

**ENDWELL FIRE DISTRICT
BOARD OF FIRE COMMISSIONERS
MONTHLY MEETING
May 22, 2024**

Members:

Carlton "Andy" Anderson
Donald Battaglini, Vice Chairman
Michael Lewis
Richard Wrobleski

Others Present:

Erika Pereira, District Secretary
Alison Senft, District Treasurer
Michael Battaglini, Fire Chief
Robert Brady, President of Fire Company
Michele Pandich, 1st Vice President of Fire Company
Cheryl Grafton, Fire Company Treasurer
Dennis Sullivan, Trustee of Fire Company
Gregg Cook, Trustee of Fire Company
Scott Costello
Joseph Shoemaker
Kyle Ferraro
Ryan Derkowski
Zachary Rader
Cole Farley
Liam Blanchard
Teague Blanchard

Chairman Anderson called the Board of Fire Commissioners' Work session to order at 6:30 pm.

The Board went over the agenda.

The work session was closed at 7:00 pm.

The Board of Fire Commissioners meeting was called to order at 7:00 pm.

Motion by Commissioner Battaglini, second by Commissioner Wrobleski, to approve the April 24, 2024 meeting minutes with no corrections. All in favor; motion carried.

TREASURER'S REPORT: Motion by Commissioner Battaglini, seconded by Commissioner Lewis, to approve the treasurer's report and Capital Reserve Summary. All were in favor; aye, the motion carried.

Alison would like to update the QuickBooks Desktop. Support and all add-on services for our QuickBooks have ended since we currently use the Premier Nonprofit Edition Desktop 2021 version. Critical security updates to our software were also discontinued. QuickBooks is currently moving over to an Online subscription. Motion by Commissioner Battaglini, second by Commissioner Lewis, to approve upgrading QuickBooks. All in favor; motion carried.

Alison Senft stated that the AUD report has been filed, and the audit has started with Mondorf & Fenwick, PLLC.

Last month, Alison Senft calculated the balance of the unappropriated prior-year funds and moved them into the NY Class fund, which has a balance of \$582,023.00. She also transferred \$38,457 from the Apparatus Capital Reserve fund to cover the bodywork for the new utility into the current-year fund. Therefore, the current balance in the Apparatus Capital Reserve fund is \$714,000.00. The District is currently making 5% interest in the NYCLASS funds.

Alison Senft would like to recommend moving our current-year funds to the NYCLASS so we can earn a 5% interest on the money. There are no restrictions on moving the money as needed in NYCLASS, but it takes 24 hours to transfer the money. We currently have about \$785,000.00 in our Current-Year Funds and only make 2% in our M&T account. Alison would like to keep \$50,000.00 in our M&T account if we need funds on the same day.

Motion by Commissioner Battaglini, second by Commissioner Lewis, to approve moving our current-year funds to the NYCLASS as the District Treasurer Alison Senft recommended. All in favor; motion carried.

Unfinished Business:

1. Station 3: No action.
2. New Apparatus—2024 Chevrolet Silverado: New Utility 31-1 is having all the lights and graphics installed at Bush Electronics. Chief Battaglini has been in contact with the owner and has approved the graphics for the truck. Chief Battaglini does not know the exact time we will take delivery, but it shouldn't be long.
3. Resolution to Dispose of Surplus Vehicle by Sale: WHEREAS, the Board of Fire Commissioners of the Endwell Fire District is vested with the authority to sell property or equipment owned by the District which it determines is no longer necessary for the uses and purposes of the District pursuant to Section 176 Subdivision 23 of the Town Law; and

WHEREAS, the Board has determined that its 2009 Ford F550, Color: Red, VIN # 1FDAW57R89EA30198 (the "Vehicle") with associated equipment owned by the District is no longer necessary for its uses and purposes; and

WHEREAS, the Board has determined that its Vehicle is surplus property; and

WHEREAS, the Board has determined to sell such Vehicle has an approximate value of more than twenty thousand dollars (\$20,000.00) but less than one hundred thousand dollars (\$100,000.00), subject to market forces, in accordance with the authority vested in the Board of Fire Commissioners under Section 176 subdivision 23 of the Town Law.

IT IS RESOLVED that pursuant to the authority vested in the Board of Fire Commissioners under Section 176 Subdivision 23 of the Town Law, the Endwell Fire District shall sell such Vehicle in "as is" condition whose actual value shall be determined by market forces.

