

**EAST CLINTON FIRE DISTRICT**

October 10, 2018

**COMMISSIONERS MEETING – FINAL**

Regular Meeting 7:30 PM

**COMMISSIONERS IN ATTENDANCE:**

Stephen Forschler, Chairman  
Byron Calame  
Robert Trzcinski  
Arthur Weiland (arrived 7:40)

**COMMISSIONERS ABSENT:**

Kevin Russell

**ALSO IN ATTENDANCE:**

Roderick MacLeod, Attorney for the District  
Robert Simon, Treasurer  
James Passikoff, Accountant (Left at 8:10 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. From Rennia Engineering Design dated September 19, 2018 re: Emergency Action Plan for the Greenburg/Kent Class B Earthen Dam in Salt Point. Chief Estes has received a copy and it is on file.

**MINUTES:**

Motion to accept the September 12, 2018 regular meeting minutes as corrected made by Commissioner Trzcinski and seconded by Commissioner Calame.

Commissioner Trzcinski	Aye	Commissioner Russell	Absent
Commissioner Calame	Aye	Chairman Forschler	Aye
Commissioner Weiland	Absent		

Motion carried 3-0.

**FINANCIALS:**

Having reviewed the vouchers, a motion to pay the bills per the abstract dated as of October 10, 2018 made by Chairman Forschler and seconded by Commissioner Trzcinski with the exception of checks 2490 and 2491. Mr. Simon said the memo for check #2505 says 2017 LOSAP Audit – this has been changed to 2017 LOSAP Independent Audit so the abstract will be changed.

Commissioner Weiland	Aye	Commissioner Russell	Absent
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner Calame	Aye		

Motion carried 4-0.

Motion to accept the bank statement for the period ending on September 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 Trzcinski.

Commissioner Calame said in the on line version of the audit, \$7,000 was owed to the Building Fund and he is unable to locate that in the printed version. Mr. Passikoff said the printed version is only the P&L, not the balance sheet. The \$7000 is on the balance sheet and is a carry over from last year when money was switched between the reserve fund and the general fund. That needs to be transferred back into the building fund. The hard copies were returned to Mr. Passikoff and he will send out a revised version.

Commissioner Trzcinski	Aye	Commissioner Russell	Absent
Commissioner Calame	Aye	Chairman Forschler	Aye
Commissioner Weiland	Aye		

Motion carried 4-0.

**Audit** – Hard copies of the audit were received from Mr. Eglit along with the management letter. There were three issues addressed in the management letter. The first is Accounts Payable which states the same issues as last year. The Board is cognizant of it and when bills are paid in January, there is one stack for the prior year and one for the current year. The prior year’s bills get dated December 31<sup>st</sup> and the current year’s in January of the current year. The second issue is Sales Tax . Mr. Passikoff said the Fire Department is not supposed to pay sales tax. It is handled as best as it can but there will be some instances where sales tax will have to be paid. As was discussed last year, if someone purchases something out of pocket requiring reimbursement, sometimes it is more appropriate to reimburse the sales tax as well. Mr. Simon will pursue removing the sales tax off of the Central Hudson and Verizon bills. Mr. Simon said he sends the sales tax exemption letter to vendors. The third item is Budget Amendments. Mr. Passikoff said it was decided that, if necessary, a resolution to cover overspending would be made in January. Mr. Passikoff distributed the financial statement.

A motion was made by Chairman Forschler and seconded by Commissioner Weiland that the Board accepts the independent audit and authorizes Chairman Forschler to send a response to Mr. Eglit to the management letter stating we have read and accept your comments and authorizes Mr. Passikoff to file the audit with New York State. Commissioner Calame referred to the GASB73 form which was not used in preparation of the P&L and said he believes we have to send to the state what Penflex submitted to Mr. Eglit. Mr. Passikoff said the state will be happy with Note 5 in the financial statement – the audit is the first half of the note and the GASB is the second half of the note – both are in the audit. The information in the GASB is in the footnote. The onus is on Mr. Eglit who was provided both.

Commissioner Weiland	Aye	Commissioner Russell	Absent
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner Calame	Aye		

Motion carried 4-0.

