

BARNARD FIRE DISTRICT  
Regular Meeting  
August 14, 2023

*Present: Commissioners Norris, Gerhard, Cappon, Diederich, Williams, Chief Steve Andrews, Secretary Treasurer Sandy Ballou, secretary Treasurer Pattie Morris*

*The meeting was called to order at 6:00 p.m.*

*We were led in the Pledge of Allegiance by Chief Andrews*

*Chairman Gerhard asked to join him in a moment of silence for all the people who were part of the Barnard family and those who were touched by the Barnard family that are no longer with us. Keeping in our thoughts and prayers the family of Dick Prem and all our men and women first responders who do battle every day.*

*Anyone from the public need to bring anything to the Board currently?*

*There was no one from the public in attendance.*

*Chairman Gerhard asked if we received any correspondence since our last meeting.*

- Retirement papers from New York State for Scott Flynn, Danny Everett, Mike Jay and Dean Smith*
- Notice from Monroe County Fire District Officers for meeting next month September 21<sup>st</sup> at the Brook House on Ridge Road –*
  - Commissioner Gerhard – yes/no*
  - Commissioner Cappon – yes/no*
  - Commissioner Williams – yes/no*
  - Commissioner Norris – yes/no*
  - Commissioner Diederich – yes/no*
  - Chief Steve Andrews – yes/no*
  - Sandy Ballou – yes/no*
  - Pattie Morris – yes/no*

*Sandy Ballou has some mail she would like to discuss with the Board.*

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- All Sandy and John Norris' efforts have finally paid off and the District received the Check from New York State for the consolidation grant! The check has been deposited and Pattie has typed checks for each fire District's portion. Chief Andrews will take the checks to Ridge Road, North Greece and Lakeshore.

**MOTION:** Commissioner Cappon seconded by Commissioner Williams to approve the Regular Meeting Minutes from July 10, 2023. All commissioners present were in favor. No one opposed. Motion carries.

Chief Andrews -

Monthly Chiefs Report ~ August 14th, 2023

Year 2023 Total Runs 2206

January 339 - February 294 March 306 April 320 May 308  
June 311 July 328

<u>Month</u>	<u>YTD</u>	<u>Incident Type</u>
1	31	Fires in Structures
0	1	Vehicle Fires
1	8	Brush, Field, Outside Fires
4	12	Dumpster, Rubbish and all other fires
8	62	MVA
218	1548	EMS
0	2	Rescue events (land searches, rope, water/ice, RTF, trench, elevator)
24	154	Auto Alarms
5	28	Mutual Aid Given
21	83	Hazardous Conditions (fumes, gas leaks, CO, wires down)
46	277	All other Service calls (lock outs, water problems, good intent etc.)

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**Updates from the Fire Chief.**

*Recruits Mess and Stell will be at RFFT orientation and practice CPAT on Wednesday and then the academy begins next Monday. Both, continue to work hard with good results over the last couple of weeks.*

*ISO review is upon us. Will be assigning portions as appropriate to job functions.*

*Groups are rotating through and conducting a review of the multiple alarm response planning for the Amazon facility in Gates. Barnard will be included in the STRUCT response due to the size of the facility.*

*Groups have reviewed the ROC Airport Emergency Plan. Barnard will continue to respond as a water supply unit on the Alert 3.*

*Both engines' crews and our Duty Officers on all 4 groups rotated through live fire training last week at the PSTF.*

*The County of Monroe Legal Dept has requested a replacement signed agreement, to be executed related to the 4 DVRS's provided to Barnard from the County. This will need action by the Board.*

*Requesting a motion to approve the surplus of the 2016 Chevrolet Tahoe. Attorney DiRaddo has provided guidance on this matter.*

*The invoice from Colden related to final outfitting and dealer work completed in July of 2022 has been researched and reviewed and is included in the invoice for approval to pay.*

*A verbal report of the NYS First Responders Summit in Washington DC will be provided at the Commission meeting.*

*Pattie, Sandy and I have been developing the budget for 2024 and would like to review a couple of the priority projects for consideration.*

*Sandy is completing the federal I-9 forms and meeting with each of our career employees to document this for our files.*

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1 "Leave Behind Narcan" was issued in the month of July.

Requesting authorization to hire 1 part time labor position for the purposes of Fire Prevention and CRR.

Completed annual review with Sandy Ballou as she has now completed her first full year of full-time employment with the District in July.

3 Department FF's will be attending the Old Forge Fire School in September. Housing has been arranged and registrations submitted.

Reminder of the luncheon on August 30<sup>th</sup> to acknowledge retirees Flynn and Everett.

Finally, a thank you to our District Commissioners, for the support of our promotional ceremony held in July for our latest new FF's, as well as our newly appointed Lieutenants, and Captain. The evening was a success and very well attended. We received numerous comments from our staff as well as other guests indicating the value of the ceremony.

**Respectfully Submitted,**



**Stephen M. Andrews**  
**Fire Chief**

**RESOLUTION 23-24:** by Commissioner Norris seconded by Commissioner Williams to appoint Dean Smith as a part time laborer with the Barnard Fire District effective August 14, 2023, for a twenty hour work week as previously discussed.

