

Date: November 15, 2012

1. The regular meeting of the East Greenwich Fire District was called to order on November 15, 2012 at 7:00p.m., by Chairman Daly.

a. Chief Henrikson led the Pledge of Allegiance to the American Flag.

2. Members Present

- a. William Daly, Chairman**
- b. Stephen Bartlett, Vice Chairman**
- c. Mark W. Gee, Commissioner (arrived 7:01)**
- d. Philip Higgins, Commissioner**

Other Members Present

- a. Peter Henrikson, Chief**
- b. Russell McGillivray, Deputy Chief (arrived 7:01)**
- c. Scott Spear, Legal Counsel (arrived 7:01)**
- d. Janice J. Peixinho, Fire District Clerk**

Members Absent:

- a. Mark Schwager, Commissioner**
- b. Kevin Hundley, Treasurer**

3. Commissioner Daly determined a quorum on record.

4. Public Comment - none

5. Consent Agenda

a. Treasurer's Report (refer to Year to Date: October 31, 2012)

Treasurer Hundley did not attend the meeting. The Commissioners accepted the Treasurer's report as submitted.

The report submitted by the Treasurer stated that the current year tax collections totaled \$1,360,000.00 through September 8, 2012. The expenses through October 2012 were approximately \$1,756,000.00 or 32.2% of the total budget.

Analysis of Reserve Accounts:

Impact Fee Account	\$455,829.82
Capital Projects Account	\$987,254.36
Smokes Account	\$ 5,635.32
Rose Trust	\$237,483.82
OPEB Reserve	\$148,902.00

Commissioner Higgins 1st moved to approve the report as submitted, Commissioner Bartlett 2nd, Vote 4-0, Gee – yes, Bartlett – yes, Daly – yes and Higgins - yes, Unanimously Accepted, motion carried.

c. Chief's Report (Refer to Chief's report dated: November 9, 2012)

The Chief's report consisted of:

- **Manpower Readiness Levels: (FF 1 out with elbow injury sustained in the line of duty. Since August 8, 2012, cost to replace him \$25,000 in overtime. To date FF has had surgery and undergoing PT., - FF 2 out with shoulder injury sustained off duty since September 16, 2012. A note by his physician was submitted to keep him out 6-8 weeks, Deputy Chief has called the FF and the call has never been returned.-FF 3 out with shoulder injury, FF has had surgery on August 23, 2012, FF worked light duty up to the day of the surgery).**
- **Safety Officer (working with vendors on new protective clothing)**
- **Planning Committee (District Clerk sent out emails about the 5 members being reappointed)**
- **Capital Projects (After getting cost to analyze apparatus floor, developing RFP to address the issue)**

The Chief stated that he has asked Mr. Duarte if a member of his staff could assist the FD in preparing an RFP for engineering services to analyze the apparatus floor at Station 1 (one), he was waiting to hear back from the Town.

- **Incidents (Structure fire on Hillside Ct., tropical storm Sandy report attached)**

The Chief stated that President Obama has extended the reimbursement of 75% to the Kent County area of Rhode Island. (refer to his report on file dated 11/08/2012 sent to W. Sequino, TM,

regarding details of the FD activities both prior to, during and after the storm October 29, 2012)

- Apparatus (Ladder 1 repairs)
- Training (New recruits in-house training by our staff)
- Dive Team – no report
- EMS (EMT-C, Recert's 95% complete)
- Health & Wellness (Physicals delayed due to storms)
- General (4 new Recruits started 11/05/2012, will train 40 hours a week and be ready for shift assignment around 01/01/2013)
- Personnel-related matters(FF who resigned to accept position with another F.D., was injured in early August and was absent for 4 tours of duty, then was out sick until resignation, this in overtime was \$13,391.00. In addition the FF requested the FD to compensate him for unused vacation as outlined in the CBA)

Commissioner Bartlett 1st, moved to accept the Chief's report as presented, Commissioner Higgins 2nd, Vote 4-0, Gee – yes, Bartlett – yes, Daly – yes and Higgins - yes, Unanimously Accepted, motion carried.

6. New Business

a. Approve Abatements & Additions

1. Abatements \$885.71 Additions \$1,617.59

Commissioner Bartlett 1st, moved to accept the abatement of \$885.71 as presented by the Clerk, Commissioner Gee 2nd, Vote 4-0, Gee –

yes, Bartlett – yes, Daly – yes and Higgins - yes, Unanimously Accepted, motion carried.

