

**ENDWELL FIRE DISTRICT
BOARD OF FIRE COMMISSIONERS MEETING
June 16, 2021**

Members:

Carlton "Andy" Anderson, Chairman
Don Battaglini
Mark Storm
Michael Hamzik

Others present:

Erika Pereira, Administrative Assistant
Tony Fiacco, District Treasurer
Tom Palazzo, Fire Chief
Robert Congdon
Rob Brady
Julie Spisak

Motion by Commissioner Battaglini, second by Commissioner Storm to approve the minutes of the May 19, 2021 meeting. All aye; motion carried.

Hearing of Visitors: None.

TREASURER'S REPORT: Motion by Commissioner Battaglini, second by Commissioner Hamzik to accept the Treasurer's Report and Capital Reserve Summary. All aye; motion carried.

Unfinished Business:

1. 100th Anniversary Updates: Committee meetings are to be held the last Thursday of the month.
2. Station 3: Back in 2016 the Board at the time completed a RFP for a Station 3 assessment. The assessment was awarded to Delta Engineering at that time. Commissioner Storm will look into finding an Engineering Company that specializes in designing Fire Stations. Commissioner Battaglini would like to start planning for the future for Station 3.
3. Village of Endicott Bill for Water Main Break on Pleasant Lane & Valley View Drive: Commissioner Del Bianco dictated a letter to be sent to Anthony Bates, Village Manager, to see if we could get a response on the invoice.

Dear Mr. Bates,

Thank you for meeting with Chief Palazzo, representative of your water department and myself. Based upon our meeting the Endwell Fire Department considers the water main break at Pheasant Lane and Valley View Drive issue to be resolved.

We also look forward to the training that The Village of Endicott will provide for opening and closing a hydrant in our Fire District. We believe this training will go a long way toward minimizing any future problems.

Finally, we would like to request a meeting with a Water Department representative and yourself to discuss a possible training site other than the Union Center location. We have some potential ideas on locations within our District and would invite your input.

If you have any further questions please reach out to myself.

The only correction to the letter is to include the Tri City Airport training location as well.

Finally, we would like to request a meeting with a Water Department representative and yourself to discuss a possible training site other than the Union Center location and Tri-Cities Airport. We have some potential ideas on locations within our District and would invite your input.

4. Keyless System for Fuel Pump: Fire Chief Palazzo purchased two combo locks and issued the same combo for both of the locks.

5. Station 1 Apparatus Floor: Commissioner Anderson would like to have a couple of people from the department meet with the floor vendors when they bring samples so they could provide input on the type of flooring that should be placed. Fire Chief Palazzo would like to have Jake Polovchak, Nate Leonard, Mike Battaglini and Rob Congdon be part of the flooring project.
6. Station Sirens: Chief Palazzo stated that the issue with the siren is the programming with the pager. Fire Chief Palazzo will bring the pager up to Roger and have him flash the pager and it should take care of the siren going off for medical calls.
7. Letter to Churchville: Chief Palazzo met with Pierce Manufacturing about our issues and concerns with Churchville. Chief Palazzo feels that for all the mechanical repairs he would like Har-Rob to complete them. The only thing warranty by Pierce Manufacturing on the apparatus at this time is the TAK-4® independent front suspension and the computer so that will need to be inspected by Churchville only.
8. Exterior LED light replacements at Station 1: Two of the new lights were received and AC Spear is waiting on the third one to be received. Once all have been received AC Spear will install the new lights.
9. Town of Union Notice of Apparent Violation: On May 28, 2021 the Endwell Fire District received an Order to remedy violation – Final Notice from the Town of Union Department of Code Enforcement for our LED sign at Station 1. When our Lawyer, Mark Butler, was contacted his response was the following.

This is the same citation that was previously issued in October 2019.

At that time, we reviewed a number of potential remedies which were less expensive and time-consuming than challenging the process and litigating the matter. Please see my attached correspondence and counsel of March 4, 2020.

Our counsel remains the same.

I will be pleased to discuss this with the Board via video conference in order to assess all of the commissioner's issues and answer all questions in order to move this issue along.

If there are any documents subsequent to my March 4, 2020 letter, please provide them to me, as our counsel may change, based on new information.

*Thank you,
Mark
Mark C. Butler, Esq.
The Law Offices of Mark C. Butler, PLLC*

Commissioner Battaglini worked with the Town of Union and resolved the issue at hand. The violation notice, complaint #CP2021-0792 will be put on hold until further notice.

