

**EAST CLINTON FIRE DISTRICT**

February 15, 2023

**COMMISSIONERS MEETING – FINAL**

Regular Meeting 7:00

**COMMISSIONERS IN ATTENDANCE:**

Stephen Forschler, Chairman  
Michael DiGiacomio  
Kevin Fierro  
Howard Shapiro  
Russell Tompkins

**COMMISSIONERS ABSENT:****ALSO IN ATTENDANCE:**

Robert Simon, Treasurer  
Roderick MacLeod, Attorney, arrived at 8:10 p.m.

Chairman Forschler called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

**CORRESPONDENCE:**

- RBC Prospectus – To Commissioner Shapiro
- RBC Portfolio Review from 12/31/2022 through 01/09/2023 – Commissioners copied.
- RBC 2022 Annual Statement – Commissioners copied.
- RBC Statement January 1, 2023 through January 31, 2023 – Commissioners copied.
- RBC Trusted Contact email address - Chairman Forschler read the letter and gave to Commissioner Shapiro.
- NYS Association of Fire Chiefs Department Membership confirmation
- Stanford Fire Company dated January 15, 2023 – Thank you letter for Ukraine donations.
- Town of Washington ZBA Notice of Public Hearing February 21, 2023
- GASB73 Disclosure Package - Commissioners copied.
- All State Vehicle and Property Insurance Quote - \$905 a year for home – Chairman Forschler read – the district has insurance.

**MINUTES:**

A motion was made by Commissioner Shapiro and seconded by Commissioner Fierro to approve the re-organizational meeting minutes of January 11, 2023 as presented.

Commissioner Fierro	Aye	Commissioner DiGiacomio	Aye
Commissioner Tompkins	Aye	Chairman Forschler	Aye
Commissioner Shapiro	Aye		

Motion carried 5-0.

A motion was made by Commissioner Fierro and seconded by Commissioner Tompkins to approve the regular meeting minutes of January 11, 2023 as presented.

Commissioner DiGiacomio	Aye	Commissioner Fierro	Aye
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Commissioner Shapiro	Aye	Chairman Forschler	Aye
Commissioner Tompkins	Aye		

Motion carried 5-0.

# **FINANCIALS:**

A motion was made by Commissioner DiGiacomio and seconded by Commissioner Tompkins to pay the bills per the abstract dated January 31, 2023.

Commissioner Shapiro	Aye	Commissioner DiGiacomio	Aye
Commissioner Tompkins	Aye	Chairman Forschler	Aye
Commissioner Fierro	Aye		

Motion carried 5-0.

A motion was made by Chairman Forschler and seconded by Commissioner Tompkins to accept the bank statement for the period ending on January 31, 2023 and in agreement with that noted on the balance sheet as put forward by Mr. Simon and Mr. Passikoff.

Commissioner Tompkins	Aye	Commissioner DiGiacomio	Aye
Commissioner Fierro	Aye	Chairman Forschler	Aye
Commissioner Shapiro	Aye		

Motion carried 5-0.

AUD – The AUD is due on February 28<sup>th</sup> or an extension is needed. Mr. Simon said Mr. Passikoff always does an extension.

Audit - Mr. Simon has started preparing for the audit by making copies of materials needed and will start submitted materials next week to RBT. He will contact RBT tomorrow.

Chairman Forschler said the board will need to make the motion modifying the budget so everything balances and to consider what to do with the surplus at the March meeting. Mr. Simon said he will meet with Mr. Passikoff on that.

# **DEPARTMENT:**

Car 1 Don Estes      Monthly Calls: 8      Year to Date: 8

- The drill topic this month was cold water rescue. We had the daytime drill yesterday which worked out well. We certified a couple of new members in the use of immersion suits and brought students to watch.
- Chief Estes, Tim Bathrick and David VanLeuven completed the Confined Space Awareness class and Chris Gammone and Heather Fitzpatrick completed the Structure Fire class.
- Driver recertifications are going extremely well. All drivers have to certify on 68 because that has the immersion suits.
- The members were reminded to come to the station on Monday night for training.

