

# CLARENCE FIRE DISTRICT NO. 1

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## **Board of Fire Commissioners:**

Douglas G. Garlapo, Chairman  
David R. Metzger, Vice-Chairman  
David M. Bissonette  
James Schlabach  
Nathan M. Work

## **Treasurer**

Kim M. Lash

## **Secretary**

Yvonne J. Work

The Clarence Fire District annual public budget hearing was called to order by Chairman Garlapo on **Tuesday, October 20, 2015** at 18:00 hours.

## **Roll Call:**

Present: Commissioners Garlapo, Metzger, Schlabach, and Work, Treasurer Kim Lash

Absent: Commissioner Bissonette and Secretary Yvonne Work

Guests: First Assistant Chief Jeff Schlabach and Fourth Assistant Chief Jim Havernick and Jerry Roy

Chairman Garlapo indicated that this is a public hearing regarding the 2016 proposed budget. In accordance with New York State Town Law, all Fire Districts must, prior to the adoption of their budget, hold a public hearing. The budget hearing must be held in such a manner to maximize participation in the budget process. The purpose of this hearing is to discuss the contents of the Fire District's budget. The Board of Fire Commissioners, in accordance with the legal requirements, had adopted the 2015 proposed budget on September 14, 2015, which is more than 21 days prior to this budget hearing as required by Town Law 181[2].

The Secretary of the Fire District will file an Affidavit with the District upon her return:

1) Stating the notice of this public hearing was published and posted at least 5 days before the hearing date as follows:

a) The official newspaper for the Fire District (The Clarence Bee);

b) The official signboard of the Town of Clarence, where the Fire District is located;

c) On the Fire District's website and signboard.

The notice of public hearing specified the time, date and place where this public hearing would be held. Upon its adoption, the Fire District Secretary also made available for inspection and copying of the proposed budget to any interested person at the Town Clerk's Office and the Clarence Fire District No. 1 during office hours.

The purpose of this public hearing is to allow any member of the public to make comments on the budget. Any person may be heard in favor of, or against, the preliminary budget or any item in it. Please note that this is only a proposed budget until the Board of Fire Commissioners adopts the final budget.

The Fire District Treasurer made presentation regarding the preliminary budget to the Board of Fire Commissioners. This budget must be adopted no later than November 4, 2015 and submitted to the Town Budget officer by November 7, 2015.

There were no public comments made regarding the Fire District's proposed 2016 budget. No questions were raised from the Commissioners or any others in attendance.

Chairman Garlapo concluded the budget hearing at 18:30 hours.

## **Review of District Rules & Regulations Article V (Training & Education) and suggested changes:**

### **New Firefighters:**

New 2b - Must successfully complete either the NYS Firefighter 1 course to qualify as an interior firefighter or the NYS scene support to qualify as an exterior firefighter within 2 years of the start of active duty.

Old 2b changes to 2c and reads – Must complete the 8 hour OSHA training within 12 months of the start of active duty.

Old 2c becomes 2d.

Add 2e – A new firefighter who has completed any of the above required courses may submit documentation and request a waiver of that requirement with final determination to be made by the Board of Fire Commissioners.

### **Active Duty Firefighters:**

3b – change 8 to 6.

3c – Shall maintain both an active basic first aid and CPR certification at all times.

Chairman Garlapo called the regular meeting of the Board of Fire Commissioners to order at 19:02 hours.

**Approval of Prior Meeting Minutes:**

**MOTION** by Metzger, seconded by Schlabach, to approve the August 27, 2015 meeting minutes as written, carried.

There was agreement to hold on the September 14 meeting minutes.

**MOTION** by Metzger, seconded by Work, to approve the October 6, 2015 meeting minutes as written, carried.

**Board of Directors Report:**

Commissioner Metzger attended their October 19, 2015 meeting. His report to the Board of Directors covered: new attorney interviews, officer interviews will be scheduled for November, Commissioner Bissonette will not run for re-election, Secretary Work has been ill so the September call statistics have not been posted, the Rules and Regulations rewriting is almost complete and the 2016 budget hearing is October 20, 2015. There were no questions from the Board on Commissioner Metzger's report. The Board of Directors did not have a report for the Board of Fire Commissioners. Chairman Garlapo is the November representative to the Board of Directors.

