

EAST CLINTON FIRE DISTRICT

October 16, 2019

COMMISSIONERS MEETING – FINAL

Regular Meeting 7:30 p.m.

COMMISSIONERS IN ATTENDANCE:

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

COMMISSIONERS ABSENT:

ALSO IN ATTENDANCE:

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

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:

- Dept. of Motor Vehicle – Title for 2016 Ford XPL SUBN, 1FM5K8D89GGD08568 38-1 - to Secretary
- Dept. of Motor Vehicle – Boat registration renewal- Chairman Forschler will send in.
- Penflex Inc. – Service Award Program 2019-2020 Service Fee Agreement – Chairman Forschler read the amounts and checked both boxes to do both reports. A motion was made by Commissioner Calame and seconded by Commissioner Trzcinski that the board accept this contract for the next year for Penflex. Commissioner Trzcinski asked why we can't do the GASP report ourselves? Mr. Passikoff said RBT will raise their fee \$2,000 if they have to do the audit package and GASP package.

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

Motion carried 5-0. Chairman Forschler signed the documents and the invoice went to Mr. Simon. The Secretary will send in the documents to Penflex.

- NYS Division of Criminal Justice Services had no records to report for Kathleen Perry's background check. The report results went to the Secretary. The board will vote on Ms. Perry's application at the November meeting. Commissioner Trzcinski suggested the board meet with a potential member before voting after they pass the background check and have their physical. The Secretary was instructed to send Ms. Perry an email asking her to be at the November meeting for a meet and greet.

- 2020 GASNY Dues Invoice – A motion was made by Commissioner Trzcinski and seconded by Chairman Forschler that the board pay the 2020 GASNY dues.
 Commissioner Weiland Aye Commissioner Calame Aye
 Commissioner Trzcinski Aye Chairman Forschler Aye
 Commissioner DiGiacomo Aye
 Motion carried 5-0. The invoice was forwarded to the Treasurer.
- Treasury Department Notice DP2100A Tax Year 2018 dated 9-12-19 – This notice was sent to Mr. Passikoff upon receipt. Mr. Passikoff said the ID numbers are correct. The problem is probably a space or comma or something similar. He has put in a call to them but has not heard back yet.
- ShelterPoint dated September 27, 2019 Hospital Cash Indemnity Benefit and Rate Changes - to Commissioner Trzcinski who commented the enhancement has no additional cost.
- Perma report – Commissioner Trzcinski will review and report back to the board.
- Wilmington Trust for 6/1/18 through 8/31/19 (Commissioners copied)
- RBC Wealth Management 9/1/19 through 9/30/19 (Commissioners copied)
- RBC Portfolio Review period ending 9/30/19 (Commissioners copied)

MINUTES:

A motion was made by Commissioner DiGiacomo and seconded by Commissioner Calame to accept the September 11, 2019 regular meeting minutes as amended.

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

Motion carried 4-0-1.

FINANCIALS:

Having reviewed the vouchers, a motion to pay the bills per the abstract dated as of September 30, 2019 was made by Chairman Forschler and seconded by Commissioner Trzcinski.

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

Motion carried 5-0.

A motion was made by Commissioner Weiland and seconded by Commissioner Calame to accept the bank statement for the period ending on September 30, 2019 and in agreement with that noted on balance sheet as put forward by Mr. Passikoff with no exceptions. Chairman Forschler commented that there was no interest on any of the bank statements.

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

Motion carried 5-0.

Budget public hearing – The public hearing for the proposed budget was held on October 15, 2019. Only one member from the public attended. The budget was formally adopted and submitted to the town. A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to accept the preliminary budget as presented to the town with the exception of the increase to the technology line item by \$6,000 and the decrease of the commitment to the building reserve fund by the corresponding amount. Total expenses is \$548,185 and the amount raised by taxes is \$548,035.

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

Motion carried 5-0.