- New cascade bottles are in
- During preparations for the fish fry, Jim Bathrick cleaned up 38.
- The compressor is fixed on 38.
- 71 has been serviced. They asked to have the balancing on the front wheels checked as its bouncing around.
- Calgas was in to calibrate the meters.
- Members has been advised to prepare for an early grass fire season as they are already popping up.
- The siren is not working – A1 will determine what repairs are needed.
- Gordon completed the semi-annual inspection on all fire extinguishers today.

Car 2 – Jim Bathrick – Not present.

Car 3 – Chris Gammone – Not present.

EMS Susan deHaan Monthly Calls: 10 Year To Date: 10

- We had a slow January, but February is picking up.
- 71 got an oil change. There is some bubbling around the rear wheel well. Chris Gammone will take it to Matts and get an estimate. It's not rust, its oxidation.
- Oxygen tanks - Airgas swapped out the expired cylinders.
- We have two new members starting EMT class on February 27 at NDP. They will finish in June. We will start orientation after tonight.
- Ms. deHaan and Mr. Simon have been appointed to the Town's Rec Committee. They will be starting hands on CPR training once a month, Saturdays, from 9 to 12 at the firehouse. There will be no cost to residents. The sponsors are the East Clinton Fire District, Clinton Volunteer Fire Department and the Town of Clinton Rec Committee. The Town is handling the registration. So far, over 30 people have signed up. The class will be capped at 15 people. They also plan to have an AED out on Saturday.
- Ms. deHaan will become a trainer for Narcan training so the Dept. of Health will not have to come and do the training.

Fire Police Jim Ruffell Sr. was present but had no updates.

Company – Maryann Thompsett, President

- Ms. Thompsett distributed invitations to the inspection dinner.
- The fish fry starts on February 24<sup>th</sup>.
- Ms. Thompsett distributed a letter regarding Zacharias Shapiro. She said the company is in the process of going over policies to make sure they don't overlap with district policies. In doing so, Ms. Thompsett saw the policy on resignations which prompted her to write the letter for Mr. Shapiro. Chairman Forschler said the district policy takes precedence over the company policy.

- She asked if a date had been set yet for the vehicle inspection prior to the dinner which is May 6<sup>th</sup>. The board agreed to April 22<sup>nd</sup> at 9:00 a.m. for the vehicle inspection.

#### Membership –

- Joseph Horesky lives on Jameson Hill Road. He cleared the background check and had his physical. He is enrolled in the upcoming EMT Class at NDP.

A motion was made by Chairman Forschler and seconded by Commissioner Fierro to accept Joseph Horesky into full and active membership. Both Chief Estes and Ms. deHann have recommended him.

Commissioner Tompkins	Aye	Commissioner DiGiacomio	Aye
Commissioner Fierro	Aye	Chairman Forschler	Aye
Commissioner Shapiro	Aye		

Motion carried 5-0.

- Zak Shapiro lives on Heritage Drive and is a former member who resigned for a brief period of time. He cleared the background check and had his physical.  
A motion was made by Chairman Forschler and seconded by Commissioner Tompkins to accept Zacharias Shapiro into full and active membership. Commissioner Shapiro motioned that the board adjourn to executive session to discuss the employment history of certain volunteer members and for legal counsel to advise on the process concerning potential liability to the district. There was no second at this time. The board will come back to this.

- Sean Carroll lives on Jameson Hill Road and has passed the background check and had his physical. He comes highly recommended by Chief Estes and Ms. deHaan.  
A motion was made by Chairman Forschler and seconded by Commissioner Tompkins to accept Sean Carroll into active membership.

Commissioner Shapiro	Aye	Commissioner Fierro	Aye
Commissioner Tompkins	Aye	Chairman Forschler	Aye
Commissioner DiGiacomio	Aye		

Motion carried 5-0.

LOSAP – A motion was made by Chairman Forschler and seconded by Commissioner Shapiro that Chairman Forschler be authorized to sign both the defined contribution and defined benefit 2022 Sponsor Authorization Forms. Chairman Forschler read the authorization statement.

Commissioner Tompkins	Aye	Commissioner Fierro	Aye
Commissioner Shapiro	Aye	Chairman Forschler	Aye
Commissioner DiGiacomio	Aye		

Motion carried 5-0.

