

**EAST CLINTON FIRE DISTRICT**

July 15, 2020

**COMMISSIONERS MEETING – FINAL**

Regular Meeting 7:00

**COMMISSIONERS IN ATTENDANCE:**

Stephen Forschler, Chairman  
Michael DiGiacomio  
Russell Tompkins  
Robert Trzcinski

**COMMISSIONERS ABSENT:**

Kevin Fierro

**ALSO IN ATTENDANCE:**

Robert Simon, Treasurer  
Jim Passikoff, signed off at 7:35 p.m.  
Roderick MacLeod, Attorney for the Board, arrived at 7:00 p.m.

Chairman Forschler called the Zoom meeting to order at 7:00 p.m. and explained to the public the process of reviewing the Vouchers and Financials.

**CORRESPONDENCE:**

- A thank you note from the Upton Lake Christian School with a \$100 check made out to the district. Chairman Forschler read the thank you card. The check will go to Mr. Simon to make a check out to the department.
- From RBC – Portfolio Review for period ending June 30, 2020 – Commissioners copied
- Two statements from Wilmington Trust – one for the period of 6/1/18 through 5/31/2020 and one for the period of 6/1/18 through 6/30/2020 – Commissioners copied
- From RBC – account statement for June 1, 2020 through June 30, 2020 with various attachments – Commissioners copied
- From LaGrange Professional Firefighters Local 3813 – Second annual sporting clay shoot on Sunday, September 27, 2020 – Will go to the company.
- From ShelterPoint dated June 26, 2020 – Benefit posting – The district secretary, treasurer and cleaner need to get a copy of the coverage.
- From AIG – Notice to NY Policyholders – to Commissioner Trzcinski.

**MINUTES:**

A motion was made by Commissioner Tompkins and seconded by Commissioner Trzcinski to accept the June 10, 2020 regular meeting minutes as amended.

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|------------------------|-----|-------------------------|-----|
| Commissioner Trzcinski | Aye | Commissioner DiGiacomio | Aye |
| Commissioner Tompkins  | Aye | Chairman Forschler      | Aye |

Motion carried 4-0.

**FINANCIALS:**

Mr. Simon notified the commissioners of four more bills that need to be paid and forwarded a new abstract tonight as follows: check no. 3049 in the amount of \$52.92 for the Zoom meeting for July, check no. 3050 in the amount of \$343.20 to Ice Mahn for the six month service, check number 3051 in the amount of \$505.72 to Airgas for the rental of the high pressure rescue cylinders and oxygen cylinders for the rescue squad, and check number 3052 in the amount of \$4,500 to RBT. Mr. Passikoff advised holding off on paying RBT until the board receives the independent audit. In discussion regarding the Airgas bill, Chief Estes said the bill looks legitimate.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to pay the bills per the updated abstract dated June 30, 2020 with the exception of check number 3052 to RBT until we receive the audit. Commissioner Trzcinski asked how often does the district pay that much for the Airgas bill. Chairman Forschler said we have the annual rentals of the six M size cylinders, 20 D size cylinders, the air cylinders for Cascade, the filling of all bottles, and the testing of cylinders but he does not remember seeing a bill at this level previously. Commissioner Trzcinski said it's not a problem, he just wants to know how often to expect a bill of this size.

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|-------------------------|-----|-----------------------|-----|
| Commissioner DiGiacomio | Aye | Commissioner Tompkins | Aye |
| Commissioner Trzcinski  | Aye | Chairman Forschler    | Aye |

Motion carried 4-0.

A motion was made by Commissioner Trzcinski and seconded by Chairman Forschler to accept the bank statement for the period ending on June 30, 2020 and in agreement with that noted on the balance sheet as put forward by Mr. Passikoff with no exceptions.

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|-------------------------|-----|------------------------|-----|
| Commissioner DiGiacomio | Aye | Commissioner Trzcinski | Aye |
| Commissioner Tompkins   | Aye | Chairman Forschler     | Aye |

Motion carried 4-0.

**Independent audit** – Chairman Forschler said we all received a draft of the audit which shows that some issues need to be corrected. We overspent two years ago on an equipment purchase for the brush truck in the amount of \$644. That \$644 needs to be moved from the general fund and put back into the equipment purchase fund. We neglected last year to repay, as we are required to do, 50% of the money we spent on the boiler or generator which is \$9,000. That amount needs to go from the general fund to the equipment repair fund. Mr. Passikoff said he thinks that was paid back in 2018 with the 2019 money going to the repair reserve fund and he said he would look into that. Mr. Passikoff gave an overview of the draft audit findings. All the commissioners were sent a draft audit and the management letter. 1. Bank Reconciliations – The December 2019 checking account bank reconciliation and amount recorded in the trial balance were incorrect. Mr. Passikoff said for the end of year reconciliation, all bills for December are put in a pile and all January bills are put in a pile. After the meeting in January and February, a bill came in and a check was written for December and the January 31<sup>st</sup> report did not include that bill. When we did the audit, he compared the December bank

