**MINUTES OF THE SPECIAL MEETING OF**

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**THE TOWN BOARD OF THE TOWN OF NEW LEBANON – MEETING BETWEEN THE TOWN BOARD AND THE LVPA BOARD OF DIRECTORS**

**HELD ON OCTOBER 6, 2017**

**Present: Colleen Teal, Supervisor**

**Chuck Geraldi, Councilmember**

**Kevin Smith Sr., Councilmember (arrived 7:37pm)**

**Mark Baumli, Councilmember**

**Dan Tuczinski, Town Attorney**

**Absent: Dan Evans, Councilmember**

# **Recording Secretary:** **Tistrya Houghtling, Town Clerk**

**Others Present: Ed Godfroy, LVPA Board Member**

**Gregg Gilliland, LVPA Board Member**

**Ben Wheeler, LVPA Board Member & Fire Chief**

**Bobby Waters, LVPA Board Member**

**Eugenia Browning, LVPA Board Member**

**Mary Young, LVPA Board Member**

**Kevin Darcy, LVPA Board Member**

**Rik McClave, Assistant Fire Chief for Stephentown**

**Cynthia Creech, Deputy Supervisor, Court Clerk,**

**Rec. Commission, CAC & ZRC Member**

**Judy Zimmer, Cleaner & NL Rep to CC Office for the Aging**

**Sharon Moon, BAR Member**

**JJ Smith, NL Rep to CC Office for the Aging**

**Robert Smith, Planning Board Member**

**Jeff Winestock, Highway Superintendent**

**Ted Salem, ZBA Member & ZRC Chair**

**Several members of the public**

**CALL TO ORDER:**

The meeting was called to order at 7:05 p.m. by Supervisor Teal. Supervisor Teal pointed out the emergency exits. A moment of silence was followed by the flag salute.

### LVPA:

### Supervisor Teal stated that the Town Board and the Lebanon Valley Protective Association (LVPA) need to have some serious discussions to have regarding Fire Protection Services. Initially, it will be the two boards interacting – I will not entertain comments from the public during this part of the meeting. After this part of the meeting has been completed, I will open the meeting to hear public comment. Throughout the main part of the meeting and during privilege of the floor, I expect everyone to behave in a calm and respectful manner – I will not tolerate disrespectful or aggressive behavior. If you cannot abide by this request, you will be asked to leave. If you wish to speak during the public comment or privilege of the floor section of the meeting, please read the “Rules of Procedure for Privilege of the Floor” and abide by these rules during your comment time. Comments will be limited to 3 min. and if you wish to address the board a second time it will be after everyone has been given an opportunity to speak once and subject to available time.

Supervisor Teal stated that she is looking for a little bit of understanding but she is going to start with a little bit of description.

Supervisor Teal read the following statements aloud:

“Almost two years ago, we came to the entire LVPA Board and told you that the state was telling us that we were not doing things properly when it came to our financial and contractual interactions with you. We noted that this was not an attempt to blame the LVPA nor any former boards – we simply wanted to correct what we were each doing incorrectly – and we were clear that we wanted to work together to fix this – this was not an us against you situation – it was we – and it was our community and we needed to fix it together.

We had numerous meetings – each time we made a request either to change the contract, to change either of our procedures for doing things, your reporting or anything else that we requested, we came to you with copies of the State Law for you and for your attorney.

We offered the assistance of our accountant at no charge (he volunteered to donate time to help the LVPA – at no charge to either the LVPA or the Town) to help make the necessary financial reporting changes. We negotiated a contract that the LVPA Board, the LVPA Attorney, the Town Board and the Town Attorney all agreed to.

After these negotiations, at three Town Board meetings, Ben & Ed, you each made comments about just how positive the relationship had become and how refreshing it was to work with us.

By late April or early May, we became somewhat concerned that some of the terms of the contract were not being met. The Town Board began asking for an update on the asset management plan and for other specific items that were required by the contract but had not been provided…

* + Some were provided after they were requested,
  + Some were provided amidst a jumble of other information,
  + Some items were refused to be provided and some were simply never responded to.

In June, the LVPA submitted a proposed budget of $136,537.83. New questions developed out of some of the submissions we were receiving as well the proposed budget. On August 17th, two Councilmembers met with the LVPA Board and during that meeting, some of the terms that had already been agreed to and included in the contract were disputed by the LVPA and several of the answers to the questions posed only created new questions.

On August 18th, an email was sent to Gregg Gilliland, President of the LVPA Board, requesting many items that were missing as required by the terms of the contract (most of which were later provided – most of which, not all); and numerous questions on the 2018 Budget request and additional information required on the “Asset Replacement Plans” as they were titled by the LVPA. To date, none of these questions have been answered and none of the additional information or supporting documents have been provided.

During the day on September 12th, I entered the 2018 budget request into our LVPA spreadsheet and worked through the prior years’ actual expenditures as we tried to reconcile prior years to the new year’s format. In the monthly reporting from the LVPA, it has been reported that there is $52,668 in funds left-over from the 2016 budget. That worksheet is what you have before you tonight --- you will see the items we had questions on and you will see that the $56,668 money from 2016 has been applied to your budget.