**Secretary's Report:**

Chairman Garlapo stated this report would be made under Old Business later in the meeting.

**Treasurer's Report:**

- 1) Request the Board consider paying two invoices dated August 25 and September 22 for brake work done on the Chief's Vehicle that were submitted after the financial reports were prepared through no fault of the vendor. The work was done in good faith of timely payment and without Board approval won't be received until after the November Board meeting. The additional check would be number 3108 in the amount of \$335 dated October 20, 2015 and will bring the total bills for the month to \$73,754.92.
- 2) All 2016 budget legal postings were completed on time.
- 3) NJPA membership was completed to obtain additional bids for the Rescue Truck bid process.
- 4) Took 3 training classes this past month and scheduled one for tomorrow entitled "Cybersecurity Best Practices", which is offered as a free webinar by the NYS Comptroller's Office.
- 5) Attended the September 26 Legislative Seminar and summarized the issues of possible future Board action.
- 6) Attended the webinar "ACA Reporting Requirements for Local Governments". Much of the topic is not applicable to the Fire District; however, two suggestions made were pertinent. First, have employees sign an annual waiver as to their need for health coverage and secondly when the Department of Labor does their audit they will require proof of compliance that employees are working less than 30 hours per week.

**MOTION** by Schlabach, seconded by Metzger, to pay all bills presented including the additional invoices from Tucciarone's in the total amount of \$73,754.92 (checks #3066 - 3108), carried.

Chairman Garlapo reported receiving a text from Commissioner Bissonette apologizing for his absence due to constraints at work and suggesting the Board move forward with the appointment of new counsel in his absence.

**Chief's Report – Jeff Schlabach:**

- 1) No call totals available in the Secretary's absence.
- 2) Minitors and accountability printer have both arrived.
- 3) Open house was successful. The 2016 date has not been planned in anticipation of the building construction.
- 4) The Chief is in agreement with the officer and drill requirements discussed at the October 6, 2015 work session.
- 5) Training being conducted at the house next door is working well and the wish is to schedule drills for as long as possible. Commissioner Schlabach stated drills could be scheduled through February 28, 2016 prior to demolition.
- 6) Assistant Chief Hawes is working on the annual driver training schedule.
- 7) There will be a Brothers of Mercy walk through in November.
- 8) Working to obtain quotes for what may be purchased through the FEMA grant and already have quotes for the portables that were excluded from the grant request. The Chief will have multiple purchase requests in November.
- 9) The request was made for the remaining capital budget dollars. Expenses plus purchase orders generated to date leave about \$25,000 in Fire Capital and \$7,000 in EMS Capital.

**Chief's Report (continued):**

- 10) Request trucks out of the district tomorrow for a drill in Brighton and maybe on November 1 in Millgrove.
- 11) Assistant Chief Schlabach is planning to take the 9-1 vehicle to Cooperstown October 30 and 31 for a haz-mat conference. The District's cost is only per diem and gas, no registration or hotel costs.
- 12) A letter was read that was received from the resident on Strickler Road thanking the firefighters for their excellent service at his home on October 7, 2015. Without the prompt response he received he felt the improper gas piping could have led to disaster.

**Chairman Garlapo:**

- 1) The Legislative Seminar held in Batavia provided some information on items for future Board consideration.
- 2) Report on the Explorer physicals is that only some of the members have received both the mask and pulmonary tests that are required for being mask certified. Assistant Chief Schlabach asked for clarification as to whether Explorers are able to participate in IDLH (immediately dangerous to life and health) environments. The Board's response was no; they may experience use of the air packs with smoke machines, etc. but not IDLH.
- 3) The last Fire District Affairs received was June-July 2015. Both the August-September and the October-November newsletters are on <http://www.firedistnys.com>.