reconciliation against trial balance and noticed the difference. At the end of February everything cleared its way out. RBT didn't want to put it in as a reconciling item and never told us so Mr. Passikoff is trying to discuss it with them. He said this will happen and there is not much you can do to stop it. We are hung up on getting all the expenses into the past year due to the 2% rule. 2. Amount of Expenditure – Fixed assets of the district is a memo item on the audit and they are on the financial statements. When you purchase something, it stays in the general fund until the end of the year and then gets moved to fixed assets. 99% of the time the only items going into fixed assets is buildings and trucks. In the last year, two items went in, one carried over from one year to next and the other one had a trade in and the auditors they didn't like the way Mr. Passikoff treated the trade in. That has been straightened out and the fixed assets list has been changed and his list and auditors list agree. 3. AFR report – the schedule in the AFT report shows total cash and collateral and another page shows the bank reconciliations. Mr. Passikoff has always put in the general ledger the amount of the cash balance and does both with the bank balance and outstanding checks – it makes more sense to put one number in and he does it by bank, not individual accounts. There was one line item in the Bank of Millbrook. There was more than enough collateral to cover the outstanding checks - per bank, you get \$250,000 of FDI insurance for checking and savings accounts - all savings and all checking. Anything else has to be collateralized. The checking account balance is always less than \$100,000. The savings accounts are over but you are only getting \$250,000. The reserve or savings funds are put together. As far as units on the energy schedule, units are not available at the district. It would be a lot of extra work for the treasurer to get that information and it's too small to worry about. That means you paid \$1000 to \$1500 for gasoline - they want to know the units that you bought. You can tell by the amounts paid that there is not a lot of excess usage of units of measure for the products. As far as interfund transfers, this is the \$644 we talked about. As for the fund balance, Mr. Passikoff does not think the auditors read the minutes. There was a major discussion about fund balance. When we came into this year in January 2020 when we moved excess money, we saw how much cash we needed for January and February and we moved whatever was there beyond that. We kept enough for January and February so when we hit 2021 we'll have enough cash to pay the bills. When you did the 2018 money, you looked at additional money for LOSAP and that's what you took out. They never saw the discussion for fund balance. The state is talking about a 10% fund balance for the general fund. With your budget, you can't have \$50,000 and get through January and February. Lastly, the audit has to be sent in to the comptroller's office when it is finished. We get it in pdf form so we can send it in. Mr. Passikoff is in discussion with them and we are waiting for final report. Mr. Passikoff said in reality, you overspent the permissive referendum which is a no no but when the assets go from year to year, this can happen. Mr. Passikoff said he usually does not transfer money until after a project is completed. You transfer as it is being spent. He would wait until everything that was covered by the permissive referendum was done to transfer it.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to move \$644 from the general fund to the equipment purchase fund to correct the findings of the auditors relative to an over expenditure of the equipment purchase fund for the brush truck.

Commissioner DiGiacomio     Aye

Commissioner Trzcinski     Aye

Commissioner Tompkins     Aye                      Chairman Forschler     Aye  
Motion carried 4-0.

Mr. Passikoff should have the final report for the August meeting. Mr. MacLeod is in agreement with everything Mr. Passikoff said.

**FIRE POLICE:**     Tim Odell – Not present.

**DEPARTMENT:**

Car 1 – Chief Don Estes –    Monthly Calls:    8            Year to Date: 49

- Eight more calls for July have come in. We are doing a good call volume and perfect response for this point in the year.
- Bail out is completed except for one interior member who has been informed he is not interior until he does the bail out.
- The bridge in Salt Point is open. We will do pump training as soon as we can on the dry hydrant.
- The paper on the brush truck was left in the box for Commissioner Trzcinski.
- They had a jaws demonstration as part of EMS trying out different equipment for vendors.
- The forestry gear is in and has been issued to almost all members with instructions as to when we can wear it. This will save on heat injuries and save wear and tear on regular gear.
- The Monday night training is going extremely well. We do rig checks on one Monday night and use the other Mondays for training. Drill attendance is excellent. The chief staff agrees as far as LOSAP points, there is no reason why people can't earn them. Regardless of LOSAP, you still need drills and OSHA requirements. We are doing training with proper distancing and smaller groups. Most members have already fulfilled drill requirements. We are on board and going forward well.
- Commissioner Trzcinski said regarding the brush truck, the insurance company is asking for the weight of the right side differential when fully loaded.

Car 2 – Jim Bathrick – Not present.

Car 3 – Assistant Chief Kevin Russell

- He doesn't know how we can get that weight. The scale we go to can't do from side to side. The state police has the only scale that can do one wheel at a time. If the truck was overloaded on one side or the other, it would not sit level. It is an F350. Chairman Forschler said we should call the state police to see if they can help us get that information. Commissioner Tompkins suggested asking for

the traffic section. Commissioner Tompkins, Chief Estes and Assistant Chief Russell will work together to get this accomplished. Mr. MacLeod said the Unionvale fire chief is a state trooper – he may be able to help.

- Chairman Forschler asked Chief Estes about the probability of getting the grant on the forestry gear. Chief Estes said the grant was submitted on time so we should get it.
- All vehicles have been inspected except for car 7
- Maintenance has been done for the year.
- 3868 generator problems have been solved. One of the plugs on the board wasn't right. It has been run for 12 hours with no problem.
- The hose test will be July 30<sup>th</sup>.
- Chairman Forschler thanked Mr. Russell for doing an excellent job keeping the vehicles in shape.
- Commissioner Trzcinski asked if they checked for a possible propane leak or outgassing on the generator. Mr. Russell said he did not know there was a problem with that. Commissioner Trzcinski said he talked to them about it. Mr. Russell said they told him everything was a-ok with the generator.