On September 14th & September 15th I left voice messages for both Ben & Gregg regarding questions on the budget. Neither call was answered and neither ever responded to those calls. Late afternoon on September 15th, Gregg Gilliland delivered a different budget request in the amount of $256,830.18. However, no asset management plan has been delivered to, reviewed with, or accepted by the Town Board as required in the contract (and by the State law) in order for us to fund capital.

Additionally, we had been made aware of the fact that the LVPA has only 3 qualified fire fighters – there are a number of serious concerns with this –

* + The most concerning is you claim that there are 11.
  + Three qualified fire fighters means you cannot enter a burning building so if someone were inside, you could not go inside; you need two outside and two inside… (and I believe the Chief should not be any of these – yet he is one of the 3)
  + Three qualified fire fighters but two firehouses and six vehicles (not including the gator).
  + Three qualified fire fighters but apparatus and gear for 22 fire fighters and you are asking for an increase to 25 sets.
  + Three qualified fire fighters and you are requesting over a quarter of a million dollars for 2018…..

On Thursday, September 28th & Friday, September 29th, I again left voice messages for Gregg Gilliland and Ben Wheeler respectively. To date, I have received no response.

On Friday, September 29th, one of the Assistant Fire Chiefs advised one of our Town Board members that the LVPA, and I quote “was not signing a contract with us for 2018”.

Only upon receiving that information and not getting any response from Gregg or Ben, did I begin to reach out to other Fire Companies and Districts – we are responsible for providing the fire protection services for the residents of this Town and this Board takes that responsibility seriously. I also began reaching out to both the NYS Comptroller’s Office and the Attorney General’s Office to see what options we had to provide these services.

I know that this Town Board has worked very, very hard to develop a collaborative relationship with the LVPA – we viewed it as a team process to make this work and provide fire protection services for the Town of New Lebanon. I, for one, would like to understand from the LVPA what made you stop working with us in good faith and refuse to comply with the terms of your contract? And also, Chief Wheeler, where you think it’s appropriate or professional for you to have submitted a letter to all of the abutting fire companies in your battalion requesting that they not contract with us? First, I’d like to know what went South? What did we do to make you feel that we were no longer working as a team?”

Fire Chief Ben Wheeler stated that some of their issues were not listened to. Supervisor Teal stated that our financial situation is not okay. You cannot acquire $600,000 in funds. You are not a private corporation, you are a charitable corporation. You cannot have funds in your coffers and come to us and claim that you have a zero budget. You are not allowed to pad your budget and collect extra funds. You also cannot have funds that you have in your coffers and not be using for your mission. It’s a violation of the Attorney General’s Office for you to do that. Ben Wheeler stated that he would like to see copies of that. Supervisor Teal stated that he can speak directly to them, that’s where she got it. Supervisor Teal stated that what the Town is requesting of the LVPA is not unreasonable. It is required by law.

Kevin Darcy, LVPA Board Member, asked what did the Town not get that was requested. Supervisor Teal stated that to date, just out of the contract, we have not received the following:

- A more uniform system of accounts.

- An asset management replacement plan. An asset replacement plan is what we got. An asset management plan looks at all the assets that you have and how you are going to replace those over long term. What we received was a sheet of paper for each major asset, this is what it costs us to replace it, it’s valuable life is 25 years, we will divide that number by 25 and say we need that amount in cash every year. You are telling us that you need to replace every piece of equipment in both fire houses and all the apparatus in cash. Do you think we can do that? An asset management plan is required by law before we can fund any capital and we thoroughly explained this and provided the laws to the board.

- Current capital funds will be divided up into individual bank accounts by major project category. Each fund will have a specific definition of what it is to be used for and the balance in each fund, together with any changes, will be included in the monthly reporting documents. Those have not been set up properly. Ed Godfroy, LVPA Board Member stated that this is a copy of what they give the Town every month. It is a breakdown of our capital reserve. It says “building balance” right here. It says “truck balance” right there. Supervisor Teal asked if he can provide for her, as required by law, the documentation of how that was acquired. Ed Godfroy stated yes, it’s through savings. Supervisor Teal stated that it needs to be through a capital in your budget item. It cannot be surplus from something, that is considered a slush fund and that is considered illegal. It has to be clearly defined on your budget and on your budget request and if we are going to approve it, that is how it has to be listed.

- The Association will provide information on income from fundraising activities. Supervisor Teal stated that fundraising bequests, endowments and what those restrictions are we are entitled to. We are entitled to the full picture and that is according to the Attorney General and you included it in your contract. At the last meeting, you once again tried to tell the Town Board members that we are not entitled to fundraising.

- The Association will provide the above and any other financial information which the Town Board may reasonably request to adequately document cash and property tax balances, income or cash flows which may be used to support budget requests. Supervisor Teal stated that it took us several requests to get membership and category. We were given active and inactive along with 25 pages of deceased. When we asked for inventory, we know how many pancake flippers you have, how many forks and how many knives. In all honesty do you think that is what we wanted? I have 25 pages of that but I do not have the information that I am required to have to make a decision as to whether or not we are giving you a fair value. The training records submitted do not have any dates next to them. Ben Wheeler stated that the dates are not on the chart because they don’t follow them on the chart, they are in their training records. Supervisor Teal stated that we asked for the training records so we could verify that people are qualified to be doing what they are doing. Ben Wheeler stated that to their understanding from what the Town requested, they have provided what was requested.