BE IT FURTHER RESOLVED that this resolution is subject to a permissive referendum as required under Section 176 Subdivision 23 of the Town Law and in accordance with the procedure for permissive referendums as described in the General Municipal Law.

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

Chairman Carlton "Andy" Anderson	AYES
Commissioner Donald "Don" Battaglini	AYES

Commissioner Michael Hamzik	NOT PRESENT
Commissioner Michael Lewis	AYES
Commissioner Richard Wrobleski	AYES

The resolution was thereupon declared duly adopted.

4. New Apparatus – Engine: There is a two-year turnaround time for the truck to be built and delivered. The engine should be delivered in 2025.
5. Updates to the Board Room: The cabinets are slowly being cleaned out. Other than that, the project is complete.
6. Partial Real Property Tax Exemption for Volunteer Firefighters: The District Secretary provided Commissioner Wrobleski with a roster of members and their statuses. Commissioner Wrobleski has been working on an updated list based on his opinion on who is eligible. He had questions regarding some members' statuses, such as some having Life-Auxiliary and Active-Auxiliary statuses. Once he clears that up, the list should be completed.
7. Photographer: Kimberly Hill received clearance from Southern Tier Occupational and will complete orientation soon. Cassidy McKnight went for her physical, and we await clearance from Southern Tier Occupational.

Our Safety Officers, John Hussar and Tom Palazzo, will handle the Photographer's Orientations.

The Commissioners were handed a copy of the orientation outline and the Photographer & Audio/Video Recording Policy for review.

8. SCBA Bottle Replacement: Chief Battaglini had two quotes on State Contract pricing.
Quote 1 is for 100 bottles only and is \$157,929.00.
Quote 2 is for 50 new packs and 100 bottles. The amount is \$596,170.50.
There is currently \$266,918.19 in the Equipment Capital Reserve Funds.
Chief Battaglini would like only to replace the 110 cylinders at the moment.
Commissioner Wrobleski would like to purchase 50 bottles this year and another 50 bottles in 2025. Then, we could plan for new packs for possibly 2026 - 2027.
Chief Battaglini will get a price quote for 50 bottles.
9. Scanners for Stations: Commissioner Wrobleski had all the scanners programmed and ready for installation. Commissioner Lewis will contact AV Sound to have them installed.
10. Roof PMs: Penn-York Construction had rescinded its not-to-exceed time and material proposal. A scope of work was sent to JKS Home Improvement, JR Construction, and Peranich & Shelp Construction so we could review three price quotes.
JKS Home Improvement did not submit a proposal.

Peranich & Shelp Construction submitted a proposal. Station 1 would cost \$2,140.00, Station 2 would cost \$540.00, and Station 3 would cost \$1,280.00. Thus, the total cost for all three stations would be \$3,960.00.

J.R. Construction submitted a proposal. For all three stations, the cost would be \$7,200.00.

Motion by Commissioner Battaglini, seconded by Commissioner Lewis, to approve J.R. Construction proposal. All were in favor; aye, the motion carried.

11. Move the deceased members' board to the Community Room: Commissioner Lewis is waiting for a price quote from Pen York Construction Company to complete the task.
12. List for the Attorney: Michael Hamzik was working on a list of questions to send the attorney to have answered. Commissioner Anderson asked the rest of the Board to review these and think of anything to discuss.
13. On Saturday, May 11, 2024, Southern Tier Medical Care Occupational Health completed the physical clinic on-site at Station 1. Southern Tier Medical arrived at 7:30 a.m. to set up. Eleven people completed their physicals. The clinic ran from 8:00 a.m. until 11:00 a.m.
14. AFDSNY Mini Summit: The summit was canceled; therefore, Erika Pereira did not attend.

New Business:

1. Approve bills and supplement for payment: Motion by Commissioner Battaglini, second by Commissioner Wroblewski, to pay the bills and supplement for payment:
 Vouchers # 24_05-001 to 24_5-050, including payroll and Debt Service interest payments totaling \$50,163.82.
 Supplemental List: Vouchers # 24_6-001 to 24_6-012 totaling \$3,219.22.
 All in favor; motion carried.
2. Buildings & Grounds:
 - Evan's Mechanical completed the repairs to the circulating pump, and the filter housing was repaired.
 - Sentry Alarm replaced the sensor above the entrance door by the training room.
 - Three key boxes were purchased for each station. The key boxes must be mounted to the building by the main entrance door at each station.
 - Ziegler Property Maintenance completed the cleanup of the back parking lot.
3. Community Room Reservation Request(s): Motion by Commissioner Lewis, second by Commissioner Battaglini, to approve the request to use the community room. All in favor; motion carried.