Mr. Simon is authorized to put the audit on the website pending receipt of the PDF from Mr. Eglit of the audit and the management letter.

**Permissive referendum** - was published on September 19, 2018 so it has not been 30 days as of today. This will be on the November agenda.

**RBC Statement on Website** – Commissioners Calame and Trzcinski are in favor of posting this statement on the website so the taxpayers know where the LOSAP money is going. Mr. Passikoff said the monthly financial statement has a column for LOSAP and includes the performance for the month, showing the investments in total but not the laundry list of investments. If the statement were to be posted on the website, he strongly recommends the account number be redacted. Mr. Passikoff said the LOSAP Committee would be looking at what funds the money is in and the public can FOIL that information. Commissioner Weiland suggested updating the report quarterly on the website. Commissioner Trzcinski said we also receive a portfolio analysis which shows the rates of return and that information is not in the RBC report.

A motion was made by Commissioner Calame that the Board commence putting the RBC monthly statements and all portfolio analysis provided by RBC during the year on the website. There was no second and Commissioner Calame withdrew the motion. This subject will be revisited at the November meeting when the specific reports can be identified.

**Property Tax Charge Backs** – Chairman Forschler said we have received a county chargeback memo from Ray Oberly dated October 5, 2018 regarding notice of charges to towns for services related to the production of assessment rolls and bills, maintenance of escrow accounts, and refunds related to erroneous taxes and judgments. Mr. Passikoff said the District could pay the fee of \$467.35 but normally the town collects this amount with the next tax cycle which is what has been done in the past and that is what other fire districts do. The Board agreed that having received the chargeback notice and per previous practice, we will not pay the bill with the understanding the town will add it to the amount they collect at the next tax cycle.

**Perma Refund** – Commissioner Trzcinski said Perma has a refund for the District and they wanted to put the amount directly in the District's account as they do not refund with cash but since that is not the correct way to do it, they will apply this amount to next year's bill. Mr. Passikoff said this situation will come up more and more. One way to handle this is what the Arlington district did – they opened up an account, put \$100 in it, and use that account for ACH's so the money is deposited and then immediately removed and put in the account it belongs in.

**Budget hearing** - is Tuesday, October 16<sup>th</sup> from 7 to 8 p.m. The legal notice was filed with the paper and sent to the District and Town websites and posted on the firehouse bulletin board.

**Next year's audit** – Mr. Passikoff will send out the RFP. He will document who he sends it to and provide copies for the Board. He will send Commissioner Weiland a copy of the RFP and who it is sent to. Mr. Passikoff proposed to send it to a firm in Albany and Connor Davies.

**FIRE POLICE:** Tim Odell N/A

**DEPARTMENT:** Monthly calls: 7 for September Year to Date: 89 as of September 30

Car 1 - Don Estes -

- The back up extrication unit on 63 was recently serviced – the unit was found to be lacking and had to have hose replacement. Chiefs Estes and Bathrick decided it is a safety problem as the heavy unit would have to be lifted over the back bar of 63 to it is being relocated to the back step.
- 38-63 has a problem with the front end. It is still in service but will be going for service ASAP.
- MES is to deliver the portable pump soon. We need certain information and a forest ranger check to get our matching funds. There is about a month's time left to accomplish this.
- The Department is doing a lot of community public relations. We attended a great event at the Clinton library and the Clinton Alliance Church doing extrications as well as the Upton Lake School.
- Brush truck – The chasses will be delivered in mid- November. We are coordinating the skid unit at same time and everything will be going down to Hopewell Apparatus. The brush truck should be in service by the end of November/beginning of December.
- Mutual aid – The agreement was signed with West Clinton. Chief Estes showed the new mutual aid lines and described the agreement. The signed agreement, which Chairman Forschler read, was sent to Marisol Santiago at ISO Verisk Analytics. It is a pre-plan versus mutual aid and affects residents that are getting rated a 10 for insurance as opposed to an 8 or 9. The letter will be put on the District website.
- CAD (Computer Aided Dispatch) system – still waiting to nail that down.