Supervisor Teal read the following email that she sent to Gregg Gilliland on August 18th:

In follow-up to last night’s meeting with Councilmembers Smith & Baumli and our telephone conversation today, the additional information required by the contract that we are looking for is:

1. Fundraising income (13.h) and
2. Membership including name, address and category of membership (Class A – Interior Firefighter; Class B- Exterior Firefighter; and Class C- Fire Police);  [you stated there are no standardized requirements for these classes and it is only the LVPA requirements that must be met; please have the Training Officer certify the category of membership list] (14.c).

The following information is being requested in writing as noted in section 15 of the contract:

                b. drivers list,

                e. Vehicle Maintenance records and check sheets,

                f. pump test records,

                g. hose test records,

                h. ladder test records, and

                i. SCBA test records.

(there are three other testing items listed in the 2018 budget request – suction testing, nozzle testing and appliance testing; can we get the test records on these also.)

With regards to the 2018 Budget request, we are asking for 2015, 2016 & 2017 y-t-d actual expenditures to be included in additional columns on the form presented.  As noted before, this is required of all departments within the Town and allows the Town Board to look at the actual historical data without having to sort through 4 years of submitted reports. Also, as noted for any Town department, please provide details for any significant change in the 2018 Budget request as compared to past expenses including 2017 year-to-date (either up or down) and a description/explanation for any new items on the budget. Also please include the balances in each of the capital funds. As we discussed, there is an agreement on file with the Town that all radio funds not used for the new radio project will be moved into the Building Fund; therefore, I request that those items you have listed as “use remaining radio funds” be adjusted to show the necessary amounts in these columns also. A discussion can be had with Town Board regarding an amendment to our current agreement to allow this but there needs to be a justifiable value that we are looking at.

Several questions I have now on the 2018 submittal are:

1. Equipment – Fire: Water Rescue $14,861.24; (please provide details on this new item);
2. Apparatus Fuel & Oil - $4,813.60 (significant increase over actual usage over past 3 years); and
3. Car 1, Car 2, & Car 3 - $250.00 each for lights and sirens for personal vehicles – are all three vehicles getting new equipment in 2018? If so, can you explain why?

Regarding the Asset Replacement Plans:

1. Do you have an inventory of all assets? This should include the item with description, location (building or truck, etc.), make, model, serial number, year, condition, year purchased (if different), condition, anticipated replacement cost if available, funding source of current asset (ie. cash, loan, lease, grant, etc.)
2. On the Air Pack Replacement Plan, you note that you are applying for a grant for the replacement of these. Is this how it has been done historically? Is this “change-out” usually paid for by this grant in most fire companies? If so, why would we assume it needs to be funded through a capital reserve fund? It looks like over a hundred of these grants are awarded annually. Are these grants available for turn-out gear also? Many of the awards say “personal protection.” Before we can determine the appropriateness of 22 or 25 sets of turn-out gear, we need the membership with class category for your company.
3. On vehicles, can you provide some historical data on financing also. Please include purchase price, amount of down payment (if any) and where $ for down payment came from, total amount financed, interest rate and life of loan, monthly payment amount, and if any of the purchase price was paid with grant funds.  I do not see a realistic means to provide full funding for all of this on an annual basis. We are looking at well over $100,000 annually just for vehicle replacement, not including any other asset replacement, major maintenance projects, or a building project.
4. Please provide an asset inventory, upgrade and replacement report for radios and pagers – on this report, please note what is/was paid by County and what is/was paid by LVPA.

Supervisor Teal stated that none of that, to date, has been provided. Bobby Waters, LVPA Board Member stated that it comes every month to the Town. Supervisor Teal stated that it does not. Kevin Darcy stated that it comes every month to the Town, it is on the documents submitted. Supervisor Teal stated that it is on the sheet buried. The Town needs an asset management plan. Kevin Darcy stated that they are a volunteer company, they have no full time secretary and all the information comes to the Town every month. Supervisor Teal stated that our accountant has volunteered and she is not going to go through 5 years to find when the truck was purchased and for how much. She stated that if they are not documenting it then she has a serious problem giving them $250,000. Kevin Darcy stated that it is documented and it is here in this Town Hall somewhere.

Ben Wheeler stated that as far as their expenses being buried every month and having to sort through it, if you take a look at what the LVPA supplies the Town on a monthly basis, there is a page that is the non-contractual money. That is stuff that they have received through bequest, through fundraising, etc. It is not taxpayer money that is included in the non-contractual money. The LVPA’s Attorney has advised them that the non-contractual money is money that the Town cannot tell the LVPA how to spend. Supervisor Teal stated that the Town has not told them how to spend any of their money, they just need a complete picture of their financials if we are going to contract with them.