**Commissioner Metzger:**

- 1) Officer interviews will be held during the month of November.
- 2) The Rescue truck committee will be going to the E-ONE facility in Hamburg on October 27 at 16:00 hours. This truck manufacturer will be the next bid to be submitted.
- 3) The pump test on the two pumpers and the ladder truck will be soon. The Truck 6 ladder inspection will be October 21. It is a four hour test. Commissioner Metzger will pull the truck out to be inspected and Commissioner Schlabach offered to put it away if needed.

**Commissioner Schlabach:**

- 1) There will a banquet room request under new business.
- 2) The FEMA grant will help deliver 8 level A haz-mat suits and 12 packs but the radios that were excluded from the grant are also necessary. Vic Miller has been working hard to procure other grant possibilities. He met with Senator Ranzenhofer's Chief of Staff, Ms. Donner. She explained that New York State doesn't provide grants for items like the radios which only have a five to seven year life span. Heavy emphasis is placed on capital with a greater than ten year life span. The minimum grants are \$50,000 and it is not unreasonable to request \$100,000. Training and physical fitness are good requests, as are items that are required by the State such as: records storage, slip resistant heated front concrete pad, ADA compliant restrooms, the DEC requirement to run floor drains through a sand filter. The East Hill Foundation is another potential avenue for physical fitness equipment. Chairman Garlapo asked the timeline for receipt of funds. It is not known which may impact using it as an avenue for the building expansion project. Assistant Chief Schlabach suggested money from the State might be used for a future training tower out back. Commissioner Schlabach stated the State wouldn't contribute to a project that hasn't already been defined in terms of scope and dollars. Haz-mat radio quotes are between \$7,000 and \$10,000.
- 3) The District's architectural firm has assigned a new lead architect to the building expansion project. There will be a meeting next week to help clarify project scope. The expectation is that the project is still on schedule. Updated drawings will be sent soon.
- 4) The civil engineer performed a septic system perk test and found a lot of rock. Therefore this will be a cost increase. It is better to have the new fire suppression system run through the old offices. A new roof top unit will be needed for the three new offices.
- 5) A cost estimate was received from R&P Oak Hill and the expectation is now some cuts will need to be made to stay within the budget. The questions asked were what is the big increase from the last cost estimate and what makes up the \$250,000 cost estimate for office renovation.
- 6) The architects will be making a presentation of the project to the Town Board on October 28 at 7:30 PM. Any Commissioners that are able to attend should wear the Commissioner green shirts. Vote for the project approval will be in January, requiring a super majority and Councilman Casilio cannot vote. If the project would not be approved the only recourse is Article 78.

**Commissioner Work:**

- 1) The new server has been installed which closes the loop to the outside world. He receives four e-mails per day for how information is backed up to the cloud. Since all computers are connected to the network the information stored there is also backed up.
- 2) The Chief experienced some e-mail problems. The Fire Company doesn't own its own server. There was discussion about having the membership e-mail through the District instead of the Fire Company. Commissioner Work will provide a list of the current e-mail accounts on the District server and Assistant Chief Schlabach will review to see which names should be added or deleted.
- 3) Amherst Control is committed to using the new Red Alert software so potential interfaces the District may use will be investigated.

**Old Business:**

Chairman Garlapo reported that Attorney Schoellkopf confirmed that nothing else is legally required for the demolition of the house. There was concern there was a disposal process since the value is greater than \$50,000. However, it is not a surplus item for the District; it has no value to the District and therefore may be demolished.

**MOTION** by Metzger, seconded by Schlabach, to hire attorney Mark Butler beginning January 1, 2016. On the question, four RFPs were received and 3 interviews were conducted. Commissioner Work expressed concern with: the \$325/hour rate versus a \$250/hour, only one attorney in the firm versus a team of attorneys, Kloss uses lean cost staffing and has 3 partners in town. Commissioner Schlabach stated that Butler's experience in fire service law weighed heavily for him. Chairman Garlapo spoke to Attorney Schoellkopf, without mentioning any names, because of the cost difference and asked if Schoellkopf knew of any other attorneys experienced in fire district law and he knew of no others. Chairman Garlapo also queried how much time has been spent in counseling the Clarence Fire District. Schoellkopf noted that Clarence is well within the bottom ten percent of the districts he represents in the number of hours used and he attributes this to the experience on the Board. More experience directly translates to less service needed. He is confident the Clarence Fire District won't use many hours and may well expect legal fees to be less going forward. Roll call vote: Garlapo – yes, Metzger – yes, Work – no, Schlabach – yes. Motion approved.

