

**EAST CLINTON FIRE DISTRICT**

August 14, 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:**

Roderick MacLeod, Attorney for the District (arrived at 6:45 p.m.)  
Robert Simon, Treasurer  
James Passikoff, left at 8:15 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:**

- Communication with Attorney re: No beneficiary or death benefit for Tom McCormack.
- Check for damage was received and will be discussed later – forwarded to Treasurer
- RBC Account Statement July 1 through July 31, 2019 – Commissioners copied – to Treasurer
- RBC LOSAP Prospectus - to Treasurer
- RBC Insured Deposits Summary – to Treasurer
- Advertisement for Fire Service Secretary & Treasurer Manual – to Secretary
- PERMA Save the Date Regional Manager Summits – To Commissioner Trzcinski
- From Perma dated August 2, 2019 – Structure Change – to Commissioner Trzcinski
- Fire Police Seminar September 7<sup>th</sup> - no Fire Police representative present.
- From Division of Criminal Justice Services dated July 23, 2019 “Mandated Reporting for the Central State Registry of Police Officers and Peace Officers” – to Mr. MacLeod
- Putnam Lake Fire Department Holiday Parade and Tree Lighting December 7, 2019
- From Rhinebeck Ford – Service Reminder
- From Vassar Bros. Medical Center – 2<sup>nd</sup> Annual ResusCon September 4, 2019 - Rescue Squad
- Firehouse/EMS Planner Facility Design Seminar September 17, 2019
- NY Wildfire & Incident Management Academy October 17 through 27, 2019 – to Chief Estes

**MINUTES:**

Motion to accept the July 10, 2019 regular meeting minutes as amended made by Commissioner Trzcinski and seconded by Commissioner Weiland.

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

Motion carried 5-0.

Motion to accept the July 16, 2019 special meeting minutes as amended made by Commissioner Weiland and seconded by Commissioner Calame.

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

Motion carried 5-0.

**FINANCIALS:**

Having reviewed the vouchers, a motion to pay the bills per the abstract dated as of July 31, 2019 was made by Chairman Forschler and seconded by Commissioner Calame with the exception of check #2772 to Madison Pizza because the amount included the sales tax so was incorrect and check #2769 to ESO Solutions because the amount is incorrect.

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 Calame that the board authorize Mr. Simon to cut a check to ESO Solutions for \$185.00 and to Madison Pizza for \$97.70.

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

Motion carried 5-0.

A motion to accept the bank statement for the period ending on July 31, 2019 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 questioned why Building Maintenance – Other is over budget and Mr. Passikoff said \$4,995 went to R.E. Buotte Construction for the re-building of the two rooms and gutter repair and \$1,372 went to First Call Restoration for the storage room mitigation as well as the July 10<sup>th</sup> expense for the other building. Commissioner Trzcinski asked if money from Utica Mutual came in to cover these expenses. Mr. Passikoff said \$1,272 came in from Utica Mutual but Commissioner Trzcinski said it should have been more. Chairman Forschler, Mr. Passikoff and Mr. Simon will look further into this. Commissioner Calame said the Mandatory Equipment

Testing is also over budget. Mr. Passikoff said that is due to SCBA repairs and the hose test. Chief Estes said there are no more big testing items coming.

Commissioner Calame	Aye	Commissioner Weiland	Aye
Commissioner DiGiacomo	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

Independent audit – A motion was made by Commission Trzcinski and seconded by Commissioner Calame to authorize Chairman Forschler to sign the July 26 document. Chairman Forschler said there are two items in the audit related to asset values of the district, one being the \$52,000 which he believes is no longer an asset.

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

Motion carried 4-1.

Audit findings – Mr. Passikoff said he filed an extension but it did not go in until the end of May – it was supposed to be in by the end of April – so we missed the extension. He said this month’s statement gets converted to gap accounting and it is gap accounting that goes to the comptroller’s office. It is true that the district could not provide documentation to comply with the capital reserve funds. The recommendation is that the district is moving towards establishing capital reserve funds by holding a referendum.

Audit filing – Mr. Passikoff said the copy we have now is marked draft. Once the auditors send the district a copy without draft it then gets filed. As soon as they receive the letter signed tonight, they will send it in. Mr. Passikoff said a letter in response to the findings is not required at this time.

