

EAST CLINTON FIRE DISTRICT

December 12, 2018

COMMISSIONERS MEETING – FINAL

Regular Meeting 7:30 PM

COMMISSIONERS IN ATTENDANCE:

Stephen Forschler, Chairman
Byron Calame
Kevin Russell
Robert Trzcinski

COMMISSIONERS ABSENT:

Arthur Weiland

ALSO IN ATTENDANCE:

Roderick MacLeod, Attorney for the District (arrived 8:20 p.m.)
Robert Simon, Treasurer
James Passikoff, Accountant (Left at 7:55 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:

1. Wilmington Trust for 06/01/18 through 11/30/18 – to Robert Simon
2. Grand Opening Inaugural Ball for DC Sheriff’s Office Law Enforcement Center February 17, 2019 – No interest.
3. Holiday greetings from the staff at Fisch (Spotted Dog)

MINUTES:

Motion to accept the November 14, 2018 regular meeting minutes as corrected made by Commissioner Trzcinski and seconded by Commissioner Russell.

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye

Motion carried 4-0.

FINANCIALS:

Having reviewed the vouchers, a motion to pay the bills per the abstract dated as of December 31, 2018 made by Chairman Forschler and seconded by Commissioner Calame with the exception of check number 2560 to R.E. Buotte Construction which will be voided and the addition of check 2564 in the amount of \$1,836 to R.E. Buotte Construction. Chairman Forschler noted that check 2543 is being paid for out of the equipment purchase fund for the skid unit.

Commissioner Trzcinski	Aye	Commissioner Russell	Aye
Commissioner Calame	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Motion to accept the bank statement for the period ending on November 30, 2018 and in agreement with that noted on balance sheet as put forward by Mr. Passikoff with no exceptions made by Chairman Forschler and seconded by Commissioner Russell.

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Phone lines – Robert Simon – The missing phone line and one iPad was removed from the bill. One iPad had been removed but the line was still active so that line was removed. Mr. Simon will look for the receipt for the iPad to see if it can get it reassigned by Apple. There were six lines on the bill and Mr. Simon cancelled three which will bring the bill down to approximately \$250 next month. Mr. Simon took over that account but a commissioner should be assigned to it as well. That will be decided next month.

Mr. Passikoff – The PERMA bill for 2019 needs to be paid prior to the January meeting. A motion was made by Chairman Forschler and seconded by Commissioner Calame to authorize Robert Simon to cut a check and for Commissioner Trzcinski to sign the check in the amount of \$29,639 for the PERMA bill early in 2019. Mr. Trzcinski will call PERMA to make sure they are good with getting the check in early January. The check should be cut on January 2 and sent out.

Commissioner Trzcinski	Aye	Commissioner Russell	Aye
Commissioner Calame	Aye	Chairman Forschler	Aye

Motion carried 4-0.

RFP – The RFP was not published in the paper as Mr. Passikoff sent it directly to the firms – to RBT in Newburgh and O’Connor Davies in Harrison. According to purchasing policy, we need three written or faxed quotations if it’s more than \$5,000. Mr. Passikoff said we have the third because Ted Eglit stated he would do the audit. Mr. Eglit needs to submit his quotation no later than December 31st. The secretary will bring the RFP’s submitted tonight to the January meeting.

ACH Account – Due to the fact that the Board will be receiving a refund from PERMA, to facilitate how to handle this refund and any other similar transactions, a motion was made by Commissioner Calame and seconded by Chairman Forschler to authorize the treasurer to open up a savings account with the Bank of Millbrook for the general fund to be entitled the East Clinton Fire Department ACH account, and transfer \$100 from the checking account into this ACH account, so that money can be sent to this account.

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Membership – The background checks for Nancy Naim for Support and Tim Bathrick as Interior came back all clear. They have both had their physicals. It was re-stated that no one should respond in any way, shape, or form until they are vetted.

A motion was made by Commissioner Trzcinski and seconded by Chairman Forschler to accept Nancy Naim and Tim Bathrick for Active Membership. Tim Bathrick is a reinstatement.

Commissioner Russell	Aye	Commissioner Trzcinski	Aye
Commissioner Calame	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Brush truck update – The brush truck is in the bay and the skid unit is in the pavilion. The flatbed is on the truck. Once the regular pick up bed was taken off the truck, there is an extra pick up bed, tail lights, bumper and four tires since four new tires came with the vehicle. Matt's Auto Body has offered \$1,350 and Ford offered \$500 for the bed, lights and bumper.