Date	Times	Requested by	Use	Cost	Comments
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10-26-2024	All Day	Ron Materese	South Central Fire Police Association – Training Seminar	\$200 Security Deposit \$200 Room Rental Fee \$100 Kitchen Rental Fee	Member: Request to waive room & kitchen rental fee
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4. Chief's Report: Commissioner Battaglini made a motion, seconded by Commissioner Lewis, to accept the Chief's Report. All in favor; Aye; motion carried.

Honorable Board Members,

- *We recently sent several Firefighters to a Swift water rescue technician course. The class was attended by Endwell Fire and Endicott Fire. All firefighters passed this course and we added to our numbers for Water Rescue Technicians.*
- *New Utility 31-1 is having all the lights and graphics installed in at Bush Electronics. I have been in contact with the owner and have approved the graphics for the truck. I do not know the exact time we would take delivery, but it shouldn't be long.*
- *I have the quotes for both replacements of the SCBAs and Cylinders.*
- *Still waiting to hear from the Board of Fire Commissioners on the replacement of Car 31-C. Just a reminder that we put \$11,000 into repair on that car last year.*
- *Endwell Fire, Endicott Fire, Vestal Fire, and Campville Fire should have the Western Broome Water Rescue Team up and running shortly.*
- *Broome County cancelled the airport Drill and stated that it will be rescheduled. It is an FAA requirement. No idea when they are planning the reschedule.*
- *I continue to be in contact with Sutphen on the new Engine. The communication continues to be great. We are still on track for a 2025 delivery.*
- *In June, we will be sending 5-6 firefighters to the Bomb Tech class in New Mexico. This is no cost to Endwell Fire; it is paid for by the Federal Government.*
- *We would like to send some firefighters to a flashover simulator in September. It is in Broome County, and the cost would be \$125 per person. I am hoping to get some more money as our training budget has been used up with the Swift Water Technician Class.*

Chief Battaglini stated the Airport Drill was rescheduled to May 29, 2024, at 8:30 am.

5. Support Services Report: Commissioner Battaglini made a motion, seconded by Commissioner Lewis, to accept the Support Services Report. All aye; the motion carried.

6. Maintenance Division Report: Commissioner Battaglini made a motion, seconded by Commissioner Lewis, to accept the Maintenance Report. All aye; the motion carried.

The following maintenance was completed since the last board meeting:

- *Quint 31 Aerial Testing on June 03, 2024*
- *Tower 31 Aerial Testing on June 03, 2024*
- *SCBA Looking into replacements*
- *Annual hose, pump, ladder, and NYS inspections upcoming*

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

Trainings held in the month of April/May:

- *April 29th – Motor Vehicle Extrication – Cutting*
- *May 06th – Live Burn Vestal – Live Fire*

- May 13th – Business Walk Through – Town of Union Buildings
- May 20th – Pumping, Hoses and Handlines
- May 27th – Memorial Day

Special Operations Trainings:

- May 19th – Joint Western Broom Water Rescue Training.
- 8 Personnel taking the Rescue 3 Swift Water Rescue Technician

Outside Trainings Offered:

- McNeil Trainings Online- Multiple Training Available
- NYSEG Trainings Online
- National Grid Safety Training – 3 Hours
- FEMA – Online Training Courses and In-person Classes

Currently in NYS Training:

- 2 Personnel – NYS Swift Water Rescue

Upcoming Fire Trainings in June:

- June 3rd - Vestal - Roof Ventilation - Vestal
- June 10th – Ice Cream Social Ticket Sales
- June 17th - Wildland Search/ Rope Rescue
- June 24th – Ice Cream Social Ticket Sales

The Training Schedule for June will be posted to the lamresponding Application.