**MOTION** by Garlapo, seconded by Work, to adopt the proposed 2016 annual budget as presented at the budget hearing held October 20, 2015 that began at 6:00 PM, at the tax rate of \$1.38 per thousand dollars of assessed valuation, which is based on an assessed valuation of \$683,270,239 and a total tax levy of \$943,965 and is within the New York State tax cap. The December 31, 2015 estimated total fund balance is \$2,000,000. It shall be noted that this rate is pending as the Town of Clarence assessed valuation could change slightly prior to this being submitted to Erie County. Roll call vote: Garlapo - yes, Metzger – yes, Work – yes, Schlabach – yes. Motion approved.

Chairman Garlapo explained that Secretary Yvonne Work has had some health concerns and there may be a duration of time before she can return to her duties so an interim solution must be considered. While she has tried to complete some duties from home, maintaining continuity in this fashion becomes difficult and she must concentrate on regaining her health.

**MOTION** by Garlapo, seconded by Metzger, to appoint Kim Lash interim secretary and records management officer at \$14 per hour for the duration of Secretary Work's medical leave with a maximum duration of December 31, 2015, which is the end of Secretary Work's appointment. Motion carried and Commissioner Work abstained.

Chairman Garlapo consulted with Attorney Schoellkopf and this is the right and proper action. Certain tasks must be accomplished and an official motion must be made to assign the Secretary's responsibilities to others. To begin to complete the backlogged tasks the Board conveyed the items high on the priority list are: the 2016 Budget, 2015 Election, Board minutes, Updated Banquet and Pavilion Use policy and the Red Alert backlog. Commissioner Work offered to write the letters to the lawyers but no determination was made on the offer.

**MOTION** by Schlabach, seconded by Garlapo, to approve Jim Schlabach's request to use the banquet room for a Roswell fundraiser on December 4, 2015 from 5:00 to 11:00 PM, carried.

**Old Business (continued):**

Chairman Garlapo noted that he had hoped to be able to provide the Board of Directors with the opportunity for input on the changes to the District's Rules and Regulations and for enough time to update the Fire Company By-Laws. Chairman Garlapo will call the Board of Directors Chairman to let him know that the initial desire wasn't achievable with the amount of work required to change the entire document. Chairman Garlapo committed to cleaning up the Rules and Regulations based on tonight's discussions for approval at the November Board meeting. There was discussion as to how the new information should be provided to the firefighters: electronically, paper copy of the entire document or just the highlights. It was also suggested that one paper copy be maintained in the truck room. Chairman Garlapo will provide information in the Fire Company newsletter.

**MOTION** by Work, seconded by Garlapo, to amend the August 10, 2015 motion regarding the accountability card printer to raise the dollar amount from \$1,500 to \$1,609.46. In addition to purchasing the printer at a discounted price, it was also determined that new color ribbons, a cleaning kit, and card stock were required. Motion carried.

**New Business:**

**MOTION** by Garlapo, seconded by Metzger, to approve the membership of Jarrod Saxton pending successful completion of a district physical, arson and sex offender background checks, carried.

**MOTION** by Metzger, seconded by Schlabach, to approve the following information regarding the Clarence Fire District No. 1 election:

- 1) It will be held on Tuesday, December 8, 2015 from 6:00 PM to 9:00 PM;
  - 2) It is for one Commissioner five year term commencing January 1, 2016 through December 31, 2020;
  - 3) Notice of the election will be posted in the District's designated newspaper (Clarence Bee) between the dates of November 4 and 11, 2015;
  - 4) Fire District Secretary will request registration rolls of eligible registered voters as of November 16, 2015 from the Erie County Board of Elections,
  - 5) Fire District Treasurer Kim Lash will serve as Election Chairperson, Paulette Shick of 10338 Main Street and Lucille Faraca of 9761 Limehouse Drive will serve as Election Inspectors/Ballot Clerks. All will be compensated at \$35 pursuant to Town Law, Section 175. Ed Ballow of 4145 Ransom Road and June Georger of 9897 Newmarket Avenue will serve as Alternate Election Inspectors at the rate of \$35 in the event the appointed inspectors are unable to serve.
  - 6) Election will be held in accordance with Clarence Fire District No. 1 Election policy.
- Motion carried.