Commissioner Weiland asked about the \$52,000 in architects fees. Mr. Passikoff said at the last discussion, the board said we should keep that as an asset on the balance sheet and it is. It was not part of the findings. Commissioner Trzcinski said to maintain transparency, we should keep it there. Commissioner Weiland said he thinks it is of no value or use and should be gotten rid of to facilitate the public’s understanding.

A motion was made by Commissioner Weiland that the board write off the \$52,000 in the construction in progress line on the balance sheet and that the \$52,000 is no longer considered an asset. There was no second to the motion so the motion failed.

Mr. Passikoff said the district has that second piece of land and Commissioner Weiland said there should be a category established for expense of property. There is no value on this firehouse – it is a building that is losing value. On parcel access, that property is assessed at \$100,000 and the firehouse is at \$300,000. Mr. Passikoff said you can’t use the assessor’s valuation of the property because that is close to fair market value - we are stuck to using historical cost. One method to come up with value is to get a realtor to assess it. Commissioner Weiland thinks the public should know there are two values – this building and

the property. He suggested the next auditors should be informed about the proper way to do that. Mr. Passikoff will check with RBT on that.

Budget – We need the preliminary budget by the September board meeting as it needs to be submitted to the Town Clerk by September 24<sup>th</sup>. The board agreed to hold a special meeting on Friday, September 6<sup>th</sup> at 5:30 p.m. The budget hearing date is the third Tuesday in October, October 15<sup>th</sup>, from 7:00 to 8:00. The Secretary will post a legal notice for the special meeting and send the notice to the Treasurer and the Town Clerk for posting on the district and town website as well as post on the firehouse bulletin board and the post office bulletin board.

Fiddlers Bridge Road Bridge – We have received a communication from the DPW Commissioner Robert Balkind who has given the district permission to proceed over the subject bridge rated at 15 tons with 26 ton vehicles as long as we don't exceed 5 miles per hour. The communication also went to West Clinton through Ray Oberly, Town Supervisor. The most important direction is west to east and coming that way, you have to be in the wrong lane of traffic. The department drivers are aware of that. When asked about the insurance liability, Mr. MacLeod said if you have it in writing from the county that you can cross the bridge with a 26 ton truck over a 15 ton bridge, you can but what is the liability if the truck falls through? If the insurance company says they will cover that, get it in writing. It's more important to West Clinton. Chairman Forschler will forward the communication to Commissioner Trzcinski who will call the insurance company to see if they will cover this.

44/55 waiver status – Mr. MacLeod said communications have been received by the other towns so now we wait until September 10<sup>th</sup> to see if anyone files an objection. If so, the fire administrator will set up a hearing to hear objections.

38-1 vehicle – Commissioner Trzcinski said a document was located that may do the trick to prove we actually own that vehicle. He will get the document to Dereck at McLean Ford. The DMV and Ford have no documentation. If we can't prove we owned that truck, we will have to pay back the \$17,000. Another problem is we have no way to prove we own the older fire truck, 38-38, but he will work on that later. Commissioner Trzcinski said we have not seen the brush truck registration which is also the title. He will pursue that as well. Chairman Forschler said 38-38 was a lease to buy and there should be some record of that within the last five years. A motion was made by Commissioner Trzcinski and seconded by Commissioner Weiland that there be a liaison board member who is the only person who has the authority to sign and transact the business purchases according to a process defined by the board. There should be a policy in the manual to avoid any conflicts. The board is the responsible party for these purchases.