A motion was made by Chairman Forschler and seconded by Commissioner Calame to accept Matt's Auto Body's offer to buy the pick up bed, tail lights and bumper and that the money be transferred back into the equipment purchase fund. The tires are still here.

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye

Motion carried 4-0.

The four tires will fit the Chief's vehicle which is in need of tires.

A motion was made by Chairman Forschler and seconded by Commissioner Russell to authorize Chief Estes to get four tires mounted and balanced and a front end alignment up to \$500 to get the new tires on the vehicle. The front tires are in need of replacement but the back tires have some validity so the back tires will be kept and the front tires disposed of.

Commissioner Trzcinski	Aye	Commissioner Russell	Aye
Commissioner Calame	Aye	Chairman Forschler	Aye

Motion carried 4-0.

FIRE POLICE: Tim Odell N/A

DEPARTMENT: Monthly calls: 8 Year to Date: As of November 30, 108 calls.

Car 1 - Don Estes

- An EVOC class will be scheduled in January - date to be announced.
- Skid unit – We need to crunch numbers to see how much money is left to do the rest of set up. \$65,755 was spent. The permissive referendum was for \$70,000 so there is \$4,245 left to do the radios, limited lights, marry the unit to the vehicle and tool boxes and lettering.
- CAD updates – Chief Estes is meeting with the county and getting CAD updates on Friday at 10:00.

- Only a few members are lacking OSHA credits. Those that are know about it. 28 active members have complied with OSHA and physical requirements. As of now, we have about 30 active members.
- Chief Estes is meeting with the forest ranger tomorrow about getting the \$1,500 back for the grant for the floating dock. We are in receipt of the instrument which is on the back of the brush truck.

Car 2 – Jim Bathrick

- Doing gear inventory – six have been done with a couple more to do which will be done on the 14th and 17th at 4:00 along with the inspection.
- Support, rescue, and fire police are responsible for inspecting their own gear.
- We have ordered three more CO disposable detectors and two more hand lights for 3838. All EMTs will have a CO detector on their bag.
- The drill this month will be on the 19th at 1800 hours – the Iroquois pipeline representative is coming in.

Mold mitigation – Commissioner Trzcinski said all the equipment will have to be removed from the two rooms. We need to consider how to handle that – it will be early to mid-January. The equipment needs to be locked up so one possibility is to rent temporary storage. The equipment should be in heated storage long term.

Car 3 – Jim Ruffell N/A

SUPPORT: N/A

RESCUE: Monthly Calls: 6 Year to Date: 142

Robert Simon said Susan deHaan has put together a matrix which will be posted on the website.

Safety – Chairman Forschler said the Safety Committee had a meeting on November 26. There have been no injury reports. They did the zone inspections and the common thread is the lack of general housekeeping. There has been good progress made in mitigating unsafe situations that were noted at the August meeting including the purchase of floor mats, cleaning the attic, and fixing the front door. Chairman Forschler needs to send in the quarterly report to PERMA.

Sexual harassment – Chairman Forschler said NYS as of September has passed new legislation regarding sexual harassment in the workplace. There is a policy in place that addresses sexual harassment but based on the new legislation, it will need to be looked at and updated. Chairman Forschler is working with the HR person where he works for guidelines. The training has to be instituted eight months from October 9, 2018. A video is no longer considered sufficient for training – there has to be a person there to lead the training – the video will be part of the training. Commissioner Trzcinski said the policy was supposed to be in place by

October and people who receive training need to sign a document. It is a NYS implementation. Mr. MacLeod has information on what the training has to include.

Equipment retrieval – All the outstanding equipment has been received.

Inventory – Robert Simon – The equipment is done. He needs to get the rest of the sheets and will then start inputting the information.

TOW contract – Gary Ciferri sent us a signed contract with some added verbiage to the Hold Harmless Agreement. Mr. MacLeod said the changes they made are not unreasonable. ECFD is operating as a contractor which means you have to operate responsibly and be properly insured. Chairman Forschler said he has an agreement on his phone commencing January 2019 and ending December 2019 for \$2,700.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that subject to a review by Mr. MacLeod, Chairman Forschler sign the contract for Fire Protection and Emergency Services for the Town of Washington term calendar year 2019. Commissioner Trzcinski said he believes we have to take care of 2018 first. We have the money for 2018 and need to cash that check. The motion was withdrawn.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to authorize Chairman Forschler to sign the contract for Fire Protection and Emergency Medical Services for the calendar year 2018 forwarded to the ECFD by Mary Alex and reviewed by Mr. MacLeod, attorney for the Fire Department, for \$2,500.

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye

Motion carried 4-0.

