

**EAST CLINTON FIRE DISTRICT**

January 15, 2020

**COMMISSIONERS MEETING – FINAL**

Regular Meeting 7:53 p.m. (after re-org)

**COMMISSIONERS IN ATTENDANCE:**

Stephen Forschler, Chairman  
Byron Calame  
Michael DiGiacomio  
Russell Tompkins  
Robert Trzcinski

**COMMISSIONERS ABSENT:**

**ALSO IN ATTENDANCE:**

Robert Simon, Treasurer  
Rod MacLeod, Attorney, arrived at 9:38 p.m.  
Jim Passikoff, Accountant, left at 8:15 p.m.

Chairman Forschler called the meeting to order at 7:53 p.m. and explained to the public the process of reviewing the Vouchers and Financials.

**CORRESPONDENCE:**

- Check from Peter Chamberlain and Nancy Kernan, 1261 Hollow Road, for \$300 to the East Clinton Fire District – will be discussed under financials
- RBC Account Statement for December 1, 2019 to December 31, 2019 – Commissioners copied.
- Various correspondence from RBC – to Commissioner Trzcinski
- From PERMA dated December 23, 2019 – to Commissioner Trzcinski
- 1<sup>st</sup> Responders – 2020 Continuation Notice – No renewals
- Wilmington Trust Statement of Account for June 1, 2018 through 11/30/19 - Commissioners copied.
- Prospectus from RBC – to Commissioner Trzcinski
- Collateralized accounts – to Mr. Simon
- RBC portfolio review – Commissioner Trzcinski
- Communication from PERMA re: member service representative is changed – Commissioner Trzcinski

**MINUTES:**

A motion was made by Chairman Forschler and seconded by Commissioner DiGiacomio to accept the December 11, 2019 regular meeting minutes as amended

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

Motion carried 4-0-1.

**FINANCIALS:**

Having reviewed the vouchers, a motion to pay the bills per the abstract dated as of December 31, 2019 was made by Chairman Forschler and seconded by Commissioner Calame. The bill for \$96.00 from the Country Postman has been pulled because it is not the official receipt. Mr. Trzcinski has not been reimbursed the \$829.09 per his bill from the Country Postman. Mr. Simon will go to the Country Postman this week to pick up a check to pay Mr. Trzcinski back. The bill on this month’s abstract, check number 2905, will not be paid. Chairman Forschler amended his motion to say “to pay the bills per the abstract dated as of December 31, 2019 with the exception of check number 2905”. This was acceptable to Commissioner Calame. There was some discussion to clarify the number of cylinders on the Airgas bill which also needs auditing signatures.

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

Commissioner Calame	Aye	Commissioner Tompkins	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

Mr. Simon said as far as the cash situation after paying the bills, there is about \$122,000 in savings and about \$20,000 in checking. The next big bill in February is the \$33,000 installment payment.

Chairman Forschler said we have received a communication from a family that was wishing us a Merry Christmas which included a \$300 check to the district in appreciation for a rescue call which he thinks is more appropriately designated to the company.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to authorize Mr. Simon to cash the check to the district and pass the money through to the company.

Commissioner Tompkins	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner DiGiacomio	Aye		

Motion carried 5-0.

**Auditors** – A motion was made by Commissioner Calame and seconded by Commissioner Trzcinski to appoint RBT as the independent auditors for the 2019 audit. Mr. Passikoff agrees with using RBT and said there is a five year option so no quotes are necessary and they have a five year commitment for their price.

Commissioner Calame	Aye	Commissioner Tompkins	Aye
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Commissioner DiGiacomio    Aye                      Chairman Forschler                      Aye  
Commissioner Trzcinski        Aye  
Motion carried 5-0.

Mr. Passikoff said they should have the AUD done by February 28<sup>th</sup>. As soon as the AUD is complete, the information needs to get to RBT.

Mr. Passikoff said the current statement has the \$52,000 removed for the architectural plans.

**FIRE POLICE:**    Tim Odell – Not present.

**DEPARTMENT:**

Car 1 – Don Estes – Not present.

Car 2 – Jim Bathrick – Not present.

Car 3 – Kevin Russell                      Monthly calls: 10    Year to Date: 96 for 2019

- For 2020, the department drills will be held on the third Tuesday of each month and the rescue drills will be held on the fourth Tuesday of each month. Each drill will be 2 hours with OSHA covered. This month is a cold water rescue drill on January 21<sup>st</sup> at Kevin’s house.
- Driver recertification is commencing on Monday and we hope to have it finished by the end of March. Fire gear inspection is also commencing on Monday.
- The annual tree burning is at the Fran Mark park on Saturday, weather dependent. A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that the department be authorized as a serve and protect detail to attend the tree burning at the Fran Mark park on January 18<sup>th</sup>.