Ben Wheeler stated that the following two pages of the report list all the contractual money that they have received. It lists it by the fire account. It lists it by the savings account breakdown and as you get into the savings account breakdown it lists it as capital reserve with a total that is then brought down into building balance and truck balance. There is currently $323,816.09 in the capital reserve for a building. Some of that money is non-contractual money from fundraising and memorial funds. The rest of that money is from the unexpended fund balances which at the end of the year if there was money left in our line items, it was forwarded to our capital reserves. The truck balance currently sits at $100,151.33. The last tanker they purchased was $275,000. All of their apparatus is paid off at this time. The next piece that they will potentially be looking at for replacement, which they are seriously thinking about whether they are going to replace or downsize, but at this point and time they have it, it’s paid for , it’s available for use and they would not get the return out of it, would be $300,000 to $400,000. There is an air system balance of $24,779.50. The LVPA provided the Town with an air pack replacement plan. Air packs basically have a 15 year life span. The composite bottles have a 15 year life span from date of manufacture. They have applied for a grant to replace the packs, but they are not sure if they will get the grant or not. They have riding seats that they have to provide the air packs for. So the $24,000 has been put aside to replace the bottles. There is an excess line with $52,668 which is the unexpended fund balance from last year’s budget. That is where the funds are. It is a total of 3 pages. It is not buried.

Supervisor Teal stated, by law… Ben Wheeler stated show me the law, you keep saying by law, I want to see a copy of the law. Kevin Darcy stated that the LVPA is giving the Town what the IRS told them to give the Town. Supervisor Teal stated that the Attorney General’s Office is the State agency that oversees the LVPA and they will tell them what they need. Kevin Darcy stated that the LVPA goes by what their legal counsel tells them. Supervisor Teal stated that the Attorney General’s Office told her today that the Town cannot contract with the LVPA when they are giving the Town a budget that does not have the LVPA’s full current capital listed on that budget. Ed Godfroy stated that it is listed in the reports they submit every month. Supervisor Teal stated that it must be listed on their budget request. Kevin Darcy stated that the LVPA gets audited every year. Supervisor Teal stated that is an independent audit that they have hired which is very different from the Attorney General or the Office of the State Comptroller auditing you. They have very different stipulations and requirements.

Kevin Darcy stated that the LVPA is giving the Town everything they are requesting. Supervisor Teal stated that she just showed them that the Town has asked for stuff and not gotten it. Kevin Darcy stated that they have given her what she has requested. Supervisor Teal stated that she does not have the information that she has requested on the vehicle replacement plan. Kevin Darcy stated that currently they are not set up for that and neither is their budget. Supervisor Teal stated that they cannot ask for money in their budget then. According to the State Comptroller, if the LVPA does not give the Town that documentation, then the Town cannot provide funding for capital. Our accountant has offered to volunteer his time to work with the LVPA to get this all set up properly.

Bobby Waters stated that when Town Accountant Brian Fitzgerald met with him, they went through a whole year’s worth of book work. He showed Brian how he was doing it and Brian said that it was fantastic and that is all that he needs. Supervisor Teal stated that is not what Brian said to her. We want generally acceptable accounting practices and that is not what we have. Ed Godfroy stated that the LVPA doesn’t have the accounting practices that the Town uses but they are using the ones that their accountant uses.

Town Attorney Dan Tuczinski stated that we are speaking two different languages here. He knows that there is a misnomer in the fire company world that you are private companies but the Attorney General’s Office heavily regulates, the LVPA just hasn’t been audited yet. It is in everyone’s interest to comply with the law. The LVPA is treated as a charity. He has defended Attorney General investigations and it is not pleasant. You are held to a very high standard, especially when dealing with taxpayer money. He suggests, if the Town is still willing to make their accountant available, creating a format by which information is exchanged. That way you are speaking the same language and the LVPA is not saying it was provided and the Town is not saying it’s not acceptable. Let’s together find a way to Marshall the data so it complies with all the requirements. Once that information is there, we are on a level playing field and the Town Board can then exercise its fiduciary duty to make sure that the money that is being paid is reasonable. At the same time, the LVPA wants sufficient funds to operate. The key is getting on the same page from an accounting standpoint. He recommends meeting with our accountant and saying this is the format by which we need to receive information, he sets you up with a format that’s necessary to deliver information, then we are on the same page. Then we can address some of the other issues. Otherwise he doesn’t think we will reach a common ground on the data the Town needs to award a contract and the data you feel comfortable providing. He is happy to help out with the requirements because he knows what the Attorney General requires, he knows what the State Comptroller requires. The key is getting the right information on the sheet so everybody is acting in good faith.

Supervisor Teal stated that there is $450,000 that the LVPA did not acquire through a capital reserve in their budget and that is a major issue. Kevin Darcy stated that the money has always been earmarked for either the truck fund or the building fund for as long as he has been a member. Supervisor Teal asked where the money came from. It doesn’t say capital reserve funds in the budget and that is the only way we are allowed to fund capital. Kevin Darcy stated that the LVPA has been told by their legal counsel that any surplus money from their contract with the Town was theirs to put into categories as long as they showed the Town where the monies went which they always have.

Councilmember Baumli stated that the LVPA has leftover money and prior Town Boards have let them do whatever they want to do with that money. For example, from 2016 right now they are showing $52,000 left. Prior administrations would let them put that in their capital reserves or in any fund that they wanted to put it in. Supervisor Teal is saying that they cannot do that. Their budget has to say next year in 2018, we want $50,000 for our capital reserve. If there is any money left over in their regular budget, he believes the Town Board should make that decision as to where that money goes. Supervisor Teal stated that it is very different if the funds are acquired by saying we need $45,000 for our capital reserve. If you say we need $30,000 for heating and your heating is always only $20,000 and the additional $10,000 goes over to capital at the end of the year that is viewed really differently. Kevin Darcy stated the LVPA has tried not to do that.