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

**DEPARTMENT:** Monthly calls: 13 Year to Date: 57 through 7/31/19

Car 1 – Don Estes

- We purchased four sets of wet weather gear for when we have the inclement weather to save interior gear for the purpose for which it is intended.
- The drill tomorrow night is at 1800 hours and will cover decon, rehab and the quarterly interior SCBA requirement as well as scene safety, different zones and breaking up and setting up decon and rehab areas. The support team is making great progress with decon. Chief Estes said he feels comfortable that we are on the cutting edge of a decon program. All of the support members took the class and came back with a great education. We are using 68 as the primary decon vehicle.
- Chief Estes drew up a four hour class to work with Susan and EMS for all the support people. He reached out to county car 12 to confirm this needs to be a county class. We are getting the proper level of training for all support, rehab, and decon people in the county as well as our own class. We will have a four hour mandated class for all support people above and beyond the decon class which is a state class.
- We will be at town library on September 21<sup>st</sup> bringing equipment for demonstrations including the fire extinguisher simulator. EMS will also be there. We did this last year and it went over great as part of public outreach.
- Chris Gammone is going to contact the Pleasant Valley auction house to take our fire dog and extrication equipment that had no sales. The Pleasant Valley Fire Department uses them often and they are successful.
- A-1 Communication will be installing the command radio in the chief's vehicle on Friday. The cost of the vehicle is still under budget.
- Gordon Fire Equipment did all the bi-annual inspections of the fire extinguishers in the station and on the rigs and they all passed.
- All class schedules have been posted. All members have been advised to check the boards.
- The chief staff is working on a realistic budget.
- Commissioner Calame asked for a copy of the decon regulations. Chief Estes said he has an abridged copy which he will provide to him and said the ECFD is on the forefront of doing decon right.

#### Car 2 – Jim Bathrick

- We purchased a new chain saw for 38-61. We got a good deal and now have two saws on 61 for brush fires, etc.
- He suggested that the commissioners consider a dress code for the fire house. Chairman Forschler noted the suggestion.
- There is a work detail Friday night to get 38-38 ready for Red Hook's parade on Saturday.
- September 7th we are doing a spaghetti and meatball dinner for the Tim McCormack Scholarship Fund at the Salt Point Fire house. This is the first time for this event. Chief Estes said the company approved \$500, Clinton and Salt Point have each contributed \$1,000 and we are asking for a suggested donation of \$10. We are hoping to make about \$3,000 to \$4,000 for the fund.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to authorize the department to participate in this activity. The cooking will be done at the Salt Point facility.

Commissioner Calame           Aye                   Commissioner Weiland           Nay  
Commissioner DiGiacomio   Aye                   Chairman Forschler           Aye  
Commissioner Trzcinski       Aye  
Motion carried 4-1.

**Car 3 – Kevin Russell**

- Since Goose has been sold and the new owner is asking for some time to acclimate, the buzzer on the seat belt in 38-12 has not been fixed yet.
- He saw a red light on the generator the other night and called someone to come down and look at it who said they have not received anything from the district regarding the annual service for the generator.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to authorize Kevin Russell to have the installing company service the generator in an amount not to exceed \$500.

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

- He installed new bulbs in the ladies room.
- He doesn't know what the janitor does while she's here but here is no soap in the men's room as well as other deficiencies. Chairman Forschler asked Mr. Simon to check the fob logs and let Commissioner Weiland know if she is working her scheduled hours. Commissioner Weiland said as far as he knows, she is bringing a couple of people with her and coming once a month. Chief Russell will email the noted deficiencies to Commissioner Weiland who will then contact the cleaner.

**SUPPORT:** Maryann Thompsett – N/A

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**RESCUE:** Susan deHaan    Monthly Calls: 16    Year to Date: 68    As of 7/31/19

- EMS attended the decon class.
- She has formulated a chart to pin the location of all the calls and distributed copies. The chart has both EMS and fire for the month of July. The information will be put on the website. This is not a HPPA violation as there are no addresses on the map.
- EMS attended the state decon class.
- Our lab recertification is up. She met with the medical director and had paperwork signed to stay certified. While meeting with the director, she asked for and he provided her with a prescription for the epi pens which means we can get epi pens now for approximately \$60 to \$80 instead of \$500 per pen which will result in a substantial savings.

- The new EMT class starts in Millbrook on August 26<sup>th</sup>. We have four individuals enrolled – three are already members and one new member.
- She asked the board if EMS can purchase a copy of the EMT book that the class is using for our library. Chairman Forschler said if it's part of the \$500, just purchase it.

**MEMBERSHIP:** Ed Olson

- We have the applications for two new rescue squad members. Debra Pelligrini, Willow Lane, Clinton Corners who is a paramedic and Cheyene Leroy who lives across the street from the fire house on Fire House Lane, who is enrolled in the upcoming EMT class. He submitted the applications and the board authorized the secretary to do the arson and sex offender back ground check. The board needs to wait for that to come back before making a motion. Both applicants are in the district. Cheyenne Leroy is 17 – she is allowed to enroll in the EMT course because she will be turning 18 a week a prior to the written test. Ms. deHaan added that the state reduced age to 17 at time of test.
- Maryann Thompsett has resigned as captain of support. Mr. Olson submitted her resignation letter dated August 12, 2019 to Chairman Forschler.
- Mr. Olson has had a request from the American Red Cross to do a blood drive here in the parking lot on November 23<sup>rd</sup>. They will have their mobile unit in the lot and do everything from the unit. ECFD will assist with helping people fill out paperwork and handing out the cookies and juice.

