

**ORCHARD PARK BOARD OF FIRE COMMISSIONERS
MINUTES OF THE DECEMBER MEETING**

The regular monthly meeting of the Board of Fire Commissioners of the Orchard Park Fire District was held on December 14, 2011 at 8:00 PM in the Board Room of the Orchard Park Fire Hall. The meeting was called to order by Chairman Szewc.

Roll Call:

Chairman:	William G. Szewc	Treasurer:	Deborah Rogers
Commissioner:	Robert Simpson	Attorney:	Michael Chelus
Commissioner:	Jerry Davern	Secretary:	Roberta Buczkowski
Commissioner:	Robert Eiskant	EMS:	Tony Balester
Commissioner:	Gregory Galloway		

Fire Company Officers Present:

Orchard Park Chief:	Joe Jensen
Windom Chief:	Bob Baun
Hillcrest Chief:	Ernie Matthews

Others Present:

David Roessler, Windom	Howard Hoffman, Windom
Peter Slotman, Hillcrest	Pat Landy, Windom
David Stromecki, Brown & Stromecki Insurance	Doug Wolf, Hillcrest
Jon Torre, Hillcrest	Jordan Kellerman, Orchard Park
Ray Stromecki, Brown & Stromecki Insurance	Andrew Kowalski, Orchard Park
Richard Mrugalski, Orchard Park	Robert Benning, Orchard Park

Approval of Minutes of the Meeting:

Motion made by Commissioner Galloway, seconded by Commissioner Eiskant that the minutes of the November meeting be approved. Motion carried.

Communications and Action on Same:

1. Certificate of Insurance for Pavilion Drainage Supply. Filed.
2. Return to duty for Joe Jensen. Filed
3. Letter from Orchard Park Fire Company re: use of hall December 11, 17 & 19th. Motion made by Commissioner Galloway, seconded by Commissioner Eiskant regarding same. Motion carried.
4. Notice from Bradley Pinsky PLLC, re: on line commissioner training. Given to Commissioner Galloway.
5. Town of Orchard Park Planning Department re: agenda for December 14th meeting. Filed.
6. Notice from Town of Orchard Park Town Clerk's office re: dedication of highway, Weiss Ave. extension. Filed.
7. Letter from Hillcrest Fire Company re: name and address change for Rebekah Ross to Rebekah Brand, Powers Road, name change for Lisa Pagels to Lisa Schramm and address change for Niki

Matthews to Powers Road. Motion made by Commissioner Eiskant seconded by Commissioner Galloway regarding same. Motion carried.

8. Letter from Hillcrest Fire Company re: use of hall
9. Notice from ECFDOA re: next meeting December 21st.
10. Letter from Town of Orchard Park Building Department re: change of address from 1 to 3 Savilles Drive. Filed.
11. Letter from Town of Orchard Park Town Clerk's Office re: proposed street names. All fine with Board and Chiefs. Signed, copied and original back to Town Clerk. Copy filed.
12. Fire District Affairs newsletter. Filed.
13. Return to duty for Dennis Pickard.
14. FOIL request from the Buffalo News. Has been responded to.
15. Notice from state auditor re: meeting to be set up after first of the year regarding audit of fire district.
16. Letter from Windom Fire Company re: change of address for Trisha Fitzpatrick. Still in district, no action needed. Filed

Treasurer's Report:

The following transfers are needed: \$270.00 to Office Supplies, \$53.00 to Publication of Notices, \$4467.00 to Building Maintenance Repairs, \$433.00 to Maintenance of Radios and Alarms. Total amount is \$5223.00 and will be taken from Fire Training.

The monthly cash flow report is attached to the file copy.

Motion made by Commissioner Galloway, seconded by Commissioner Eiskant to accept the Treasurer's report with the above mention transfers. Motion carried.