A motion was made by Chairman Forschler and seconded by Commissioner Calame to authorize Chairman Forschler to sign the contract with the Town of Washington for Fire Protection and Emergency Medical Services for the calendar year 2019 in the amount of \$2,750 subject to a review by Mr. MacLeod. Commissioner Trzcinski said in 2017 we talked about increasing this amount year to year. It needs to be increased significantly as we are giving away services. Commissioner Trzcinski said, in his opinion, the 2020 contract, to be fair to our taxpayers, needs to be in excess of \$20,000. Chairman Forschler said there is a 10% increase in 2019 from 2018. It is low relative to performance and needs to be worked on in 2019 to establish a reasonable amount. There was discussion about the procedure for annexation. Commissioner Trzcinski said Dana Smith from County E911 backs the annexation approach and has talked to Gary Ciferri so he understands we are serious about this. Mr. MacLeod said if the Town of Washington residents covered by this agreement are annexed, they will pay the same rate that an ECFD taxpayer pays. You would be extending the fire district so that it includes the properties in the Town of Washington so you would have to apply what they would be paying if they were paying the ECFD tax rate. If we stay in contract mode, 35% goes to the company. East Clinton is at 1.58. Chairman Forschler said relative to the contract now, as we moved

through the process, we didn't realize we had a stronger negotiating position. We realized it recently. We agreed to increase the contract to \$2,750 and it's late in the game to change that for 2019 as they have already gone through the budget process.

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye

Motion carried 4-0.

ISO ratings – Chairman Forschler sent a communication to Todd Martin, Chairman of West Clinton, asking them to consider how they might want to work a contractual agreement for West Clinton Station 2 to respond to all fire dispatches in the northern end of the East Clinton district in order to keep those residents' ISO ratings down. He confirmed with Mr. Martin that their department attorney is Frank Simione so Mr. MacLeod and Mr. Simione will work out a contract.

Cancer insurance – The following resolution was moved by Chairman Forschler and seconded by Commissioner Calame, to wit:

WHEREAS, pursuant to General Municipal Law §205-CC, the Board is obligated to provide and maintain for each eligible volunteer firefighter a cancer disability benefit insurance program; and

WHEREAS, pursuant to General Municipal Law §205CC(5), the Board, on or before January 1, 2019, is required to show satisfactory proof of the ability to pay the benefits pursuant to General Municipal Law §205-CC such that adequate coverage is available for all eligible volunteer firefighters of the East Clinton Fire District; and

WHEREAS, the Board, pursuant to Town Law Article 11 possesses the taxing authority necessary to fund any and all claims of said eligible volunteer firefighters pursuant to General Municipal law §205-CC;

NOW, THEREFORE, BE IT RESOLVED that the Board fund and pay any and all claims of eligible volunteer firefighters of the East Clinton Fire District pursuant to General Municipal Law §205-CC from the general tax revenues of the East Clinton Fire District;

AND BE IT FURTHER RESOLVED that the Board, from time to time, may encumber and un-encumber certain funds of the East Clinton Fire District to be used for the payment of any and all claims of eligible volunteer firefighters pursuant to General Municipal Law §205-CC and such encumbered funds may be carried over from year to year as the Board determines to be reasonable;

AND BE IT FURTHER RESOLVED that nothing herein shall act to prevent the Board, at any time in the future, from meeting the Board's obligations pursuant to General Municipal Law §205-CC by any other means legally available to the Board;

AND BE IT FURTHER RESOLVED that this resolution shall remain in full force and effect until amended or rescinded by the Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Arthur Weiland	Absent
Kevin Russell	Aye
Robert Trzcinski	Aye
Byron Calame	Aye
Stephen Forschler, Chairman	Aye

The resolution was thereupon declared duly adopted.

Surplus equipment – Chief Estes is taking pictures of the equipment and working with an MES sales person to see what they can do to assist in selling this equipment.

Generator – Chief Estes requested the rehab vehicle and generator be run for a half hour every week and so far, it has run fine. He believes it is not the generator but the feed into the generator. This is still an open issue.

44/55 – The resolution to petition to waive the 44/55 requirement was done through the previous attorney but since there has been no communication from the state that the waiver was granted, it was probably never done, and the resolution is three years old.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to ratify the resolution of the East Clinton Fire District that was passed on May 11, 2016 per Section 176.B.A.7 of NYS Town Law.

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Mr. MacLeod is now authorized to write the letter to the state.

Perma inspection – Chairman Forschler has not called to schedule the inspection yet. He will work on that.