A motion was made by Chairman Forschler and seconded by Commissioner Calame to authorize the department to conduct a blood drive in conjunction with the American Red Cross on November 23, 2019 from 1000 to 1400 hours subject to the Red Cross providing a Certificate of Liability insurance with the East Clinton Fire District named as additional insured.

Commissioner Weiland	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner DiGiacomo	Aye		

Motion carried 5-0. Mr. Olson will provide the certificate prior to November 23<sup>rd</sup>.

- Support now has an open position. Commissioner Trzcinski asked who questions should be directed to regarding support issues. Chairman Forschler said Chief Estes.
- The active member roster is still missing some drivers' licenses, Tim McCormack's name needs to come off as well as Donna Ruffell's. Ms. deHaan will take a look at it.

**SAFETY:** Chairman Forschler

- The quarterly meeting will be on August 29<sup>th</sup>.
- Update on the shower – Commissioner Weiland said, after a dozen phone calls, the plumber that did the repair on the incoming pipe has not made himself available for over a month. Commissioner Weiland has called another plumber who will try to be here either Thursday or Friday.

Active member policy – Mr. MacLeod said on the first page, Item 2, anyone convicted of arson cannot be a member of a fire district. Page 2 - fire districts don't have junior members, you have an active member. The difference between an active member and an active member under 18 is what they can and cannot do. The company and department can have junior members. Mr. MacLeod suggested changing 8 to "Have successfully completed within 18 months of membership, at least one of the following courses or qualifications:" Commissioner Calame would like the 2012 McCormack memo attached as well as Section 176-b since there is a direct reference to both documents.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that the board accept the Active Member Policy with the recommended changes per our attorney to include the 2012 McCormack memo as an attachment.

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

Motion carried 4-1.

Commissioner Trzcinski said relative to policies, the district policy subcommittee should go through and identify areas which are either defective or lacking with the intent of referring the policy to Mr. MacLeod to create new verbiage that meets our needs. Chairman Forschler suggested that he, Commissioner Trzcinski and the district chiefs work on that.

38-68 – Commissioner Trzcinski said we have the insurance check for \$8,000 already but want to hold off signing it in case the final amount is more or less. Mr. Simon has the check and will hold on to it. Chief Estes will stay in touch with Commissioner Trzcinski.

West Clinton boat – West Clinton's meeting is tonight.

A motion was made by Chairman Forschler and seconded by Commissioner Calame that the board authorizes the company to take 38-38 to the Red Hook parade.

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

Motion carried 4-1.

Membership – The board sent a letter out last month to a member out on medical leave for an extended period of time. We received an answer to the letter tonight requesting medical leave for six month. The secretary will file the letter

Assumed rate of return - A motion was made by Commissioner Trzcinski and seconded by Commissioner Calame to change the assumed rate of return for LOSAP from 5.5% to 5%. Chairman Forschler said that will increase the liability by \$45,000 to \$50,000. It will move us

from \$46,000 to Ed's estimate as of July 16<sup>th</sup>. At 5% it would be \$90,000 to \$100,000.

Commissioner Trzcinski said that is without the new members.

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

Motion carried 5-0.

Defined contribution plan – Commissioner Calame asked Mr. MacLeod if there was coordination between himself and Ed Holohan in the preparation of the resolution and Mr. MacLeod said yes. Item 4 states the estimated initial annual cost of the defined contribution program is \$3,500 plus an estimated annual administration fee of \$300. The \$3,500 is the defined contribution for each firefighter and assumes the existence of five new firefighters. Mr. MacLeod said this does not include what Ed Holohan will charge to set this program up. Commissioner Calame said the reference is to active firefighters – active members are considered synonymous with active volunteer firefighters. He said he thinks we should use one or the other. Mr. MacLeod said the technical term is active volunteer firefighter; that is what the law uses so we should use it. Commissioner Calame thinks active member would also work. Mr. MacLeod said if the district policy uses active member and state law uses active volunteer firefighter, state will prevail. The two terms are synonymous. If you are not an active firefighter, you are not covered by LOSAP. Commissioner Trzcinski said we equate support, EMT's and fire police as active firefighters and that works.