10. Leasing of apparatus: Commissioner Storm stated that the Truck Committee has narrowed it down to two manufactures right now. Commissioner Storm stated that there might be some more price increases in the July time frame and would like everyone to be available for special meetings to talk to leasing companies if need be.
11. Utility 31-11 (2007 Ford Van): Fire District Administrative Assistant, Erika Pereira, will reach out to our Lawyer, Mark Butler, to see what the proper procedure is to be able to donate the van to the Fire Company or if the Fire District can even donate the van to the Fire Company.

Commissioner Hamzik stated that he notice damaged to the van and wonder if Chief Palazzo was ever

notified of the damaged. Chief Palazzo did not believe he was ever notified. Member Rob Brady stated that he sent an email a while back when he noticed the damage.

Motion by Commissioner Battaglini, second by Commissioner Storm to surplus the 2007 Ford E150 Super Duty Passenger van. All aye; motion carried.

New Business:

1. Motion by Commissioner Battaglini, second by Commissioner Hamzik to pay the bills:
Vouchers #6-001 to 6-051 totaling \$396,462.57.
Supplemental List: Vouchers # 7-001 to 7-008 totaling \$1,723.66.
All aye; motion carried.
2. Line Transfer(s): Motion by Commissioner Battaglini, second by Commissioner Storm to accept the line transfer submitted by Treasurer Fiacco. All aye; motion carried.

Buildings and Grounds: We are still waiting for Kyle Ferraro with Pen York Construction to create an estimate for the work that needs to be done for the electrical room and storage rooms so the District has something to compare to for other quotes. Commissioner Hamzik believes another company that could possibly do the work is Southern Tier Basement. Commissioner Hamzik will reach out to them to see if they could do the repairs needed. Chief Palazzo will get in touch with Ralph Mancini to see if he could help with the masonry work in the rooms.

Commissioner Storm stated that he noticed the water stains are coming through again after the power washing and exterior paint job that was completed in August of 2020. Member Anderson will get a hold of Jeff Painting to see if there is anything that could be done to correct the issue.

3. Chiefs Report: Motion by Commissioner Battaglini, second by Commissioner Hamzik to accept the Chief's Report. All aye; motion carried.

Dear Honorable Board Members:

We currently have no cases of COVID in the department. We have resumed in person training and are following all CDC Guidelines.

Mark Storm, Mike Hamzik, along with myself have met with David McAlice, Regional VP with Pierce Manufacturing. He is working with us to fix the relationship between Endwell Fire and Pierce.

The new Tahoe is finished and in service. The command cabinet should be delivered soon and will mark the completion of the project.

The truck replacement committee has met four times in the past month to choose a direction that we would like to go when replacing Tower 31. We have decided on a 100' mid mount aerial. We currently have two candidates that manufacture this product. Pierce and Sutphen both make a 100' mid mount aerials. We are currently working with Pierce to work on a solution to our problems with Churchville.

This past month we responded to an oil spill in the Patterson Creek along with Broome County OES, NYS DEC and the Town Of Union. We have identified the source to be someone dumping oil into a storm sewer. We also responded to a car / house fire on Watson Blvd. The damage to the house was minimal due to quick response by the Endwell Fire Department.

Motion by Commissioner Battaglini, second by Commissioner Storm to reimburse Firefighter Ryan

Derkowski in the amount of \$160.00 for his sneakers that were ruined on fire call. All aye; motion carried.

4. Support Services Report: Motion by Commissioner Battaglini, second by Commissioner Hamzik to accept the Support Report. All aye; motion carried.
5. Maintenance Division Report: Motion by Commissioner Battaglini, second by Commissioner Storm to accept the Maintenance Report. All aye; motion carried.

The following maintenance was completed since the last board meeting:

- Har-Rob completed Annual Preventative Maintenance on the Sutphen Apparatus
- Har-Rob will complete Annual Pump Testing in the next 2 weeks
- Churchville is in this week performing Annual Preventative Maintenance on the Pierce Apparatus
- First Due Services will be in Next week 7/21/21 to do Hose and Ladder Testing

6. Training Division Report: Motion by Commissioner Battaglini, second by Commissioner Storm to accept the Training Division Report. All aye; motion carried.