Mold mitigation – Commissioner Trzcinski received and distributed three proposals from Serve Pro, Expediant, and First Call Restoration and suggested we go with the lowest cost. Serve Pro came in at \$26,000, Expediant at \$12,000, and First Call in the \$5,000 to \$6,000 range. We will have to supply the dumpster which should be about \$600. The scope of work is to remove all of the sheetrock where the fire police equipment is. The other two rooms are not contaminated except down low, so they would remove the sheetrock three to four feet up which is rebuildable. They won't rip rooms out completely. The framing will still be there. Before we rebuild, we need to take a good look at the gutters and drainage. Commissioner Trzcinski thinks we can get the two rooms on the left side back into service in a reasonable time. Mr. Odell asked if the air quality test results were received from all three rooms – Commissioner Trzcinski will send him the report.

A motion was made by Commissioner Trzcinski and seconded by Commissioner Calame that we accept the First Call Restoration contract up to \$6,000.

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye

Motion carried 4-0.

A motion was made by Commissioner Trzcinski and seconded by Commissioner Russell to authorize Commissioner Trzcinski to get a 20-yard dumpster up to \$600.

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye

Motion carried 4-0.

A motion was made by Commissioner Calame and seconded by Commissioner Trzcinski to authorize up to \$150 delivery fee and up to \$150 for short term rental for two portable storage units for up to six months to store the equipment.

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Commissioner Trzcinski will call Arnoff's and coordinate with Chief Bathrick.

Organization meeting – The re-organizational meeting followed by the regular monthly meeting will be held on Wednesday, January 9, 2019 at 7:00 p.m. The secretary will invite Russ Tompkins to do the swearing in of the new commissioner and will provide the Oath of Office as well as put the legal notice in the paper and send to Robert Simon and Carol Mackin to post on the district and town websites.

Active member policy – Commissioner Calame thinks it would be appropriate to have an active member roster and a separate roster of retired life members. A reinstatement requires Board approval which needs to be made clear. Mr. MacLeod will supply the pertinent sections of Section 176b as an addendum of the provisions that are applicable. The last paragraph needs to be changed to read pursuant to the applicable portions of NYS Town Law 176b, portions of which are attached hereto. Under active probationary, take out first line then read as follows - probationary period which shall be governed by company by laws. Take out the remaining paragraph and two lines of the next page and leave in The chief shall see that the board of commissioners is notified

A motion was made by Commissioner Calame and seconded by Commissioner Trzcinski that the draft of the district active member policy be adopted as modified verbally and the secretary's complete version be adopted as the formal active member policy. Commissioner Trzcinski reiterated that P.O. Boxes can no longer be accepted as addresses – all addresses must be a physical address.

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Equipment purchase reserve fund justification – Chairman Forschler and Chief Estes have put together an equipment replacement spreadsheet. Commissioner Calame said we should create a building reserve fund and do both together. We need to start some needs examination with some independence and invite the chief staff to the workshops. The committee should be a minimum of four people. On December 6, four of the commissioners visited the Falls Village, CT, firehouse at Commissioner Russell’s suggestion. It is a very nice facility for 3 million dollars and provides a good perspective on what can be accomplished for a reasonable amount of money. Susan deHaan suggested a similar facility that they can visit. Commissioner Russell said we are classified as an emergency shelter and you need kitchen facilities to take care of people utilizing an emergency shelter. Also, this building is not handicapped accessible which is a problem.

Equipment repair – Commissioner Russell said he and Chief Estes discussed the repair of vehicles when required. They both agreed that vehicles need to be sent to the right place for the needs at hand. Smaller needs can go to smaller places.

Chairman Forschler thanked Commissioner Russell for his third term of service as a board commissioner. He has done a lot of work behind the scenes in terms of capital items, the generator, the brush truck, the boiler, and has very much been a steadying influence on the board. The board has appreciated his years of service.

Public Comment:

Jim Ruffell asked if there is a physical just for drivers or any type of test just for driving as he would like to be able to drive the support vehicle or the ambulance. Chairman Forschler will discuss with TEK and get back to Mr. Ruffell.

Tim Odell asked if the board has done anything as far as gear in the fire police room. Will it be refurbished or put out of service? Commissioner Trzcinski said the company won’t know what needs to be replaced until they either clean it or make it work. That is between the insurance company and whatever remediation company they choose.

A motion was made by Commissioner Russell and seconded by Commissioner Calame to adjourn the meeting at 9:46 p.m.

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye

Motion carried 4-0.

The next meeting of the Board of Commissioners will be held on Wednesday, January 9, 2019 and will be the re-organizational meeting and the regular meeting.

Respectfully submitted,

Karen Buechele, Secretary
East Clinton Fire District