Mr. Simon will submit to the town on Friday, October 18. Mr. Passikoff will supply the necessary forms. Commissioner Calame said there were some changes we agreed to make that were not in the version sent to the town. Technology is supposed to be increased by \$6,000 to \$9,000 and the capital reserve fund changed from \$12,500 to \$6,500. Chairman Forschler and Commissioner Trzcinski agreed to modify the above motion “as presented to the town with the exception of the increase to the technology line item by \$6,000 and the decrease of the commitment to the building reserve fund by the corresponding amount”.

FIRE POLICE: Tim Odell N/A

DEPARTMENT: Monthly calls: 4 Year to Date: 67 through 9/30/19
 Calls are down 10% from last year

Car 1 – Don Estes

- Drill will be on Wednesday, October 30 covering carbon monoxide on response and doing EMS protocols
- Question on invoice – We are phasing in multi-purpose foam on all fires.
- Decon vehicle will be winterized soon so there will be no running water for the duration of year.
- Members will be on stand-by for the bon fire Friday night at the Upton Lake Christian School. We will take the rehab vehicle and one fire apparatus and Susan plans to take the ambulance. A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that the board authorize the department to take the above mentioned vehicles out of district for the event at the Upton Lake Christian School on Friday the October 18.

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

Motion carried 5-0.

- The yearly requirements for modules and drills to remain as active members has been made very clear. There is a make-up session for modules scheduled for November 5. There will be a make up for the hazmat drill as many members missed that.

estimated annual cost to fund the program thereafter shall be \$700 for each participant who qualifies for a contribution as set forth below, plus an annual administration fee per participant as set forth below.

A motion was made by Chairman Forschler and seconded by Commissioner Calame to approve the following resolution:

WHEREAS; the eligible voters residing within the East Clinton Fire District approved, at a referendum held on October 16, 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 not participants in the Defined Benefits Program or 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, subject to approval at a mandatory referendum of East Clinton Fire District residents, proposes to close the existing Defined Benefit Service Award Program to those individuals who were not participants in the Defined Benefit Program as of January 1, 2020, and to adopt, effective January 1, 2020, a Defined Contribution Service Award Program, 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 as well as any other individual who did not become at participants in the Defined Benefit Program prior to of 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 not participants in the Defined Benefits Program and 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. Except for those participants who attain the Program entitlement age before attaining five years of service credit, a participant must earn five years of service credit to attain a fully 100% vested status in the Program.
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 Board of Fire Commissioners of the East Clinton Fire District. 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 per participant pursuant to the NYS Comptroller's contract with the Plan Administrator; and

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 (i.e., one year of service credit) 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 Calame	Aye	Commissioner Weiland	Aye
Commissioner DiGiacomo	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0.

The resolution was thereupon declared duly adopted by the East Clinton Board of Fire Commissioners pursuant to Article 11-A of the New York State General Municipal Law.

- **Defined Benefit Service Awards Program** – A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that the board approves the following resolution with the following changes: change Contribution to Benefit in the heading, add “is” in the third whereas on page 2 between “credit” and “earned” and change Kevin Russell to Michael DiGiacomio on the last page:

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; Section 4 of the Defined Benefit Program provides, inter alia, in pertinent part, that:

“The monthly payment accrued Service Award shall be equal to \$20 for each year of Service Award Program service credit earned.”, and

WHEREAS; Section 5 of the Defined Benefit Program provides, inter alia, in pertinent part, that:

“The \$20 monthly lifetime payment service award shall be increased to \$30 after and only if the Internal Revenue Code is amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments.”; and

WHEREAS; the Internal Revenue Code has been amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments; and

WHEREAS; the Board desires to amend the Defined Benefit Program such that the monthly payment accrued Service Award shall continue to be equal to \$20 for each year the Program’s service credit is earned by deleting the following sentence from Section 5 of the Program:

“The \$20 monthly lifetime payment service award shall be increased to \$30 after and only if the Internal Revenue Code is amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments.”;

which amendment to the Defined Benefit Program would have no increase in the estimated annual cost per covered participant;

WHEREAS; New York State Service Award Programs are governed by Article 11-A of the General Municipal Law which provides that any amendment to a Service Awards Program shall be subject to a mandatory referendum of the eligible voters residing within the East Clinton Fire District to determine if such amendment shall be adopted.