District Dan Neaverth Jr. (given by Commissioner Szewc):

1. Monthly reports read. Attached to file copy.
2. On the back of the monthly report is attached the new program matrix for the 400 MHz pagers and a template for use by the dispatchers should large scale events of destruction occur.
3. New pagers will be available after the first of the year and the project with T-mobile will be closed out.
4. Turnout gear has been ordered and will be distributed on 1-11-2012.
5. Signature sheets are in the office for the commissioners to sign.
6. Requesting 15 minutes before the January meeting for a power point presentation on the compliance issue.
7. OP Fire Company is requesting permission to run a boot drive for Toys for Tots on Saturday December 17th. Tim Gibbons is contact person. Motion made by Commissioner Eiskant, seconded by Commissioner Davern regarding same. Motion carried.
8. Extends thanks to all outgoing officers.
9. No work session for December.

District EMS Officer, Tony Balester

No report

Orchard Park Chief, Joe Jensen:

1. The rest of the small equipment is on the trucks and in use.

Hillcrest Chief, Ernie Matthews:

1. Hillcrest 7 back in service.

Windom Chief, Bob Baun:

1. Thanks to all and a Merry Christmas.

District Training:

1. There will be an Ice Rescue Drill
2. There is an EMD Certification Course put out by the County January 11, 12 & 13, 2012. Twin Cities is hosting the site but the outfit is from Oklahoma. The registration is on line and the organization running the drill will accept vouchers. Cost is \$320.00 that will be paid for by the District but these vouchers must be turned into Debbie for payment. All certificates must be turned in to Debbie also for proof of course.

NEW MEMBERSHIPS AND REMOVALS:

*****Orchard Park*****

Motion made by Commissioner Eiskant, seconded by Commissioner Davern to accept Mark Gerardi to the District Rolls.

*****Hillcrest*****

None

*****Windom*****

None

COMMISSIONER'S REPORTS

Commissioner Davern:

1. Merry Christmas and a safe New Year to all.

Commissioner Eiskant:

1. Will need the list from each fire company for the 2-year hardships by the January meeting.
2. Motion made by Commissioner Eiskant, seconded by Commissioner Galloway to award the ambulance bid to Gorman Enterprise. At this point Commissioner Simpson questioned Attorney Chelus on whether he had a chance to review the specs because in Commissioner Simpson's opinion the low bid does not meet the spec as far as the clarification and such. What Commissioner Simpson differs with is the spec itself and whether they do or do not meet their own specs. The items identified are: the air filling system for the tires and the second being wrong light numbers that don't work. Attorney Chelus question the lowest bid not being Gorman but Commissioner Simpson stated that with the trade in of the old ambulances then Gorman is the lowest bidder. Commissioner Simpson is stating the specifications of the contract alone, they did not make clarifications or exceptions for certain items in the bid. The biggest one is the air system on the GM chassis because that is a non item. Per Attorney Chelus, if the bid is not correct with regards to the specs then the District can throw the bid out and re-bid. Commissioner Simpson also questioned the option as far as the trade in value of the old units. Would not be smart business for the Fire District to take a \$307000.00 equipment purchase that we bought 2 or 3 years ago and accept \$90000.00 on a trade in value because people don't like the way it rides. Commissioner Simpson personally cannot vote for a project that would allow that to happen. Attorney Chelus said that there was no dollar amount and that Gorman stated that they have a provision that would increase the dollar value with relationship to the mileage on the trade-ins. Commissioner Simpson's concern over this is since it would be at least one hundred twenty (120) days from award of contract until purchase of delivery he is not quite sure that one of the vehicles can make it not past that point. And it does not give any indication in the proposal of what the deduction would be if that vehicle would exceed 60,000 miles. Attorney Chelus took a moment to look for