**SUPPORT:** Not present.

**EMS** - Susan deHaan            Monthly Calls: 9    Year to Date: 50

- We have had various calls but no COVID so there hasn't been any exposure to anyone. We made all the calls this month.
- Mr. Simon and Ms. deHaan held a training for the use of narcan and she was able to get new narcan for the members and they turned their old ones in.
- We are doing additional training for the new equipment we purchased which is a pediatric transport that goes right on stretcher.
- The electronic PCR's are up and running. We went active July 1<sup>st</sup>.
- They came in under budget with the tablets – there is one in the ambulance and one on 38-7.
- We went with a wifi system on Verizon so don't have data costs so are saving the district money on the monthly Verizon bill.
- We are still waiting for approval to start teaching CPR classes again due to COVID.

**SAFETY** – Chairman Forschler

- There was no meeting in May or June. August is the next regularly scheduled meeting. We will make that happen and get the zone inspections done.

**Defined Contribution Plan** – The new LOSAP plan commenced January 1<sup>st</sup>. The filing has been done and everything is good. Mr. MacLeod concurred.

**Cancer Insurance** – Mr. MacLeod sent a communication to the board. The original cancer bill required a firefighter to have had a physical showing no evidence of cancer before they started firefighting services. Most people back in the 70's didn't have a physical when they joined so that was one of the larger problems with the bill. That has been changed . A firefighter can have had a physical at any time. If the physical didn't show cancer and the interior firefighter has served for five years, he would be covered. They moved the date of the physical from before you joined to any time you are in service provided you have five years in service. Chairman Forschler said we added to our cancer insurance rolls any current active who had been an interior firefighter. Now the question is, after someone leaves fire service or is no longer an active member, how long do we have to carry their cancer insurance. Mr. MacLeod said five years. Commissioner Trzcinski said we need an additional column on the active member roster that shows the five year countdown. Shelby Traver was an interior - has she been out for five years? Mr. Tompkins asked if she had been an active interior for five years. Chief Estes said Shelby did not have five years. Commissioner Trzcinski asked about Matt Estes and said we need dates on both individuals showing when they left and how long they were active interiors. Chief Estes said Matt Estes was an active interior for a good 10 years and Shelby was an active interior for three. Commissioner Trzcinski said Matt Estes is out on medical leave. How does that affect him? He hasn't left the district or the company and he's on the books and has all the proper letters. Is Matt on leave as an interior firefighter? Chief Estes said yes. Mr. MacLeod said then he has to be covered. If you serve five years as an interior then go to support, the five years does not start until you have left the department. Chairman Forschler asked Chief Estes if there is anyone that has left the department in the last five years that would need to be covered? Chief Estes said he will take a look and see but Ed Olson also has to do that look back. Chairman Forschler will email Ed. Commissioner Trzcinski said the district just received a set of papers to be signed to invoke this insurance. There are 10 slots unnamed. We need to know the names and dates. Chairman Forschler said the people on the list are active now that served as interior firefighters. He will include in the email to Ed that we need to see the name and date list.

**Active Member Roster** – Chairman Forschler said the AMR should be amended to include some additional information. We should add a column showing the five year countdown for the interior firefighters and a column showing if the member is Tier One or Tier Two. Also, the actuarial calculation on LOSAP is a function on people that Penflex has on their roster. If we have people who have not been active for a year or two, we need to notify Penflex to remove them because the actuarial calculation will increase. We need to know when we can take them off the LOSAP list. Commissioner Trzcinski said that is three years.

**West Clinton Agreement** - Chairman Forschler said West Clinton has agreed to meet with two commissioners from East Clinton. We discussed this at the last meeting and all agreed it should

be Chairman Forschler and Commissioner Trzcinski. Chairman Forschler will set up a meeting and will request it to be a Zoom meeting.

