicals to serve in that capacity and operate in the cold zone. Mr. MacLeod said the question of liability would be to insurance carriers. They would not be covered under VFBL as people who are members of the company who are assisting active firefighters of the district who are responding to calls. They are not responding to a call. Commissioner Trzcinski deferred to Mr. MacLeod to call the insurance company. Commissioner Trzcinski said the tones go out, people who are not active follow the fire truck to a scene and do something – what is that called? Mr. MacLeod said he does not think they are responding to a call. Mr. DiGiacomio said they are not fighting the fire, they are helping the firefighters. Mr. MacLeod said active firefighters respond to a call and they need a drink of water. Someone gives it to them. That someone could be a member of the fire company or anyone. Chairman Forschler said bystanders have come up and offered us water - they are not covered under liability. Commissioner Weiland asked when do we become responsible when we indicate they should come to a scene? Mr. MacLeod thinks auxiliary is covered under liability. Commissioner Trzcinski said there is a cap limit if they do get hurt. This is a question

for the insurance person when she comes in. Mr. MacLeod asked if it is the board's desire to cover those people. Chairman Forschler said not under VFBL. Commissioner Weiland said they can help at a company event. Mr. MacLeod said a fire is a district occurrence - an event is a company occurrence. Commissioner Weiland asked if the company could cover these people with their insurance and Mr. MacLeod said they would not be able to. There is a distinction between a district event and a company event. Chairman Forschler said we are inquiring if the commissioners have an interest in an auxiliary status for assistance in the cold zone to active firefighters. There is more homework to be done. Linda Flanagan, a representative of Marshall and Sterling with whom we don't do business, is coming in to talk to the board. Commissioner Trzcinski will contact her for dates in early January.

45/55 waiver status – Mr. Macleod tried to look at the NYS register and he can't find anything further on request. He went back to the posting in July. The board has had no communications. Mr. MacLeod will pursue this. There should be something affirming that no neighboring fire companies objected.

Fire house doors – There is a proposal from Dutchess Overhead Doors. Commissioner Trzcinski will follow up.

Scott Cylinders – A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to authorize Chief Estes to purchase 11 Scott cylinders to replace the cylinders that will be expired as of April 2020 at \$1,235.45 each for a total of \$13,589.95.

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

Motion carried 5-0.

Points - A motion was made by Chairman Forschler and seconded by Commissioner Weiland that the board modifies our stance for which we award points and include officer points for district and line offers only (captains and lieutenants).

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

Motion carried 3-2.

Commissioner Weiland said these people are making the calls so it's more of a thanks you. It should not be done to squeak through. Chief Estes said this will not get any officer their points. There is no officer in this district who does not make points without these points. This is not someone not doing their job. Anyone who is an officer is a backbone of the company. It is more an incentive to encouraging people to take the position.

Bluebird – This parade vehicle, a 1940 LaFrance, is currently the property of the district. Chairman Forschler thinks it should be the property and responsibility of the company. A motion was made by Chairman Forschler and seconded by Commissioner Calame that we declare the vehicle to be obsolete and offer it to the fire company for the price of \$1. Commissioner Weiland thinks it is appropriate for the community to have the vehicle. If it is on the market, what would it go for? It's good for company and good for community. We will cut our losses. Commissioner Trzcinski said we are not housing it but we are insuring it.

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

Motion carried 5-0.

Commissioner Weiland had a couple of items. (1) The door to the bays with the combination lock is not working properly. It does not stay open. They will replace hinges and the push bar. Aw – door to the bays with combination lock is not working properly. It needs attention. It does not stay open. They will replace hinges and the push bar. (2) At 8 Firehouse Lane there is at least one tree growing into the cement of the culvert. It should be removed so no additional damage is done to the culvert. Commissioner DiGiacomio will take a look at it.

Ballot Language – Chairman Forschler said we have proposed ballot language for the defined contribution resolution from Commissioner Calame which Chairman Forschler read as follows: Shall the resolution, adopted by the East Clinton Fire District Board of Fire Commissioners on October 16, 2019 to close the existing Defined Benefit Service Award Program to those individuals who were not participants in the Defined Benefit Program as of January 1, 2020, and to adopt, effective January 1, 2020, a Defined Contribution Service Award Program for all individuals who are approved as Active Firefighters of the East Clinton Fire District on or after January 1, 2020, as well as any other individual who did not become a participant in the Defined Benefit Program prior to January 1, 2020, pursuant to Article 11-A of the New York State General Municipal Law, be adopted?

A motion was made by Commissioner Calame and seconded by Commissioner Trzcinski that we adopt this as the ballot language. Mr. MacLeod said that satisfies everything we need.

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

Motion carried 5-0.

Proposed letter – Commissioner Calame circulated a letter proposed to be distributed to the residents of the East Clinton Fire District prior to the election. A motion was made by Commissioner Calame and seconded by Commissioner Weiland that we provide this letter to Jeanne Rebillard for the use that she prescribes. Chairman Forschler said he likes letter except first sentence – he thinks it should be more positive such as, As the current fire district commissioners continue to exercise financial restraint..... Other suggestions were instead of

urge you to vote say we need your vote, 75% less should be bolded, in #1, change “The new program involves no investments or risk of stock market declines” to “The new program involves no investments and is therefore not subject to market fluctuations as is the defined benefit program.”, change referendums to referenda, capitalize Commissioner and Treasurer in the last line, remove vote yes on these four resolutions in the second paragraph.

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

Motion carried 5-0.

Post card – The primary reason for the post card is to emphasize transparency and to encourage people to vote but not tell them how to vote. The post card should follow the notice of election – start off with the defined benefit and then follow with the reserve funds. A more specific location should be on the front for the firehouse, on the back change voice to vote and point to a more specific url, and use Commissioner Calame’s verbiage on 1, 2, 3, and 4 on the back. The existing picture should be removed and replaced with a picture of a fire truck. A motion was made by Commissioner Calame and seconded by Chairman Forschler to approve the post card with the changes made at this meeting.

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

Motion carried 5-0.

The board agreed to have the commissioners be at the recycling center in Clinton on Saturday, November 23th and Saturday, November 30th to answer any questions from the public on the upcoming referenda.

Election details – Commissioner Weiland will pick up the ballot boxes. Mr. MacLeod will prepare the ballot and will circulate for approval. A motion was made by Commissioner Trzcinski and seconded by Commissioner Weiland to appoint Tony Irkliewskij as chair of the election and Patricia Mastri and Laura D’Attore as election inspectors for the December 10 District election.

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

Motion carried 5-0.

Public Comment: **None**

A motion was made by Chairman Forschler and seconded by Commissioner Weiland to adjourn the meeting at 10:16 p.m. The next regular meeting of the Board of Commissioners will be held on Wednesday, December 11, 2019 at 7:30 p.m.

Respectfully submitted,

Karen Buechele, Secretary
East Clinton Fire District