

**EAST BLOOMFIELD FIRE DISTRICT**

**Meeting Minutes**

**Date: December 9th, 2022**

**\*Meeting may be recorded for note keeping purposes with the number in attendance\***

Phil Rhoda 3 year 2022	George Heissenberger 12/2020 2023	Jeff Kachmaryk 2024	Zach Legters 2025	Ryan Duvall 2026
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- **Called to Order:** Meeting was held in the community room and was called to order by Commissioner Kachmaryk at 6:32 PM.

-Commissioner Kachmaryk reminded those in attendance the board would be following Roberts Rules of Order for meetings. He would give each person 3 minutes to speak at a time and asked that each person speak twice so anyone else in the community needing to speak could have a chance to do so. Would like to have each person talk once then take their second turn to be fair.

-Commissioner Legters asked before the meeting gets started why there was no specific meeting agenda.

-Commissioner Kachmaryk shared there was only one item on the agenda,

-Commissioner Legters said it was not provided before the meeting and this was a concern he had going into this meeting. Nothing was sent out prior to this meeting.

-Commissioner Duvall said that nothing was said about it during the week.

-Secretary Barbaro shared she asked about it Monday and was told she would be followed up with.

-Commissioner Legters let the board know as well that it is part of the open meeting law that an agenda is provided.

-Commissioner Rhoda stated meeting is adjourned then and we should go home.

-Commissioner Duvall asked him to sit down.

-Commissioner Legters said there would need to be a vote to then just end the meeting. It was a concern that he had that no agenda was provided, He asked his fellow commissioners what the concern was that was to be the agenda for the meeting.

-Commissioner Kachmaryk said the agenda for the meeting was the community had a concern that was raised to multiple board members that they wanted to address, and it was a serious concern, and they wanted to do it in a timely manner. Some of the people that voiced the concern will not be around for the annual meeting on the 19<sup>th</sup>. To hear the people and public's comments it was decided to have a meeting as soon as we could to get everyone's opinion.

-Commissioner Legters wanted to confirm that this was the only thing on the evening's agenda,

-Commissioner Kachmaryk did confirm this. He said there would be no discussion of procurement, insurance, buildings and grounds. This would all happen at the December 19<sup>th</sup> meeting. He reminded those in attendance if they had not done so to use the attendance sheets to please print their names. He asked those in attendance to raise their hands and he would call on them. He asked for people to speak one at a time. He shared there would be no attempt to argue back and forth, it was to be open communication of voice concerns and ask questions. And board would try to answer to the best of their ability, but they may not answer your questions.

He then asked Secretary Barbaro to take roll call.

• **Attendance:**

	Present	Absent
Chairperson George Heissenberger		X
Commissioner Zach Legters	X	
Commissioner Phil Rhoda	X	
Commissioner Ryan Duvall	X	
Commissioner Jeff Kachmaryk	X	

Secretary Heather Barbaro \_\_X\_\_

Additional guests: Joann Long \_\_X\_\_ Mike Long \_\_X\_\_ Derrick Legters \_\_X\_\_ Steve Murnan \_\_X\_\_ Geoff Breeze \_\_X\_\_ Joyce Koppmann \_\_X\_\_ Ben Shattuck \_\_X\_\_ Tricia Breeze \_\_X\_\_ Marlene Murnan \_\_X\_\_ Daniel Kwarta \_\_X\_\_ Kim Duvall \_\_X\_\_ Gina Brown \_\_X\_\_ Alex Brown \_\_X\_\_ Quin Frances \_\_X\_\_ Doug Turnbull \_\_X\_\_ Korbyn Simmons \_\_X\_\_ Klye Dixon \_\_X\_\_ George Duvall \_\_X\_\_ Amy Duvall \_\_X\_\_ Dennis Ditch \_\_X\_\_ James Barden \_\_X\_\_ Harry Wells \_\_X\_\_ Peggy Gochenaur \_\_X\_\_ Judi Stewart \_\_X\_\_ Joel Steele \_\_X\_\_ Scott Murnan \_\_X\_\_ Liz Voorhees \_\_X\_\_ Jim Voorhees \_\_X\_\_ Ronald R. Parrish \_\_X\_\_ Andrew G Duvall \_\_X\_\_ Nick Van Orman \_\_X\_\_ Julian Ogbuagu \_\_X\_\_ Gary Bidwell \_\_X\_\_

Richard Nicholson \_\_X\_\_ Pam Raymor \_\_X\_\_ Herb Raymor \_\_X\_\_ Vic Rauscher \_\_X\_\_ Linda Wells \_\_X\_\_ Michael Murphy \_\_X\_\_ Abigail Miller \_\_X\_\_ Caleb Bevan \_\_X\_\_ Jenah Goodren \_\_X\_\_ Ben Murnan \_\_X\_\_ Pete Koppmann \_\_X\_\_

-Commissioner Kachmaryk opened the floor to public comment.

-Dan Kwarta who is a longtime resident and member of the department shared he was happy to see fantastic turnout for Friday night at 6:30. He wished he had these types of meetings when he was involved in government. He said if having a special meeting he would like to know where the public notification of the meeting was put. Was it done legitimately since the board is not only following Roberts Rules of Order, but you are also following state rules and open meeting law. SO was the notification given and in which way. He also wanted to have the minutes reflect the other commissioner is not here and he was in Europe.

-Commissioner Duvall shared the meeting announcement was posted in the Daily Messenger and on the sign.

-Dan Kwarta asked if it was 72 hours before the meeting.

-Commissioner Duvall said it was posted to the Messenger Monday as well as the board out front.