**TEK Contract** – Chairman Forschler forwarded Mr. MacLeod a generic contract to start with. Mr. MacLeod said the contract is pretty good but specific information needs to be added such as whether we want a doctor or a PA and for what situations. If you don't care, no additional changes need to be made. If you want to insist on a doctor, that should be included in the contract which will impact the price. Also, we want TEK to know when someone is in front of them what that person is expected to do. That person has to state what they are and what they are expected to do. Chairman Forschler referred to the document dated 9/21/19 which was discussed at the October meeting which is a list of physical requirements that we discussed to preempt the list on pages 81 to 85 in the published policy. Commissioner Trzcinski said we did not remove the severe requirements in the current policy – there was no resolution to add the 9/21/19 document to the policy manual. Mr. MacLeod said if this is the list you want to use, that's fine but whichever list, we need to provide this to TEK. It is up to the firefighter to disclose what classification they are, interior, exterior, scene support, etc. Mr. Tompkins said he has never seen the 9/21 list before now. Commissioner Trzcinski said we always knew that the policy was boiler plate that previous folks incorporated and we need to pull it out of the book. Chairman Forschler suggested having Mr. MacLeod make the necessary tweaks to the contract and we can review and potentially sign in August. Do we want a doctor or are we content with a PA? If we want a doctor, the price will probably go up. The current policy did state a doctor would do a return to duty physical but we can differentiate that. Commissioner Trzcinski deferred to Chairman Forschler who said he likes the idea of a physician for a return to duty physical and if there is any ambiguity, go to a physician. Chairman Forschler said his daughter is a PA so he is biased. They do work under the direction of a physician. TEK has a consulting physician. He said he is comfortable with the run of the mill stuff being handled by a PA but thinks a return to duty physical should be run by a physician. Commissioner Tompkins said he has been going to PA in lieu of a doctor for several years and has found them to be more thorough than doctors. He is good for a doctor for a return to duty physical but feels a PA is good for the yearly physicals. Commissioner DiGiacomio agrees with that. Commissioner Trzcinski agreed with a physician for a return to duty physical. Mr. MacLeod said the board is in agreement then to go the way of a PA doing the physicals and a physician doing the return to duty physicals. Now we need to tell TEK what we expect the firefighter to do within his classification. Commissioner Trzcinski wants to use the 9/21/19 document stating the policy is way too aggressive. Commissioner Tompkins thinks the scene support in the policy book is excessive. He thinks the 9/21 document makes much more sense and is scaled down from the policy book.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that the physical requirements on pages 81 through 85 in the policy book be replaced with this document dated 9/21/19 with the intention of including this document as the requirements for

the TEK contract. Commissioner Trzcinski said Chief Estes has to see this before the board passes anything. Chief Estes reviewed the 9/21 document and said support members will not climb ladders - they are not trained to climb ladders and he would be liable if someone falls off the ladders. Commissioner Trzcinski referred to Tim McCormack's letter requiring support to rack hose and said you need a ladder to rack hose. Chief Estes said you do not need a ladder to rack hose – people are on the bottom and people are on the top of the apparatus racking the hose. Chief Estes said we rack hose when we put it up on the drier after we wash it not just on top of the apparatus. Commissioner Tompkins said the younger guys go up on the apparatus. Commissioner Trzcinski said he is good with that then. Chairman Forschler revised the motion to remove the term “or ladders” in the support description and Commissioner Trzcinski agreed with the change.

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|-------------------------|-----|-----------------------|-----|
| Commissioner Trzcinski  | Aye | Commissioner Tompkins | Aye |
| Commissioner DiGiacomio | Aye | Chairman Forschler    | Aye |

Motion carried 4-0. Chairman Forschler will email Mr. MacLeod the physical requirements in the 9/21/19 document.

**Physical Ability Policy** – Mr. MacLeod emailed the policy to all the board members prior to the meeting. Chairman Forschler said operator should be changed to driver/operator and exterior and scene support needs to be separated. Commissioner Trzcinski asked what the phrase “chief shall report status to district” means. Chairman Forschler said the implication is the full board and Mr. MacLeod said yes, at a board meeting in executive session. Commissioner Trzcinski, referring to paragraph 7, said sometimes the chief needs real time support. Mr. MacLeod said there shouldn't be a reason why the chief would need an immediate answer. If he needs board approval, it would come to a board meeting. Commissioner Trzcinski said add in paragraph 7 “pass a physical examination by a physician.” Commissioner Trzcinski, referring to paragraph 9, asked why the board would need a full report of the exam, why not just a yay or nay. Mr. MacLeod said that is what the report is – a yay or nay. The chief may need to know other information. Chief Estes cautioned to watch HIPPA. Mr. MacLeod said the tasks listed will change to the tasks in the 9/21/19 document. He will change drivers to Driver/Operator and separate exterior and scene support.

A motion was made by Chairman Forschler and seconded by Commissioner Tompkins to adopt this new physical ability policy with the changes stated to replace the policy currently in the book with the 9/21/19 document as approved for the TEK contract:

1. This Physical Ability Policy shall apply to all Active Members. Active Members shall be classified as follows:

- A. Interior Firefighter
- B. Exterior Firefighter
- C. Scene Support
- D. EMT/EMS

- E. Driver/Operator
- F. Fire Police

All Active Members must meet the physical requirements of their classification, as set forth below.

2. All candidates for Active Membership shall submit to, and successfully pass, a physical examination for the candidate's classification, prior to the District's consideration of the candidate's Application for Active Membership. Pursuant to Town Law Section 176-b, The Board shall not be obligated to consider a candidate's application until, among other items, the receipt of the candidate's physical examination report.
3. Active Members shall perform duties only in their respective classifications.
4. The District shall maintain a list of classifications and the tasks need to be performed for each classification. All Active Members must be physically and mentally capable to perform all tasks of the classification to which the Active Member aspires.
5. An Active Member's classification may be reviewed and changed by the District at any time. The District shall review each Active Member's classification at least annually. The District shall notify the Active Member when the District changes such Active Member's classification.
6. Any Active Member who desires a classification which requires a higher physical ability examination, for example, from Operator to Interior Firefighter, must first advise the Chief, in writing, of such request. Such Active Member must submit to, and successfully pass, the physical examination for the Active Member's new classification. The Active Member's physical shall be paid for by the District and must be performed by the District's medical provider, unless prior, written approval is given by the District. In all cases, the District's Physical Ability Form must be used.
7. Any Active Member who believes they are unable, for any reason, to perform the activities of their classification, either temporarily or permanently shall report same to the Chief. The Chief may:
  - A. Assign a different classification to the Active Member; or
  - B. Specifically limit the duties, in writing, of the Active Member, up to and including removal from active duty.