Car 2 – Jim Bathrick

- The drill this month on October 25<sup>th</sup> at 1800 hours will be on chimney fires and monitors.
- We are still waiting on the Scott Packs but they should be in soon – we have received the other equipment we ordered.
- The attic has been cleaned out and organized.
- Patty Van Leuven has completed the training and is now a new fire police member. She will be sworn in tonight.

Commissioner Trzcinski asked if there is any information on the rehab vehicle with the generator that does not work? Chief Estes said it was given to a person to take care of. Mr. Simon is looking through the invoices for the service history and will make a copy of the documents and provide them to the commissioners.

Car 3 – Jim Raffell N/A

**SUPPORT:** N/A

**RESCUE:** Susan DeHaan Monthly Calls: 21 Responses Year to Date:

- The District vehicle which is now parked at her house has been well used in the last two weeks.
- They had 21 responses for September and are at more than 114 for the year. She and Chief Estes went through all the reporting from the first of the year and broke it down into more specific categories and she presented some of the data.

**Safety:**

- TEK was at the firehouse to do physicals on October 2<sup>nd</sup> and October 18<sup>th</sup>. 50% of members had physicals on the 2<sup>nd</sup> with the balance scheduled for the 18<sup>th</sup> with one or two people going directly to TEK.
- Chairman Forschler said there has been a quote of \$60 a month for floor mats to be put at the entrance door, at the bottom of the stairs, at the back entrance door and in front of the sink to be replaced every other week. This will create a safer and cleaner environment.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to authorize the payment to Ulster Uniforms to provide the floor mats for the entrance door, at the bottom of the stairs, at the back entrance door, and in front of the sink to be replaced every other week for the sum of \$60.00 a month.

Commissioner Trzcinski	Aye	Commissioner Russell	Absent
Commissioner Calame	Aye	Chairman Forschler	Aye
Commissioner Weiland	Aye		

Motion carried 4-0.

- The contractor is coming tomorrow night to look at front door, extending the storage area and to look at trusses up in the attic that have bend and twist. He will provide a quote.
- Electric – Commissioner Trzcinski has one quote for \$2,000. He is still working on this.

**Mold** – Commissioner Trzcinski said the Enviro Check inspector did the inspection. The check is in tonight's batch – once they get the check, they will give us the report. If the work exceeds a

specific amount, Commissioner Trzcinski will have to get three quotes, one of which will be Serve Pro.

**Cancer insurance** – Commissioner Trzcinski said more information is forthcoming. We need the fit test results from TEK. The insurance agency has not finalized the final rules and regulations. He asked if TEK is starting the cancer screenings now.

**Carpet cleaning** – Since we will be getting the mats in, this is a good time to get the carpet deep cleaned.

A motion was made by Chairman Forschler and seconded by Commissioner Calame to authorize up to \$500.00 to get the carpet deep cleaned.

Commissioner Calame	Aye	Commissioner Russell	Absent
Commissioner Weiland	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 4-0. Commissioner Weiland has measured the room and will make some phone calls.

**Supplies for the Cleaner** – Commissioner Weiland should be able to get supplies at Williams Lumber. Mr. Simon will take the necessary steps to put Commissioner Weiland on the Williams account as an authorized user.

**Bean Store update** – Since Chairman Forschler sent the letter, there has been no response from the Dutchess County Department of Public Works or the highway superintendent of the Town of Clinton. Commissioner Weiland said the Beans are putting orange traffic cones in front of the store to prevent patrons from parking there. He is also still trying to get a mirror installed across the road.

**Town of Washington 2018 contract** – Chairman Forschler and Gary Cifferri had a conversation last month and Gary was in agreement so Chairman Forschler supplied an amount on the contract and verbiage on the covered area. Subsequently, he has received a communication from Mary Alex, Town Clerk of the Town of Washington, in which she forwarded him a Town of Washington contract with a verbiage change. Chairman Forschler responded that he and Gary had agreed to the contract ECFD sent with our added verbiage. He has not heard back from her.

**Inventory barcode system** – Mr. Simon is waiting for the inventory to be completed. The vehicles still need to be inventoried.