-Dan Kwarta asked when it was published in the Messenger.

-Secretary Barbaro shared she sent the notice to the Messenger on Monday and got the receipt back that it would be published Thursday.

-Dan asked if that was 72 hours before this meeting.

-Commissioner Duvall shared that the sign out front counts as public notice for 72 hours before

-Dan suggested to check with the lawyer on that. They are supposed to have 5 postings and he questioned the legality of this meeting. But he admired the crowd that was here.

-Commissioner Duvall shared they talked to the state already.

-Commissioner Kachmaryk asked if there were any additional public comments.

-Liz Voorhees asked what the concern was that was brought to a variety of the commissioners.

-Commissioner Kachmaryk said the concern was and it was brought to them from a person in the public. There was a list generated of names stating, "names to avoid" and it was made by an active fire person. And the concern was why are our names on this list? And what's the ramifications of this.

-Liz Voorhees said it was confirmed an email was sent with some names on it and some not. Then asked what the purpose of the email was.

-Commissioner Kachmaryk responded the purpose of the email was however you want to interpret it.

-General laughter amongst the room.

-Commissioner Rhoda offered to read the email but shared that maybe Joann should read the email. "Hope you had a great Thanksgiving! "This is addressed from Joann Long" The Fire commissioner election is December 13 from 6-9 at the fire station. We're starting the Mike Long write-in campaign in hopes to regain fire department support within the Fire Commissioner board. Would you be willing to spread the word to get people to vote? Your help is needed to acquire a large voter turnout from family, trusted friends, and neighbors to write-in MIKE LONG on the District Fire Commissioner's ballot Dec 13th! Together we can support the Fire Department! If possible, can you let me know your list of contacts, so we do not duplicate efforts?

Attached please find Mike's introduction and election specifics for your distribution to your family, friends and neighbors in East Bloomfield. Also included is the names to avoid list (steering clear of people who support the current commissioner) and some talking points if you need them. Once you've asked your contacts to vote, it would be great to touch base with them again on the 13th to give them a gentle reminder to go to the election that night.

I have hardcopy flyers I can drop off to you anytime as well. Would you like me to drop some off?

Thanks,  
Joann"

-Commissioner Rhoda said then attached was the list of talking points and the list of the names of the people who signed the petition and 30 some off more names that did not sign the petition. This is where the concern was raised.

-Liz Voorhees asked "if there was a legal process that in before the election that when you are campaigning for someone that this is illegal to request that people avoid some people as opposed to others? Is there a legal problem here."

-Commissioner Rhoda responded, "So there is probably not a legal issue."

-Liz then asked what the issue was.

-Commissioner Rhoda shared the issue was with the way the email was worded

-Liz asked him if he was offended or the commissioners offended.

-Commissioner Kachmaryk said their names were on the list as public officials so they could take the ability of that. And people's names in the community on the list have taken offense and this is why the meeting was called.

-Commissioner Rhoda asked if he should read one of the complaints as he has multiple.

-Roberts Rules of 3 minutes has exceeded.

- Peggy Gochenaur introduced herself and said she was one of the people on the list as well as her 90-year-old mother. Mike came to see her and heard she knew about the list and wanted to talk about it." Great you know we had a nice conversation, and it was very peaceful we agreed everything was good. My only question to Mike was as to why my name on the list of people was to avoid in the public. So that was my concern. Mike could not really answer me so we had a nice conversation, We left and shook hands and then parted ways. She went to the bank and post office doing her job and came back to the office. Mike and Joann were then both in my office. Not to make a big deal out of it but she wanted to know why her name was on the list. Joann said because you signed the petition for Phil Rhoda. She said she absolutely did not. When she became an elected official, she does not sign any petitions. Not for the girl scouts, boy scouts, she doesn't sign anything at all. She wants to remain neutral and wants to serve her community to the best of her capacity and that what she thinks she has been elected for. So she was handed with a list from Mike, she knows her signature. She sees someone printed her name on the right hand of the page. We all know our own signatures. Its for a Margaret Alarty. My name is Margaret Gochenaur, so I gave it back to Joann and said where is my name on here. It is not. And furthermore, why did you target my 90-year-old mother? Where is her name on here. There was not really and answer for that. Let's move along because I only have 3 minutes. I am not involved in the fire department of fire district; do we vote in those elections? Yes we do. My mom and I have voted many many times. We have been asking for commissioners to go and vote. So if I was on a voting list I certainly get that and it's my conditional right to vote as a citizen. However, I am going to go maybe one step farther then I should at some point we are kind of beating a dead horse. People in the community that were on that list were notified. And Mike on his behalf he did come out and came to me. I don't know if he went to anybody else, but he did come to me. I have had some fire commissioners come to see me. Its kind of we are in the middle of the road type of thing. But to put someone's name on a list.. was it done properly? No. But again we are beating a dead horse, People are going to go out and vote."

-Roberts Rules of 3 minutes has exceeded.

-Commissioner Kachmaryk then asked if others wished to comment and chose Derrick Legters to speak next.

-Derrick Legters asked "is this a political issue? Or is it a fire district issue?"

-Commissioner Kachmaryk shared when speaking to the lady at the state it became an issue with the district, because his name and his wife's name was on the list. So she took the time to research the names on the list, And it contains multiple people who have businesses in this town. And two of the names on the list the business address listed is the business address.

-Derrick asked if this was illegal.

-Commissioner Kachmaryk said it was not illegal, but it was immoral. And its unethical. Because all firemen sign an ethics form, he assumed.