Rik McClave, the Assistant Fire Chief for the Town of Stephentown stated that no company can operate on $23,000 a year. Supervisor Teal stated that the Town was not giving them $23,000. That was a misnomer. Rik McClave stated that the Fire Company in Stephentown just spent $75,000 to put 12 SCBAs with spare tanks into service and their last truck which was delivered this spring was just over $300,000. You can’t operate like this. All of us in this valley, all the way from Canaan and all the way up to Hoosick, are all having problems getting volunteers and unless we have mutual aid that can typically respond when we’re short staffed or when we are having serious fires, we can’t operate. The only people that are going to suffer are the people who are in the communities of Canaan, New Lebanon, Stephentown, Berlin. Supervisor Teal stated that the reality is that we have been funding them at $220,000 per year when their operating budget is about $90,000 and we are not cutting them to $23,300. Rik McClave stated that he is not arguing semantics but they need support so that a fire company that has provided protection in this valley for almost 80 or 90 years can continue to provide a service. They are a good mutual aid company and we appreciate what they have done for us and what we have been able to do for them. Supervisor Teal stated that we have worked very hard to help them solve some of those problems. Our goal has never been to eliminate our local company. Rik McClave stated that what he can see from the outside this evening is a very antagonistic way of going about it. It sounds like there are two different accounting systems being utilized and you should be able to sit down and get these things resolved.

Bobby Waters stated that he has been the treasurer of the LVPA for 25 years and they have been audited by their private accounting service and the IRS. They had an independent IRS audit because of their tax status, which got changed 2 years ago and he also had the meeting with the Town Accountant Brian Fitzgerald. Since that meeting he has been submitting two copies of all their reports each month so if there is a problem with his accounting compared to Brian’s, he should have contacted him. Supervisor Teal stated that there is not a problem with Bobby’s accounting, that’s not what she is saying. Bobby Waters stated that she is saying that there is a different form but if Brian knows about it, he should have contacted him. Bobby Water’s asked where that second copy goes. Supervisor Teal stated that she hasn’t been sending the reports on to Brian because there seemed to be no interest from the LVPA in having Brian do that and he is not going to have Brian do all the review if there is no interest. Supervisor Teal stated that Brian looked at their books and there is no concern with how they are accounting for their monies and until we get to a point where we all agree that there needs to be a different accounting set up, there is no sense to her in having Brian do all of that. Bobby Waters asked where the second copy of the report is going if it hasn’t been sent to Brian. His understanding was that Brian was going to look at the reports each month and work with Bobby to come to the format that the Town needs. Supervisor Teal stated that originally it was sent to Brian. She stated that she didn’t know that Brian was going to work with Bobby to come to the format that the Town needs. She stated that we can easily send that to Brian. Ed Godfroy stated that the understanding between them and Brian was that the second set of reports was going to be sent to Brian each month and he would call Bobby directly regarding any issues. They haven’t heard from Brian so they assumed nothing was wrong with the reports they were submitting. Supervisor Teal stated that the first 6 months of reports went to Brian. She stated that the entire board gets a copy of the monthly reports. Bobby Waters asked where the second copy that he files with the Town Clerk’s Office is going. Town Clerk Houghtling stated that she was told to stop sending the reports to Brian so now she gives the second copy to Councilmember Smith as the liason with the LVPA. Supervisor Teal asked Bobby Waters if he is willing to change the format of his reports. Bobby Waters stated that if Brian had called him and said something was wrong he would be pleased to work with him. He stated that Brian told him that everything was perfect and that is why they gave him all the copies of the reports and he has never called him or sent a letter so he knew nothing about anything else. Supervisor Teal stated that we can very easily make a copy of all the reports from January through today and send them to Brian on Tuesday and we will do that and she will let him know that the LVPA is receptive to changing what they are doing. Ben Wheeler stated that it is hard to change to something new when nobody from the Town’s accounting department tells them that they are doing it wrong.

Councilmember Smith stated that he has asked to get together with the LVPA to go over turnout gear and other items to see what they have, what they need, when the replacements are going to be due so that we can start working on that. He stated that we have reached out as far as going through the different things that they need that is going to need to be replaced but nobody has gotten a hold of him. Bobby Waters stated that they can just leave the $7,500 in there and they can work from there. Councilmember Smith stated that we still need to know what they have and what the expiration dates are.