this provision and stated that Commissioner Simpson was correct in that it would be Gorman's decision as to what the deduction would be if one or both of the vehicles for trade in would exceed 60,000 miles before trade in. Commissioner Simpson also stated that there was another bidder but according to the spec this other bidder shouldn't have even been allowed to put a bid in but as this bidder was so much higher it really did not make a difference; but at the same time his trade in value was the same as the AEV trade in value was. The Gorman trade in value was \$5000.00 higher which was a concern as one of the trades in vehicles had 55,000 miles and the other had 24,000 miles and offers the same trade in amount for both does not make any sense. Commissioner Simpson feels that when the OP vehicle surpasses the 60,000 mark that Gorman would come in and state that now they would only give \$30,000 in trade in and that would be wrong also. In looking at the proposal Attorney Chelus concurs that Commissioner Simpson is correct with his assessment of the Gorman proposal. Then the question arise as to who is the lowest responsible bidder and under those circumstances especially if you are talking about the air problem, what is the correct answer as far as the bid is concerned. Per Commissioner Eiskant, none of the bidders have the air system. As the District specified the GM chassis they (GM) does not supply this air system for this particular model. Attorney Chelus then stated that since this is not offered that neither the bids are in compliance with the specs. Per Commissioner Simpson one bidder did clarify that the system was not available. The AEV bid showed a clarification that you could not get this system. The Gorman bid did not. So if you do not take the alternate than what would the district do with the vehicles? Per Commissioner Simpson the district has had the vehicles for sale in a national trade magazine. Commissioner Simpson realizes that there is a motion on the floor but feels that it would not be responsible to accept any of the bids without getting the proper amount on the trade of the old vehicles because we would be throwing away the tax payers money. No matter how you look at it, it is a loss to the taxpayers. Question from Commissioner Galloway as to what is the proper amount? It is Commissioner Simpson feeling that the district should throw these bids out and run the existing ambulances until they are ready to be retired. When we started this program everyone who came to work for us in this program knew what vehicles we had and we just can't be frivolous with the taxpayer's money and throw it all over town because that is what the State Attorney General and the auditors are after. They is what they are trying to pin on the district and Commissioner Simpson feels that it is just irresponsible to go ahead with this purchase. With the vote on the floor Commissioner Simpson votes no on the acceptance of the Gorman bid. Asked Attorney Chelus if he is in agreement with the fact that the specs have not met. Attorney Chelus agreed and stated that alternative is to take the bids off the table and go back to committee and re-structure the specs. Per Commissioner Simpson could restructure or just hold off. When we put the specs out we did not know what the trades would be worth, the entire deals hinged on the trade in and he felt that the trade in offer was at least \$20,000 low. Commissioner Simpson reiterated that the vehicles are good running vehicles and should be run until their life expectancy is done and then get rid of them. So Mister Chairman my vote is not. Chairman Szewc called for the vote. Commissioner Davern, Galloway and Eiskant vote yes, Commissioner Simpson vote no. Three ayes and motion is carried.

Commissioner Galloway:

1. All the overhead doors have been repaired.
2. Hillcrest door has been repaired.

Commissioner Simpson:

1. Still in negotiations with the contractor for paving of the North Station.
2. Thanks to Bob and Joe for jobs well done.
3. The contaminated dirt is gone.

Commissioner Szewc:

1. Motion made by Commissioner Eiskant, seconded by Commissioner Galloway to send two (2) from each company along with any Commissioner who wishes to attend to FDIC. Motion carried.
2. Motion made by Commissioner Szewc, seconded by Commissioner Galloway to accept the policy on Social Media. Mike Chelus has reviewed and stated it was proper and does not limit the freedom of speech but rather adheres to keeping with the obligation of the Fire District. Motion carried.
3. Motion made by Commissioner Galloway, seconded by Commissioner Eiskant to send each active firefighter the social media policy for them to sign and return.
4. This has been an enlightening experience and win or lose a lot has been accomplished.
5. The projects at the fire halls are ongoing.

Attorney Chelus:

1. Motion made by Commissioner Galloway, seconded by Commissioner Eiskant for the notice of the Organizational Meeting to be published. Motion carried.
2. Followed up with the DEC regarding the contamination last fall. The Engineering group took samples and has suggested a meeting after the first of the year regarding the results. The contamination was supposed to be all cleared away but there is still contamination leaking from somewhere. The Engineering firm has some ideas as to where it is coming from.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

BUSINESS FROM THE FLOOR:

None

PRESENTATION OF BILLS AND ACTION ON THE SAME:

Motion made by Commissioner Galloway, seconded by Commissioner Eiskant that the bills be paid as presented for a total of \$108,062.41. Motion carried.

MEETING ADJOURNED:

There being no further business to come before this Board, motion made by Commissioner Eiskant, seconded by Commissioner Galloway that the meeting be adjourned. Motion carried.

Meeting adjourned 8:50 PM

Respectfully submitted, Roberta Buczkowski, Secretary