-Derrick let him know that was an incorrect assumption. And asked how he knew that.

-Commissioner Kachmaryk "you don't sign an ethics form?"

-Derrick "How do you know that was an immoral issue? Maybe she had ideas that there were certain people that she knew would be for her, so she knew that maybe other people weren't. How is that an immoral issue? Its an election."

-Commissioner Kachmaryk "that's your feelings I am by the lady at the state she said and gave us a list of things to do. One of which was to contact everyone on the list and let them know their name was on a list. That's what we did."

-Commissioner Legters asked if they went to Pinsky about this. Commissioner Kachmaryk said yes. He said no laws were broken. The ethics part was the debatable part.

-Commissioner Legters said when he talked to Pinsky he said that it really wasn't a district issue. It was a campaigning issue that we are not involved with.

-Commissioner Kachmaryk said it became and went from a campaigning issue because she is an active fireman, and everyone knows she is active given her website and everything else.

-Someone from the crowd said but she isn't a commissioner. And apologized for speaking out of turn.

-Commissioner Kachmaryk said the lady from the state board of commissions recommended that we cover our butts because this could potentially open us up for a lawsuit. So, he shared they were trying to get ahead of the issue from developing into anything else. He shared the board was not doing anything haphazard and they went through all of the channels and called all of the people and are just following by what was directed for them to do.

-Commissioner Legters said when he talked to Pinsky he did not recommend this meeting.

-Commissioner Kachmaryk said Pinsky told him you should probably have a meeting is what he told me. So, if we are getting the lawyer for us commissioners telling us two different things we might need to get a new lawyer. Because he told us "You need to let the people air their grievances in a public forum. So that's why we are here."

Commissioner Kachmaryk then chose the next community member to speak.

-Linda Wells was listening to this and was confused. She was there supporting the town. She said "the commissioners are there supporting our town. What's the issue here? We are all here to support. You are our commissioners and are

working for us. It sounds like you are anti working for us. And I need an explanation.”

-Commissioner Kachmaryk said “I don’t think we are anti working for you.”

-Linda replied “apparently here we all are on a Friday night. Christmas and we are here because we were concerned about how its being run amongst the three, four of you. Excuse me. Yes answers?”

-Commissioner Rhoda said he “wasn’t going to say much but being the commissioner Mike is running against he actually didn’t have much of a problem with the write in campaign because that’s how he got elected. So the issue was more how the list was brought about and what reason it was brought about. It was he feels highly unethical. It would have been fine if the people were just the petitioners. And then they would have beaten the doors like most electors would have done. However, they have got my two children on there. Adult children yes but they have got my elderly mom who’s immobile on that list. I found it very offensive and on top of that she even included neighbors that potentially have no reason to have any anguish about whether or not they are people to avoid. I just don’t understand the wording of people to avoid list. I find that a little offensive and I’m surprised the fireman don’t. Its just why would they want to be avoided? I don’t get that, what term do you put that? Do you avoid them at what cause because they fell on the sidewalk, or you avoid them because they are at the grocery store? When do you stop avoiding them? Tell me. That’s the reason why mostly. The list is out of sort. Its now how I do it.”

-Derrick Legters asked if it was because of the election.

-Commissioner Rhoda said no he was glad Mike was running against him and he hopes he wins as it is not a paid position.

-Derrick Legters asked him if it was due to trying to win the election why we are here.

-Commissioner Rhoda said “For me it was not due to the election. For all of the faces and the way you guys act around here I just assume to go home. But you know what I came to serve”

-Several of those in the room clapped.

-Commissioner Rhoda added “you aren’t going to scare me away. Because we will see what the community has to say on the 13<sup>th</sup>. “

-Derrick Legters said, “why don’t you just let the election play out then?”

-Commissioner Rhoda said “I will. So, lets adjourn the meeting and go home.”

-Commissioner Legters asked if there was a motion to adjourn. And many said no.

-Joyce Koppmann was then picked to speak. She introduced herself and added in she was the fire department Secretary. "You keep referencing a woman from the state for giving you information. Do you have a specific name or contact? And to me it sounds like Zach hasn't been included in a lot of the conversation or decisions you guys have made to as of the reason for this meeting. I am just curious as to why you are not including all of your commissioners in on your communications."

-Commissioner Rhoda said he had no part in that. Commissioner Duvall shared he spoke with Zach on the phone. And then Commissioner Legters let the room know that was on Monday and a lot of stuff has transpired this week and he still did not have an agenda at the start of tonight's meeting as to what would be talked about.

-Commissioner Duvall told Commissioner Legters he knew what they would be talking about as they talked about it again on the phone.

-Commissioner Legters again said it was on Monday he was communicated with. Its now Friday and he wanted to know what was going on all week.

-Commissioner Rhoda said they needed to move on from the agenda as that was discussed already.

-Commissioner Legters said he understood that but again it was said they talked with the state.

-Commissioner Rhoda said again it's hard to all meet at once.

-Commissioner Legters said "that's fine but there was no way someone could have just corresponded with him to say hey I have spoken with so and so about this issue?"

-Commissioner Duvall asked that the board gets back to the issue and letting the public speak on why they are here and upset about this.

-Joyce Koppmann did say she had another question about this matter. "What specific agency did you consult with?"

-Commissioner Duvall said "New York State Association of Fire districts. That is who we talked to."

-Dan Kwarta said "That's not a state organization. Its not a governmental organization."

-Commissioner Duvall said Joe Frank was part of that and they spoke with him as well.