The Chief may take the same actions for any Active Member who has an obvious injury or disability which, in the Chief's opinion, prevents such Active Member from performing the tasks of such Active Member's classification.

In all cases, the Chief shall confidentially report the ongoing status of the Active Member to the District and such Officers as the Chief deems appropriate.

Such Active Member shall not be reinstated to the Active Member's prior classification without District approval. The District may require the Active Member to submit to and successfully pass a physical examination performed by a medical doctor prior to such Active Member returning to the Active Member's prior classification. The Active Member's physical shall be paid for by the District and must be performed by the District's medical provider, unless prior, written approval is given by the District. In all cases, the District's Physical Ability Form must be used.

8. All physical examinations shall be performed by the District's medical provider, unless prior, written approval is given by the District. In all cases, the District's Physical Ability Form must be used. The District shall pay for all initial and annual physical examinations. The financial cost of any further treatment, tests or examinations shall be the responsibility of the Active Member and not the District. No second opinions will be paid for by the District. Challenging opinions will not be considered.

9. Each Active Member, and each candidate for Active Membership, acknowledges and consents that the District medical provider shall provide the District with a report of the Active Member's physical examination. The District shall maintain a confidential record of the physical exams of all former and current Active Members and candidates for Active Membership. All former and current Active Members shall have the right to review his or her record of physical examinations upon request to the Chief at reasonable times and upon reasonable notice.

10. The District shall inform all Active Members of the dates, times and location for the annual physicals. Nevertheless, it is each Active Member's responsibility to insure that the Active Member undergoes an annual physical examination. All Active Members are required to undergo and pass the physical for their respective classification by October 31 of each year. Any Active Member who has failed to undergo their physical by October 31 of each year shall, without notice of any kind, be suspended from all District and Company activities. The District shall use a good faith effort to notify any such Active Member of the requirement to undergo an annual physical. Notwithstanding the foregoing, in the event any Active Member who has failed to undergo their physical examination by December 31 shall be removed as an Active Member without any further action by the District. Any Active Member so removed may not be reinstated, but may submit an Application For Membership as set forth in this Policy.

11. An Active Member shall be subject to discipline, up to and including expulsion as an Active Member, for violating any portion of this policy.

12. Each Active Member shall be physically and mentally able to perform the following tasks for the classification of such Active Member. The tasks must be able to be performed without jeopardizing the Active Member's health and safety, or the health and safety of others.

A. Interior Firefighters - Capable of extreme physical exertion in full turnout gear, including the strength and flexibility to lift up to 100 lbs., climb stairs and ladders, pull, roll and

rack hose, get and store equipment such as pumps and 12-foot ladders, and other essential job duties without posing a risk to themselves or others. Must demonstrate the respiratory and cardiac capacity of wearing a respirator and/or SCBA for up to 40 minutes while performing these duties.

B. Exterior Firefighters - Capable of extreme physical exertion in full turnout gear, including the strength and flexibility to lift up to 100 lbs., climb stairs and ladders, pull, roll and rack hose, get and store equipment such as pumps and 12-foot ladders, and other essential job duties without posing a risk to themselves or others.

C. Scene Support - Capable of moderate to high physical exertion in light protective gear, including the strength and flexibility to lift up to 50 lbs., climb stairs, roll and rack hose, get and store equipment such as pumps and 12-foot ladders, and other essential job duties without posing a risk to themselves or others.

D. EMT/EMS - Capable of moderate to high physical exertion in light protective gear, including the strength and flexibility to lift up to 100 lbs., climb stairs, and other essential job duties without posing a risk to themselves or others.

E. Driver/Operator - Capable of moderate to high physical exertion in light protective gear, including the strength and flexibility to lift up to 50 lbs., climb stairs and ladders, roll and rack hose, get and store equipment such as pumps and 12-foot ladders, and operate heavy equipment and other essential job duties without posing a risk to themselves or others.

F. Fire Police - Capable of moderate physical activity in light protective gear, including the strength and flexibility to lift up to 50 lbs., stand for up to four hours at a time in any type of inclement weather, and other essential job duties without posing a risk to themselves or others.

Commissioner Trzcinski      Aye                      Commissioner Tompkins      Aye

Commissioner DiGiacomio      Aye                      Chairman Forschler      Aye

Motion carried 4-0.

**Substance Abuse Policy** – The board discussed reinstatement. A weekly drug test seems to be too much. Mr. MacLeod suggested adding after weekly basis “as determined by the board”. This way, the board could say every month, every six weeks, whatever they deem appropriate. The most you could do is every week as written. Commissioner Tompkins agreed saying that makes it clear that the timing can be modified. All commissioners agreed with that change. Chief Estes does not like random drug testing. Commissioner DiGiacomio said you have to make sure everyone is treated equally. Commissioner Tompkins said usually they draw names which may end up someone goes twice in a row or someone else is skipped entirely for awhile.