**MOTION** by Garlapo, seconded by Schlabach, to approve the following resolution adopting the form of the nominating petition for election of the Fire District Commissioner:

- 1) RESOLVED, that the Clarence Fire District No. 1 Board of Fire Commissioners adopt, as its official nominating petition, the attached form to be used by all candidates for the office of Fire District Commissioner, and it is further
  - 2) RESOLVED, that only registered electors of the Clarence Fire District No. 1 may obtain signatures on the form and in the manner as set forth in the nominating petitions, and it is further
  - 3) RESOLVED, that the signature of the witness to the signers of the nominating petition must be notarized in the form and in the manner as set forth in the nominating petitions, and it is further
  - 3) RESOLVED, that signatures of all signers of the nominating petitions must be dated between October 1 and November 18, 2015 (the date petitions are required to be filed with the Secretary), and it is further
  - 4) RESOLVED, that the Secretary of the Clarence Fire District No. 1 shall make the nominating petitions available to any interested party no earlier than September 22, 2015, and it is further
  - 5) RESOLVED, that in the event a special election for the position of Fire District Commissioner is required,
    - (a) The signatures of all signers of nominating petitions must be dated no earlier than 70 days preceding the date of the special election and the date the petitions are required to be filed with the Fire District Secretary, and
    - (b) The Clarence Fire District No. 1 Secretary shall make the nominating petitions available to any interested party no earlier than 75 days before the date of the Special Election of the Fire District Commissioners.
- Motion carried.

**New Business (continued):**

**MOTION** by Metzger, seconded by Garlapo, to approve the attendance of First Assistant Chief Jeff Schlabach at hazmat leadership training in Cooperstown from October 30 – 31, 2015 with the only cost to be per diem and gas for the #9-1 vehicle, carried.

**MOTION** by Metzger, seconded by Schlabach, to approve equipment outside the district for meth lab training at Brighton on October 21, 2015, carried.

**MOTION** by Metzger, seconded by Garlapo, to approve equipment outside the district for training at Millgrove on November 1, 2015, carried.

**MOTION** by Work, seconded by Metzger, to contract with Action CPR to hold a CPR/First Aid course at CFD on October 24th, 2015 from 9:00 AM to 15:30 PM. Since the training course spans a meal period, lunch will be provided at a cost not to exceed \$125.00, carried.

**MOTION** by Schlabach, seconded by Metzger, to approve Marshall Helms November 1, 2015 use of the banquet room from 10:00 AM to 8:00 PM for a birthday party with 60 guests, no caterer, alcohol will be served and the liability insurance certificate has already been provided. Motion carried.

Chairman Garlapo received an e-mail from Yvonne Work that the District was running low on Red Alert sheets and he learned that Mike Dudas had been printing these. Without knowing if this is an approved expenditure by his employer Chairman Garlapo will ask for an electronic copy of the document from Mike so that the District is able to print their own document in the future.

**Good of the Fire District:**

Chairman Garlapo requested the Board members attend the October 28, 2015 Town Board hearing on the Clarence Fire District No. 1 building expansion project.

Chairman Garlapo spoke to the President and the Board of Directors' Chairman about meeting with the Membership Committee regarding changes in the new member interview process. He has approval to meet with the Membership Committee Chairman and no further input is required from the Board of Directors. The goal is to get back on track with the District's involvement in the new member process.

The next regular meeting of the Board of Fire Commissioners will be held November 9, 2015 at 7:00 PM as no work session is required.

**MOTION** by Work, seconded by Schlabach, to adjourn the meeting at 21:29 hours, carried.

*All motions were unanimously carried unless otherwise noted.*

Attest,

Kim Lash, Treasurer and Interim Secretary

cc: Commissioners