Town of Washington – Commissioner Shapiro has contacted Councilmember Leslie Heaney and they had a discussion on the merits of the ECFD absorbing certain properties in the Town of Washington. Councilmember Heaney advised that it may be beneficial at this point to meet with the Town of Washington Supervisor. Commissioner Shapiro suggested that he and Chief Estes meet with the supervisor. Chief Estes and the board members agreed on this meeting in the spirit of gathering information. Commissioner Shapiro said Councilmember Heaney did mention a contract. Chairman Forschler said we have no intent to have a contract. Our intent is to annex the Jameson Hill portion of the Town of Washington into our district to make them eligible to receive our ambulance services and first alarm fire services and participate in voting and as commissioners. Commissioner Shapiro said that is why Councilmember Heaney suggested meeting with the town supervisor. Chief Estes reiterated that he has spoken to many of the residents and most were unaware that they are protected by the Village of Millbrook. Ms. deHaan said she discussed with the Town of Clinton Town Clerk who said that both she and the town supervisor were unaware that these properties on Jameson Hill were not part of the ECFD protection district. Chief Estes said for every fire alarm, we are automatically dispatched anyway so we are doing it for nothing. Chairman Forschler said but no ambulance service.

Cornerstone – The public hearing with the town board was last night. Commissioner Fierro was there and said Eliot Werner voted no but all other board members voted yes. Commissioner Tompkins said it was a spirited discussion talking about spot zoning which is illegal and creates a bigger problem. The town and the town attorney think this is a way to have a handle on Cornerstone. The Planning Board now has the ability to make some decisions. There were good points from both sides. This will allow Cornerstone to apply for a special use permit to increase their population to 99. Mr. Werner said there is a cap on that number unless they go to the ZBA and ask for an increase. Chairman Forschler said the bottom line is Cornerstone is taxing the EMS system in the Town of Clinton. The question is can the Planning Board require them to contract with a private ambulance service and can that be enforced? The current population is in the 90's. Cornerstone has been approved by the state for up to 99 residents. Ms. deHaan said after the meeting, the VP approached her and gave her his card and asked what they can do for us but Cornerstone is in West Clinton's District.

Notice of Public Hearing from Town of Washington – Upton Lake School is looking for a variance. Chief Estes said it is a non-issue. They are proposing a two story building and the highest point won't be higher than the chapel and it's not in our district. The dry hydrant is in our district. The line goes through the pond.

38-63 1987 Ford Mini Pumper – Chief Estes has finally agreed that the mini pumper is at the end of its useful life. We will pursue declaring it as salvage so we can sell it and start pricing out a new vehicle. Chief Estes said he is considering a pickup truck, single cab, at state bid with an eight foot bed which would be able to incorporate needed materials for hazmat spills. It would

be used for flooded basements and the secondary for hazmat. At that point, we could do away with the trailer but would like to keep it for storage. We won't lose water capacity as we would configure a front bumper which would hold a 500 gpm pump that we would utilize for additional off road water source. The truck would not carry water, but we could go off road to provide additional water supply with that configuration. We would be looking at a higher back than a regular cab and we would put in all the equipment needed for overhaul, hazmat and pump details ourselves. This would replace the mini pumper and also the need to hook up a trailer. Does the board have any objections to Chief Estes exploring this? Chief Estes said the information on state bid will be back in March so we can consider the financial options. Chairman Forschler said he would be inclined to sell the trailer instead of use it for storage. Chief Estes said our storage is extremely lacking. The materials in the trailer should not be left out in the elements. Chief Estes said that the Ford would go out for bid for surplus and he things \$8,000 to \$10,000 max. No board members objected to the research. This will be on the March agenda.

Exec Session – A motion was made by Commissioner Shapiro and seconded by Commissioner Tompkins that the board adjourn to executive session at 7:52 p.m. to discuss the employment history of certain volunteer members and for legal counsel to advise on the process concerning potential liability to the district.

Commissioner DiGiacomo	Aye	Commissioner Fierro	Aye
Commissioner Shapiro	Aye	Chairman Forschler	Aye
Commissioner Tompkins	Aye		

Motion carried 5-0.

Mr. MacLeod arrived at 8:10 and joined the executive session.

A motion was made by Chairman Forschler and seconded by Commissioner Tompkins to return to regular session at 8:41 p.m.