NOW, THEREFORE, BE IT RESOLVED, that Section 5 of the Defined Benefit Program be amended to delete the following sentence:

“The \$20 monthly lifetime payment service award shall be increased to \$30 after and only if the Internal Revenue Code is amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments.”

such that Section 5 shall read, in full, as follows:

“All service award payments are subject to any adjustment that may be required by application of the Internal Revenue Code for Participants in the East Clinton Fire District Service Award Program to be liable for payment of federal income tax only after they have begun to be paid their Accrued Service Award; and

BE IT FURTHER RESOLVED that all other provisions of the East Clinton Fire District Service Award Program shall not change and the Program shall continue to be administered by the Board in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time; and

BE IT 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 OCTOBER 16, 2019, AMENDING SECTION 5 OF THE EAST CLINTON FIRE DISTRICT SERVICE AWARD PROGRAM BY DELETING THE FOLLOWING SENTENCE:

“THE \$20 MONTHLY LIFETIME PAYMENT SERVICE AWARD SHALL BE INCREASED TO \$30 AFTER AND ONLY IF THE INTERNAL REVENUE CODE IS AMENDED TO PROVIDE CONSISTENT FEDERAL INCOME TAX TREATMENT FOR BOTH \$20 AND \$30 SERVICE AWARD PAYMENTS.”

SUCH THAT SAID SECTION 5 SHALL READ, IN FULL, AS FOLLOWS:

“ALL SERVICE AWARD PAYMENTS ARE SUBJECT TO ANY ADJUSTMENT THAT MAY BE REQUIRED BY APPLICATION OF THE INTERNAL REVENUE CODE FOR PARTICIPANTS IN THE EAST CLINTON FIRE DISTRICT SERVICE AWARD PROGRAM TO BE LIABLE FOR PAYMENT OF FEDERAL INCOME TAX ONLY AFTER THEY HAVE BEGUN TO BE PAID THEIR ACCRUED SERVICE AWARD.”

BE ADOPTED?

Commissioner Calame asked where things stand if this motion is defeated. Mr. MacLeod said there would still be the question of whether it goes up to \$30. The board has taken the position they are not going to raise it to \$30 and wanted to go to referendum. If the public turns it down, the board can still hold it to \$20. Commissioner Calame said this is based on the plan resolution, not the plan document. If it gets

defeated, it would be hard to hold to if the plan document prevails. Mr. MacLeod feels the plan document prevails at \$20. The plan document does not provide the option to go to \$30.00. The only way to change the creation document is to refer to the resolution of 2008 which created the program. Commissioner Calame asked why is it not effective to say we endorse the plan document's position which is the board's position. The document says this is the public reaffirming what Mr. MacLeod has told us. Mr. MacLeod said he is quite certain if that is the position the board wants to take, you don't need to put that to a vote. If this gets defeated, you still have the plan document to fall back on. Commissioner Trzcinski asked if it doesn't add weight to that secondary document and Mr. MacLeod said it does not. Chairman Forschler said he is willing to accept the risk it could be defeated. Our intent needs to be made clear to the community.

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

Motion carried 5-0. The resolution was thereupon declared duly adopted.