-Dan Kwarta added in" the fire district organization is not a state, it has the name state in it, but it is an independent organization. It is not part of the state government. If you would have talked to state controllers' office or state election board that is a different story."



-Commissioner Kachmaryk asked if there was any other public comment. And to keep in mind people only get two turns to talk. So, if people wanted to use their second turn they could.

-Liz Voorhees said "I kind of think there are some people that were offended and well we know that. And somebody is using this venue to air their concerns about being offended. If it was not an election issue, then I don't think there should be a meeting here. And it should be only if there was an election issue and there wasn't. Is this the forum to use? So, I feel this forum is being abused when people were offended. I just don't think this is the place to air offences if people are offended."

-Someone else in the room began to share: "Since we want to talk about this being an election issue if you will, and that being the purpose my question to the commissioners would be that the community wanted to have the election actually at the Legion. My question is there a reason on why its not being held at the legion this year. When the commissioners voted to have it there?"

-Joyce Koppmann asked whoever just spoke to state their name.

-Kim Duvall stated her name for the meeting minutes as the person who just spoke. And wanted an answer why.

-Commissioner Kachmaryk said "we originally had a board meeting and I think it was October we voted on changing venue. Commissioner Duvall went over the next day to reserve the room, or a couple days later and discovered it was already rented. So, we discovered through, actually the guy at the board of elections told us that Mike long had reserved Veterans Park."

-Kim Duvall said, "on the day of election after he knew you guys voted to have the election there."

-Commissioner Duvall said that was correct.

-Commissioner Kachmaryk added "apparently its for the victory party." Then asked if there were other questions.

-Kim Duvall said "that seems very unethical."

-Vic Rauscher introduced himself next to speak. He is a fireman, also former commissioner for years for the district. "I guess my big thing is, how many people here have worked on campaigns for presidential, county state etc.? I mean I have helped Phil Poverall for years on his election and I always got lists that said call or do not call. That is just politics. I mean the list goes this guy is republican, democrat, independent you know it's kind of like this is who we are targeting or to stay away from these people. It's happening all the time in every election that there ever is so I just don't understand the whole election names on a list because it happens every election."

-Commissioner Rhoda asked, "so does your list when you're doing those does it come from a small list like this does it have families?"

-Vic shared "absolutely. It goes by household. On the county side of this it was always a list of call do not call. That is just the way its done in politics. How do you think you are getting so many calls?"

-Commissioner Rhoda shared he has been doing it for years as well and generally it's a list for one party vs the other.

-Vic reminded them "for commissioners its not based off of parties. So there isn't a list. For years though he got a list of here if you want to help this is who to call. And it could be a whole house of them. I don't know where the list came from but obviously someone generated it. I guess I just don't understand why someone's name is on a list why they would be offended."

-Commissioner Kachmaryk said "two of the names on the list are people that the commissioners do business with."

-Vic said the last list he got when working with Phil P his mom was on the list himself and she had passed several years before. And so was his father.

-Commissioner Kachmaryk said "there were additional names of people on the list. Like his brother-in-law who has not lived here for 22 years. So, I guess you are stating they stay on the roll until you remove their name."

-Vic Rauchser said "it is always going to happen if you work during the elections there will be a list."

-Kimberly Duvall was called on to speak again. "So, to respond to the people that have talked to me about this list I totally understand what's being said about politicians. I think that what's bothering people is that it was an active-duty fire fighter that made this list, so they are interpreting it in different ways. Avoiding how? Avoid in services? Avoids on walking down the street. Avoid them by knocking on my door. People are seeing it in multiple different ways. Its not just the politician running for an office like the gentleman stated. Which I totally understand. It's the safety side that I think is bothering people. Its their mothers."

-Some from the crowd laughed. Someone said I can tell you right now there isn't a person in the room who wouldn't help.

-Kim continued "that is the sard part they are laughing at people in this community that are genuinely feeling this way. They should be embarrassed. Anyone that's supporting that."

-Vic Rauscher responded, "this department has been here for 100 years."

\_Commissioner Duvall said "this is part of the reason for the meeting is there is people that have wrote letters to us and they are saying if they were not to be serviced properly that opens the district up to a very large law suit."

-Many from the crowd said "that would never happen. Not a single firefighter here would do that. Never!"

-Reminder to not talk over and one at a time was mentioned by Commissioner Kachmaryk. He then selected Gina Brown to share next.

-Gina Brown, Bloomfield Ambulance captain and she is also on the fire police for the fire department. "At no time in my ten years that I have been apart of the department or EMS doing training I have not once not gone to a call. Not once. Not one firefighter or one person in the EMS Crew, we would never ever say I am not going to that house. That is unethical. We have rules! We have laws! That is wrong. You are wrong to say that."

-Several of those in attendance did clap for her. Commissioner Rhoda additionally thanked her for her service.

-Mike Murphy was called to speak next by Commissioner Kachmaryk. "Feeling like a fresh face walking into that as he just moved into the fire district three weeks ago. Was the email sent from a fire district email account?"

-Commissioner Kachmaryk said "It was not."

-Mike continued" ok so was it sent from the district computer?"

- Commissioner Kachmaryk said no. as well

-Mike Murphy "I am just trying to figure out why this is a commissioner-based issue when it was sent from a personal email there is no ethics violation because there is no ethics form. If anything, this should be a disciplinary issue that should be handled under executive session. I could understand public comment but return back to the public comment saying hey this is being handled internally at this time and we would be getting back to you."

-Commissioner Rhoda shared "that's part of the reason why we are not reading the list of pile of stuff here because you are right it is an HR issue. So that will be addressed after this meeting."