Random is everyone's name in a hat. Mr. MacLeod said if and when someone fails a drug test, they can be dealt with individually. Once a person fails, they don't have to be treated the same. Chief Estes said what if we are on scene and a firefighter comes in intoxicated. You have to leave the scene to get tested. They came in their private vehicle and Chief Estes can't let them drive. What do we do? Mr. MacLeod said an ambulance transport to the hospital for the blood test. Chief Estes asked what if the person says I'm not doing it. Mr. MacLeod said that's like refusing to take a breathalyzer. Chief Estes said we won't do the transport due to HIPPA and the level of step away. It would be a Northern Dutchess transport. Mr. MacLeod said that's fine. Commissioner Trzcinski asked who pays for the Northern Dutchess ambulance ride in that mode. Mr. MacLeod said the district would be responsible.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to adopt this draft substance abuse policy dated June 20, 2020 with the modifications as stated with the intent of replacing the current substance abuse policy:

The East Clinton Fire District Board of Fire Commissioners (hereinafter the Board) recognizes drug and alcohol abuse as a problem affecting all professions, including firefighters. East Clinton Fire District firefighters having such problems are encouraged to seek diagnosis and follow through with treatment that may be prescribed by any qualified professional in order to address the problem as early as possible.

The East Clinton Fire District has the responsibility to provide the highest quality service to its taxpayers and the responsibility to ensure the safety of Fire District firefighters and the general public it serves. Any impairment of a firefighter's physical or mental condition as a result of substance abuse, may endanger the firefighter, endanger those around the firefighter and affect the Fire District's ability to meet these responsibilities.

This Substance Abuse Policy shall cover all Active Members of the East Clinton Fire District and the members of the Clinton Volunteer Fire Company. Violations of this Substance Abuse Policy may result in disciplinary action that may include suspension, expulsion or termination from the East Clinton Fire District and membership in the Clinton Volunteer Fire Company.

Copies of this Substance Abuse Policy, and all subsequent changes or modifications, shall be made available to all East Clinton Fire District firefighters and Clinton Volunteer Fire Company members.

## POLICY

The use, consumption, sale, transfer, possession, distribution or manufacture of alcohol, drugs or any controlled substances, drug paraphernalia, or any combination thereof, or the misuse of legally prescribed medication, on any premises of the East Clinton Fire District including, but not limited to, Fire District owned vehicles and any private vehicles parked on Fire District premises by members of the East Clinton Fire District or members of the Clinton Volunteer Fire Company is strictly prohibited. Notwithstanding the foregoing, the use and possession of alcohol on Fire District premises shall be permitted only with the prior, specific, written approval of the Board.

Any member of the East Clinton Fire District or the Clinton Volunteer Fire Company who uses, consumes, sells, transfers, possesses, distributes or manufactures alcohol, drugs or controlled substances on any premises of the East Clinton Fire District; or any member found to have his/her ability impaired due to the use of alcohol, drugs, controlled substances, or misuse of legally prescribed medications, whether while on Fire District premises or not, will be subject to disciplinary action. Disciplinary action may include, but is not limited to suspension and/or expulsion from the East Clinton Fire District. The East Clinton Fire District may also pursue any and all additional legal remedies at its disposal.

Any Member who has legally used, or is legally using, un-prescribed medication or legally prescribed drugs, and such use results in such member having his/her ability impaired due to the use of such medication or drugs, will be subject to disciplinary action.

The East Clinton Fire District has a zero-tolerance for alcohol, drugs or controlled substances. Any individual who tests positive for alcohol, drugs or controlled substances pursuant to this Substance Abuse Policy shall be subject to discipline.

#### MANDATORY DRUG TESTING

The East Clinton Fire District may direct, at any time, that the East Clinton Fire District's annual physical shall include a drug, alcohol or controlled substance test. If the Board so decides, all Active Members shall be so tested.

The East Clinton Fire District hereby orders that a Member shall submit to a drug alcohol or controlled substance test under the following circumstances:

A. Any personal injury motor vehicle accident involving an East Clinton Fire District vehicle;

B. Any personal injury motor vehicle accident involving any personal motor vehicle being operated in the course of East Clinton Fire District business, including, but not limited to, responding to and from a fire or EMS alarm.

C. When at least two superior officers, at least one of whom must be a District Fire Chief or Assistant Fire Chief, state there is reasonable suspicion to believe alcohol, drugs or controlled substances are affecting the firefighter's or member's behavior and/or performance, the Fire Chief or the Assistant Fire Chief shall order the firefighter or member to immediately submit to a drug, alcohol and controlled substance test by an independent third party provider, as designated by the Board. Reasonable suspicion to believe that alcohol, drugs or controlled substances are affecting the firefighter's or member's behavior and/or performance, shall be the only basis upon which testing may be initiated. In all cases, all reasonable and diligent efforts must be made to immediately advise the District Fire Chief and a member of the Board of the grounds for the reasonable suspicion.

