

Town of Oneonta Fire District  
Meeting Minutes – Organizational Meeting  
January 12, 2016

Attendance: Michael Butler, Donald Lamanna, Johna Peachin, Fernando Volpe

Members of the Public: Ron Peters, Gino Molinari, Bonnie Molinari, Town Supervisor Bob Wood, Tom St. John, County Representative Andrew Stammel, David Jones, Marsha Tiemann, Laura Herring, Shane Mattice, Elaine Mattice, Town Councilwoman Trish Riddell Kent, Steve Kent, Town Councilman Michael Stolzer, Nicole Camarata, Town Councilwoman Patricia Jacob, Denise Richardson of the The Daily Star, Joseph Camarata

Organizational Meeting

Mr. Volpe called the reorganizational meeting to order at 6:00 PM.

Roll Call: Present: Fred Volpe, Michael Butler, Johna Peachin, Donald Lamanna

Mr. Volpe asked for nominations for the position of Chairperson. Ms. Peachin made a motion to nominate Mr. Volpe. Mr. Butler seconded the motion. Motion passed 4-0.

Mr. Volpe asked for nominations for Vice Chairperson. Ms. Peachin made a motion to nominate Mr. Butler. Mr. Volpe seconded the motion. Motion passed 4-0.

Mr. Volpe asked for a motion to appoint a secretary/treasurer. Mr. Butler made a motion to appoint Erica LaBuz to be the secretary/treasurer. Ms. Peachin seconded the motion. Motion passed 4-0.

Mr. Volpe asked for a motion to designate The Daily Star as the official newspaper. Mr. Butler made a motion to name The Daily Star as the official newspaper. Mr. Volpe seconded the motion. Motion passed 4-0.

Mr. Volpe asked for a motion to designate Terrance Hannigan as the attorney for TOFD. Ms. Peachin made a motion to designate Terrance Hannigan as the attorney for TOFD. Mr. Butler seconded the motion. Motion passed 4-0.

Meetings of the Town of Oneonta Fire District will be held on the second Tuesday of the month at 6:00 PM at the Elm Park Methodist Church, 401 Chestnut Street, Oneonta.

Mr. Butler made a motion to adjourn the organizational meeting. Ms. Peachin seconded the motion. The organizational meeting was adjourned at 6:03 PM.

Respectively submitted,

Erica N. LaBuz  
Secretary

Town of Oneonta Fire District  
Meeting Minutes – Regular Meeting  
January 12, 2016

Attendance: Michael Butler, Donald Lamanna, Johna Peachin, Fernando Volpe

Members of the Public: Individuals listed for the organizational meeting

Mr. Volpe called the regular meeting to order at 6:03 PM.

Roll Call: Present: Fred Volpe, Michael Butler, Johna Peachin, Donald Lamanna

Mr. Volpe introduced Ms. Peachin who gave a presentation on process and financial considerations of reaching an agreement for fire protection with the City of Oneonta. Ms. Peachin used charts to explain why it has been a challenge to reach an agreement with the City of Oneonta. Historically, a formula based on assessed valuations has been used to determine the cost of the contract. Based on the formula, the fire protection agreement for 2015 was \$946,023.00. The City decided not to use the formula for 2016. On October 19, 2015, the Acting City Manager, Meg Hungerford, gave an amount to the fire commissioners. At a Common Council meeting (date was not stated), Chip Holmes, stated that the cost of fire protection should be \$1.2 million. There was no justification for this amount. However, from that day forward, the City insisted that \$1.2 million would be the cost of the fire protection agreement and they did not enter into negotiations with the TOFD. Ms. Peachin stated that the City informed the commissioners that they did not have to justify the cost of the fire protection agreement. Ms. Peachin also stated that the City has budget problems and they are using the fire protection agreement as a way to alleviate their budget problems by significantly increasing the prior year amount and by eliminating the formula. Twenty three percent of the calls are fire calls and 77% are EMS calls. EMS calls are reimbursed and under a separate agreement with the Town. EMS calls should be separate from the fire protection agreement.

When the City took the the TOFD to court, David Merzig, City Attorney, told the commissioners that the City can change anything it wants to change. Ms. Peachin provided evidence through graphs and charts that there has not been a significant change in costs or calls to warrant the significant increase in the cost of fire protection. The city is not willing to negotiate. The fire commissioners want a charge that is fair and that charge should be determined with a formula. There were 160 fire calls to the fire district. The amount the City is requesting is much too high for 160 calls. Town taxpayers would be subsidizing services to city residents and other fire districts.

After the presentation, the commissioners opened up the meeting for questions and comments. Bonnie Molinari asked if there was a Plan B if an agreement could not be reached. She was hopeful that Judge Coccooma will assist in the negotiations. She also had concerns about insurance. Ms. Peachin said the comments in the media about how insurance companies would react if there was no agreement was fear mongering. Ms. Peachin said it was not in the best interests of town residents to enter into an agreement at such a significant increase.

Mr. Volpe stated that all the commissioners want is a fair price. Mr. Volpe said that on November 30, 2015 he told the City Council that the fire district would use the formula. He also said that preliminary work was done earlier in 2015. There is a paper trail of e-mails to city manager, Martin Murphy. False information has been reported about the lack of communication between the City and the commissioners.

The City commissioned the Center for Public Management Safety (CPMS) to study the fire department. They paid for \$33,000.00 for the study which recommended that the City should take every step to maintain a positive relationship with the Town of Oneonta Fire District.