-Mike Murphy said "you just mentioned the name from the email on who sent the email and then continued."

-Commissioner Rhoda said "well with my mom on the list being immobile I think some ambulance drivers have been to my house to get my mom out. So, I find it a little distasteful. And I am not trying to do this for an agenda. Personally I would have rather been at my sons musical tonight then doing this. Trust me."

Mike asked" Well aren't you guys using this as an agenda? It's a public forum that you are using for yourself because you are offended by a petition list that went out.

-Commissioner Rhoda said "No! I am here to answer to the public that asked us to have this meeting. That's the only reason why I am here."

-Mike Murphy asked the board" Ok again is it a disciplinary yes, or no? Because if it's a disciplinary issue of personnel then it should be handled under executive session as per NYS law."

-Commissioner Rhoda shared" So the public wanted to be heard that's all I am here for."

-Mike "but you mentioned the name of the person now under investigation for ethics issues as you just described. Saying it would be handled as a disciplinary issue."

-Commissioner Rhoda said, "I did?"

-Commissioner Kachmaryk said" We never said that."

-Dan Kwarta said" Well you just said you were going to handle it after the meeting."

-Commissioner Rhoda said "Well I tried to but they cancelled the meeting the other night so he could not do it then. It was supposed to happen before the department meeting on Tuesday."

-Dan Kwarta then asked "what violation did she if you are talking about HR and disciplinary. Which violation is there for fire department rules?"

\_Commissioner Rhoda responded, "You would have to ask the fire department that."

Dan "then why are YOU bringing up the disciplinary issue?"

-Commissioner Rhoda responded "Because I'm the membership committee, isn't that part of the whole thing? I tried to but they cancelled the meeting on Tuesday night, but they cancelled it. Which didn't surprise me."

Secretary Barbaro was called on next to ask a question. She said "Did we know about the meeting being called before Ryan reached out and did this. Or was the meeting cancelled on Tuesday night? Just so there's clarity. Was it cancelled on Tuesday or before this meeting was called. Because that's another good question."

-Commissioner Rhoda said he was not sure of the timeline.

-Derrick Legters said "somebody would have had to bring a written complaint to the membership committee.

-Commissioner Rhoda reminded everyone that is what he tried to do Tuesday night."

- "But the wheels for this was started prior to Tuesday." Dan commented.

-Commissioner Rhoda "Yes but we had to contact other people as well to make sure we are not overstepping our boundaries. As you said right."

-Dan asked, "was Commissioner Legters kept informed of those wheels that were going?"

-Commissioner Rhoda said, "Ryan had a conversation with Zach on Monday night."

-Dan said, "As he said earlier Monday, he had the conversation and wheels were going into motion Tuesday, Wednesday, Thursday and he was not kept informed."

-Derrick Legters said "George should have been kept informed. Regardless on whether he was in the country or not. They have text messages."

-Commissioner Rhoda said he texted him the day he got the email, he has to check that date.

--Commissioner Kachmaryk then asked those in attendance if there were any additional public comments.

-The next person stood up and introduced herself as Tricia Breeze. She said "So I am curious about this form that was sent out as well asking for disciplinary action from the public and what their comments are as to how the fire department should be disciplined if that was done appropriately. And if all the commissioners were aware of this when you sent it."

-Commissioner Kachmaryk replied" that was produced by a public citizen and passed around to names on the list. We discovered it after two or three people handed us the form"

-Tricia Breeze asked "so what's the difference of circulating this vs circulating some other questions if its campaigning?"

-Commissioner Kachmaryk shared "that was circulated to people on the list to people who didn't know why their names were on a list."

-Commissioner Legters wanted to ask a question to the fellow board members. He said "I only recently came into contact with this form sort to speak. Our name is on there. With a "we" implicating that we sent this out as district communications. But if you just said it was sent by a community member why is someone using our name and implying that they are part of this board and spreading this throughout the town?"

-Commissioner Legters then read to those in attendance from the paper and it stated "The East Bloomfield Board of Fire District Commissioners are taking this matter very seriously as public safety is our top concern. Anything or anyone jeopardizing public safety in ties of emergency will not be tolerated. WE will handle this matter and ensure that you, your family, your home and business will receive proper emergency services, if and when needed without prejudice." Commissioner Legters then asked" if this was not produced by us why is someone out in the community implying, they are part of this district?"

-Commissioner Kachmaryk replied "I do not know that is a good question."

-Tricia Breeze continued and asked, "I want to know if any of you commissioners campaigned to your people in the list and asked them to come on behalf of you to speak."

-Commissioner Kachmaryk said "we split the list up and when I talked to people, I said I'm not telling you yes or no what to do. I am informing you what the state lady told me that your name is on a list."

-Tricia Breeze said, "What is the state ladies name please?"

-Commissioner Duvall and Commissioner Kachmaryk said her name was Kathy.

-Dan Kwarta said from the crowd "that is not a state lady."

-Tricia Breeze asked that her name be stated on the record. And asked for her last name.

-Commissioner Kachmaryk said "it is Kathy Deluca."

-Tricia Breeze asked "What is her official title for her as well? State lady?"

-Commissioner Duvall said, "I am not sure what her official title is."

-Tricia Breeze replied, "well you should probably know that."

-Dan Kwarta said, "She is not from the state. She is from a separate organization that goes by Fire District of NYS."

