

# ***Rochester Fire Protection District***

700 West Main Street, Rochester, Illinois

## ***Meeting Minutes***

July 13, 2009

### **I. Call to order**

President Patterson called to order the regular meeting of the Rochester Fire Protection District at 7:04 p.m. on July 13, 2009 at the Rochester Firehouse, Rochester, Illinois.

### **II. Roll call**

Don Wulf conducted a roll call. The following persons were present: President Patterson, Trustee Keafer, Trustee Cravens, Trustee Wulf, Chief Poffenberger, Attorney Bruce Beeman, and Administrative Assistant Linn Downey. Terry Day was absent. Eighteen members of the public were also present.

### **III. Approval of minutes from last meeting**

Meeting minutes from June 8, 2009 were presented. Motion to approve as amended by Trustee Wulf, second by Trustee Cravens. Unanimously approved.

Meeting minutes from June 24, 2009 were presented. Motion to approve by Trustee Wulf, second by Trustee Cravens. Unanimously approved.

### **IV. Approval of Treasurer's Report**

Treasurer's report was presented. Motion to approve by Trustee Wulf, second by Trustee Keafer. Unanimously approved.

### **V. Committee Reports**

A) Building & Grounds presented by Trustee Keafer.

1. The paint on the fuel tank is coming off, we may need to use a different product. Rob Young will follow up with Davis Painting. Do not hold payment for services.
2. The dryer vent pipe was cleaned by Evans Disaster Restoration for no charge.
3. Chief Poffenberger believes Altorfer does check the electrical side of the generator.
4. The main bay fixtures are repaired.
5. We will be sure to have a stock of bulbs so we don't have to pay contractor prices for them.
6. Smoking disposal receptacles will be purchased from Greco in Springfield for \$79 each. We will purchase two, one must be placed at each public entrance.
7. Windowsill bids have been submitted by Hasara Construction and Evers Construction. Motion to accept Hasara Construction's bid of \$1,975 contingent on the fact that the proposal is for all 21 sills with granite replacement by Trustee Wulf, second by Trustee Cravens. Unanimously approved.

8. Presentation system bids have been submitted by Zeller and Bennett. Zeller did previous work. Motion to approve the contract with Zeller for \$5,330.30 for a new system with controls by President Patterson, second by Trustee Cravens. Unanimous approval.
  9. Trustee Keafer will get design ideas from members for the picture wall in the front foyer.
- B) Personnel presented by Trustee Wulf
1. Nothing new to report
- C) Policy & Procedure presented by Trustee Day
1. Trustee Day absent.
- D) Web Committee presented by President Patterson
1. The next web design meeting is Wednesday evening July 15<sup>th</sup>.

## **VI. Chief's Report**

1. Tanker specifications are done and ready for board approval.
2. There are four members in the Paramedic Program through LLCC. Sam Sexton, Christian Skelton, Shaun Allen, Kyle Romadka.
3. We received a thank you note for hosting the fire-up for scouting event.
4. Three members are taking the Instructor I class through LLCC when completed they will be OSFM certified: Mark Poffenberger, Randy Romadka, and Mike Hamilton.
5. One new probationary member: Mike Ollech. Two member candidates: Kendra Wilkinson and Kristopher Tackett.
6. We started the MDA Fill-the-Boot program for Jerry's Kids. We walked the parade and contacted numerous businesses. Boots are scattered throughout the community to receive donations.
7. Discussion on the plaque for the flag at Berry Firehouse.
8. Calls from last month

<b>STRUCTURE</b>	<b>2</b>
<b>BRUSH</b>	<b>2</b>
<b>ALARM-Still</b>	<b>0</b>
<b>VEHICLE</b>	<b>1</b>
<b>MISC</b>	<b>1</b>
<b>FIRE TOTALS</b>	<b>6</b>
<b>10-50 PI (Wreck)</b>	<b>3</b>
<b>MEDICAL CALL</b>	<b>14</b>
<b>MED TOTALS</b>	<b>17</b>

**RESPONSE TOTALS                    23**

<b>FIRE TRAINING MED TRAINING TRAINING TOTALS</b>	<b>2 2 4</b>
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**MANDATORY**                    **0**  
**PUB**  
**SRV/DETAILS**                **6**

Engine 3 (Berry) – 0 responses

**VII. Member or Public Comments**

None

**VIII. New Business**

- A) Small Engine Maintenance
  - 1. Contract to be changed to run from October to April
  - 2. Table until next meeting.
- B) How Employees Are Paid
  - 1. Motion to pay all employees on a bi-weekly pay period by President Patterson, second by Trustee Wulf. Unanimously approved.
- C) Cleaning Contract
  - 1. Advertise for bids
- D) Member Attendance
  - 1. Mark Poffenberger will go over the percentages and attendance issues will be addressed next week.
- E) Identification
  - 1. The packet of information that needs to be completed for ID cards is in the trustee packets.
- F) Motion to approve Budget Ordinance 2009-RFPD-2 by Trustee Wulf, second by Trustee Cravens. Unanimous approval.
- G) Motion to approve Prevailing Wage Resolution 2009-RFPD-2 by President Patterson, second by Trustee Cravens. Unanimous approval. Attorney Beeman to file with appropriate departments.