Mr. Butler said that we are a customer and the City is supplier of services. He also stated that three of the commissioners are former fire fighters. The quality of the service and professionalism provided by the city fire fighters was never questioned. Mr. Volpe said the priority is fairness. The 3,600 Town residents will be paying more per person than City residents. Mr. Butler said that the TOFD is paying the highest rate in NYS for fire protection.

Tom St. John asked if the commissioners made a counter offer. Ms. Peachin said they did. She said in 2014 the City was adamant about using the formula. Mr. Volpe corrected the comment that was printed in the paper that an offer of \$450,000.00 was made. That was never an offer. When options for calculating the cost were discussed, a weighted average would calculate to \$450,000.00.

Bob Wood, Town Supervisor, stated that he served on the City Council form 1992-1995. He was a fire commissioner in 2004 when the formula was developed. Assessed valuation was the most logical, steady indicator. The City has over 50% tax exempt properties. The Town has 23% tax exempt properties. Mr. Wood also stated that in his opinion the \$1.2 million that Chip Holmes proposed was ridiculous.

Mr. Volpe said that there is a new City Council and he hopes that they will be realistic. The City needs the Town and the Town needs the City.

Joe Camarata asked if the charts were taken to the court session. Ms. Peachin said that they will be taken to the next court session scheduled for 1/22/2016. She said the court ordered the City to provide data to the commissioners. The charts were based on the date provided.

Mr. Butler made a motion that the fire commissioners meet with City officials as soon as possible. Ms. Peachin seconded the motion. Motion passed 4-0.

Mr. Volpe acknowledged that the public is upset. He said that the TOFD passed a budget in good faith based on projected information. Last year the City insisted on using the formula. This year the City eliminated the formula.

Elaine Mattice asked what businesses are contributing to fire protection. Ms. Peachin said that both business and residential properties pay for fire protection through their taxes. She also asked if there were supposed to be five commissioners. Mr. Butler replied that Carol Malz was elected to the one-year term. She had to resign due to a conflict of interest. The commissioners are reviewing applications and will appoint a fifth member. Since all of the current commissioners were elected, they are able to appoint commissioners.

Mr. Camarata asked what would happen if they can't come to an agreement. The worst case scenario is paying \$1.2 million.

Andrew Stammell stated that the commissioners are asking some good questions. He wanted to know why they waited until December for two years in a row. Ms. Peachin said she was recommended to the TOFD because of her fiscal expertise. She said that the Town survey responses indicated that there was a concern about the cost of fire protection and that the contract should be looked at carefully due to rising costs.

Michael Stolzer commented that this is a shared service but business is not being conducted as a shared service should be handled. He also asked what will happen in court. The response is that Judge Coccoma is a mediator. He has no jurisdiction. He will be level-headed.

Mr. Camarata asked when the commissioners will contact the City since they passed the motion earlier in the meeting. Mr. Butler said they would contact the City tomorrow.

Mr. Stammel said that the City can wait for its payment from the TOFD but the residents have a strict deadline for fire protection.

Ms. Peachin said that she was aware of the write-in campaign against the current commissioners. She said that this weakened their position. It would have been helpful if the Town Board had been more supportive.

Mr. Butler said that the Terrance Hannigan, Esq., the attorney working with the TOFD specializes in negotiating fire contracts. Mr. Hannigan told the commissioners that this is the worst negotiation he has been involved in.

Mr. Stolzer asked how the public will be informed in the future and how they will know the information is accurate. Mr. Volpe said he is working with ISD to establish a website.

Ron Peters stated that this is the first negotiation in six years because a formula had been used in the past. When a formula is eliminated, it is difficult to negotiate.

Steve Kent said that the information presented at this meeting is very different than what he has read in the paper. It is very confusing.

Ms. Peachin said that she is glad that the Town Board now has a liaison to the Fire District.

Shane Mattice stated that the number of calls is not the only thing that should be considered. There is a lot more to running a fire department than putting four men on a truck. He also suggested that the commissioners speak at the public comment period of the City Council meetings. Fire protection is like insurance. You need to pay for protection but hope that you never have to use it.

Mr. Butler said the quality of the service is not being questioned. We need to get fire protection at the right price.

Marsha Tiemann asked how to contact the commissioners. Every commissioner gave out their phone number: Mike Butler – 434-1007; Fred Volpe – 287-6868; Johna Peachin – 432-5314; Don Lamanna – 432-5125.

Nicole Camarata asked about the FOIL request that was not answered. Ms. LaBuz stated that she left a message on her voice mail in February 2015 but never received a return call. The November minutes indicate that Mr. Volpe was supposed to contact Ms. Carmarata in regards to the 2015 FOIL request.

Mr. Wood stated that there is a folder in the Town Clerk's office has documents about the TOFD contract negotiations.

Mr. Volpe made a motion to close the Q&A session. Ms. Peachin seconded the motion. Passed 4-0

Mr. Butler made a motion to accept the November and December minutes. Mr. Volpe seconded the motion. Passed 4-0.

Mr. Volpe asked Ms. LaBuz to give the Treasurer's Report. Ms. LaBuz summarized the balances in the money market and checking accounts and the expenses for the month. (Attachment 1) Mr. Butler made a motion to accept the November and December minutes. Ms. Peachin seconded the motion. Passed 4-0.

Mr. Butler made a motion to waive the reading of the minutes. Mr. Volpe seconded the motion. Passed 4-0.

Ms. Peachin made a motion to adjourn. Mr. Butler seconded the motion. The meeting was adjourned at 7:20PM.

Respectively submitted,

Erica N. LaBuz  
Secretary