A motion was made by Chairman Forschler and seconded by Commissioner Weiland to approve the following resolution which has been modified for active volunteer firefighter and the correct spelling of Michael DiGiacomio; to-wit:

WHEREAS; the eligible voters residing within the East Clinton Fire District approved, at a referendum held on October 14, 2008, the establishment of a Defined Benefit Service Award Program for active volunteer firefighters of the East Clinton Fire District in accordance with Article 11-A of the New York State General Municipal Law (hereinafter the “**Defined Benefit Program**”); and,

WHEREAS; the Board of Fire Commissioners has determined that it is in the best interests of the East Clinton Fire District to adopt a Defined Contribution Service Award Program for active volunteer firefighters of the East Clinton Fire District in accordance with Article 11-A of the New York State General Municipal Law for all individuals who are approved as Active Firefighters of the East Clinton Fire District on or after January 1, 2020;

NOW, THEREFORE, BE IT RESOLVED that the Board of Fire Commissioners of the East Clinton Fire District, in accordance with Article 11-A of the New York State General Municipal Law, adopt a Defined Contribution Service Award Program, hereinafter the

“Program”, for all individuals who are approved as Active Firefighters of the East Clinton Fire District on or after January 1, 2020; and

IT IS FURTHER RESOLVED THAT

1. The type of Program shall be a defined contribution program as set forth in New York State General Municipal Law Section 218;

2. All Active volunteer firefighters of the East Clinton Fire District, who are at least 18 years of age and who have completed at least one (1) year of firefighting service with the East Clinton Fire District, shall become Program participants.

3. Any Active volunteer firefighter who is eligible to participate in the Program may waive participation. Such waiver of participation shall be in writing in a form acceptable to the Sponsor of the Program. Such waiver of participation may be rescinded at any time in which case said firefighter’s participation in the Program shall commence on the date such written rescission is received by the Secretary of the Fire District.

4. The estimated initial annual cost of the defined contribution program is \$3,500.00 plus an estimated annual administration fee of \$300.00. The estimated annual cost to fund the Program thereafter shall be \$700.00 for each participant who qualifies for a contribution, as set forth below, plus an annual administration fee.

IT IS FURTHER RESOLVED THAT, pursuant to New York State General Municipal Law Section 218 (b), the amount of \$700 shall be contributed for each participant who earns at least 50 points pursuant to New York State General Municipal Law Section 217(c) and, as adopted by the East Clinton Fire District Board of Fire Commissioners; and

IT IS FURTHER RESOLVED THAT, pursuant to New York State General Municipal Law Section 218 (b), the maximum number of years of service for which a participant may receive a Program contribution shall be 40 years; and

IT IS FURTHER RESOLVED THAT the Entitlement Age, as defined in New York State General Municipal Law Section 215, is 62 years of age; and

IT IS FURTHER RESOLVED THAT participants who continue to be Active volunteer firefighters of the East Clinton Fire District after they attain the Entitlement Age shall have the right to continue to earn service credits pursuant to the Program; and

IT IS FURTHER RESOLVED THAT the East Clinton Fire District Board of Fire Commissioners shall be the Sponsor of the Program; and

IT IS FURTHER RESOLVED THAT the New York State Office of the Comptroller shall be the Administrator of the Program, as set forth in New York State General Municipal Law Section 216-c.; and

IT IS FURTHER RESOLVED THAT, pursuant to 2 NYCRR Part 154.3, the Secretary of the Board of Fire Commissioners of the East Clinton Fire District shall send notice to New York

State Office of the Comptroller of the approval of the Program and the approval of the New York State Office of the Comptroller as Administrator of the Program, within 30 days of such approval; and

IT IS FURTHER RESOLVED THAT, pursuant to 2 NYCRR Part 154.4, the East Clinton Fire District Board of Fire Commissioners is hereby authorized to enter into an Agreement with the Administrator setting forth the obligations of the Sponsor and the East Clinton Fire District's locally determined features of the Program; and.