Dear Board Members,

Trainings held in the month of June 2021

- 6/07/2021 – Live Burn
- 6/14/2021 – Handlines
- 6/21/2021 – Handlines II
- 6/28/2021 – Fire Police

Spec OPS Trainings of June 2021

- Water Rescue
- FAST Training

Outside Training

Currently in training

Upcoming Fire Training

- NYS Scheduling Meeting 6/15/2021

7. Fire Company Report: Motion by Commissioner Battaglini, second by Commissioner Storm to accept the Fire Company request to reserve the community room for the dates of September 18, 2021 and September 25, 2021 for the use for their 100th anniversary cocktail party. All aye; motion carried.

Motion by Commissioner Battaglini, second by Commissioner Hamzik to approved the Auxiliary's request to hold the July 21, 2021 Broome County Ladies Auxiliary meeting in the community room. All aye; motion carried.

Motion by Commissioner Battaglini, second by Commissioner Storm to accept the O.L. Davis Fire Company request to participate in the hose team competition and the parade on July 10 at the Central NY Fireman's Convention. Chief Palazzo will coordinate the hose team and training. All aye; motion carried.

Motion by Commissioner Battaglini, second by Commissioner Storm to accepted new members John

Chanitz III, Shakeam Jackson, David Slade, and Joseph Temple to the Fire Company. All aye; motion carried.

8. O.L. Davis Fire Company Newsletter: Motion by Commissioner Battaglini, second by Commissioner Storm to feature our Anaphylactic Reactions and Health & Safety Committee polices. All aye; motion carried.

9. Review and Approve of SOGs:

Public Comment at Meetings and Hearings Policy

WHEREAS, the Board of Fire Commissioners of the Endwell Fire District acknowledges it is essential to the maintenance of a democratic society that the public business is performed in an open and public manner.

WHEREAS, Article VII of the Public Officers Law, commonly referred to as the Open Meetings Law, provides certain rights to the citizens in order to permit them to be able to observe the performance of public officials, to attend and to listen to the deliberations and decisions that go into the making of public policy by legislative bodies; and

WHEREAS, Article VII of the Public Officers Law permits those in attendance at public meetings to observe the conduct of Board meetings, but does not provide a specific right to speak and be heard; and

WHEREAS, it is the objective of the Board of Fire Commissioners of the Endwell Fire District to conduct business publicly, and provide those in attendance with the informative experience provided for under the statutory scheme.

Now, therefore, the Board of Fire Commissioners of the Endwell Fire District establishes the following policy regarding the public comment at its meetings:

The Board of Fire Commissioners will determine at each meeting whether or not time constraints and the pressing business before the Board will permit a public comment session. Public comment will only be permitted if the Board elects to permit a public comments session and if so, only during that time period in accordance with these rules.

The Chairman or other Fire Commissioner presiding at the meeting in his or her absence shall have to discretion to determine whether or not public comment will be permitted at a meeting and when during the meeting that public comment will be entertained.

Persons in attendance will not be permitted to comment or ask questions during the other portions of the meeting.

The Board will not entertain comment on fire department matters from members of the fire department at Board meetings. Members of the fire department must follow the chain of command and go through their company officers and the office of the Chief. A representative of the Chief's office will be present at each meeting to speak on behalf of the members of the fire department.

The Board will not entertain comment on fire district matters from paid employees of the fire district at Board meetings. Employees must follow the chain of command and go through their supervisor to submit grievances or statements to the Board.

Members of the fire department and paid employees are subject to disciplinary action for failing to maintain proper decorum and/ or failing to follow the chain of command at Board meetings.

The Board will not entertain public comment when it holds a work session which is open to the public. The Board will not entertain public comment at the Annual Organization Meeting required under the Town Law. Public comment when permitted will only be permitted at general meetings.

The Board reserves the right not to entertain public comment at any meeting.

When the Board entertains public comment the following rules will apply:

1. Public comment will only be entertained during the public comment session.
2. The timing of one public comment session will be at the discretion of the Chairman.
3. Speakers will be limited to 3 minutes to speak unless time constraints and/ or the number of speakers require a shorter period.
4. In the event that an agenda is established for the meeting and handed out to those in attendance, speakers will confine themselves to matters stated in the agenda. No comment will be permitted on matters not on the agenda. If a speaker has a matter that he or she wishes to address the Board on that is not on the agenda, he or she may submit such statements in writing to the Board and the Board may consider adding the subject matter of the comments to a future meeting agenda if it determines taking comment on the subject matter would be productive.
5. A speaker as a point of order during the public comment session may ask the Chairman for permission to speak on a matter not on the agenda and the Chairman may deny the request or poll the Board for a ruling. No comment on such matter will be taken unless an approval is given.
6. Speakers will be required to state their name and address for the record. A speaker not willing to do so will not be heard.
7. There is no residency requirement to speak.
8. The Chairman shall retain discretion to withdraw the authority of a speaker to be heard if he or she utters abusive, offensive or threatening remarks or if the speaker raises an issue which is not on the meeting agenda.
9. A speaker may not yield his or her time to speak to another who has already spoken.
10. Speakers may frame their statements in question form, but there shall be no obligation for the Board to answer questions since this is a public comment session. The purpose of public comment is to hear persons other than Board members.
11. If a speaker submits a question and the question is answered by a Board member or Chief, the answering time shall count against that 3 minute limit.
12. The public comment session is not a press conference or a debate. It is for speakers to state their opinions on matters of public concern related to fire district operations.
13. Those in attendance are to treat speakers with respect and wait their opportunity to speak.
14. Speakers may comment on the statements of prior speakers and just as they were not permitted to comment while those prior speakers were speaking, prior speakers may not interrupt the meeting to respond.
15. Any person refusing to follow these rules and maintain the proper decorum will be asked to leave the premises.

Public comment will be entertained at all advertised "Public Hearings" of the Board of Fire Commissioners based upon specific rules set for each such hearing. Such comment shall be on the matter stated in the notice of hearing. Such rules may include some of the rules stated above.

This policy is adopted in order to maintain proper decorum at meetings and shall be posted and copies made available as required.

The adoption of the foregoing policy in the form of a resolution was duly put to a vote and upon roll call the vote was as follows:

Chairman Anderson ____ aye ____
Commissioner Battaglini ____ aye ____
Commissioner Storm ____ aye ____
Commissioner Del Bianco ____ Not Present ____
Commissioner Hamzik ____ aye ____

The resolution was thereupon duly adopted.

Dated: Endwell, New York
June 16, 2021

Motion by Commissioner Battaglini, second by Commissioner Hamzik to approve the Alcohol and Drug Policy. All aye; motion carried.

Motion by Commissioner Battaglini, second by Commissioner Hamzik to approve the Chief's Vehicle Usage Policy. All aye; motion carried.

10. Contract for UHS Personal Trainer: Commissioner Anderson reached out to William Vangorder with NBT Insurance Agency about the contract for the UHS Personal trainer.

Andy

Good afternoon. Nice to have a chance to chat with you this afternoon. As we discussed, a district approved, written, physical fitness plan for your freighters would be considered an in-the line of duty activity. Hence, if the active member is injured or became ill while attending the proposed strength training class, then this claim would be pick up by Volunteer Firefighter's Benefit Law. Please see Matt's remark below. Matt is the Chief Operating Officer at Fire District Mutual, the fire district's workers' compensation and VFBL carrier.

Fire Company President, Rob Brady, does not feel the Fire Company should pay for this service as in the past the Fire District has paid for a trainer.

UHS will bill two hundred dollars per month for strength and conditioning services and it will be invoiced monthly.

After much discussion it was decided that Chief Palazzo should reach out William Vangorder again about insurance coverage for this service and use of the gym to make sure coverage could be provided for non-active members.

11. Commissioner Anderson stated he would like to only hold a hearing of visitor(s) at the end of the meeting. The rest of the Board was fine with this change.
12. Motion by Commissioner Battaglini, second by Commissioner Hamzik to approve the Endwell Fire Department to participate in the Fire Company 4th of July BBQ at Highland park and the standby crew for the 4th of July fireworks show. All aye; motion carried.
13. Motion by Commissioner Battaglini, second by Commissioner Hamzik to allow Endwell Fire District tax payers to rent the Community Room as of July 1, 2021. All aye; motion carried.
14. A discussion about the recent face mask requirements was held and it was decided that face masks would not be required to be worn by fully COVID Vaccinated members and visitors at all three stations. You may choose to wear a face mask as personal preference. Mask would be required to be worn for all

unvaccinated COVID members and visitors at all three stations. Signs will be placed on the entrances of the buildings.

Hearing of Visitor(s): None

Correspondence(s): None

Motion by Commissioner Battaglini, second by Commissioner Storm to adjourn the meeting at 4:47 pm. All aye; motion carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Mark Storm', with a stylized flourish at the end.

Mark Storm
MS/EP