Commissioner Tompkins    Aye                      Commissioner Calame                      Aye  
Commissioner Trzcinski        Aye                      Chairman Forschler                      Aye  
Commissioner DiGiacomio    Aye  
Motion carried 5-0.

- 38-68 generator electrical problem is fixed. The oil had not been changed in the generator.
- There are three plugs in the bays that short the circuit breaker immediately. The rehab is plugged into the meeting room. Commissioner Trzcinski will call Hitchcock and coordinate with Mr. Russell.

- A remote started has been requested for Car 7 so it can start defrosting as soon as a call comes in. They are roughly \$310.

A motion was made by Commissioner DiGiacomio and seconded by Commissioner Tompkins that the board authorize up to \$400 for a remote starter for Car 7.

Commissioner Calame	Aye	Commissioner Tompkins	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

- The fish fry will be held every Friday during Lent and will start February 28<sup>th</sup>.  
A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that the board approve the submitted list of committee event and fundraisers with the understanding that any fundraisers or committee events have to be approved by the board. Commissioner Trzcinski said the list needs to go to Linda Flanagan.

Commissioner Tompkins	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner DiGiacomio	Aye		

Motion carried 5-0.

- There has been another accident at the intersection of Centre and Clinton Hollow Road. The flashing light should be red, not yellow, and it should be a four way stop. The way it is set up now has helped but it's misleading.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that the board authorize Chairman Forschler to write a letter to the Dutchess County Department of Public Works recommending a four way stop sign and changing the yellow blinking light to red.

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

Motion carried 3-2. Commissioner Tompkins said he thinks putting a stop sign at this intersection will interfere with traffic.

**SUPPORT: Not present.**

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**RESCUE:** Susan deHaan Monthly Calls: 5 Year to Date:

- Dutchess County is covering the cost for spotted dog. We currently pay the software service (Fisch) \$1,060 a year. Chairman Forschler read the letter from Mr. Alfonso who said it will take a few months to set up and only covers basic service. He said to continue to pay the bill until the county is set up and the county will reimburse the district. Mr. Simon said he will need approval to do an invoice and pay the bill before the end of the month.

A motion was made by Chairman Forschler and seconded by Commissioner Tompkins to authorize Mr. Simon to pay a bill to Fisch Solutions for \$1,060 to maintain the spotted dog service within the district.

Commissioner Calame	Aye	Commissioner Tompkins	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

- ESO – Electronic PCR’s – We got approval for a budget item for it last year. The current invoice included \$1,500 for them to import the CAD information directly. We can type in the information for dispatch to save that \$1,500 for the amount of calls we have. The bottom line comes down to \$2,659 for the setup fee. The recurring fee is \$2,044. Ms. deHaan will work towards getting a government contract for a reduced price for the tablets. Mr. Simon said we pay them this month which starts the ball rolling and we should be up and running by March. This year the \$2,044 is part of the \$2,659. It becomes a recurring charge next year. We will buy two tablets, one for the captain and one for the ambulance. We need the wifi which will be about \$150 but we will delete the phone service so the phone will become surplus and the \$150 is a wash. There should be no additional charges for the data fee for the hot spot.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to authorize Mr. Simon to pay ESO \$2,659 to commence the electronic PCR program. Ms. deHaan said in addition, we have to buy two tablets which, with a government contract, should be about \$750 apiece instead of \$1,000. We need to find out about the insurance. Commissioner Trzcinski suggested looking at Best Buy and get the geek squad coverage. However, the Lenovos are extremely sturdy tablets. The purchase of the tablets can wait until the February meeting. When asked, Ms. deHaan explained that the state is mandating everyone go electronic by the end of this year. They have been changing the recertification process and requirements and they want to electronically monitor how many PCR’s each paramedic is generating.

Commissioner Calame	Aye	Commissioner Tompkins	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

- The annual preventative maintenance was done on the ambulance. The stretcher had a cracked wheel which was replaced and the bearings on the stair chair had to be replaced. The invoice has not come in yet. The stair chair, stretcher, and suction unit passed its annual inspection.
- The EMT exam has been extended to April. The district has five students in the class. Mr. Simon and Ms. deHaan are working with them.

**MEMBERSHIP:** Ed Olson – Not present.

**SAFETY:** Chairman Forschler - No report.

**45/55 Waiver** – Chairman Forschler said the district has received a letter from the NYS Homeland Security advising us the waiver has been approved. The letter was forwarded to the secretary for safe keeping.

**West Clinton agreement** – No update – Commissioner Trzcinski does not know who the chief is yet.

**Facilities Committee Update** – Commissioner DiGiacomio said the committee has not met. The goal is to meet prior to the next board meeting.