The Fire Chief or the Assistant Fire Chief shall immediately suspend the individual from all District and Company activities pending the final results of the test and subsequent disposition of the matter.

The individual being ordered to a test shall submit a sample at the required time and place, must cooperate with the collection of the sample, and must cooperate in the administration of the test and/or sign any document reasonably required for the testing. The cost of the initial testing shall be paid by the Fire District.

In the event the individual fails or refuses to submit a sample or fails to cooperate in the administration of the testing in any way shall be suspended immediately for six (6) months, in addition to any further discipline which the Board may determine to be appropriate. Such individual will also, upon reinstatement to Active Membership, be subject, for a period of one year following reinstatement, to additional drug and alcohol tests on a weekly basis, or as determined by the Board.

In the case of a positive test result, the individual may elect to have the same sample tested by a New York State-licensed laboratory of his/her choice, at his/her expense, within three (3) business days of notification of the initial positive test result.

In the case of a negative test result, the Board shall seal the record and the Board shall exercise strict confidentiality in the matter.

All disciplinary procedures shall be conducted pursuant to General Municipal Law Section 209-I, as amended from time to time.

NEW MEMBERS AND EMPLOYEES AFTER JULY 15, 2020

It is the policy of the East Clinton Fire District to provide drug, alcohol and controlled substance testing for individuals applying for Active Membership with the East Clinton Fire District

All candidates for Active Membership shall be required to submit to a drug, alcohol and controlled substance test. In the case of a positive test result, the individual may elect to have the same sample tested by a New York Stated-licensed laboratory of his/her choice, at his/her expense, within three (3) business days of notification of the initial positive test result.

A positive test result or the failure to submit a sample for testing shall disqualify the candidate for consideration for Active Membership in the East Clinton Fire District.

RANDOM DRUG TESTING

The Board reserves the right to implement a random drug testing program at any time. Due notice will be provided in the event such program is implemented.

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| Commissioner Trzcinski | Aye | Commissioner Tompkins | Aye |
| Commissioner DiGiacomo | Aye | Chairman Forschler    | Aye |

Motion carried 4-0.

Mr. MacLeod will email some policy suggestions to the board for consideration at the August meeting.

**Salt Point Turnpike Intersection** - Chairman Forschler has received no communication from Mr. Balkind. He will email him again.

**Equipment Repair Expenditures** – Chairman Forschler said Commissioner Trzcinski has prepared a motion to consider for equipment repair expenditures and getting pre-approval for certain thresholds to give Mr. Russell, who is doing a great job, some guidance. Commissioner Trzcinski’s proposal is up to \$1,500 requires no board approval, up to \$2,500 requires notification to the board chair, and an estimate of an expenditure beyond \$2,500 requires a board vote before committing to spend district funds.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to adopt this resolution as follows: for apparatus repairs up to \$1,500, no board approval is required; up to \$2,500 requires estimates to be obtained and the board chair to be notified before

committing to fund the expenditure; and an estimate of an expenditure beyond \$2,500 requires a board vote to be taken before committing to spend district funds. Mr. MacLeod said the board has to approve every expenditure. The board chair can't approve an expenditure. This motion does not jive with the purchasing policy. Mr. MacLeod will look at the purchasing policy and work this into it. Commissioner Trzcinski said it's the timing – we get told we spent this, this is what the repair cost. In most cases that is true. In some cases, we would like an opportunity to look at some estimates. If the board votes to not approve a voucher, who approves it. Chairman Forschler said we authorize the chief to spend up to \$500 a month on supplies. How is that different? Mr. MacLeod said you have approved the \$500. If you want to approve the chief to spend up to \$1,500 for repairs, that's one thing. Chairman Forschler asked Mr. MacLeod to take this verbiage and meld it with the purchasing policy including we have authorized the chief and EMS captain up to \$500 a month for supplies. We can review this policy in its entirety in August. Chairman Forschler withdrew his motion and Commissioner Trzcinski agreed. Chairman Forschler will send Mr. MacLeod the policy on repair.

**Budget Workshops** – Chairman Forschler said the budget has to be to the town by September 25th and proposed the first budget workshop to be held on August 19<sup>th</sup>. He will let Mr. Passikoff and Mr. Simon know. The notice needs to be put in the paper for 7:00. In case subsequent meetings are necessary, Mr. MacLeod suggested adding into the notice “the first meeting will be adjourned to a time and place as determined at the first meeting.”

**Human Resources** – Chairman Forschler said on September 15<sup>th</sup> we are having a human resources professional come in and give a presentation on sexual harassment and workplace violence. He thinks the commissioners should participate as well as the members. It could be in the bay or in the meeting room or possibly by zoom. Mr. MacLeod said this does not need to be advertised as a meeting as it is training. Chairman Forschler suggested looking at the sexual harassment policy in September.

**Background Check** – Elizabeth Finkle passed the background check.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to approve Elizabeth Finkle for membership to support.

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| Commissioner Tompkins  | Aye | Commissioner Trzcinski | Nay |
| Commissioner DiGiacomo | Aye | Chairman Forschler     | Aye |

Motion carried 3-1.