Councilmember Baumli stated that we also asked what their active memberships are. As Supervisor Teal indicated, we have 3 people, she believes, that can go into a burning building. Multiple LVPA Board Members stated that they have more than that. Supervisor Teal stated that they do not. Ed Godfroy stated that Gregg Gilliland dropped the membership list off to the Town Hall and the next day a member was questioning Gregg about his status so somebody here at the Town Hall is communicating with fire company members when the LVPA Board is the one that should be answering the Town’s questions. Supervisor Teal stated that she doesn’t know what he is referring to. Councilmember Baumli stated that we get a membership list on which there are deceased people, his father has been dead since 2006 and they have him on that list. We are asking for active lists. It is part of the contract which was signed in January and the Town is just getting them in October after 5 or 6 requests. He understands that they are all volunteers, but to submit things in October which were due if February is not acceptable. He stated that Councilmember Smith has been asking to work with them on their capital projects for months. It is in the Town Board meeting minutes, him asking every month where we are at with it. Supervisor Teal stated that we have been very clear that until we have a long term asset management plan, we cannot fund any capital, so where did the $250,000 budget request come from. It says in the contract that the LVPA will provide that to the Town before they will request capital funding.

Supervisor Teal stated that the LVPA’s average operating budget is no more than $110,000 per year but we were funding them at $220,000. Kevin Darcy stated that they were giving the Town the accounting to that. Supervisor Teal stated that she cannot pull those old budgets and show where the LVPA told the Town that $110,000 annually was going into capital. It was not. It was bumped up in all the standard items and there was depreciation in there which is not a valid accounting item. Supervisor Teal stated that she wants to work with the LVPA but they cannot have $250,000 and they cannot have a $3.5 million firehouse. She would like the LVPA to admit that, acknowledge that and be willing to work with a 2,300 population community in a small rural environment and recognize that our taxpayers are strapped.

Councilmember Baumli stated that the reason we are asking for active members is that if they have 10 active members but are asking for 25 sets of turnout gear or 50 tanks, we are not going to support that request. Kevin Darcy stated that surplus tanks are not surplus tanks. When you go to a call and you have 3 or 4 different townships there, those tanks get used. Supervisor Teal stated that what she is hearing is that if there is a fire in New Lebanon and other fire companies show up to help, the LVPA is responsible to provide air packs for everybody. Ed Godfroy stated that every company brings their own air packs and they bring their own spares. What they do at our scene is they refill them as they use them. We may come with 30 and other companies might come with 5 air packs and 10 bottles (one in the air pack and one as a spare) and we refill with our system as we use them but when you are talking revolutions, you can use up 30 bottles of air pretty quickly but you can’t refill them that quickly.

Gregg Gilliland asked for clarification if the Town wants to know exactly how many air packs the LVPA has and how many bottles. Councilmember Baumli stated compared to the number of active members they have and how many people are qualified to go into those fires. Gregg Gilliland stated that for rough figures they have 17 air packs and spare bottles, is the Town saying that if they only have 5 people that are qualified to go inside of a building, they only need 5 air packs. Councilmember Baumli stated no, they would also have some extras on the ground, but how many extra do you need. Gregg Gilliland stated that they are required by law to have an air pack for every riding seat. Supervisor Teal stated that if they have 17 seats and 3 qualified people, is there a problem with the number of vehicles. Ed Godfroy asked who told Supervisor Teal that they only have 3 qualified people. Supervisor Teal stated that there is additional documentation that they need then. They provided the Town with training, one of those people was listed as a class A but they have no training listed. Ed Godfroy stated that then he doesn’t go interior. Supervisor Teal stated that class A is interior. Gregg Gilliland stated that it is just the LVPA’s classification. Supervisor Teal stated you are telling me that a class A, interior firefighter, is only the LVPA’s classification. Ed Godfroy stated no, they are telling her that he is a class A firefighter but he has not received their training to go inside. Ben Wheeler stated that there are multiple different pieces that come into the puzzle as to whether someone is an interior firefighter. Supervisor Teal asked if they can have a spread of that on one page, with one person and whether they meet all of those requirements. Kevin Darcy stated that if you go to a car fire, to fight that car fire you have to be air packed, so it’s not just interior firefighting, it’s many things. To go to a carbon monoxide call, you need to pack up. There are many facets to this. It is not as clear cut as whether someone is an interior fire fighter or not. Ben Wheeler stated that there are multiple different steps to be classified as an interior fire fighter. They must train their people for the position that they hold and they must be refreshed on that annually. He stated that there is no certification that’s necessary to be an interior fire fighter in New York State. Supervisor Teal stated that there is certain training, not certification so we used the wrong terminology but she wants to know what training they have received. Ben Wheeler stated that they do fit testing annually. They have to pass the fit test and are properly fitted for an air mask. Each one of our fire fighters is provided their own individual mask that fits them properly. On top of that, what you may see listed as a class A is the fact that they also have to pass the physical so the physical may list them as a class A interior fire fighter because that is the standard at which they passed their physical, there is nothing medically wrong with them that would drop them down to a lower classification. So on some of the lists you may see them listed as a class A in one spot because they passed the physical, but if they have not completed the appropriate training we still do not allow them to do interior firefighting work. Supervisor Teal stated that what we were asking for was not clearly defined. What we want to know is who on your membership is allowed to go inside a building to fight a fire, who is allowed to fight a fire outside and who is only allowed fire police. That is what we are asking for and we need to know that. Gregg Gilliland stated that instead of asking who is qualified to go inside a burning building, we could ask who is air pack qualified. Councilmember Smith asked if there are people that are qualified for automobile that are not qualified for buildings. Gregg Gilliland stated that you have to wear an air pack to a car fire and those are the only people that are air pack qualified that can do that.