IT IS FURTHER RESOLVED THAT all other provisions of the Program shall be subject to, and governed by, Article 11-A of the New York State General Municipal Law, as may be amended from time to time; and

IT IS FURTHER RESOLVED THAT the Board of Fire Commissioners of the East Clinton Fire District may retain qualified professional services to assist them in their duties as Sponsor; and

IT IS FURTHER RESOLVED THAT nothing herein shall act in any way to abridge or prejudice any rights of any East Clinton Fire District Active volunteer firefighter who is currently a participant in the East Clinton Fire District's Defined Benefit Program; and

IT IS FURTHER RESOLVED that this resolution is adopted subject to approval of the eligible voters residing within the East Clinton Fire District at a special election to be held on December 10, 2019, and the Fire District Secretary is hereby authorized and directed to prepare ballots in substantially the following form:

**SHALL THE RESOLUTION, ADOPTED BY THE EAST CLINTON FIRE DISTRICT BOARD OF FIRE COMMISSIONERS ON AUGUST 14, 2019, AS FOLLOWS:**

**RESOLUTION TO CREATE A DEFINED CONTRIBUTION SERVICE AWARDS PROGRAM FOR THE EAST CLINTON FIRE DISTRICT**

WHEREAS; the eligible voters residing within the East Clinton Fire District approved, at a referendum held on October 14, 2008, the establishment of a Defined Benefit Service Award Program for active volunteer firefighters of the East Clinton Fire District in accordance with Article 11-A of the New York State General Municipal Law (hereinafter the **"Defined Benefit Program"**); and,

WHEREAS; the Board of Fire Commissioners has determined that it is in the best interests of the East Clinton Fire District to adopt a Defined Contribution Service Award Program for active volunteer firefighters of the East Clinton Fire

District in accordance with Article 11-A of the New York State General Municipal Law for all individuals who are approved as Active Firefighters of the East Clinton Fire District on or after January 1, 2020;

NOW, THEREFORE, BE IT RESOLVED that the Board of Fire Commissioners of the East Clinton Fire District, in accordance with Article 11-A of the New York State General Municipal Law, adopt a Defined Contribution Service Award Program, hereinafter the "Program", for all individuals who are approved as Active Firefighters of the East Clinton Fire District on or after January 1, 2020; and

IT IS FURTHER RESOLVED THAT

1. The type of Program shall be a defined contribution program as set forth in New York State General Municipal Law Section 218;

2. All Active volunteer firefighters of the East Clinton Fire District, who are at least 18 years of age and who have completed at least one (1) year of firefighting service with the East Clinton Fire District, shall become Program participants.

3. Any Active volunteer firefighter who is eligible to participate in the Program may waive participation. Such waiver of participation shall be in writing in a form acceptable to the Sponsor of the Program. Such waiver of participation may be rescinded at any time in which case said firefighter's participation in the Program shall commence on the date such written rescission is received by the Secretary of the Fire District.

4. The estimated initial annual cost of the defined contribution program is \$3,500.00 plus an estimated annual administration fee of \$300.00. The estimated annual cost to fund the Program thereafter shall be \$700.00 for each participant who qualifies for a contribution, as set forth below, plus an annual administration fee.

IT IS FURTHER RESOLVED THAT, pursuant to New York State General Municipal Law Section 218 (b), the amount of \$700 shall be contributed for each participant who earns at least 50 points pursuant to New York State General Municipal Law Section 217(c) and, as adopted by the East Clinton Fire District Board of Fire Commissioners; and

IT IS FURTHER RESOLVED THAT, pursuant to New York State General Municipal Law Section 218 (b), the maximum number of years of service for which a participant may receive a Program contribution shall be 40 years; and

IT IS FURTHER RESOLVED THAT the Entitlement Age, as defined in New York State General Municipal Law Section 215, is 62 years of age; and

IT IS FURTHER RESOLVED THAT participants who continue to be Active volunteer firefighters of the East Clinton Fire District after they attain the Entitlement Age shall have the right to continue to earn service credits pursuant to the Program; and

IT IS FURTHER RESOLVED THAT the East Clinton Fire District Board of Fire Commissioners shall be the Sponsor of the Program; and

IT IS FURTHER RESOLVED THAT the New York State Office of the Comptroller shall be the Administrator of the Program, as set forth in New York State General Municipal Law Section 216-c.; and

