

Organization Town of Champion**Board Town Board****Date and Time Monday, December 13 2010 at 7:00 PM****Place Town of Champion Offices Board Room (rear of building) 10 N Broad St, West Carthage NY****Contact [Chris Vargulick](#) Town Clerk Phone (315) 493-3240 Fax(315) 493-2900****Minutes**

The Town of Champion Town Board met in special session on Monday, December 13, 2010 at the Town Municipal Building, 10 North Broad Street, West Carthage. Present were Supervisor Buckley, Councilmen Stewart, Watkins, Buzzell, and Peck and Attorney Farley. Also present were the chief and directors of the Champion Volunteer Fire Department (Department) including: L. Waite, D. Williams, J. Dalrymple, P. McKenna, C. Waite, and P. Smith. B. Pinsky and D. Garwood acted as counsel and spokesmen for the department.

Supervisor Buckley called the meeting to order at 7:00pm and informed those in attendance that the Board would not be entertaining comments from the floor. Supervisor Buckley requested that the Department present their plan to correct deficiencies in their ability to comply with their fire protection contract with the Town.

B. Pinsky explained that he and Mr. Garwood met with the Department and summarized the Department's identified deficiencies as follows: manpower, interior fire fighting capabilities, record of response, training, qualifications, certification of physical condition, and financial record keeping.

Mr. Pinsky stated that the department assumed that a "bail out system" required specific descending devices (ie. harness/ropes). The regulation requires a means of egress from a fire scene which may indicate a ladder. Mr. Pinsky asserted that by that definition, the Department has eight fire fighters qualified for interior fire fighting.

Mr. Pinsky reported that new volunteers must complete 70 hours of training to be certified at the Fire Fighter 1 level. Those hours do not include specific additional OSHA mandated training. Volunteers who became members prior to the current Fire Fighter 1 training requirement are not obligated to take this training.

Mr. Pinsky discussed disparities between information that the Town Board has in regards to the number of times the Department has responded to calls and a review of the records maintained by Jefferson County Emergency Management. Mr. Waite added that on the call they did not respond to, that the NYS Police called them off. Mr. Pinsky also discussed issues regarding fire protection during daytime hours suggesting that all neighboring departments would be affected by a lack of manpower during those hours. Mr. Pinsky stated that if the Department does not receive a contract that its equipment will not be used by any other department and that the Department will retain its not-for-profit status and participate in other activities.

Mr. Pinsky proposed the following corrective actions:

- Training - 20 hours annually for all Department members based on developed lesson plans with a check off list for attendance certification. Councilman Peck questioned if the training would satisfy PESH standards. B. Pinsky explained that in his opinion the eight-hour OSHA course is non-productive and could be taught in a better way. Mr. Pinsky stated that persons who have been members for five years or less with the Department will take/retake the Fire Fighter 1 training if the Town assists with the cost of an instructor. In response to a question from Supervisor Buckley, Mr. Pinsky stated that the Town can request a municipal department, such as the City of Watertown, sponsor a course for state certification or it may hire an instructor, at a cost estimated at between \$2500-3000, to teach the course. In the case of the latter, the attendees would not receive state certification.
- Record keeping - Mr. Pinsky stated that the records of the prior treasurer have been difficult for the current treasurer to organize. The Department needs to file Form 990 with the IRS and has been unable to determine if this has been done in the past. Mr. Pinsky suggested an audit process and assured the Board that the improved auditing measures will be put in place. In regards to physical examinations, the Town may receive a certification of pass/fail. Mr. Pinsky stated that doctors lack the necessary information to evaluate the physical condition required for a fire fighter. Interior fire fighters over the age of 40 must have a physical every year and other fire fighters are required to have an examination every other year. Supervisor Buckley stated that the Department's budget indicates that they budgeted for physical examinations but have expended no dollars from the budget line.

Mr. Pinsky asked that the Town keep the Department but improve them. He recommended that the Department operate at a higher standard to retain volunteers and save money. He asserted that without the Department that they Town would incur higher costs due to a lack of competition. Councilman Watkins asked for some comment from the Department directors. D. Williams stated that the Department is willing to work. P. McKenna stated that it is very difficult to respond during the day. Supervisor Buckley questioned the Department's statement that it is unable to respond to fire calls between 6:00am and 6:00pm. B. Pinsky stated that it is not unusual for a department to be under manned during the day and suggested cooperative arrangements with other departments to fill the gap. L. Waite stated that the Champion Department is not being called out and asked why. Supervisor Buckley responded that the Town has no role in the mutual aid system and that Mr. Waite should be asking Jefferson County Emergency Management. Mr. Waite stated that he has not contacted Emergency Management since he was unsure of the Department's future. B. Pinsky suggested that if the Town wanted to be more involved in the department that it should appoint a fire department liaison. S. Buzzell asked if the Department was certified for basic first aid or CPR. Mr. Waite answered that they were not. Councilman Peck asked for a log of responses to calls. Mr. Waite stated that

the Department completes and submits NYFIR reports to Albany. They are available under FOIL. Councilman Watkins questioned if it is a burden on other departments to have to respond to mutual aid calls for the Champion Department. B. Pinsky responded that that is what mutual aid is for. Councilman Stewart asked if the Department understands the liability that their lack of training imposes on the Town as a whole. Mr. Pinsky responded that essentially there is no liability since there are no standards for training. The Department has no duty to an individual, no responsibility to respond and no responsibility to respond in a timely manner. They can be held liable for recklessness but Mr. Pinsky stated that they are insured.

Councilman Watkins stated that Department members must do more than talk about training that they must train. D. Williams stated that doing training and fund raising is too much. Mr. Pinsky stated that the Board should exchange training for more money. Councilman Watkins asked if Mr. Pinsky was charging the Department a fee for his consultation. He replied that his firm has both a flat fee structure and fees based on hourly costs.

Mr. Pinsky stated that he will prepare and submit a contract by December 24th to include those corrective actions that the Department has agreed to and to also, include those actions that the Department deems the responsibilities of the Town Board.

Councilmen Buzzell and Peck thanked Mr. Pinsky for his comments.

Motion by Mr. Stewart, seconded by Mr. Peck to adjourn. The meeting adjourned at 9:05pm.

Christina Vargulick
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Town Clerk