-Tricia added," Well in speaking to Joe Frank, which I was on the phone with my husband he was very explicit that no campaign laws were violated. That if this is open campaign this is the good and bad that goes along with campaigning. I still don't think in that email anybody intended. I think it was a void in order to protect. They had already made a decision. Let's not waste our time and move on to other people. And listen my husbands a fireman and I am not part of the fire district. I have nothing to do with it. I avoid it at all costs because I am too busy doing my own life and to be honest with you this is a freaking distraction to me. It is interrupting my life. So this is ridiculous and I am just going to say that all of this is nonsense. We should all be here working for the betterment of the community and not fighting amongst each other over these stupid politics. If we want to have a campaign and vote lets vote. But lets not call meetings and interrupt the public for the he said she said of what is going on here. It is quite a disappointment to me of you all because this is really a reflection of the commissioners. This makes me really question my residency in Bloomfield. I just have to put it out there. And I do know for a fact that you have asked people to come here and speak on your behalf. So, I ask you to please not sit up there as a commissioner and tell us a lie."

-Few from the community clapped. Commissioner Kachmaryk asked if anyone else would like to speak next.

-Geoff Breeze "I have a couple of questions in regards to the letter that was sent out as Zach did mention it did say "we". That is not on official commissioner letterhead that went out. Did all of the commissioners agree before the letter was sent out? Because we have spoken with people in here that do have a letter. Three people did state it came from Phil Rhoda. The letter. So, my question is that three commissioners can not act alone to make a decision to put this letter out without the fourth or fifth. Or working together as a body. Correct?"

-Commissioner Kachmaryk said "Yes."

-Geoff continued, "the letter that I have right here does not have anything that says commissioners on it, anything like that. And it came and we can prove it came from at least three people I can prove Phil gave it to. So with that being said I had a lengthy conversation with Joe Frank today. There was no rules broken that Joann Long or Mike Long did. Happy campaigning, he said. So, another thing he did mention was if there was an oversight committee for the commissioners. And there is. And its all of you taxpayers. Everybody here you are the oversight committee for these 5 members. Vote. Your vote counts. Because this is ridiculous. I've been the fire service since I was 15 years old. I have never ever. Everybody works together and this makes me not even want to be here. I moved out here because it was a nice quiet town. Seriously and then you can sit there and say the letter came from someone in the public. I can have people stand up right now and say how Phil, you gave it to them. And its not on letterhead. If you want me to, I can ask them to stand up now because its going to look bad."

-Commissioner Rhoda responded "hey, go ahead. Knock yourself out. Go ahead."

Geoff Breeze "We have proof you handed out the letter, and its not on letterhead. My question again is..the letter you handed out recommending discipline"

-Commissioner Rhoda " Yeah I did go to people on the list and did give them that."

-Geoff Breeze "You gave the people on the list this letter. It says WE the commissioners"

-Commissioner Rhoda "well these were filled out before the meeting."

-Geoff Breeze "Nope it still says 'We the Commissioners' you guys cant do that. Did George know about that? Did Zach know about that? Not until Monday. So you are acting.. its against the law! You are breaking a law. Its open law rule and you broke it. You broke it. End of story. Again everybody you are the oversight committee for everything they do. I went up the state as high as I possibly could. And there is no state lady that can give any kind of you know guidance. That was the state attorney per the Fire Commissioners I spoke with."

-Roberts Rules of 3 minutes has exceeded.

-Commissioner Kachmaryk again asked those in attendance if anyone else wished to speak.

-Kathy Conradt asked to speak next, "My name is Kathy Conradt and I just want to say I think Vic touched upon what to me what sounds like is a problem and it really joust boils down to semantics. If you have a list that says, 'do not call' that sounds a little better then a list of 'people to avoid'. I really think it comes down to semantics and that's why people are offended."

-Commissioner Kachmaryk asked the room again if anyone else wished to speak.

-Commissioner Legters " In light of hearing no more comments I move that we adjourn the meeting."

-Steve Murnan had a quick question and was picked to speak. "Steve Murnan, President of the department. You keep talking about people that are complaining about this and I haven't heard anyone here complaint yet. Where are they?"

\_Commissioner Rhoda "Well some of them are written here and we can't read a list unless they wanted to read them."

-Commissioner Kachmaryk "My in-laws are out of country and my wife is out of town."

-Steve Murnan said "So we are all together to not hear a compliant."

-Commissioner Duvall asked if there were any other comments from the public.

-Joann Long was called to speak next. "I am Joann Long and apparently I have created a fire storm here."

-Commissioner Rhoda said "Shocker."

-Joann continued "First off, I want to say that I apologized to people that got that list. And I have and Mike has together. We have reached out to most of the people on that list. And the reason that list was for respect out of those families to not bother them on this election. We had our campaigners. That email that he read was sent to a handful of campaigners that were going to go out and solicit. And promote Mike as a write in. The avoid list was to focus your effort on your people. We already know these guys are um probably in support of the incumbent. We don't want to bother them. Don't bother their families. Focus on where you can get your votes in. That list was sent to my campaigners not to anyone else. Unfortunate because it was electronic it got forwarded to the wrong person. Not a campaigner and was misinterpreted and we apologize to those people. So when people are saying I don't know why my mom or whatever was on this list when they were not on the petition. They were on the list because they were family members and we wanted to respect those families. So therefore, misinterpretation of 'o were not going to come to your emergency' is just really a stretch. Because we have never missed a call. And I am a firefighter. However, I



sent that email out as an individual. I am a resident of this community; I've lived here for almost 30 years. My husband is going for fire commissioner because he wants to help the community. It is a volunteer position and you have got to want to do something if you are volunteering. We are volunteering to help the community. Everyone that was on that list, the people that we could reach we have sent letter to, we went to personally as well to apologize for any misinterpretation. And to have this forum is quite a surprise. I just wanted to say lastly that I know I did not make any campaign illegal acts. And that I spoke with the fire commissioner attorney and the list that was sent out was not a violation of any campaign laws. And I certainly apologize to the families if they had a problem with it"

-Roberts Rules of 3 minutes has exceeded.