Commissioner DiGiacomo	Aye	Commissioner Fierro	Aye
Commissioner Shapiro	Aye	Chairman Forschler	Aye
Commissioner Tompkins	Aye		

Motion carried 5-0.

A motion was made by Chairman Forschler and seconded by Commissioner Tompkins to reinstate Zacharias Shapiro into active membership with no probationary period as stated in the letter from the company.

Commissioner DiGiacomo	Aye	Commissioner Fierro	Aye
Commissioner Shapiro	Abstain	Chairman Forschler	Aye
Commissioner Tompkins	Aye		

Motion carried 4-0-1.

10% Tax Exemption – Mr. MacLeod said if the board wants to adopt the 10% rule, you need to do a public hearing then make a resolution adopting the exemption. There are three decisions to be made. The first is will you require two, three, four, or five years of service prior to qualification. The county has adopted three years and almost everyone else is adopting two years. The second decision is if a firefighter dies in the line of duty and has five years of service, do you want to grant his/her un-remarried spouse a lifetime exemption, and the third is if a firefighter who has served 20 years passes away, do you want to grant his/her un-remarried spouse the exemption for their lifetime or until he/she remarries. The public hearing will have to include the different options and the hearing can be part of a regular meeting. The board agreed on three years of service to qualify, the unmarried spouse should continue to get the exemption if the firefighter dies in the line of duty after five years of service, and the unmarried spouse should continue to get the exemption if a 20 year active member dies while he/she is an active firefighter but not in the line of duty. The hearing would be at the March 15<sup>th</sup> meeting and would require a public notice which Mr. MacLeod will send to the secretary. Mr. MacLeod said the firefighter must volunteer in the district in which he/she lives to qualify. The county, school district, town and fire district all have to adopt the exemption for their own portion of the tax bill. The county did it already. Commissioner Shapiro said Millbrook CSD will be adopting the exemption but they are considering what percentage. Millbrook also brought up how will fire districts keep track of who is active. In some places, it is the chief who signs off on who is active. Commissioner Shapiro suggested the board of commissioners be responsible for signing off.

Mr. MacLeod said the statute states it is the board who is responsible. The issue is the wording in the statute is enrolled member of the fire company. It does not refer to active firefighter or active ambulance workers. It is enrolled members. If you are an enrolled member of the company, you qualify for the exemption. It is the district board that certifies the enrolled members. If you only certify active members, a social member can challenge that stating he/she is an enrolled member so qualifies for the exemption. What does an enrolled member mean - should a social member get the benefit? They don't go to fires, but they may run the fundraisers and support the fire department so maybe a social member should be qualified. But a social member who only shows up when its time to eat, maybe not. If you are not going to include everybody, you would have to define a certified enrolled member is a member who meets active member requirements.

Chairman Forschler asked what If we decide not to pursue this at this time but revisit and adopt when the law becomes clearer at a later date. Is there a window of time to adopt this law? Mr. MacLeod said there is no sunset rule. Chairman Forschler polled the board as a result of this new information. Commissioner Tompkins is neutral, Commissioner Fierro agrees with holding off since there is no time limit, Commissioner Shapiro said hold off, Commissioner DiGiacomio said hold off as we are not mandated to do this now, and Chairman Forschler said hold off. Mr. MacLeod said holding off does not act against the exemption because the big player in the

game is the school board. The savings from the fire district, the town and county may not add up to \$200 which is the value of the current exemption. You should wait to see what the school districts do. You are only voting on the fire tax portion. The county has passed it, the town has not yet passed it. Mr. Werner will find out if the town is considering it.

**New business:**

- Chairman Forschler reiterated that the budget for the annual dinner is up to \$8,000 not including alcohol.

**Old business:**

- Commissioner Fierro will ask Keith Scofield from Liscum, McCormack and VanVoorhis to attend the March board meeting for discussions on moving the referendum forward.

**Public Comment:**      None

**Adjourn:**

A motion was made by Commissioner DiGiacomio and seconded by Chairman Forschler to adjourn the meeting at 9:04 p.m.

The next meeting of the Board of Commissioners will be held on Wednesday, March 15, 2023 at 7:00 p.m. at the firehouse.

Respectfully submitted,

Karen Buechele, Secretary  
East Clinton Fire District