IT IS FURTHER RESOLVED THAT, pursuant to 2 NYCRR Part 154.3, the Secretary of the Board of Fire Commissioners of the East Clinton Fire District shall send notice to New York State Office of the Comptroller of the approval of the Program and the approval of the New York State Office of the Comptroller as Administrator of the Program, within 30 days of such approval; and

IT IS FURTHER RESOLVED THAT, pursuant to 2 NYCRR Part 154.4, the East Clinton Fire District Board of Fire Commissioners is hereby authorized to enter into an Agreement with the Administrator setting forth the obligations of the Sponsor and the East Clinton Fire District's locally determined features of the Program; and.

IT IS FURTHER RESOLVED THAT all other provisions of the Program shall be subject to, and governed by, Article 11-A of the New York State General Municipal Law, as may be amended from time to time; and

IT IS FURTHER RESOLVED THAT the Board of Fire Commissioners of the East Clinton Fire District may retain qualified professional services to assist them in their duties as Sponsor; and

IT IS FURTHER RESOLVED THAT nothing herein shall act in any way to abridge or prejudice any rights of any East Clinton Fire District Active volunteer firefighter who is currently a participant in the East Clinton Fire District's Defined Benefit Program.

Commissioner Weiland said on the 16<sup>th</sup> of July, there was some discussion about going to \$1,200 if the state would allow us to. Mr. MacLeod said that has not been signed and it has never been introduced in either house. He does not anticipate that

coming up this year. If it does change, we can change the resolution at the November meeting. It has to be changed at least 28 days ahead of time but Mr. MacLeod does not anticipate that happening.

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

Motion carried 5-0.

Mr. MacLeod will prepare a resolution to maintain the current LOSAP defined benefit plan in the amount of \$20.00 for the referendum for the December vote.

Reserve Funds – Chairman Forschler said we need to legitimize two reserve funds at the December referendum. He has contacted Jean Robillard, a public relations person, and he will invite her to the meeting on September 6<sup>th</sup> for a short presentation. We need to get the word out so voters understand the \$20.00 vs. \$30.00, how to vote on the equipment purchase fund and an understanding of what the ramifications are in voting for or against a capital reserve fund which gives us the ability to save money doing improvements to this or any other structure, and an understanding of the new LOSAP plan which is a benefit to taxpayers. The referendum date is the second Tuesday in December. Suggestions are a sequence mailer, two open houses, information on the website, education of all fire department members so they understand details and can respond accurately if queried, local media stories, and a follow up mailer day or two prior to election.

2018 surplus – Chairman Forschler said we have \$195,000 that has accumulated over x number of years and we need to determine what to do with it. According to Mr. Passikoff, we are allowed to keep unallocated 10% of the budget which is \$54,000 which means we need to figure out what to do with \$141,000.

A motion was made by Chairman Forschler and seconded by Commissioner Weiland that the board allocate funds as follows: \$50,000 to LOSAP, \$91,000 to the Equipment Purchase Fund and \$54,000 remains unallocated. Commissioner DiGiacomio said he likes leaving some of the funds unallocated. Commissioner Calame said with the move tonight to go to 5%, it clearly will produce a hit and it puts us at \$90,000 to \$100,000 and only a 90% funded ratio. Do we want to be 90% funded or 95% funded? Chairman Forschler said \$50,000 puts us at 95%. All we can do is take a point in time and meet the goal we set and ride it out. Commissioner Trzcinski suggested \$65,000 to LOSAP instead of \$50,000. Commissioner Weiland said you can get to \$100,000 and take a rate of return that is safe on government bonds. Chairman Forschler is agreeable to modifying the motion to \$54,000 for unallocated, \$65,000 to LOSAP and the balance to the Equipment Purchase Fund. Commissioner Weiland agreed.

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

Motion carried 4-1. The Board authorized Mr. Simon to send \$65,000 to LOSAP and \$76,000 to the Equipment purchase which is the remainder after the \$54,000 unallocated.