Poll of Board Members –

Commissioner Diederich	-	yes
Commissioner Cappon	-	yes
Chairman Gerhard	-	yes
Commissioner Norris	-	yes

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Commissioner Williams - yes

5 Yes Votes – 0 No Votes

**Resolution 23-25:** By Commissioner Diederich seconded by Commissioner Cappon to declare the 2016 Chevrolet Tahoe, mileage 101,000 as surplus and will be advertised to any duly authorized emergency services agency or personnel with a minimum bid of \$16,300. Bids will be accepted two weeks after being advertised and the vehicle will be available after September 30<sup>th</sup>, 2023.

Poll of Board Members –

Commissioner Diederich - yes

Commissioner Cappon - yes

Chairman Gerhard - yes

Commissioner Norris - yes

Commissioner Williams - yes

5 Yes Votes – 0 No Votes

**Resolution 23-26:** By Commissioner Cappon seconded by Commissioner Norris to declare the 2018 Chevrolet Tahoe, mileage 65,000 as surplus and will be advertised to other duly authorized emergency services agency or personnel with a minimum bid of \$26,500. Bids will be accepted two weeks after being advertised.

Poll of Board Members –

Commissioner Diederich - yes

Commissioner Cappon - yes

Chairman Gerhard - yes

Commissioner Norris - yes

Commissioner Williams - yes

5 Yes Votes – 0 No Votes

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**Resolution 23-27:** By Commissioner Williams seconded by Commissioner Diederich go into a intermunicipal agreement with the county of Monroe for our fourth DVRS provided to Barnard by the County of Monroe. This agreement is listed below.

*Poll of Board Members –*

<i>Commissioner Diederich</i>	-	<i>yes</i>
<i>Commissioner Cappon</i>	-	<i>yes</i>
<i>Chairman Gerhard</i>	-	<i>yes</i>
<i>Commissioner Norris</i>	-	<i>yes</i>
<i>Commissioner Williams</i>	-	<i>yes</i>

*5 Yes Votes – 0 No Votes*

INTERMUNICIPAL AGREEMENT

This Agreement is made pursuant to General Municipal Law Section 119-o, as of the date last executed below, by and between the Barnard Fire District, a municipal corporation having offices at 3084 Dewey Avenue, Rochester, New York 14616 (“Agency”), and the County of Monroe, a municipal corporation having offices at 39 West Main Street, Rochester, New York 14614 ("County").

WHEREAS, pursuant to Resolution 101 of 2019, the Monroe County Legislature authorized the County Executive to execute intermunicipal agreements and/or contracts with any municipality, municipal corporation, or eligible public safety organization for use of the public safety radio network equipment; WHEREAS, pursuant to Resolution 102 of 2019, the Monroe County Legislature authorized financing for the cost of public safety radio network equipment and enhancements; WHEREAS, pursuant to Resolution 39 of 2020, the Monroe County Legislature authorized the County’s acceptance of Statewide Interoperable Communication Grant funding to enhance public safety radio networks and equipment for the benefit of the County and local municipalities and public safety organizations; WHEREAS, pursuant to Resolutions 102 of 2019 and 39 of 2020, the County secured a quantity of Futurecomm Model TT1259-100 800 mhz simplex mode vehicle in-band repeaters for use by municipal and public safety organizations (“Simplex

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Mode Repeaters”); and WHEREAS, the Agency has duly authorized this Agreement pursuant to a resolution adopted by the Agency Board.

NOW THEREFORE, in consideration of the terms and conditions herein, it is hereby agreed by and between the parties as follows:

Section 1. Acknowledgements and Responsibilities of the Parties

A. County

i. The County shall provide one (1) Simplex Mode Repeater to the Agency to enhance the

Agency’s communications in response to public emergencies in the community.

ii. Apart from any remaining warranty from the manufacturer, the County shall not be responsible for the operation, maintenance, repair, or replacement of the Simplex Mode Repeater.

B. Agency

i. The Agency shall be responsible for procuring the mobile radio, DVRS Flash Code feature, and all other related equipment necessary for the operation of the Simplex Mode Repeater.

ii. The Agency shall install and program the mobile radio, Simplex Mode Repeater, and all related equipment.

Section 2

iii. The County is providing the Simplex Mode Repeater “as-is,” and except for the remaining manufacturer’s warranty, disclaims all warranties of any kind, whether express or implied, including, without limitation, any warranties of merchantability, fitness for a particular purpose, accuracy, quality, reliability, and non-infringement of intellectual property or other violation of rights.

iv. The Agency shall be responsible for the on-going maintenance, repair and replacement of the Simplex Mode Repeater.

v. In the event that the Agency desires to acquire products and services intended to interface with the Simplex Mode Repeater, such products and services shall be purchased at the Agency’s expense.