**IX. Old Business**

- A) Cat Generator Service
  - 1. Proposed rate is good for three years and is based on 250 hours of runtime per year.
- B) Travel reimbursement policy will be continued at next meeting.
- C) Insurance
  - 1. Policy expires August 25, 2009
  - 2. Decision is to be made by next meeting on August 10<sup>th</sup>.
  - 3. Perry Waters to quote this out with other companies.
- D) Audit Proposal
  - 1. Motion to approve the contract with Estes, Bridgewater and Ogden for three years at \$3,750, \$3,850, and \$3,950 respectively by Trustee Cravens, second by Trustee Wulf. Unanimous approval.
  - 2. A thank you is to be sent by Trustee Cravens to Allen Murphy for their previous work.

## **X. Closed Session**

Motion made by Trustee Cravens, second by President Patterson to enter Closed Session in regards to legal matters, 5 ILCS 120/2(11) at 8:05 p.m. Regular session resumed at 8:42 p.m.

## **XI. Action, if any, in connection with discussion conducted during Closed Session**

President Patterson: “In our closed session we discussed a proposed settlement for Jane Doe #1. The first portion of that settlement is that the Rochester Fire Protection District denies any liability; two, the board will cause a letter to be published in *The Rochester Times*; third the board will pay Jane Doe #1 the sum of \$5,000 in 15 days and other executions of the proposed agreement by Jane Doe #1. Any discussion. I now call upon our attorney to comment and give us advice in respect to the proposed settlement and we will take a vote whether to accept or reject the statements by the board.”

Attorney Beeman: “Thank you. I think you all should, in considering this proposed settlement which has been signed by Jane Doe #1, you must all act in your official capacity as trustees of the Rochester Fire Protection District. And I say that because you may personally believe this is distasteful and you may personally believe that your decisions as board members have been 100% correct all along. You may personally believe the litigation was not warranted, and you may personally believe that you should not settle the case. That may be your personal beliefs. However your vote to accept or reject the settlement, which has been signed by one of the complainants, cannot be based on your personal beliefs. You have to consider what is best for the Rochester Fire Protection District and the taxpayers of Rochester Fire Protection District. The settlement basically consists of three parts. Part number one is that it is acknowledged that the district denies all liability and any and all wrongdoing and that statement has been accepted in the release by the complainant. The second portion of the proposed agreement provides that a letter will be published in *The Rochester Times* or some newspaper published in Rochester if not *The Rochester Times*. And that letter will say as follows: The Rochester Fire Protection District wishes to convey its continued support for the rights of its member firefighters and to the continued compliance with the Human Rights Act. The Rochester Fire Protection District regrets it greatly if anyone has been disappointed in the past, and looks forward to continuing to provide the very highest quality of services in the future. We would also like to acknowledge the service and dedication of all current and former members.

That’s the statement that this board previously indicated its full support for.

The third section of the proposed agreement may cause some pause for people and that is because Jane Doe #1 is demanding money. Some of you may think this is really all about money. And when you demand money obviously money becomes a part of it. However, in contrast to the initial demands made here, this sum is paltry. In fact, it is a sum which if you continued to defend this case, my fees alone would grossly exceed what’s been demanded. Therefore, when you vote you have to determine the taxpayers. Is it better to terminate this or spend a lot more tax money on this thing. Even if you end up fully vindicated and win the case, although I would like to have the legal fees that would be generated, that action might not be in the best interest of the Rochester Fire Protection

District or the taxpayers. These types of settlements, which are probably less than the cost of defense, are known as nuisance value cases in the courts. This is a nuisance value demand. If this was your own money, or it was your own expenses, you might say “this isn’t right. I don’t think it’s right and I’m going to pay to litigate this case. I’m not going to settle it.” But this is not your money, it’s the taxpayer’s money. And you would have to explain to the taxpayers why you chose to pay more for the cost of legal defense than the settlement amount. And I think that would be a very tough thing to explain, perhaps impossible. Any victory would be a very hollow victory to the taxpayers who paid the legal defense cost. So that’s my position on it. I think that we should take this settlement agreement which has been signed by the complainant seriously. Consider it very carefully.”

President Patterson: When asked, state whether you accept or reject the proposed settlement:

Cravens – I accept it

Keafer – I accept

Patterson – I very reluctantly accept, but listening to what Bruce said, it is about the money and it is about the taxpayer’s money. The money that we pay out on this will not help this District one bit. It will not buy one set of fire gloves, it won’t buy bunker gear, it won’t go towards training. It’s a very sad situation. Again, I believe in Bruce’s advice that it would cost us much more to pursue this than we could ever gain from it. So again, I agree reluctantly and vote to accept it.

Wulf – I again concur with Patt’s statement and I reluctantly accept.

4 acceptances

1 absentee (Terry Day)

The proposed settlement to Jane Doe #1 is accepted.

Motion to have Patt Patterson sign the agreement on behalf of the district by Tim Cravens, second Don Wulf. Unanimously approved.

## **XII. Next Meeting**

The next regularly scheduled meeting of the board is August 10, 2009 at 7:00 p.m.

## **XIII. Adjournment**

Motion by Trustee Wulf to adjourn the meeting, second by Trustee Cravens.

Unanimously approved. Meeting adjourned at 8:50 p.m.

Minutes submitted by: Linn Downey, Administrative Assistant

Minutes approved by: Don Wulf, Secretary