

ENDWELL FIRE DISTRICT  
BOARD OF FIRE COMMISSIONERS MEETING  
SEPTEMBER 19, 2019

Members:

Carlton "Andy" Anderson  
George "Mickey" Bush  
Don Battaglini  
Mark Storm

Others present:

Anthony "Tony" Fiacco, Treasurer  
Tom Palazzo, Fire Chief  
Erika Pereira, Administrative Assistant  
Michael Battaglini, Assistant Chief  
Matthew Grafton, Assistant Chief  
Rob Brady  
Cheryl Grafton

Moment of silence for Fran Pandich

Meeting called to order at 6:38 pm by Treasurer Tony Fiacco who acted as Chairman.

Member Battaglini was in touch with our attorney Oliver Blaise and his associate Angelo Catalano regarding the open seat on the Board. According to Town Law 176 since the vacancy of an elected position occurred before October 1, the vacant seat is up for election this December and if the Board makes an appointment then that appointment expires December 31, 2019 and the elected member takes over on January 1, 2020 and serves through the end of Fran's term which would expire on December 31, 2022.

Our attorney Oliver Blaise also research whether the Board of Commissioners had to have a Chair. The Board must elect a Chair to serve the remainder of the year. According Town Law § 176 (1) states that the board

*"shall elect one of their members as chairman at the first meeting of fire commissioners after such district shall have been established and annually thereafter at the first meeting thereof following each election of fire district officers. Such chairman, when present, shall preside at the meetings of the board of fire commissioners. In the absence of the chairman the other members may designate one of their members to act as temporary chairman."*

The statute says the Board "shall" elect a chair, meaning this function is mandatory by state law. In addition, it is worth noting that electing a chair is the first item listed in the "powers and duties of fire district commissioners" statute (Town Law § 176), thereby confirming its significance. It is also worth noting that Town Law § 174, which deals with the election of commissioners for newly established fire districts, provides that at the initial meeting "the treasurer shall preside until such time as a chairman of the board of fire commissioners shall be chosen."

With this information present acting Chairman Tony Fiacco asked if there were any nominations for Chairman of the Fire District.

Member Battaglini was nominated by Member Storm to be Chairman of the Fire District, second by Member Battaglini; Opposed by Member Anderson and Member Bush.

Acting Chairman Tony asked if there were any other nominations for Chairman of the Fire District.

Member Bush nominated Member Anderson to be Chairman of the Fire District, second by Member Anderson; Opposed by Member Storm and Member Battaglini.

Acting Chairman Tony asked if there were any other nominations for Chairman of the Fire District.

There were no other nominations for Chairman.

There was some discussion on the reasoning for voting on each candidate but no agreement could be made on who should act as Chairman until the end of the year.

Member Anderson will reach out to Attorney Mark Butler to get a second opinion on the open Chairman position and the current deadlock on who should be Chairman.

Special Board of Fire Commissioners meeting will be held on Thursday, September 26, 2019, at 7:00 pm, work session immediately preceding at 6:30 pm to elect a chairman, approve bills, and conduct the monthly board meeting.

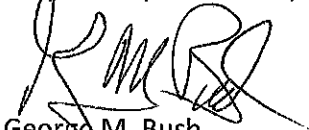
Motion by Member Battaglini to adjourn the meeting at 7:00 pm since a Chairman needs to be appointed in order to continue the meeting, second by Member Storm

Opposed by Member Anderson

In Favor by Member Bush

Motion carried.

Respectfully Submitted,



George M. Bush  
GMB/EP