**Membership – Ed Olson**

- Nancy Naim, a new member, has joined Support and is going through the review process.

- A letter was received from Pat Miglio asking to go to inactive status.
- A letter was received from Tom and Rose O'Brien stating their intention to switch from rescue to fire police.
- The background check for Nathan Silviens has been completed and is clear. Nathan is enrolled in the EMT course, has passed his physical, and is free to start responding.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to accept Nathan Silviens for membership.

Commissioner Calame	Aye	Commissioner Russell	Absent
Commissioner Weiland	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 4-0.

**Election day** in November is covered by Commissioners Calame and Trzcinski for the machines.

**Annual election** – Commissioner Calame thinks the hours of 6:00 p.m. to 9:00 p.m. is too limited and would like to start earlier, either 4:00 or 5:00 p.m. After some discussion, 5:00 was the agreed upon time due to work schedules.

A motion was made by Commissioner Calame and seconded by Commissioner Weiland that the annual election to be held on Tuesday, December 11, 2018 will be held from 5:00 p.m. to 9:00 p.m.

Commissioner Calame	Aye	Commissioner Russell	Absent
Commissioner Weiland	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 4-0. The Secretary will contact the election inspectors.

**Executive Session**

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to adjourn into executive session at 8:51 with Mr. MacLeod to discuss legal issues.

Commissioner Calame	Aye	Commissioner Russell	Absent
Commissioner Weiland	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 4-0.

A motion was made by Commissioner Trzcinski and seconded by Commissioner Calame to return to regular session at 9:00 p.m.

Commissioner Calame	Aye	Commissioner Russell	Absent
Commissioner Weiland	Absent	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 3-0.

**LOSAP entitlement age** – Discussions were previously held regarding changing the entitlement age for LOSAP. If so, it would require a referendum. A decision needs to be made tonight if that will be part of the annual election.

A motion was made by Chairman Forschler and seconded by Commissioner Weiland that the LOSAP entitlement age be modified to 60. This entitlement age change would affect only new members as they come in; there is no change for current participants in the LOSAP program. Mr. MacLeod said that is correct. Commissioner Calame would like to postpone this decision to early next year after Penflex and RBC come in to discuss rates of return. There are reasons to take a more careful look at the LOSAP program. There will be other issues coming up for referendum so we could do them all at once. Commissioner Trzcinski agreed with this and Commissioner Weiland said he is willing to wait. Chairman Forschler withdrew his motion which was acceptable to Commissioner Weiland.

**Reserve funds** - We have had discussions over the last month and Mr. MacLeod has opined that previous boards failed to take appropriate action prior to 2007 to legitimize the reserve funds. There are three reserve funds that we thought we had: repair fund, equipment purchase fund, and capital fund. The rules changed in 2007. Prior to 2007, a Board of Fire Commissioners could establish a reserve fund by resolution. After 2007, in most cases a referendum is required. Prior to 2007, previous boards should have made sure there was a resolution on the books to legitimize the reserve funds. In a conversation with Dave Garwood, that failed to happen. That being said, the repair fund is the exception to the rule and can be established by resolution only. The repair fund is a unique instrument that allows us to save money for emergencies and spend it without a permissive referendum. It is permissible by resolution to move monies from one reserve fund to another. Where we need to start is by establishing a repair fund this evening that we can accomplish via a resolution of the board. The transfer of funds does not depend on the amount. Commissioner Weiland said past town law indicates there should be a description of the size of the fund. Mr. MacLeod said any reserve fund should have an adopted document as to what it is going to be used for stating x amount of dollars. Mr. Passikoff was of opinion we should, in any given year, put aside one twentieth of the replacement cost of the fleet which should be put into a reserve fund for equipment replacement or purchase. We are underfunded significantly. The caveat of the repair fund is you have to pay 50% back in the next two years of money spent – that is why you don't have to go to referendum. Mr. MacLeod said you can make the fund as broad as you want but repair does not mean replace or build – it should not be used as a holding account. Most districts that have reserve repair accounts usually have small accounts, between \$20,000 to \$50,000. Chairman Forschler favors a repair fund because it would be prudent to legitimize the fund we thought we had this evening, temporarily move all reserve fund monies to that repair fund and then transfer the bulk of that money to the equipment purchase fund assuming we can get it legitimized. Mr. MacLeod said if you put \$300,000 in the repair reserve fund and you take it out, you have to put it back. If the Board were to take the position now that the intent is to establish an equipment reserve fund and will put the money that is in the account now into