Section 3. Liability and Indemnification

The Agency hereby covenants and agrees to indemnify, defend and hold harmless the County and its officers, agents and employees from and against any and all claims, liabilities, obligations, damages, losses and expenses, whether contingent or otherwise, including reasonable attorney’s fees

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and costs of defense, incurred by the County as a result of the negligence, omission, breach, fault, or intentional misconduct of the Agency under this Agreement. The County hereby covenants and agrees to indemnify, defend and hold harmless the Agency and its officers, agents and employees from and against any and all claims, liabilities, obligations, damages, losses and expenses, whether contingent or otherwise, including reasonable attorneys' fees and costs of defense, incurred by the Agency as a result of the negligence, omission, breach, fault, or intentional misconduct of the County under this Agreement.

Section 4. Notices

Any notice or demand by the Agency to County shall be deemed to be duly given if sent by regular U.S. Mail, addressed to:

County Executive, County of Monroe  
County Office Building  
39 West Main Street  
Rochester, New York 14614

With a copy to:

Director, Monroe County Public Safety  
City Place Building  
50 West Main Street, 4th Floor  
Rochester, New York 14614

Any notice or demand by County to the Agency shall be deemed to be duly given if sent by regular U.S. Mail, addressed as set forth in this Agreement. Such addresses may be changed from time to time by either party serving notice as provided above.

Section 5. Relationship of Parties

Nothing contained in this Agreement shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent, or of partnership, or of joint venture, between the parties.

Section 6. Prohibition Against Assignment

The parties are prohibited from assigning, transferring, conveying, or otherwise disposing of this Agreement or any of its contents, or of any right, title or interest therein, or of the power to execute this Agreement, to any other person or corporation without the previous consent, in writing, of the other party.

Section 7. Extent of Agreement



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This Agreement constitutes the entire and integrated Agreement between and among the parties hereto and supersedes any and all prior negotiations, agreements and conditions, whether written or oral.

Section 8. Law

This Agreement shall be governed by and under the laws of the State of New York. In the event that a dispute arises between the parties, venue for the resolution of such dispute shall be the County of Monroe, New York.

Section 9. No Waiver

In the event that the terms and conditions of this Agreement are not strictly enforced by either party, such non-enforcement shall not act as or be deemed to act as a waiver or modification of this Agreement, nor shall such non-enforcement prevent the either party from enforcing each and every term of this Agreement thereafter.

Section 10. Severability

If any provision of this Agreement is held invalid by a court of law, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the laws of the State of New York.

IN WITNESS WHEREOF, the parties have duly executed this Agreement on the date first written above.

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By: \_\_\_\_\_

Name

Title

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COUNTY OF MONROE

By: \_\_\_\_\_

Adam J. Bello

Monroe County Executive

STATE OF NEW YORK )

COUNTY OF MONROE ) SS: On this \_\_\_\_\_ day of , 2023, before me the subscriber, personally came \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he resides in the County of Monroe; that he is the \_\_\_\_\_ for the Agency described in and which executed the above instrument; and that he signed his name to the foregoing instrument by virtue of the authority vested in him by the laws of the State of New York.

\_\_\_\_\_  
Notary Public

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(STATE OF NEW YORK )

COUNTY OF MONROE ) SS: On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me the subscriber, personally came Adam Bello, to me known, who being by me duly sworn, did depose and say that he is the Executive of the County of Monroe, the municipal corporation described in and which executed the above agreement; that he signed his name to the foregoing instrument by virtue of the authority vested in him by the laws of the State of New York and the local laws and ordinances of the County of Monroe.

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Notary Public

**MOTION:** *Commissioner Diederich seconded by Commissioner Cappon to approve Chief Andrews report for August 14, 2023, as read and discussed. All Commissioners present were in favor. No one disapproved. No abstentions. Motion carried.*

*Commissioner Williams – no report*

*Commissioner Diederich – no report*

*Commissioner Norris –*

- *Thank you to Sandy for her efforts in finishing up the grant application with New York State*
- *The engine committee will convene after Labor Day*

*Commissioner Cappon –*

- *Work on the building continues, the contractors are working on the ceilings now.*

*Chairman Gerhard – No Report*

**MOTION:** *Commissioner Diederich seconded by Commissioner Cappon to approve all invoices as audited during the week of July 24, 2023, All*

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Commissioners present were in favor. No one disapproved. No abstentions.  
Motion carried.

**MOTION:** Commissioner Norris seconded by Commissioner Williams to approve all invoices as audited on August 14, 2023, All Commissioners present were in favor. No one disapproved. No abstentions. Motion carried.

**MOTION:** Commissioner Williams seconded by Commissioner Cappon to approve the Treasurer Report for July 2023, All Commissioners present were in favor. No one disapproved. No abstentions. Motion carried.

**MOTION:** by Commissioner Diederich seconded by Commissioner Norris to adjourn. All Commissioners present were in favor. No one opposed. No abstentions. Motion carried.

Meeting adjourned at 7:50 p.m.

Respectfully submitted.

Sandy Ballou/Pattie Morris  
District Secretaries  
Barnard Fire District