Commissioner Gee 1st, moved to accept the additions of \$1,617.59 as presented by the Clerk, Commissioner Bartlett 2nd, Vote 4-0, Gee – yes, Bartlett – yes, Daly – yes and Higgins - yes, Unanimously Accepted, motion carried.

b. Discuss/Approve MOU for Promotional Purpose

The Deputy Chief presented a written promotional process for Captain's and Lieutenant's

in three parts. The examination will consist of a written test, seniority/personnel and the practical assessment portion. (refer to "Written Promotional examination for Captain's and Lieutenants as adopted by the Commissioners on 11/15/2012 on file in Chief's Office)

The Commissioners discussed the promotional exam and asked that in part three (3) that the words "Fire Rescue" be added to Major Incident.

Commissioner Bartlett 1st moved to accept the written Standard for Promotional Exam for Captain and Lieutenants as presented by the Deputy Chief with the exception of the change of "Fire Rescue Major Incident" in part three (3), Commissioner Gee 2nd, Vote 4-0, Gee – yes, Bartlett – yes, Daly – yes and Higgins - yes, Unanimously

Accepted, motion carried.

7. Old Business:

a. Discuss/Approve Agreement between Town and Fire District for services rendered.

1. Discuss/Approve the increase of “Bonding” for Fire Personnel in the amount of \$150,000.00

The Commissioners discussed the crime coverage declaration as submitted by the Chief from the Fire District insurance carrier. It stated the Treasurer/Tax Collector was insured with the insurance limit coverage for \$100,000.00. The report that was received showed an employee’s dishonesty coverage for both employees and volunteers for a total annual premium of \$311.00. Commissioner Daly then stated that Mr. Sequino called and gave him a quote for four (4) municipal employee’s in the Finance Department to be bonded for \$150,000.00 each for a cost of approximately \$142.00. He stated that the District would be responsible for the premium payment each year, Commissioner Daly asked the Chief to call the District’s insurance carrier and inquire about increasing the coverage for the Treasurer and anyone that handles the District’s money and report back to the board next month on the cost.

b. Update/Status of the Odeum (Item moved to the top of the agenda)

1. Discuss/Approve abatement of taxes for 2009 \$2,741.17 including interest.

William Brackett – 76 Woodcove Drive, Coventry, RI

Mr. Brackett stated that he heard about the Odeum about 3 to 4 months ago. He has met with the Fire Marshal regarding the plans and violations at the Odeum and the Fire Marshal has now given approval for the Odeum to receive a certificate of occupancy to open the building to the public. The first opening of the building will be December 1, 2012 and this will be a fund raiser but the official opening will possibly be in January of 2013. Commissioner Bartlett asked about the ownership of the property and Mr. Brackett stated he could not speak on the issue. Commissioner Higgins asked about the abatement of the taxes and Commissioner Daly said that the 2009 tax bill was still outstanding. Mr. Jeffrey Gladstone came to the podium and stated that a title examination was done regarding the ownership of the building and the Corporation owns 87% and two (2) sisters and (1) brother, own the remainder to equal 100%. Commissioner Bartlett asked about the outstanding mortgage with the Erinake's family and Mr. Gladstone stated that as far as he was concerned that issue has been resolved. He said that the Odeum Corporation owns the building and along with three family members. Commissioner Higgins then asked about the ownership and should the Fire District be abating taxes on that building. Mr. Gladstone stated that the ownership of the building is beyond the scope of this board and he would not entertain what is not out there regarding ownership. Commissioner Higgins said that the Odeum borrowed

\$500,000.00, and Mr. Gladstone responded that the matter is out of the scope of the Fire District and again he said that he was not going to entertain any issues that are not out there. He asked to go on record to state that the ownership is with the three Coutoulakis's family members and the vast majority of the ownership is owned by the Odeum Corporation. Commissioner Higgins then said to Mr. Gladstone that "you are asking the Fire District to abate taxes on a building that has a fire challenge". You are asking us not to address that, Mr. Gladstone then spoke back to say that the Odeum Corporation is tax exempt by State Statute and non-profit. He said that the State Law allows the property to be exempt; although Mr. Gladstone did not state the RI Statute but said he would be happy to speak to the District's Legal Counsel and go over the issues together. He said that the Corporation has been working with the Town and are working with the Town on a continuing basis. He then stated that Commissioner Higgins has suggested something regarding the building and he has taken exception to the statement regarding ownership. The building was closed because there were changes that were made to the fire codes. Until the fire codes are met and until the Corporation has assured that everything is done in absolute importance the Corporation has spent over \$20,000.00 above and beyond the fire code requirements for the most stringent standards under the National fire safety. We come here tonight as part of the community to reopen this building that has been closed for years and that the members are a volunteer group who spend much of their free time in restoring and improving the life of the building for the East

