

LAGRANGE FIRE DISTRICT  
Regular Meeting  
Minutes  
July 14, 2009  
7:30 PM FH2

4660

The 905th meeting of the Board of Fire Commissioners of Lagrange Fire District was held on July 14, 2009 at 7:30 PM at Firehouse #2. Present were Commissioners Hines, Lantzky, Canero, Smith, Ziedan; Chief Brian Odendahl, Assistant Chief Gregory Heneka; EMS Administrator Michael Benenati; Secretary Holzberger; Deputy Secretary Tammy Martz and firefighters. Guests: Mr. Danzig from Safety Group 497 and Mr. McNutt from Rose & Kiernan.

Hines called the meeting to order and led the salute to the flag. Hines welcomed everyone and asked for a moment of silence in honor of Cleve Hill, a life member of Company 2.

**Hose Bid**-Hines dispensed with the normal order of business to open the Hose Bids. Secretary Holzberger reported that one bid was received from MES and read the quote. Smith moved that the bid be turned over to the Chief for review and recommendation, seconded by Lantzky and carried unan.

Hines resumed the normal order of business and stated that this is a meeting of the Board of Fire Commissioners in public and not a public meeting; there will be at least one opportunity for public comment and if time permits, a second opportunity.

**Minutes**-Hines asked for a motion to approve the minutes of the June 9, 2009 and June 23, 2009. Lantzky moved to approve the minutes of June 9, 2009 and June 23, 2009 as submitted by the Secretary, seconded by Canero and carried unan.

**Public Comment**-Hines asked if there was any public comment. Anthony Champion, Firefighter, thanked the Board for sending him to school for Paramedic certification. Hines thanked him and wished him good luck.

**Correspondence**-Secretary Holzberger reported the following received:

\$125 check from Ethel Domin payable to LaGrange Ambulance Fund. Ziedan moved to allocate to the Apparatus Reserve fund, seconded by Smith and carried unan.

\$25 check from Charles and Carol Carnell in memory of Royal Sherow and

\$20 check from Janice and Anthony Contarino

Smith moved to allocate the \$25 and \$20 checks to the Equipment Budget, seconded by Lantzky and carried unan.

\$23.20 check from NYS Retirement for overpayment. Lantzky moved to allocate to the 2009 Personnel Services Budget, seconded by Smith and carried unan.

2% Foreign Fire Tax-Secretary Holzberger reported that the 2 % funds were received in the amount of \$43890.87. Funds were transferred to the Lagrange Fire Department.

Letter from Department of State regarding grants. Secretary Holzberger read the letter. Hines stated that it should be turned over to the Chief for review.

Resume-Secretary Holzberger reported that we received a resume.

Association of Fire Districts-Mid-year Workshop November 5-8 2009 registration forms received.

Knights of Columbus-Secretary Holzberger reported that a certificate of liability naming Lagrange Fire District as additional insured has been received today.

**Chiefs Report**-Hines congratulated and welcomed Chief Brian Odendahl. Chief Brian Odendahl reported the following:

Accidents/ Injuries-none

47-55-back in service

47-68-returned to St.3

EMS Attendant Policy-Chief Brian Odendahl stated that the Deputy Chief presented this policy to the Board for review; we can hold off on that as it is being revised.

EMS Point of contact-Chief Brian Odendahl reported that Assistant Chief Dan Trier will be the point of contact for EMS issues and will work with the EMS Administrator and the EMS Lieutenants.

Knights of Columbus Carnival-Chief Brian Odendahl reported that for the fireworks on Saturday night July 18, 2009 a utility truck 47-62 and 47-71 (Ambulance) will be out there. Hines stated that the Chief is in charge of operations. Chief Brian Odendahl stated this is an FYI for the Board.