- **Equipment Reserve Fund** - This fund is to save money for the purpose of purchasing equipment, machinery and apparatus. A motion was made by Chairman Forschler and seconded by Commissioner Weiland to approve the following resolution with the minor verbiage changes and changing Kevin Russell to Michael DiGiacomio:

WHEREAS; the Board of Fire Commissioners of the East Clinton Fire District has determined that it is prudent financial management to accumulate cash for future expenditures, to plan ahead and systematically save moneys for future equipment, apparatus and machinery acquisitions; and

WHEREAS; the Board of Fire Commissioners of the East Clinton Fire District has determined that such prudent financial management can reduce or eliminate interest on borrowed funds and other costs associated with debt issuance and reduce the risk of sharp increases in the annual budget; and

WHEREAS; the Board of Fire Commissioners of the East Clinton Fire District has the ability to exercise such prudent financial management by establishing capital reserve funds pursuant to New York State General Municipal Law; and

WHEREAS; the Board of Fire Commissioners of the East Clinton Fire District has determined that it is in the best interests of the East Clinton Fire District to establish an Equipment Reserve Fund for the future capital purchases of equipment, apparatus and machinery needed for the East Clinton Fire District.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that pursuant to Section 6-g of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "East Clinton Fire District Equipment Reserve Fund" (herein after "Equipment Reserve Fund"). The purpose of this Equipment Reserve Fund is to accumulate moneys to purchase types of equipment, to wit, equipment, apparatus and machinery needed for the East Clinton Fire District; and

IT IS HEREBY FURTHER RESOLVED that the chief fiscal officer of the East Clinton Fire District is hereby directed to deposit and secure the moneys of this Equipment Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Board of Fire Commissioners of the East Clinton Fire District may invest the moneys in the Equipment Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the East Clinton Fire District. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Equipment Reserve Fund. The chief fiscal officer shall account for the Equipment Reserve Fund in a manner which maintains the separate identity of the Equipment Reserve Fund and shows the date and amount of each sum paid into the Equipment Reserve Fund, interest earned by the Equipment Reserve Fund, capital gains or losses resulting from the sale of investments of the Equipment Reserve Fund, the amount and date of each withdrawal from the Equipment Reserve Fund and the total assets of the Equipment Reserve Fund, showing cash balance and a schedule of investments, if any, and shall, at the end of each fiscal year, render to the East Clinton Fire District Board of Fire Commissioners a detailed report of the operation and condition of the Equipment Reserve Fund; and

IT IS HEREBY FURTHER RESOLVED, that except as otherwise provided by law, expenditures from the Equipment Reserve Fund shall be made only for the purposes for which the Equipment Reserve Fund is established. No expenditure shall be made from the Equipment Reserve Fund without the approval of the East Clinton Fire District Board of Fire Commissioners and such additional actions or proceedings as may be required by Section 6-g of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 7 of Section 6-g of the General Municipal Law; and.

IT IS HEREBY FURTHER RESOLVED that this resolution is adopted subject to the approval of the eligible voters residing within the East Clinton Fire District at the regular 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 OCTOBER 16, 2019, CREATING A TYPE OF CAPITAL RESERVE FUND TITLED AS “EAST CLINTON FIRE DISTRICT EQUIPMENT RESERVE FUND”, TO BE USED FOR THE FUTURE CAPITAL PURCHASES OF EQUIPMENT, APPARATUS AND MACHINERY NEEDED FOR THE EAST CLINTON FIRE DISTRICT”

BE ADOPTED?

We have a schedule set up which shows some of the replacement dates of some equipment and how much the replacement would be. It is the opinion of Mr. Passikoff that in any given year, 1/20th of the replacement value of the equipment should be put in reserve fund to prevent borrowing huge sums of money down the road to purchase new equipment.

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

Motion carried 5-0. The resolution was thereupon declared duly adopted.

- **Capital Improvement Reserve Fund** - This fund is in connection with the buildings for things such as reconstruction and renovation, not necessarily new buildings and is for buildings and land. Both are type instead of specific.