**Insurance update** – A motion was made by Commissioner Trzcinski and seconded by Commissioner Calame that the district switch insurance providers and agents to the Marshall and Sterling agency with agent Linda Flanagan for all insurances including PERMA. The estimated savings over a year’s time is close to \$11,000 and will be more next year as well as other savings and enhancements by switching to Marshall and Sterling. The effective date of the change would be March 1<sup>st</sup>. All new insurances will start on March 1st. Commissioner Trzcinski said included in this motion is he needs authorization to sign any and all documents for this to take effect with the understanding he will talk to the commissioners prior to and the board may need to meet in the interim. This includes VFBL, workers comp, liability, automobile, and bonding. Commissioner Calame said the board made some choices in the workshop we had and Ms. Flanagan was supposed to get back to us with new numbers and she did not. Chairman Forschler said Commissioner Trzcinski should be given the list of assigned values of the equipment. Commissioner Trzcinski said he may have to communicate with the board on the final numbers and a special meeting may be necessary. Chairman Forschler said if we need group decisions, the board can convene briefly or, if possible, Commissioner Trzcinski can present the information at the February meeting.

Commissioner Calame	Aye	Commissioner Tompkins	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

**Reimbursement for mileage for officers** – Chairman Forschler said the district policy does not prohibit reimbursement but pre-authorization from the chief for the usage is required. No further motions are needed for this as it is in the policy manual.

**Blood borne pathogens, exposure control plan and hazard communication plan** – Chairman Forschler said PERMA is requiring this and the verbiage handed out tonight is canned PERMA language. Commissioner Trzcinski needs to run this by Ms. Flanagan and get her feedback as to whether or not we need to add them.

**Active member reinstatement policy** – Chairman Forschler said we approved an active member policy last year in 2019. On December 31<sup>st</sup>, Chairman Forschler and Chief Estes reviewed membership and sent out six letters advising members they were deficient relative to active

member requirements and if they were short up to two drills or modules, they had two months to make them up per a motion approved at the December 2019 board meeting and if they had a problem with their physical, they needed to contact their own physicians to resolve. They missed one person who did not make the 5% and there is a letter in process. There was also an individual who had about six months in the military. We don't have any information in the policy for someone who misses a lot of the year due to serving in the military and we need to figure out how we are going to deal with that. We have to hold their position but we need to make a decision on how to deal with that from a safety perspective. At the end of the day, we want to make sure if an accident happens, we have taken the appropriate action to keep that member safe on the scene. That individual qualified for LOSAP due to military dispensation. Of primary importance is determining how that individual can be safe on the scene. You need six drills a year to be considered safe on a scene. Balancing that, we have to hold that job open. What requirements do we put on this person to make sure they are safe on the scene. Commissioner Tompkins said if they have been in the fire department for a period of time, they may have covered the recurring topics. If they got the year before military training, let the chief make the decision in the case of military and he should make a recommendation to the board based on prior participation. Commissioner Calame said requirements are based on a calendar year. You could start the requirements on a yearly basis and start the clock upon their return. Chairman Forschler liked the idea of having the chief make the recommendation based on prior participation. Commissioner DiGiacomo suggested running this by Mr. MacLeod to ensure what is decided is proper. Chief Estes wants to get him active. Would he trust him to be a firefighter right now? Chairman Forschler thinks we authorize the chief to make a recommendation to the board and we consider that recommendation.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that the board empowers Chief Estes and his staff to make a recommendation for continued participation in the case of the individual who missed six months in 2019 due to military service and did not meet drill requirements for active members.

Commissioner Tompkins	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner DiGiacomo	Aye		

Motion carried 5-0.

Chairman Forschler said there was another individual who did not get a letter but who, for the past three years, has met active member participation but has not made 50 LOSAP points in those three years. According to the active member policy, in any three years, a person shall make 50 LOSAP points. Moving forward, he is good with that concept but is having trouble with someone who has made active member participation for three years but did not have advance notice that making 50 LOSAP points was a requirement. That policy should apply moving forward. This individual is costing us in equipment and a physical. Chairman Forschler said he does not care whether he or she makes the 50 points but he does care whether a qualified person remains active and contributes towards the safety of the district. Commissioner Calame said both Chairman Forschler and Chief Estes thought the three years was an appropriate

