

Board of Fire Commissioners

Greenfield Fire District
P.O. Box 103
Greenfield Center, NY 12833

A special meeting of the Greenfield Fire District Board of Fire Commissioners was called to order at Company #1 by Chairman Kugler at 7:14 PM on November 6, 2007. The flag salute and a moment of silence were recognized for the departed.

Present were:

Commissioners: King, Kugler, Robarge, Spackmann, Waite; Secretary Petkus;
Attorney for the District William Young;
Various members of the fire department and residents of the District.

Chairman Kugler introduced Mr. Young to the audience and asked him to say a few words. Mr. Young then introduced himself and gave a brief overview of his background relative to the fire service.

He also referenced the FASNY law book publication and noted that there is a difference between a fire district and a fire department.

Mr. Young explained that the Board of Fire Commissioners are a political subdivision of the State of NY, that it includes five elected officials serving rotating five year terms with an election of one commissioner each year, that they serve without compensation, and have the authority to hire a secretary and/or treasurer. He also referred to section 176 of the town law, which sets forth the duties and responsibilities of a Fire Commissioner, as well as general municipal law giving Fire District Commissioners authority to purchase apparatus in compliance with the laws, they are subject to Wick's law, and as they are public officers, they are subject to the public meetings law.

Mr. Young also explained the process with reference to advertising a public meeting, that it is subject to the open meetings law and how notice to the public must be given, including if a meeting is scheduled less than a week in advance. He then asked Secretary Petkus where she had posted the notice. Secretary Petkus noted she had emailed the notification to the District's designated newspaper, the Gazette, posted it on the District website and posted a notice on the building's outer door entrance to the Commissioners office.

Mr. Young then pointed out that the Board's authority is found in section 176 of the town law, and encouraged not only the Fire Commissioners to read it, but every member of the fire department as well.

He went on to summarize the duties and authority of the Board of Fire Commissioners, including the authority to set rules and regulations relative to the fire department, its operations, equipment, apparatus, acquisition of that equipment and apparatus, acquisition of turn out gear, authority to bond or borrow money after a public referendum to build a fire house or buy apparatus.

He further explained that if the chain of command was to be set up as an organizational chart, the residents of the community would be at the top, as they are the ones to elect the individuals, with the five fire commissioners beneath them , along with the secretary and treasurer. Underneath them is the Fire Chief, and his authority is found in section 176-a of the town law, which specifically says that the Fire Chief is in charge of the members of the fire department and all employees of the fire department if there are paid employees. The chief is also in charge of the apparatus, equipment and turnout gear and he is to carry out the rules and regulations that have been set forth by the Board of Fire Commissioners. He also explained that the Board of Fire Commissioners cannot interfere with the Fire Chief during a firematic activity, with the example given that the Board of Fire Commissioners cannot go to a scene and tell the Chief that he should be fighting the fire differently. Mr. Young further explained that the Chief also has the authority to enforce discipline and suspend individuals for misconduct subject to action of the Board of Fire Commissioners at its next meeting, which is not necessarily its regular meeting.

Mr. Young explained that the Board of Fire Commissioners felt that under the circumstance, and the gravity of what had transpired over the weekend, they felt it necessary to call this special meeting. Mr. Young then asked if anyone had any questions regarding any of the aspects he had just spoken about, and as there were none, the meeting proceeded.

Chairman Kugler then asked for a motion to go into executive session for the purpose of disciplinary action involving the suspension of firefighter Thomas Robarge.

Commissioner Spackmann made the motion with a second from Commissioner Robarge.

VOTE: Yes: Kugler, Robarge, Spackmann

No: King, Waite

Motion carried.

Chairman Kugler then noted he wanted the Fire Commissioners and the Chief present in the executive session. All involved moved to the Commissioners conference room at 7:20 pm.

Executive session began at 7:25 pm.

Present were Commissioners King, Kugler, Robarge, Spackmann and Waite; Secretary Petkus, Attorney William Young, Chief McConkey, Assistant Chiefs Gibbins, Chandler, Ellsworth and Lant.

There was lengthy discussion regarding the incident which occurred on November 1, 2007. Chief McConkey and Commissioner Robarge were afforded the opportunity to present their accounts of the incident.

Motion was made in favor of suspending Commissioner Robarge as a firefighter for a period of 30 days. All in favor.

Regular session resumed at 8:35 pm.

Motion was made by Chairman Kugler to go back into regular session with a second from Commissioner Spackmann. All in favor, motion carried.

Chairman Kugler at this time informed those in the audience of the suspension of firefighter Thomas Robarge for 30 days.

Motion was made by Commissioner Spackmann with a second by Commissioner Robarge to adjourn the meeting at 8:40 pm. All in favor, meeting adjourned

Respectfully submitted,

Joyce A. Petkus
District Secretary