8. Fire Company Report(s):

- Commissioner Battaglini made a motion, seconded by Commissioner Lewis, to reimburse the O.L. Davis Fire Company for food purchases for lunches provided to members attending the Water Rescue Class on May 3-5, 2024. All aye; the motion carried.
- Motion by Commissioner Battaglini, seconded by Commissioner Lewis, to provide the O.L. Davis Fire company with a list of names who have access to the following areas
 - Storage #2
 - Company Storage
 - Company Office
 - Uniform Closet

All aye; motion carried.

9. O.L. Davis Fire Company Newsletter: Commissioner Anderson reminded everyone that Alice Fiacco, Company Secretary, is working on the monthly newsletter and asked them to think of ideas for it.

Commissioner Lewis wants to see the Southern Tier Medical No-Show Policy in the newsletter.

10. Donation(s): We received a donation from Regan and Carol Beers in the amount of \$55.00. Commissioner Wroblewski motioned, seconded by Commissioner Battaglini, to accept the donation and place it in the donation fund. All aye; motion carried.
11. 2024 Worker’s Compensation and Volunteer Firefighters’ Benefit Law Coverage Renewals: Motion by Commissioner Lewis, seconded by Commissioner Battaglini, to renew our Worker’s Compensation and Volunteer Firefighters’ Benefit Law Coverage in the amount of \$54,315.00. All aye; motion carried.

Please note that last year's policy premium was \$58,729.00. We had a \$4,414.00 decrease from the previous year.

12. Southern Tier Medical No-Show Policy: Motion by Commissioner Battaglini, seconded by Commissioner Lewis, to approve the no-show policy. All aye; motion carried.

Dear Companies,

Just a note to let you know that due to the high increase with employees, patients not showing up for their scheduled appointments, we will be enforcing our "No Show" policy once again.

Our policy, as stated in our Authorization, has always been to notify us at least 24 hours prior to appointment time, if they need to cancel. This time frame is allotted for their appointment, and it is impossible to fill that time with such short notice when they simply do not show up. We still need to pay our Providers, Nurses and staff.

We do understand that unforeseen circumstances and emergencies happen, and we are willing to make some adjustments when this occurs.

Companies will be charged \$60.00 for any scheduled provider appointment and \$25.00 for any scheduled nurse visit. This will go into effect on June 1, 2024.

Please do not hesitate to contact myself, Tacy or Jenny, with any questions or concerns.

Thank you for all your continued business and we wish you all a Happy Spring and a Sunny Summer!

13. Letter of Resignation: Motion by Commissioner Battaglini, seconded by Commissioner Wroblewski, to accept Michael Hamzik's resignation. All aye; motion carried.

Dear Commissioners,

When I got elected as a fire commissioner, I was happy to be able to assist in making the Endwell Fire District a great place for the volunteer firefighters. The 1st three years of my term seemed to be going into the right direction. It has seemed that it is not the case anymore. I have tried to update, improve items to make things more manageable but have gotten resistance and/or criticism in trying to do so. I feel that I cannot contribute the way I would like to.

Therefore, effective immediately, I am resigning as Fire Commissioner of the Endwell Fire District.

I hope for the best for this fire district. I will try to be available if my assistance is needed. I am still going to be an active firefighter.

The person appointed as the fire commissioner will hold office until December 31, 2024. If they wish to continue serving, they must submit a petition in November to have their name placed on the ballot for the open term at the annual election on December 10, 2024.

14. Commissioner Lewis stated that 7 Firefighters attending the Bomb Tech class in New Mexico would like the Fire District to pay for lodging in Syracuse before their flight, which leaves at 6:00 a.m. on Sunday, June 2. Motion by Commissioner Battaglini, seconded by Commissioner Lewis, to pay for three rooms. All aye; motion carried.

Hearing of Visitor(s): Rob Brady provided correspondence regarding the Property Tax Law from the Fire Company Lawyer, Pinsky Law Group.

May 2, 2024

*O.L. Davis Fire Company
Attn: President
3508 Country Club Road
Endwell, New York 13760
Dear President:*

You have asked for our opinion on whether Section 466-a of the New York State Real Property Tax Law applies retroactively to non-active, previously retired, life members who were not active at the time the resolution was adopted involving the property

tax credit.

You also have asked whether the fire company or the fire district is obligated to provide the list of eligible members to the Assessor's Office.