action. If someone is really active, there is plenty of room to make points. He does not agree with the idea that they need to know about the three year policy at the start of any three year period. Penflex says if someone has not made 50 points in three years, we consider them inactive. In the last three year LOSAP reports, there has been a listing of inactive participants and there is basis for it. They don't want us to make those decisions. Chairman Forschler said if this individual knew in 2017 that there was this three year requirement, it would be reasonable to hold him accountable. He did not know until 2019 which does not give him any capability of meeting those requirements. Starting with 2019, he would have 2020 and 2021 to meet that 50 point requirement. Commissioner Trzcinski said Chief Estes is using that clause to motivate people. Commissioner Calame said the whole purpose of this is a measurement of activity, commitment and motivation. It is an indication of the participation activity that you want an active member to have. Commissioner DiGiacomio said 50 points in the old system is not really even active – it's the bare minimum and he didn't even do that. Chairman Forschler said he took the EMT class, made his drills and modules. Commissioner Calame said we can amend the policy to say this applies to anyone who was an active member after January 1 of 2019. This would be the prior notice. Going forward, if you were here on January 1 of 2019, you knew about this so you should have started to comply. If someone joins in 2020, they will be aware of it. Commissioner Calame said personal leave is a tool to help someone who has a personal situation and if that is the case, they need to talk to the chief. Chairman Forschler said but if someone cannot maintain active membership participation at a level that they did previously but he is available on a less frequent basis to respond, it's counter-productive to be on leave because that prevents any participation.

A motion was made by Chairman Forschler and seconded by Commissioner Tompkins that in the case of the requirement to have 50 LOSAP points within a given three year period, this is applied with the understanding of moving forward from 2019 and onward.

Commissioner Tompkins	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner DiGiacomio	Aye		

Motion carried 5-0.

Commissioner Calame said if we certify LOSAP tonight, we won't make the February meeting as the posting requires 30 days so the board may want to consider a quick special meeting to approve sending the information to Penflex.

A motion was made by Commissioner Trzcinski and seconded by Commissioner DiGiacomio to adjourn into executive session at 9:24 p.m. for a personnel issue. Commissioner Calame does not think the board needs to address this before certifying the LOSAP points. Chairman Forschler asked if we change policy, is that subject to a resolution relative to disability. Commissioner Calame said one of the problems is that the plan document does not address partial disability. If we establish a policy, it might have to go to referendum. If it is not addressed, then NYS law would apply. Commissioner Trzcinski said NYS Law and our document



talk about total permanent disability. Commissioner Trzcinski, with the agreement of Commissioner DiGiacomo, withdrew his motion for executive session.

**LOSAP posting** – A motion was made by Commissioner Calame and seconded by Commissioner Trzcinski that the LOSAP point statement and the report as prepared by the Chief and as amended by the board be approved for posting. Someone who is not an active member cannot go to calls – they won't have insurance. The district is responsible for people going out on calls and not having insurance. They must become inactive until they can be interviewed and assessed.

Commissioner Calame	Aye	Commissioner Tompkins	Aye
Commissioner DiGiacomo	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

**Resolution on defined contribution plan** – Mr. MacLeod said he does not believe that Mr. Holihan is acting in the district's best interest and said we need a copy of whatever Mr. Holihan sends to OSC. The new LOSAP liaison needs to demand from Mr. Holihan any communications to or from OSC - even telephone calls should be copied to the board. Commissioner Trzcinski asked if any papers need to be filed with respect to maintaining at \$20. Mr. MacLeod does not believe there is any paperwork to be filed. Commissioner Calame does not agree with Mr. MacLeod about Mr. Holihan but does think the \$30 reference was inappropriate – there is no legitimate basis for explaining why that would happen. He does think the resolution on the defined contribution plan delivered to the board with the proposition for the ballot included would have worked just fine and it would have had the required cost estimates in it. Mr. Holihan had a resolution that would have worked. Mr. MacLeod approved it and then took the proposition out and Commissioner Calame asked why the proposition was removed. Mr. MacLeod said he did not think the cost estimates needed to be in the referendum. Commissioner Calame pointed out that three of the resolutions had the ballot language included except for the defined contribution. The notice of election simply closed the defined benefit plan. Mr. MacLeod does not believe the notice of election was required to be approved by the board and the ballot was circulated to the board. Commissioner Trzcinski suggested contacting OSC and Mr. MacLeod thought it was a good idea to have the liaison contact OSC and then report back to the board. He said we have complied with the statute by notifying them

**Active Member Roster** – needs to be returned to Ed Olson, Company President. The lines that are through certain individuals needs to have an explanation and the roster is missing various items. The secretary will return the roster.

**Class** – David Van Leuven has requested to attend classes at Montfort Falls. The cost is \$177 per student.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that the board authorize up to \$500 for David Van Leuven to attend the requested classes at Montfort Falls.

Commissioner Calame	Aye	Commissioner Tompkins	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

**Public comment - None**

**Adjourn:**

A motion was made by Chairman Forschler and seconded by Commissioner DiGiacomio to adjourn the meeting at 10:12 p.m. The next regular meeting of the Board of Commissioners will be held on Wednesday, February 12, 2020 at **7:00 p.m.**

Commissioner Calame	Aye	Commissioner Tompkins	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

Respectfully submitted,

Karen Buechele, Secretary  
East Clinton Fire District