Training-VCOS Conference-Chief Brian Odendahl requests approval for two to attend. Lantzky moved to authorize, seconded by Smith. There was discussion. Smith asked what the cost was. Chief Brian Odendahl explained that this is a conference put on by the International Association of Fire Chiefs for combination fire departments; it is held in Clearwater Beach, Florida at the Sheraton. Cost is \$299 for members and \$350 for non-members (of IAFC). This is a 4 day seminar. Ziedan asked what the conference is about. Chief Brian Odendahl stated that the conference is about combination career and volunteer departments and issues pertaining to them. Commissioner Lantzky and the Chief have attended past VCOS conferences. Ziedan asked who would like to go. Chief Brian Odendahl stated the he would like to go and perhaps the Deputy Chief or commissioners; anyone in a management role in the fire department would benefit. EMS Administrator Mike Benenati stated that in previous years up to four had been allowed to attend. Lantzky stated that he attended last year and it is a very good conference. Lantzky stated that last year Arlington sent five. Hines stated we have a motion on the floor. Lantzky stated that he would like to amend his motion to permit up to three to attend, seconded by Smith and when the Board was polled the vote was as follows:

Lantzky Aye Smith Aye Canero Aye Ziedan Nay

Hines stated that motion is carried.

Chief Brian Odendahl stated that he had spoken with the Deputy Chief regarding some pending items; but it would be best to table until the next meeting. Hines thanked the Chief (for his report).

**EMS Administrator's Report**-EMS Admin. Michael Benenati reported that he is working with the Medical Director regarding quality assurance medical reviews.

Paramedic Tuition-EMS Admin. Mike Benenati stated that he has emailed to the Board as well as the Secretary the tuition invoice for Fall 2009, \$897.50. Approval is needed for payment. Lantzky moved to approve tuition payment for FF Davyd Bullock for paramedic school Fall 2009, seconded by Smith and carried unan.

Paramedic Completion-EMS Admin. Michael Benenati reported that Anthony Champion has completed his twenty calls and is approaching the completion of his training.

New Ambulances-EMS Admin. Michael Benenati reported that the committee is coming along regarding the specifications. We are looking at a new stretcher with power assist lift and we will possibly have the

representative come in to show us a demo. Hines noted that the permissive referendum for the new ambulances has expired and we can now move forward with this process.

### **New Membership-None**

Public Officials Bond-Secretary Holzberger reported that it is still pending as we need to adopt some related policies. Hines stated that in the absence of legal counsel we will table adoption of these policies.

**Bills**-The following bills were submitted for payment, page 4663. Lantzky moved to approve payment of the bills, seconded by Canero and carried unan.

Windows FH2-Secretary Holzberger read a thank you letter for the installation of windows upstairs in FH2. Smith reported that the project was completed.

Insulation FH3-Smith stated that is completed.

Department Picnic-Secretary Holzberger reported that the certificate of insurance naming the Town of Lagrange as additional insured for the Lagrange Fire Department Picnic (8/16/09) has been filed with the Recreation Department.

Building Inspections-Lantzky reported that FH1 is complete; Hines reported that the Deputy Chief has been in contact with the Fire Inspector.

**Insurance** –Hines stated that he had asked Mr. McNutt and Mr. Danzig to be here tonight to help us to understand the insurance status the complexity of the issues regarding the Ladies Auxiliary and their coverage. Hines explained that this is an issue that pertains to the Company as well as the District and there are two questions: 1. Is there a Ladies Auxiliary and if so, we need a list of the members and  
2. how are they covered when they respond?

Mr. Danzig introduces himself and explained that workers compensation is a term that is often misused; there are three sections of workers compensation law as follows:

1. Workers compensation that is payroll based for cost
2. VFBL-volunteer firefighters benefit law –population based for cost
3. VABL –Volunteer Ambulance Benefit Law-population based for cost

The misconception is not unique to us; most people use the term workers comp incorrectly and there are different benefits dependent on the section of the law. The question of coverage under the law for Ladies Auxiliary comes up very often and the answer is that they are NOT covered under workers compensation or the VFBL (and VABL). Mr. Danzig stated that it is not necessarily the law but a ruling by the Attorney General that stated the law does not cover Ladies Auxiliary. Mr. Danzig stated that he has asked the legal department of the State Insurance Fund to research any changes regarding the decision. Until we get that legal opinion indicating a change, the Ladies Auxiliary is not covered.

Mr. Danzig stated that the second issue is membership; whether it is District or Department. This would involve the By-Laws and the definition of membership. As it stands now, VFBL law coverage is only for members described as active duty volunteer firefighters who meet the appropriate training requirements that define them as such. Members of the Ladies Auxiliary do not meet those training

requirements. Right now if the Ladies Auxiliary are called to a scene and a member of the Auxiliary is injured, she would not be covered under the VFBL. The other workers compensation policy which covers paid, clerical and commissioners does not cover her either.