**Dinner Committee Update** - Heather Fitzsimmons said they are trying to do a lower volume dinner with the members and their spouses and expected attendance is still in excess of the allowable limit even for Phase 4 at between 50 to 60 people proposed for early September. Ms. Fitzsimmons is aware of the budgetary constraints

**Blood Drive** – A motion was made by Chairman Forschler and seconded by Mr. Tompkins to allow the department to conduct a blood drive with the American Red Cross in the bays prior to October 31, 2020.

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| Commissioner DiGiacomo | Aye | Commissioner Trzcinski | Aye |
| Commissioner Tompkins  | Aye | Chairman Forschler     | Aye |

Motion carried 4-0. Ms. Fitzsimmons will let the board know the date.

**Active Member Roster** – Commissioner Trzcinski said the AMR design appears to be cumbersome. If we need to add more information to the roster, he thinks a design workshop is in order to include a commissioner or two, Ed Olson, Kim Klemenko, Karen Buechele and Bob Simon. Chairman Forschler will email Ed Olson and try to get that going.

**Public Comment:**

Rob Renbeck thanked the board for the good work they are doing.

Eliot Werner said in the absence of Kevin Fierro, the Facilities Committee had their first meeting which was more of an introductory meeting involving Kevin Russell, Don Estes, Arthur Weiland, Bill Baldwin, Eliot Werner, Russ Tompkins, and Kevin Fierro as the chair. Commissioner Fierro had made contact with the board secretary to get the engineering report and the plans. Mr. Werner’s thought is to get copies made to bring the committee up to speed. Commissioner Tompkins asked why should we be putting the firehouse on the district line instead of more centrally located. Chief Estes said a study was done that 60% of the calls were within two miles of the firehouse and parkway – Chairman Forschler has the results of that study. Chairman Forschler said that report made it obvious that the firehouse is centrally located and said he will produce the map and call volumes. Commissioner Tompkins also asked what exactly are the deficiencies in the existing firehouse. Chairman Forschler said he did not put a lot of faith in the engineering report and suggested it should be done again. Some of the deficiencies are ceiling heights, test requirements, OSHA requirements, bathrooms, septic, and the kitchen. This is a question that the facilities committee and board has to have answered specifically and exhaustively and objectively because that is the crux of the issue. If the facility is adequate right now, we should not spend money. If it is not adequate to the current codes and support systems, PESH and OSHA requirements, and safety the public needs to know. Commissioner Trzcinski said behind this is also the actual space to do things we are required to do for cleaning the equipment – the facilities and space is inadequate. There are also no offices for the commissioners, the chief, the head of the EMS squad – these people need secure places. Right now, the head of the EMS squad does her work sitting on the oxygen bottles in the storage room. Another consideration is as a municipality in New York, we have to have standards so that other agencies (National Guard, other fire districts) can come into our facility if our trucks are unavailable with other resources coming into our bays. We are very deficient with those standards, with safety issues, the air in the meeting room which is too small for the

mission. We have to document these things and be very clear. Commissioner Tompkins said this seems like a foreboding task. It would be helpful if there was an individual who was familiar with all regulations who could come in and say, okay, here are the specific problems. Chairman Forschler suggested the zoning enforcement office would be a good start to provide insight into the codes. Mr. MacLeod suggested contacting an architectural firm that specializes in fire houses. They are few but they are out there. Commissioner Tompkins said there has also been made mention of a fire company in Falls Village, CT, that built a steel building and they are a mirror image to our department. Chairman Forschler said we need to start researching those firms and set up a meeting. Mr. Werner said the architectural firm has an interest in telling you you need a new building. Commissioner DiGiacomio asked isn't the firm we used before holding a deposit. Commissioner Trzcinski said that money was all spent. Commissioner Trzcinski said we will get to Commissioner Fierro what we have. Chairman Forschler said he is in agreement with Commissioner Tompkins and Mr. Werner - we need someone to get us an objective opinion of what the deficiencies are. Commissioner Trzcinski said he will reach out to the Fairview Fire Department and ask them what firm they used for a data point. Mr. Werner said Roosevelt also built a building - who did they use? Mr. Russell will try to get ahold of Ray Nichols to get the name of the firm they used.

Commissioner Tompkins asked Commissioner Trzcinski what the insurance company is looking for regarding the weight in on the truck. Commissioner Trzcinski said the driver's side front and back wheel and passenger's side front and back wheel fully loaded with people and a tank fully loaded with expectations of baffles anti-sloshing. They want the weight on the wheels so you want it on four scales and the weight for each wheel - four individual measurements. Commissioner Tompkins will try to call over to the state troopers and get ahold of someone in traffic. They used to have portable scales. Mr. Russell said the truck is always loaded with water. Commissioner Trzcinski said add 200 pounds for everyone you expect to be on board and all the equipment you normally drive around with needs to be on. Mr. Russell said it's all there and ready to roll.

A motion was made by Commissioner Trzcinski and seconded by Commissioner Tompkins to adjourn the meeting at 9:22 p.m.

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| Commissioner Tompkins   | Aye | Commissioner Trzcinski | Aye |
| Commissioner DiGiacomio | Aye | Chairman Forschler     | Aye |

Motion carried 4-0.

The next regular meeting of the Board of Commissioners will be held on Wednesday, August 12, 2020 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Secretary  
East Clinton Fire District