A motion was made by Chairman Forschler and seconded by Commissioner Calame to approve the following resolution with the minor verbiage changes, adding in the first It Is Hereby Further Resolved paragraph "Capital Improvements Reserve" before the word "fund" and changing Kevin Russell to Michael DiGiacomio:

WHEREAS; the Board of Fire Commissioners of the East Clinton Fire District has determined that it is prudent financial management to accumulate cash for future expenditures, to plan ahead and systematically save moneys for future capital improvements needed by the East Clinton Fire District; and

WHEREAS; the Board of Fire Commissioners of the East Clinton Fire District has determined that such prudent financial management can reduce or eliminate interest on borrowed funds and other costs associated with debt issuance and reduce the risk of sharp increases in the annual budget; and

WHEREAS; the Board of Fire Commissioners of the East Clinton Fire District has the ability to exercise such prudent financial management by establishing capital reserve funds pursuant to New York State General Municipal Law; and

WHEREAS; the Board of Fire Commissioners of the East Clinton Fire District has determined that it is in the best interests of the East Clinton Fire District to establish a Capital Improvements Reserve Fund for the future capital expenditures for Capital Improvements needed for the East Clinton Fire District.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that pursuant to Section 6-g of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "East Clinton Fire District Capital Improvements Reserve Fund" (herein after "Capital Improvements Reserve Fund"). The purpose of this Capital Improvements Reserve Fund is to accumulate moneys for capital expenditures in connection with the buildings and real property needed for the East Clinton Fire District; and

IT IS HEREBY FURTHER RESOLVED that the chief fiscal officer of the East Clinton Fire District is hereby directed to deposit and secure the moneys of this Capital Improvements Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Board of Fire Commissioners of the East Clinton Fire District may invest the moneys in the Capital Improvements Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the East Clinton Fire District. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Capital Improvements Reserve Fund. The chief fiscal officer shall account for the Capital Improvements Reserve Fund in a manner which maintains the separate identity of the Capital Improvements Reserve Fund and shows the date and amount of each sum paid into the Capital Improvements Reserve Fund, interest earned by the Capital Improvements

Reserve Fund, capital gains or losses resulting from the sale of investments of the Capital Improvements Reserve Fund, the amount and date of each withdrawal from the Capital Improvements Fund and the total assets of the Capital Improvements Reserve Fund, showing cash balance and a schedule of investments, if any, and shall, at the end of each fiscal year, render to the East Clinton Fire District Board of Fire Commissioners a detailed report of the operation and condition of the Capital Improvements Reserve Fund; and

IT IS HEREBY FURTHER RESOLVED, that except as otherwise provided by law, expenditures from the Capital Improvements Reserve Fund shall be made only for the purposes for which the Capital Improvements Reserve Fund is established. No expenditure shall be made from the Capital Improvements Reserve Fund without the approval of the East Clinton Fire District Board of Fire Commissioners and such additional actions or proceedings as may be required by Section 6-g of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 7 of Section 6-g of the General Municipal Law; and.

IT IS HEREBY FURTHER RESOLVED that this resolution is adopted subject to the approval of the eligible voters residing within the East Clinton Fire District at the regular 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 OCTOBER 16, 2019, CREATING A TYPE OF CAPITAL RESERVE FUND TITLED AS “EAST CLINTON FIRE DISTRICT CAPITAL IMPROVEMENTS RESERVE FUND”, TO BE USED FOR FUTURE CAPITAL EXPENDITURES IN CONNECTION WITH THE BUILDINGS AND REAL PROPERTY NEEDED FOR THE EAST CLINTON FIRE DISTRICT ”

BE ADOPTED?

This includes anything that is fixed to the building. Land could be fencing, mowing, driveway, etc. This is legitimizing a fund that already exists. Mr. MacLeod pointed out that this is not a fund necessarily to build new facility – it is a fund that can be used to improve and/or modify the facility or real property that the district has owned.

Chairman Forschler said if the board considers a new facility, we would undoubtedly have to borrow some money and the public has a say in whether that borrowing can take place. It is a mandatory referendum and the board can't borrow money without that process. The public would have a say in the consideration of a new facility.

Commissioner Calame said the public could demand that they have a say in any expenditure and that is not the way it is now. Chairman Forschler said we will communicate this in a mailing or two to the district voters.