Hines stated that there are two different scenarios-.Are the Ladies Auxiliary covered if requested by the incident commander? Mr. Danzig stated they are not covered by workers comp or VFBL. Hines asked if they are covered if they respond of their own volition. Mr. Danzig stated that they are not covered in that scenario either.

Mr. Danzig explained that there is a tremendous exposure to the District if there is an injury. In addition, an employee cannot sue his/her employer.

Mr. McNutt introduced himself and stated that he is the agent for the general liability-includes slip and trip, and product liability. The Lagrange Fire District, the Board of Fire Commissioners, Fire Companies 1, 2, and 3 and the Ladies Auxiliary are listed as the insured. Whether the Ladies Auxiliary exists in the LaGrange Fire District is another issue, we have them listed as the insured. In the recent claim, we submitted the claim under the general liability policy, however during the recent investigation we found that the member was with the Ladies Auxiliary. The claim was not under the general liability;-it was under the Accident and Health Policy. All recognized members are covered under this supplemental insurance (Accident and Health), including the Ladies Auxiliary. Hines thanked Mr. McNutt for his help in the resolution of that claim. Hines stated that members of the company and auxiliary have questions.

Frank Sculco asked a if a friend or community volunteer would be covered under general liability. Mr. McNutt stated that there would be limited coverage under the Accident and Health policy-the maximum coverage is \$100,000. Mr. McNutt explained that as a member of the general public, for example, himself today attending this meeting, ihe (McNutt) slipped, that would be covered under the general liability. Mr. Danzig stated that New York State is the only state that permits a third party lawsuit. For example if a paid employee hurt himself on a ladder, he could not sue his employer. However he could sue the manufacturer, who then in turn could sue the Fire District.

Hines stated that to reach the point of resolution it is incumbent on Company 2 to formalize whether the Ladies Auxiliary exists. The District then needs a list of members. Hines asked if the Board had any further questions. Lantzky asked if a volunteer member or career staff member wants to have a sweet sixteen party and a guest (non-member or non-employee) were to get hurt what is the coverage? Mr. McNutt stated that would be general liability and the easy way to remedy that is to have a certificate of Insurance naming the District as additional insured. A Homeowner's policy can provide that; whether it holds up in court is debatable. It is up to the District to decide if they will require that. Lantzky stated that we do not rent the hall out; it is only for member use. Mr. McNutt stated that then it would be general liability.

Canero asked if the ladies respond to an emergency scene, what is the coverage? Hines stated that he would like to re-phrase the question-if the Chief Officer requests the Ladies Auxiliary to the scene, what is the coverage? Mr. McNutt stated that the Accident and Health Policy would cover that. Hines stated that is predicated on the fact that there is a Ladies Auxiliary. Mr. McNutt stated that coverage is limited depending on the injury. Hines stated that if there is a fire, it is required that the Chief Officer or line officer (Incident Commander) request the Ladies Auxiliary to the scene.

Mr. McNutt and Mr. Danzig stated that the key is that the Company By-laws define what a member is and the by-laws should be consistent throughout the companies, department and District. George Burns stated that District By-Laws supersede Company By-Laws. Hines noted that the District does not have By-Laws, it has rules and regulations.

Hines thanked Mr. Danzig and Mr. McNutt for coming tonight and discussing this with us.

**Floor-**Janet Canero stated that the original estimate for the blinds was to replace the broken vanes. Hines asked Mrs. Canero if she would get an estimate to replace blinds as a whole. Janet Canero stated that the cost would be \$300 per window. Hines stated that would be about \$3500 to replace the blinds on all the windows. The Board agreed to table this until the next meeting.

At 8:40 PM Canero moved to go to executive session, with a five minute recess prior to executive session, seconded by Lantzky and carried unan.

At 9:15 PM, Smith moved to return to regular session, seconded by Lantzky and carried unan. Ziedan moved that George Burns be re-instated pending the result of a discussion with the Workplace physician regarding his medical status, seconded by Smith and carried unan.

There being no further business, Smith moved to adjourn at 9:17 PM, seconded by Canero and carried unan.

Respectfully submitted,  
Denise A. Holzberger, Secretary/Treasurer