that fund, you could carry that amount over from one year to the next. Commissioner Calame thinks the Board should not rush this but wait until after the first of year. If a referendum is scheduled for the March time frame, the Board could do an equipment reserve fund and a building fund and it would give the Board time to explain why these funds are needed. Mr. MacLeod agreed that a public relations campaign to explain the need for the funds would be helpful. Commissioner Trzcinski said if the reserve funds don't pass, then a decision has to be made as to where to put the money. Chairman Forschler is agreeable to the March time frame. Mr. MacLeod said as long as the Board intends to act on the reserve fund accounts, carrying the balance over after December 31<sup>st</sup> is justifiable.

A motion was made by Chairman Forschler and seconded by Commissioner Weiland that the Board establish a repair reserve fund and to transfer to it that balance which we believed was legitimized in a repair reserve fund which equals \$35,468.81.

Commissioner Calame	Aye	Commissioner Russell	Absent
Commissioner Weiland	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 4-0. The size of the fund does not need to be defined; it will grow by interest.

Chairman Forschler said the Board should give some thought as to how proceed at the next meeting. We are all in agreement that the equipment purchase fund is needed and is underfunded at this time. Someone will need to do a write up as to why this is important and as to what our contribution to that fund should be as far as the cost of replacing equipment and NYS guidelines. He and Chief Estes will discuss and address at the November meeting. It will be prudent to schedule some public hearings and to get a mailer ready to explain what the Board's intentions are. Board members should come to the November meeting prepared to discuss this.

**Penflex Contract** – The East Clinton Fire District Service Board Program agreement needs to be signed.

A motion was made by Commissioner Calame and seconded by Commissioner Trzcinski that Chairman Forschler sign the Penflex contract with a \$3,900 base fee, \$18 participation fee, \$75 per letter fee for payment certification and trustee directive letters which comes to a total estimated standard and distribution service fee of \$5,000 plus a fee of \$495 to complete the audit package and a fee of \$950 to complete the GASB 73 package to bring the total to slightly under \$7,000.

Commissioner Calame	Aye	Commissioner Russell	Absent
Commissioner Weiland	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 4-0.

**Shelter Point** – A motion was made by Commissioner Trzcinski and seconded by Chairman Forschler to pay shelter point up to \$15,000 for the time period of August 2017 up to July 2018. This is for disability insurance and has to be paid.

Commissioner Weiland	Aye	Commissioner Russell	Absent
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner Calame	Aye		

Motion carried 4-0. Commissioner Trzcinski will handle this.

**44/55 waiver** – Chairman Forschler said we are on the cusp of the 44/55 rule. If we want a waiver, we have to notify neighboring districts to make sure there is no objection and file an application with the state. Mr. MacLeod will prepare this application. There were no objections raised.

**Annual election** – will be held on December 11<sup>th</sup>. The legal notice must be posted in the paper. The Secretary will send the notice to Chairman Forschler for review prior to posting in the paper and sending to Mr. Simon for posting on the District website.

**Public comment –**

- Tony Irkliewskij thanked the Board for putting reports on the website. There was some discussion about the meeting held at the Clinton Town Hall at which some Board members were present.
- Don Estes asked if there is any update on the third letter to the non-responders for their gear. Chairman Forschler said he will contact the Sheriff's office.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to adjourn the meeting at 9:57 p.m.

Commissioner Weiland	Aye	Commissioner Russell	Absent
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner Calame	Aye		

Motion carried 4-0.

The next meeting of the Board of Commissioners will be held on Wednesday, November 14, 2018.

Respectfully submitted,

Karen Buechele, Secretary  
East Clinton Fire District