Supervisor Teal stated that she wants to go back to where we were a year ago when we were having these kinds of conversations and learning and we are not trying to learn enough that we want to come in and tell you what to do. You guys are the fire protection people, not us. Kevin Darcy stated that as the board of directors, they thought they were providing the Town with what they were requesting. Supervisor Teal asked who she should send her requests to. Gregg Gilliland stated that, for clarification, he is only the President of the department, Ed Godfroy is the chairman of the board. Any request for the board of directors should be sent to Ed Godfroy, if you want to cc me because I’m the President, that’s fine. Supervisor Teal stated that she will go through the request she sent to Gregg Gilliland, mark off anything that has been received and just let you know what is still pending. Supervisor Teal stated that she is also willing to provide Brian, the Town Accountant to help provide a spreadsheet or some type of format to do the asset management planning. Gregg Gilliland asked if she could have Brian contact Bobby Waters directly.

Kevin Darcy asked if we can jump to the operating costs because that is where the real issue is, so the LVPA can keep operating. Supervisor Teal asked if we can ask the questions we had on their budget request regarding their operating budget because nobody ever answered our questions.

Supervisor Teal asked the following questions regarding the original budget request submitted by the LVPA in the amount of $136,000:

* Fire Equipment for $14,861.24 – Supervisor Teal stated that it was told to the Town Board members at a meeting that this line item was for water rescue equipment. The LVPA stated that this was a miscommunication. The LVPA purchased water rescue equipment already this year. Councilmember Baumli asked what that was, what that entailed and why we really needed something of that expenditure. Ben Wheeler stated that the LVPA purchased 6 flotation vests of the proper quality for water rescue. Supervisor Teal asked where do we have rapid water. Ben Wheeler asked if she has ever seen the Kinderhook sometimes in the Spring. Supervisor Teal asked how many rescues the LVPA has had in the Kinderhook or the Wyomanock and what other mutual aid response has this equipment. Kevin Darcy stated that it’s tools in the toolbox, that is all it is. Supervisor Teal asked what that line item for $14,861.24 is for. Ben Wheeler stated that the request is an average of the last 3 years for actual expenses for fire equipment that they have purchased. Supervisor Teal asked what equipment, specifically, it is for. Ben Wheeler stated that he cannot tell us what is going to break every year. Supervisor Teal stated that is one of those capital things that we cannot fund without the asset management plan. Kevin Darcy stated that is not capital, that is operating. Supervisor Teal stated it is a maintenance and replacement and that is what we are asking for the long term asset management plan for. Those are the kinds of things that we can’t just give them the money as it is not an annual operating cost and those are the funds that then get slushed over, and that is what’s not allowed.
* Equipment Maintenance for $3,100 – Supervisor Teal asked what this maintenance is for. Ben Wheeler stated that this is for annual maintenance on their hydraulic equipment, the “jaws of life” as well as small engines being serviced (chainsaws, portable gas lights, etc.)
* Supervisor Teal asked what are fire prevention supplies? Ben Wheeler stated that when they go into the elementary school, they hand out pamphlets and different things to the kids, that is what that is for. Ed Godfroy stated that they go to Darrow School, the Abode and other places as well.
* Supervisor Teal asked for the breakdown of the funds on the radios because we funded the radio replacement that was actually done by County, with the exception of the accessories.

Supervisor Teal stated that she was not expecting to do a full budget review at this meeting. Her concern was that she had been told that the LVPA was not going to contract with the Town. Councilmember Baumli stated that Supervisor Teal was also not getting her phone calls returned by Gregg Gilliland and Ben Wheeler. Kevin Darcy stated that as the Board of Directors they thought that they had submitted everything that had been requested and they were told on Monday night that this is what had come back with a $23,000 number. Supervisor Teal stated that she had put calls in to both Gregg and Ben and this was never the Town’s bottom line. When we got no response whatsoever in two and a half weeks after multiple phone calls, and then we were handed a $250,000 budget in the interim, it went at $23,300. Supervisor Teal stated that she excluded all items that she had questions on that had not been answered and she came up with $75,607.

Supervisor Teal stated that we will need to have another meeting. She asked if the LVPA is interested in contracting with the Town. Numerous LVPA Board Members stated yes. Supervisor Teal stated that if the Town is going to contract with the LVPA for fire protection services and she is the Town Supervisor and she needs to talk to the LVPA, they need to respond and if that is not comfortable for them, she needs to know that now. Supervisor Teal asked the LVPA if there is going to be a reasonableness in negotiations. Ed Godfroy stated yes. Supervisor Teal stated that she does not want to lose the LVPA, they are our fire company. Kevin Darcy and Ed Godfroy stated the LVPA is not going anywhere. Ben Wheeler stated that they just know that they need to have x number of dollars. Supervisor Teal stated that it has to be a reasonable request.

Councilmember Smith asked if the LVPA is willing to give up any trucks and the West Lebanon post. Kevin Darcy stated not this year but it is something that they would consider over time as things time out. Kevin Darcy stated that they will not agree to that tonight. Ed Godfroy asked if, moving forward, when the Town finds out about a law that is not being complied with they can provide the law book page and number so they can read it and submit it to their Attorney to review. Attorney Tuczinski stated that he is happy to talk with the LVPA’s Attorney regarding some of these requirements.