Greenwich residents. He assures that the building is safe. This is a classic theater that has remained closed because of the fire codes. Commissioner Higgins and Mr. Gladstone had a brief back and forth discussion. Commissioner Higgins then stated that the Odeum should pay for fire services. Commissioner Daly and Commissioner Higgins questioned the amount taxes to be abated. Commissioner Daly asked the Clerk to verify the amount of abatement and Clerk Peixinho stated that the amount for 2009 is \$2,741.17. She then stated that Commissioner Higgins could be referring to a statement that was recently requested by the Town Manager showing all of the tax years that had been exempt from taxation due to the Resolution from the General Assembly. Clerk Peixinho stated the only amount not paid at this time is the 2009 fire taxes in the amount of \$2,741.17, she then explained the tax exemption, why it was put back on the tax roll and the reason the Town does not tax the property. She said that the Town has an agreement with the Odeum for use of the parking lot in lieu of the taxes and that the Town Council does not have the jurisdiction to abate fire taxes. It is now up to the Commissioners to abate the outstanding taxes.

Commissioner Daly entertained a motion to abate the 2009 Fire Taxes in the amount of \$2,741.17, including interest, Commissioner Gee 1st, Commissioner Bartlett 2nd, Vote 3-1, Gee – yes, Bartlett – yes, Daly – yes and Higgins – Nay, motion carried.

2. Discuss/Approve Administrative Assistance job description

changes

The Deputy asked that the job description for the Administrative Assistance be postponed until next month because he had not heard back from the Union.

3. Updates regarding By-Law changes (Gee & Higgins reporting)

This item has been postponed until Commissioners Gee and Higgins have spoken to the Planning Committee.

e. Update on FD Planning Committee

1. Discuss/Approve Planning Committee reappointments

The District Clerk stated she has contacted the five members of the Planning Committee and has asked if they would like to be reappointed to the committee, she is waiting to hear back from the members. Item tabled until next month - no action and no vote taken.

f. Ratify the 10/25/2012 vote to send residents by mail an informational postcard for

approximately \$2,000.00, in connection with the referendum to merge the FD

into the Town of EG.

Legal Counsel Spear stated that he requested that this be put on the agenda because of a complaint filed with the Attorney General in

reference of a violation that the FD did not list proper notice on the agenda for the approval of expenditures that were approved at last month's meeting. He stated that the vote would not be open for discussion and that the vote would be recorded the same as last months.

Commissioner Bartlett 1st moved to ratify the 10/25/2012 vote to send residents by mail an informational postcard for a cost of approximately of \$2,000.00, in connection with the referendum to merge the FD into the Town of EG, Commissioner Higgins 2nd, Vote 3-1- Gee – Nay, Bartlett – yes, Daly – yes, Higgins – yes and Schwager – absent, motion carried.

8. Minutes of the previous meetings

a. Approve October 25, 2012 Regular Meeting

Commissioner Bartlett 1st, moved to accept the previous minutes of October 25, 2012 as presented, Commissioner Higgins 2nd, Vote 4-0 Gee – yes, Bartlett – yes, Daly – yes and Higgins - yes, Unanimously Accepted, motion carried.

9. Executive Session

The EGFD will seek to convene into Executive Session in accordance with RIGL §42-46-4 and §42-46-5(a)(1)(2)(4) to discuss:

a. Discuss/Consider or Act upon with decision regarding the

Complaint filed with the Assistant Attorney General Lisa Pinsonneault on 11/07/2012

b. Discuss/Consider or Act upon with decision on the update of Contract Negotiations with Local 3328

c. Discuss/Consider or Act upon with decision on the Deputy Chief Contract

d. Discuss/Consider or Act upon with decision regarding Litigation – Request for Executive Session Sealed Minutes of 11/19/2009 -K Henrikson

Commissioner Daly reconvened the Members of the Board into open session and to keep the minutes sealed regarding the complaint filed with the Assistant Attorney General, update on contract negotiations with Local 3328, Deputy Chief McGillivray employment contract.

The Commissioner's voted unanimously to unseal the minutes of K. Henrikson dated 11/19/2009, and authorized Legal Counsel to forward the minutes to the arbitrator regarding this matter.

Roll Call: Commissioner's Gee, Bartlett, Daly and Higgins.

Also Present: Chief Henrikson, Deputy Chief McGillivray, Legal Counsel Spear and District Clerk Peixinho.

10. Public Comment - Chief Henrikson asked what to report to the media regarding topics on the agenda? Commissioner Daly asked

that he not speak to the media and refer inquiries to either the Commissioner's or Legal Counsel.

11. Adjournment

Commissioner Gee 1st, moved to adjourn the meeting at 8:45p.m., Commissioner Bartlett 2nd, Vote 4-0 Gee – yes, Bartlett – yes, Daly – yes and Higgins - yes, Unanimously Accepted, motion carried.

Attest:

A True Copy;

Janice J. Peixinho

Janice J. Peixinho

EG Fire District Clerk

An Audio is available for full disclosure of this meeting