TEK – Chairman Forschler said an email was received and distributed from Lisa at TEK listing the seven levels of physicals and she states she is willing to do a contract if that is what the district decides they want. Mr. MacLeod has said seven categories for ECFD are appropriate. We need to schedule physicals in October. He said we could get a contract prior to October and modify the policy with TEK guidelines. Commissioner Trzcinski said we have documents stating certain activities we are requiring of certain support people. Lisa does not know that. We need to provide verbiage in a contract of what she has to look for. These are the physical requirements. Commissioner Trzcinski agrees with interior and exterior but suggested the fire police may need to be tweaked as there are instances where they may need to stand in subzero weather for a length of time. Mr. MacLeod will prepare a contract and will interact with Commissioner Trzcinski. He will contact Lisa to see if she has a contract he can work with. The goal is to contract with TEK for a year with the intention of getting her lined up for October physicals. It might be late in the game to work with a different provider. Mr. MacLeod said it will be an ongoing contract as she does physicals for new members and drug testing will be involved in this contract. Lisa sent Chairman Forschler information for drug testing. We can authorize her to do drug testing at the October physical for everyone. Mr. MacLeod said if you do it for everybody, that's fine. If you do the testing for specific people, that's when you need a policy in place. Commissioner Trzcinski prefers the random as opposed for one time. Chairman Forschler thinks everyone should get tested in October and then commence with random testing. Commissioner Calame suggested a six month contract to give us time to decide which way to go. Mr. MacLeod suggested the board do a contract with TEK for the October physicals and for new physicals and then go from there.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to set up two dates for physicals in October with TEK so we can keep physicals up to date. We can make the contract happen before that.

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

Motion carried 4-1.

Chairman Forschler will contact TEK for both the physicals and a contract which he will forward to Mr. MacLeod.

TOW – Commissioner Trzcinski got a phone call from Mary Alex, the Town Clerk. They have been talking about annexation. They would have to terminate coverage with Millbrook and re-create coverage in a new form and then have the town boards vote on the annexation. That did not sound too positive. She did say that all of the properties that he communicated they still want covered, for both ambulance and fire, either under contract or annexation. They want to meet with two commissioners. Commissioner Trzcinski said he would like Chairman Forschler to be there as well as Chief Estes so the three attendees would be Commissioner

Trzcinski, Chairman Forschler and Chief Estes. This affects budgets so we need to work soon. Chairman Forschler will go back and look at the calendar and get with Commissioner Trzcinski. He thinks this is a good approach with the board. Commissioner Trzcinski likes annexation and would like to push towards that and negotiate upward. He said is adamant against \$2,000 or \$6,000 or \$8,000 for this and supports \$25,000. The company can choose to take 35% of it. We threw \$25,000 at them. We can't negotiate up from \$25,000. We will try to reach a consensus based on approval of this board. Commissioner Weiland said \$25,000 is a big improvement. The board was in agreement with that.

Facilities Committee – Commissioner DiGiacomo said we had a meeting on July 23 and talked about the current issues and what the problems are and started to talk about needs and how to move forward. There is another meeting on August 21<sup>st</sup>. Chairman Forschler said he and Chief Estes are meeting with a PERMA representative on August 26th with the intention of going through record keeping, practices, and hopefully, some facility input. They will report back.

Insurance – Commissioner Trzcinski needs authorization from the board to talk to a potential new insurance carrier opening up the potential of leaving the current insurance carrier. No decisions will be made. The authorization is just for someone to come and make a presentation but they need to see the coverage we have and would like to see the facility. Any board member is welcome to come. We will go through the insurance book, she will develop a proposal and come before board to present it. Commissioner Calame said she needs to sign a non-disclosure agreement. There were no board objections to the discussion.

**Public Comment:**

Tony Irkliewskij asked about the \$76,000 going to the Equipment Fund is to buy equipment for the district, not maintenance on the building? Do we have loans out on any equipment? Chairman Forschler said on 12 and 68 – 68 is just about done and 12 is close to it. Mr. Irkliewskij thinks the district should consider paying them off with some of the surplus. Commissioner Weiland said we would save the interest of about \$10,000.

A motion was made by Commissioner Calame and seconded by Commissioner Weiland to adjourn the meeting at 9:52 p.m.

Commissioner Calame	Aye	Commissioner Weiland	Aye
Commissioner DiGiacomo	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

The next regular meeting of the Board of Commissioners will be held on Wednesday, September 11, 2019 at 7:30 p.m.

Respectfully submitted,

Karen Buechele, Secretary  
East Clinton Fire District