-Commissioner Rhoda asked "So did you apologize to my 84-year-old mother? You said you apologized to everybody on the list"

-Joann "I said I apologized to most families. You of all people your mother is going to support you in the election."

-Commissioner Rhoda" but you said you apologized to everybody on the list."

-Joann" I did not."

-Commissioner Kachmaryk asked if there was any other public comment from those present.

-Joann Long raised her hand again and asked, "by the way who circulated that list?"

-Geoff Breeze "we still haven't gotten that answer."

-Joann added "I didn't send that out to those people did you?"

-Commissioner Rhoda "to what people my mom? So by the advice of the other commissioners, I was told I needed to tell people on my list that you circulated the avoid list. That's all that I was told. But seeing as how its not a state agency I guess they were correct. But I guess not. "

-Joann" Yeah, I guess not."

-Commissioner Rhoda " I realize that now and I will check on that myself Monday. And I am not sure but I did finally get the chance to check out the "we" at the bottom of this form and I didn't make the form so I am not going to rest my life on that."

-Tricia Breeze was called to speak again from the crowd. " I just want to know again why your mistakes are I'm sorry and are forgiven. And a mistake here from her needed a whole meeting."

-Commissioner Rhoda replied, "good question."

-Tricia Breeze responded "Seems like there is not a lot of answers. There is not a lot of accountability."

-Commissioner Rhoda "guess it will come to the vote on Tuesday wont it?"

-Tricia Breeze said "Well for a guy who keeps saying he doesn't want to be apart of it. And lets go! Take my seat please. You really sure really seem pretty.."

-Commissioner Rhoda started to say "I am more than happy to serve with the buildings and grounds like I have been doing. I have been pretty diligent on all of that. This meeting stuff and he said she said. And what I'm not doing and what I am doing. all of this is way more.

-Tricia Breeze asked, "how did this all start then?"

-Commissioner Rhoda responded "you know what I have been asking that every meeting I've been to before these two guys came on. Why/ Where is the divide between fire commissioner and department. I don't understand it. I even asked Vic. I have even asked Rick Rayburn. If we can figure out a way to mend it, I agree. I would even be willing to sign up to be a fireman, but I am to old and too fat. So, I don't know if that would work out so well. Not sure I would even be embraced to be honest with you so. Fat man can't go up the ladder anymore I am afraid"

-Tricia Breeze said " I will tell you where it started. Zero percent increase for your entire community. We know social security is going up, everything is going up with the state of the economy. And when you vote against any increase for you community and no answers. And wont answer the public.. that's where it starts."

-Commissioner Rhoda responded" I don't understand that last part. Do you mean to zero percent increase we voted on?"

-Tricia Breeze replied, "yes the budget."

-Commissioner Rhoda replied "Right why does that offend you? You want to pay more taxes?"

-Tricia Breeze responded with "how is the fire department going to support the community when everything's going up. And you know what we would rather go up one percent, two percent this year and not 10 percent or 8 percent next year."

-Commissioner Rhoda said " It won't."

-Tricia Breeze said "You don't know that. I am glad you came you are in a genie in a bottle because no one else can make that prediction. "

-Derrick Legters shared "you ran out of the fuel budget in August. Come on."

-Tricia Breeze "But wait a minute what about the polo shirts?"

-Commissioner Rhoda responded "We don't have them. There is not a lot of respect being a commissioner I guess."

-Tricia Breeze agreed and said "Not much. Not when the behavior is like this there's none you have lost it."

Kim Duvall said " you are embarrassing yourself."

-Mike Long began to speak next in the crowd. "I'm not sure I heard something correctly. I think I heard that someone got a hold of the list that was not sent to. Got ahold of the list and the commissioners circulated the list to everyone on the petition. Is that correct?"

-Commissioner Duvall replied, "that is not correct."

-Mike Long asked "who circulated it?"

-Commissioner Duvall said he did not know where it began. Commissioner Rhoda added he as well did not know who sent it.

-Commissioner Duvall said, "there were multiple people that knew about it before it got to us."

-Commissioner Rhoda "I don't know that part. All I know was I was told to tell my people they are on the avoid list. So, I went and told them. Some of them even laughed at me like 'o that really doesn't matter'. So otherwise, they would be here tonight."

-Geoff Breeze added in "So just to rewind a little bit. The notes that I have taken down with accordance to the fire commissioner attorney. We went over these today. Just to explain to everybody today quickly a quorum is members approved this communication without discussion and vote at a public meeting. Right? Less than a quorum two members approved this communication without discussion and vote at a public meeting. No one ever approved this list. A single member wrote and/or distributed this communication without any members knowledge. This is also a violation of the Fire Commissioners Oath of Office. That list that was sent out for you guys to fill in.. discipline is against the law. This is against their oath. This is against the law. And you the people in the room have the say whether that list got sent out and if they put their name on it. Which they did. It said WE."

-Commissioner Rhoda "It was probably a typo on that."

Those in the room all began to talk.

-Commissioner Legters "If it wasn't you and if it wasn't you and if it wasn't you and it wasn't me. If someone from the community is using our name."

-Commissioner Rhoda added " hold up I think it was a typo."