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

Motion carried 5-0. The resolution was thereupon declared duly adopted.

- Notice of election – Mr. MacLeod said since the referendums are being done at the annual election, there can be five separate notices or one notice including the five points which are the commissioner and treasurer election and four referendums. The question is, how explicit do you want to be in the notice. The entire resolution does not have to be in the notice but that is not giving the public all the detail. If the board doesn't want to put the entire resolution in the notice, then the notice can say where the additional verbiage can be found. What is bolded in the resolutions is what will go on the ballot. Chairman Forschler suggested referring to where people can find the entire resolutions in the mailings and on the website. Commissioner Calame said he thinks we should take the reserve plan resolutions and the defined benefit and get one created for the defined contribution. After discussion, Mr. MacLeod said since it appears the board wants all five items in one notice, he will craft a notice of election. The notice of election would take the ballot language and list it as one, two, three, four, five items for consideration. A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to authorize Mr. MacLeod to craft a synopsis for five election notices in one notice to the consensus of the board. Commissioner Trzcinski suggested additional verbiage be added to the notice directing people to the full document set and Mr. MacLeod said he will add that in. Commissioner Weiland asked if the board needs to have a meeting to accept this document. Chairman Forschler said the notice will be subject to consensus; the consensus would be by email. The notice has to be sent to the paper by November 1. Mr. MacLeod needs to add the treasurer election to the notice.

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

Motion carried 5-0. Mr. MacLeod will send the updated resolutions and the notice by end of business on Friday. Mr. Simon is authorized to put the four resolutions on the website and will point the town website to our website.
- 44/55 waiver status – Mr. MacLeod said 60 days has passed since the notice was published in state register. He has not followed up as to when the district will get the letter granting the waiver status. He said he is not aware of any objections as the state would have set a hearing. Mr. MacLeod will follow through with this.
- Foil request – A FOIL request was received which was mistaken in its identity in district versus department. The minutes that were requested in the FOIL did not occur. The secretary sent a letter back stating the district did not have a meeting that night and a letter went to the town supervisor because the FOIL request was sent on town letterhead. A subsequent foil request was received for a copy of the letter to the supervisor which was sent.
- Garage doors – One of the garage doors was damaged when the door was an inch or two lower than the tanker being backed into the bay and the bottom two panels were

damaged. The reality is the tanker does not clear the opening by more than an inch and a half. The engine doesn't clear by much either. The treasurer cut a check for the emergency repair. The parts to permanently repair have not come in yet. The chief has asked us to look at the other doors also. That will take another payment other than the insurance payment for the final repair. A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to authorize Dutchess Overhead Doors to do the preventative maintenance on the other three doors. Preventative maintenance is much cheaper than repair.

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

Motion carried 5-0. Commissioner Trzcinski said included in the safety check should be a safety check on the kickbacks of the anti-crusher tubes as they may not be working properly or at all.

- Lions Club fundraiser – The Lions Club would like to use the building for their yearly fundraiser on October 19, 2019. We have physicals that morning but that won't interfere. A motion was made by Chairman Forschler and seconded by Commissioner Calame to allow the Lions Club to use the building for their October 19th fundraiser.

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

Motion carried 5-0.

- November 5th – Do we have coverage to get the building open and get the equipment out for the delivery of the voting machines? Commissioner Weiland said he is the contact for the machines. Chief Estes said although it will leave the equipment outside and exposed, we would put the utility, mini pumper and brush truck in the pavilion the night before with the keys in it. Commissioner Calame said we are not signing for the voting machines. Commissioner Weiland said all he is doing is opening the door on the day of the election. There was discussion about how the proper steps need to be taken to remove the firehouse from the designated list of polling places as it violates the security of the firehouse. Mr. MacLeod said the Board of Elections designates the list of polling places in March. When you receive that document, the district would object. He said in November, there is the monthly Fire Commissioners meeting and the Board of Elections will be in attendance. A district commissioner should be at the meeting. It would not be effective to object now as the firehouse has already been designated.
- 38-68 update – Is the district in balance with the insurance check? Mr. Simon said there is a zero balance. He called the insurance company and they called Matt's Auto Body and it's all adjusted and everything is covered by insurance. There was no drug test on the person responsible. Chairman Forschler said it still needs to be worked out with TEK how we would do midnight on a Saturday for drug testing.