THE LAW

Section 466-a provides in relevant part:

1. *Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member ... shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor...*
2. *Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:*

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. *Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such a county provided that the governing body of a village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.*

Question 1:

The statute does not define the term "enrolled member", so this issue must be left to interpretation. It is a well-accepted principle of law that in lieu of a specific limitation included in a statute, an agency's interpretation of a statute under its control is strongly influential. In other words, "an agency's interpretation of the statutes it administers generally should be upheld if not unreasonable or irrational." Matter of Weslowski v. Vanderhoef, 98 A.D.3d 1123, 1130, 951 N.Y.S.2d 538 (2nd Dept. 2012), lv dismissed 20 N.Y.3d 995, 959 N.Y.S.2d 124 (2013) (internal quotation marks omitted).

This new section of law was modeled after prior laws specifically enacted for various counties, starting in 1999. The present version provides statewide authority for the property tax exemption and is virtually identical in its provisions as the prior, county-specific versions. Therefore, reliance upon any interpretations of these prior laws is applicable to the present version of section 466-a.

In 2006, the State Board of Real Property Services issued an Opinion of Counsel on a related issue. 11 Op. Counsel SBRPS No. 82, 2006 WL 2320145) The Board therein cited a prior opinion in which it reviewed a similar statute and interpreted the term "enrolled member" to mean a "currently active" member for purposes of the five-year minimum service exemption. (11 Op. Counsel SBRPS No. 31). The Board also interpreted the term "enrolled member" to include a "formerly active" member for the purposes of the lifetime exemption following twenty years of active service.

The Board opined that "contemporaneous service and residency are not required" for the lifetime exemption. Of course, the 2006 opinion acknowledges that "in the absence of clarifying legislation or judicial interpretation, the meaning of undefined statutory terms remains elusive."

We acknowledge that these opinions did not specifically address whether the individual had to be "enrolled" at the time the law was adopted, but we opine that the benefit is to be applied retroactively, regardless of whether the member was still "active" at the time the law is adopted/implemented.

Therefore, all persons who have accrued more than twenty years of service in the department, regardless of when they were

active, are entitled to the benefit.

We do opine, however, that a governing body could restrict this benefit to include only those persons who were active at the time that the law was adopted. In the absence of a specific limitation, then all past members must be included.

Question 2

With regard to this question, we think the law is clear that the "authority having jurisdiction" must provide the certified list of enrolled members who qualify for the tax exemption. However, the list must include all persons who are entitled to benefit from the law. We believe that a member who is left off of the list has the right to commence an Article 78 action against the fire district to force the district to add them to the list if otherwise entitled. There is a four-month statute of limitations which would run from the date the list is certified by the fire district.

CONCLUSION

All persons who accrued more than twenty years of service in the Department are entitled to the real property exemption, regardless of whether they were active in the Department at the time the law was enacted or the benefit was adopted. The fire district, as the authority having jurisdiction, is the entity responsible for providing a certified list to the town, but such list must include all persons entitled to such benefit. The failure to include an individual on the list may subject the fire district to an Article 78 proceeding to correct such omission.

Please note that our opinion may be reliant upon certain facts that you have or have not provided and could change based on any additional or inaccurate information. This opinion has been issued for the benefit of your fire company and not for any other entity.

Rob Brady asked the Board who authorized the list that went to the Town Union because, in the letter from Pinsky, he talks about an Article 78 proceeding that the members can follow up on. Article 78 has to do with elected officials not properly conducting themselves. Rob Brady wanted to know if everyone agreed to the list and if everyone saw it before it went to the Town.

Erika Pereira and Commissioner Battaglini stated that everyone on the Board, including the Fire Chief, saw the list and agreed to it. The list of eligible members was also included in the meeting minutes. Therefore, everyone saw what was being submitted and voiced no concerns.

Rob Brady stated that the District should have worked with the Fire Company on the list as the District does not know everyone's status.

Rob Brady stated that you cannot hear the alarms over the speakers.

Commissioner Battaglini resigned as a Fire Commissioner.

Commissioner Battaglini gave Commissioner Anderson his 50-year service award since he was not at the Inspection Dinner.

Commissioner Anderson thanked everyone for the well wishes he had received while out on medical leave. He is on the mend and glad to be back.

Correspondence(s): None

Commissioner Lewis made a motion, seconded by Commissioner Hamzik, to adjourn the meeting at 7:56 p.m. All aye; the motion carried.

All motions were unanimously carried unless otherwise noted.

Respectfully Submitted,



Erika Pereira

Fire District Secretary