Kevin Darcy stated that the LVPA came to the Town Board with a proposal for becoming a district, which would give transparency. Councilmember Smith stated that he is not comfortable making that decision as just 5 Town Board members. If it could have gone to referendum he would have voted to do it. Numerous LVPA members stated that it would go to referendum. Councilmember Smith stated that we are not allowed a referendum. Attorney Tuczinski stated that most municipalities want to find out the voters’ preference so we would have to look at that issue later on. Ed Godfroy stated that going to a district would take all the budget stuff out of the Town Board’s hands and LVPA’s hands and puts it in the voter’s hands. Supervisor Teal stated that it also forces these 5 Town Board members, the way she understood it in her conversations with who oversees the Town and our authority to do this, to decide to change what’s been in place for the last 100 years and it makes a big difference to the community and she is not willing to make that decision if it comes down to just the 5 Town Board members and cannot go to referendum. Ben Wheeler stated that the question has always come up if the taxpayers will get to vote on the proposed new firehouse. The way the LVPA is set up now, it would not go to vote. If the LVPA became a district, the proposed new firehouse would have to go to a public vote of the taxpayers. Supervisor Teal stated that one of the biggest responses she gets from the public is if you look at a general election or vote in a fire district, you are usually looking at 12 – 15 voters. Ed Godfroy stated that then that’s on the taxpayers if they come in and complain but they didn’t vote on it, that’s their problem.

Supervisor Teal stated that we have two more budget workshops set up. The next one on 10/17 is to discuss the proposed compensation plan with the department heads. She stated that we could put the LVPA on the budget workshop scheduled for 10/19. Ed Godfroy asked if the Town Board could compile all of their questions and concerns and we could have a different meeting with two Town Board members to review them, then when we come to the budget workshop we have worked through some of them. Supervisor Teal and Councilmember Smith volunteered to meet with the LVPA in advance of the 10/19 budget workshop. Supervisor Teal stated that she will look at her calendar and email Ed Godfroy with possible meeting dates.

**PRIVILEGE OF THE FLOOR:**

**J.J. Smith** stated that she has known all the people on both sides of this issue for more decades than she wants anybody to know. I love you all and you all did a great job tonight. She thinks we just have broken links in the chain that need to be fixed if we linked back up and start over. It bothers me when members of the public make negative comments about our firemen. They are always saying that they are trying to rip us off and that is not true. These are our local heroes. These are our guys. Give them some respect, get behind them and support them.

**Sharon Moon** stated that if you get 6 life preservers and put them in the truck, when you get to the scene 6 people are going to take those preservers and you don’t know who is qualified to use them. The first class lets you just stand on the shore and watch, 4 hours of standing and watching. After 12 hours you can put a preserver on and stand. You have to be trained specifically for this stuff and giving them tools that they aren’t trained to use is dangerous.

**Jim Carroll** stated that he has a multi-part question. It’s a Tuesday night, a quiet night, there is a big fire and the fire department is called out and everybody shows up. How many people show up? How many people can fight the fire outside? How many people can go inside and fight the fire? How many people can jump in the lake and save the people who are drowning? I don’t care if they have face fitting masks or if they are qualified or certified or trained or whatever, just simple questions because I am concerned about the viability. The other question is how many people do actually show up.

**Judy Zimmer** stated I want the fire department to know how much I appreciate them. If there was any comment from me during this whole thing, I think as a member of the community it was so clear to me what Supervisor Teal was saying about her hands being tied. I just was feeling like it was going round and round but then the more I understood the miscommunications and the misunderstandings, it made sense. If I made any response, it was from my own sense of personal frustration but I do really appreciate all of you.

**Phyllis Hulbert** stated that since I have had a stroke, I have not had my fire gear on and if I catch anybody in my fire gear, they’re going to deal with me. I don’t want your smelly bodies in it. We can’t say definitively, okay we need 10 new gear sets. Some of the guys get caught on the exit and because that rip is in the thing, it is no longer to be used. So therefore, we could say okay we are going to get 10 this year and we’ve got 9 over here, that leaves us with nothing.

**Cynthia Creech** stated it seemed clear to me that our Town Attorney knows what the Attorney General and the Governmental Authorities need to go with the budget so I would hope that if he can’t be there we get clearly from him what’s needed. Last year we did this the night before budget and here we are again the night before budget. Perhaps we can get this worked out so it’s not done the night before budget next year.

**Gregg Carroll** asked is it in fact a requirement that the Town Board approve all capital purchases by the fire department or at least be advised of specifically what’s intended as a capital purchase, meaning anything that will last more than a year. Supervisor Teal stated that she doesn’t know the answer to that but that is a valid concern and a valid inquiry. Attorney Tuczinski stated that is part of the process. The Town needs to know what it’s funding. You need to disclose that. With shrinking revenues in the State, entities are looking more closely at disclosure and transparency. That’s why these rules have been changing so that you know what you are bargaining for and so that you can make a meaningful decision on what is a fair contract.

### ADJOURNMENT:

A motion was made by Supervisor Teal and seconded by Councilmember Geraldi to adjourn the meeting at 9:07 p.m.

Respectfully submitted,

Tistrya Houghtling

New Lebanon Town Clerk