-Geoff Breeze added" let me just say the list that these people have in their hands is not legal. You can not turn it in. You can not give it to them. It was noted voted in the public for you guys, taxpayers to say yes, it's a unanimous vote to say we want action taken. Nobody voted on that. They did. But they are not admitting to who did it. It says 'We the Commissioners' right on the paper. So, this is all this is wrong any way you look at it. It's bad, it's horrible and should be stricken. We shouldn't be here. The list should have never gone out. The other list went out with Joann, and she apologized she went over to people's houses, she never meant ill will. But the list you have in your hands that is not a legal document and you guys know that. Its not legal and that came from Joe Frank. So, you guys have got to know your law."

-Dan Kwarta wanted to ask a question next. " I have a question relating to the very beginning here. When this came to your attention did you consult with your district attorney Pinsky I believe it is?"

-Commissioner Kachmaryk said "yes we spoke"

-Commissioner Legters said when he talked to him that day he advised against it.

-Dan Kwarta asked if he gave the advice to even have the public meeting. So, it was confirmed he did not give advice."

-Peggy G left the meeting and asked everyone to get out there and vote before she left.

Dan "So the lawyer did not tell you to have a public meeting like this? So you are doing this on your own?"

-Commissioner Kachmaryk replied," Yes. But we were asked by concerned citizens who wanted to voice their opinions."

-Dan asked" so you are doing this on your own? Realizing that this is more of a political issue then it is a fire district issue."

-Commissioner Duvall shared, "its not a political issue."

-Dan replied, "We are dealing with an election season. It's a political issue."

-Commissioner Duvall responded, "Because this isn't political."

-Dan Kwarta said, "the petition that came out was about running for elected office in the town of East Bloomfield which is a political position."

-Commissioner Duvall "Thank you for your opinion."

-Commissioner Legters said "May I say something? So I spoke with Brad o about two hours ago. He said this meeting was a bad idea and did not recommend it. You guys spoke with earlier this week."

-Commissioner Duvall "if that was Brad's opinion to you why didn't you text the three of us? Because I talked to you on Monday, and I told you."

-The crowd began to talk and interrupt.

-Dan Kwarta started to share "From Tom DiNapoli's office on fire protection and fire state. Fire Districts are separate political subdivisions. So, it is a political organization.

-Commissioner Kachmaryk reminded Dan he had been given his two chances to speak already. We are opening it to the floor for other people.

Dan said " I realize that if no one else wants to speak I can speak a third or fourth or fifth time. Roberts Rules. "

-Commissioner Kachmaryk asked if anyone else wanted to speak besides Mr. Kwarta.

-Joyce Koppmann" seeing as how nobody seems to know who sent what letter and the legalities of it. I really believe it would be in the districts best interest to possibly look into a criminal investigation to see whose doing what because there is a lot of illegal things that seem to be happening, I think. Personally, and if they are emailing or sending it out. I believe also there is some communication issues in the district that leak into the department which has been part of the issues between the district and department members. Um but I truly honestly believe this meeting "o you got lots of information and you got lots of people riled up. And everyone needs to go vote Tuesday.' But I don't believe there's anything more good that's going to come out of this meeting. And everybody the next district meeting is the third Monday of the Month. And that's when they do regular business and I think we should all come back for that meeting also. Thank you."

-Mike Murphy was picked to speak again. "Mike Murphy again, fresh face but I have been to a lot of fire district meetings from a lot of different districts. This is an utter disgrace of you gentleman. Commissioner Rhoda you just admitted on open quorum that you distributed a form with the board of Fire District Commissioners as a unit, correct?"

-Commissioner Rhoda "I may have I don't know."

-Mike Murphy asked, "Did you hand the paper to any citizens?"

-Rhoda I was told by the other commissioners that I needed to warn people on the list."

-Mike again asked" Did you give that form to fill out to citizens of your district?

-Commissioner Rhoda asked "Say that again?"

-Mike Murphy stated again, "Did you give the form to fill out to citizens of your district?"

- Commissioner Rhoda said "The one that says "We" on it?"
- Mike replied" Yes Sir."
- Commissioner Rhoda "I'm not going to answer that."

The room began to get loud.

Mike Murphy continued "I'm just concerned because you say you are here for the best interest of the district and you are the only one who seems to be personally offended by this."

-Secretary Barbaro "Can we please let Mike speak so I can hear him. Thank you."

-Mike shared "If you are so personally offended by this and you keep telling people to vote so that you are not commissioner. you have the reason to resign at any moment in time. Why are you delaying and prolonging this situation when if you are so personally offended by running a political campaign. Which we have already established to not be a fire board commissioner issue then resign."

-Commissioner Rhoda said "How many people do you think are in the room? 40 maybe? We can let the voters decide. If we did something illegal or unethical or whatever you guys see with the mistyping whatever the case may be then file charges."

\_Mike Murphy "All right its that simple. Thank you I appreciate it."

-Commissioner Rhoda made the motion to adjourn.

Seconded by Commissioner Legters.

Votes	AYE	NAY	ABSTAINED	ABSENT
Chairperson George Heissenberger				X
Commissioner Zach Legters	X			
Commissioner Phil Rhoda	X			
Commissioner Jeff Kachmaryk	X			
Commissioner Ryan Duvall	X			

The motion passes.

Meeting was adjourned at 7:30 PM.

I, Heather Barbaro, secretary of the East Bloomfield Fire District, hereby certify that the attached minutes are true and accurate copies of minutes maintained by me in the ordinary course of business and as part of my role as secretary of the fire district.

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Secretary