- TEK – We have received communication from TEK about drug testing; the board wants random drug testing. Chairman Forschler said Lisa offered to test people randomly on the night of physicals and she offered to come down unannounced on certain drill nights to do random selection via computer. Commissioner Trzcinski said he is okay with TEK doing the testing but it needs to be random and unannounced. Chairman Forschler will talk to her about showing up at drills on a random basis. Mr. Macleod said it's smart to have someone outside the district doing the selection. Other districts have TEK show up at a drill and they randomly select someone and if that person is not there, they keep going. They don't always do it at a drill, they do it at a other district functions as well. Chairman Forschler will call Lisa and we will commence with that.
- Video system – (security system) The commissioners have access to the video system now, however, there should be cameras in this meeting room also. Mr. Simon will get a price on getting a camera installed in this room. Commissioner Trzcinski said there should be put a password on the system as that will secure the software and Chairman Forschler agreed. Mr. Simon will set up a password and will share it with the secretary so two people will have the password.
- Open house – The Rebillards have requested dates for an open house and a time at the town hall. The board agreed on December 7th for the open house from 11:00 to 1:00 at the town hall. Commissioner Weiland will arrange for the room at the town hall. After the November 5th election, the commissioners will go to the town recycling center on Saturday mornings to talk to the public.
- Insurance review – Commissioner Trzcinski said there is an alternative insurance group that does a lot of fire districts and the representative would like to meet with the board for about an hour and a half. This could be done at a special meeting. Insurance policies run out at the beginning of the year. The board decided to put it off until the December meeting.
- Town of Washington (TOW) status – Commissioner Trzcinski, Chairman Forschler and Chief Estes met with the TOW before the September meeting. At the meeting there some controversy about the list of properties so the district followed up with a detailed list of the covered properties. Mary Alex sent it back with some conflicts and Chief Estes sent the list back to her and since then, we have not heard anything. Commissioner Trzcinski said he received a communication from Mary Alex that the TOW board was concerned because, after looking at the ECFD budget, they saw zero money from the TOW which they interpreted as the ECFD wants nothing to do with a contract. Commissioner Trzcinski replied that our preference is annexation but at the right dollar amount, we will entertain a contract. It is being discussed tonight and Commissioner Trzcinski thinks they will counter but it will be low. He said some people think if they

went to Millbrook for coverage, they could get their ISO rating down to five. They also talked about putting hydrants into certain ponds but that doesn't work unless you can certify availability 365 days a year, 24/7. Chairman Forschler said if they are going to make a counter off, are we sticking to our guns?

A motion was made by Chairman Forschler and seconded by Commissioner Weiland to adjourn into executive session for the purpose of contract negotiations.

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

Motion carried 5-0.

A motion was made by Commissioner Calame and seconded by Chairman Forschler to return to public session.

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

Motion carried 5-0.

- Facilities needs committee – The committee is comprised of two people from each of the company, board and community. Commissioner DiGiacomio is serving but we need one more commissioner. Commissioner Weiland will serve until the end of the year.

Public Comment:

- Chief Estes asked the board to reconsider reinstating officer points for line officers and firematic officers. He believes it is a worthy program. Chairman Forschler said he would add to the November agenda.

A motion was made by Chairman Forschler and seconded by Commissioner Calame to adjourn the meeting at 10:00 p.m. The next regular meeting of the Board of Commissioners will be held on Wednesday, November 13, 2019 at 7:30 p.m.

Respectfully submitted,

Karen Buechele, Secretary
East Clinton Fire District