

Watervliet Fire Board

Special Meeting Minutes September 18, 2020

The meeting was called to order at **11:05 am** by Chair, **Deane Fizzell**. The Pledge of Allegiance was not recited.

Board Members Present; Fizzell, Bambrick, Stepich, Marvin and Brinker

Board Chair Fizzell opened the meeting with an invitation for board members to share any concerns they have with the process moving forward as determined in the previous meeting held on Tuesday, September 15, 2020.

Board member Stepich stated that he had spoke with the law office of Fahey, Schultz, Burzych & Rhodes and confirmed that they are willing to represent the Fire Board in all legal matters, not just employment matters. The board members all gave a consensus that they would like to retain them for all legal matters moving forward. Stepich stated that he would contact them. Additionally, Stepich stated that he does not feel that he should be the only board member communicating with the attorneys and that he may set up a time for the attorneys to speak with other board members so that the information was not limited to being relayed back and forth by himself only.

Stepich went on to state that while the attorney was still in the process of reviewing the information that he had forwarded to her (Information that was provided to each board member at the meeting on September 15, 2020), she had told him that if no other evidence had been presented since the previous meeting, the board really didn't have good cause to change the decision that had been made which was to return the Chief Dan Jones to active duty. Stepich went on to say that the board would use Due Process and in all likelihood it would take 2-3 months to look into all matters including policies, the handbook and records. Board member Marvin expressed concern that the Chief had been returned to active duty, thereby sending a message to the entire department that the board was taking the same stance they had taken previously when members of the department had come forth to express concerns about how the day to day operations were being handled. Stepich reiterated that without new evidence of wrongdoing, it would not be a good move for the board to change their previous decision. He further stated that he is not one to invite lawsuits and at the very least, if it happened, he did not want the board to be in a position to lose. Board member Brinker stated that while he doesn't want to encourage a lawsuit but given the situation, he was sure it was probable and he was also against leaving things "as is" while the board takes the time to look into everything. Stepich stated that he did not want the board to be setting themselves up to lose the lawsuit, should one be brought against the board. Marvin asked Stepich if he had reviewed the documents, she had provided to the board immediately prior to the meeting on Tuesday to which he confirmed he had. She asked if he had reviewed the documents prior to the meeting on Tuesday to which he said he had not due to time but had subsequently reviewed them and provided them to the attorney. Marvin pointed out to Stepich and the board that since the documents had not been reviewed prior to the previous decision being made, she felt that now the information had been reviewed, that constituted new evidence and she urged the board to revisit the previous decision and give it additional consideration. Stepich stated that he did not consider it to necessarily be new evidence because it had been in his possession (unreviewed) when the previous decision was made. Marvin stated, "I want to go on record as being adamantly opposed to leaving Chief Jones on active duty while we look into everything. I feel that the information I provided, part of which being financial in nature, requires us to take a harder look and reconsider what needs to be done immediately." Brinker added that he too wanted to go on record as being against leaving Dan on active duty. He further stated that based on the conversation he had heard thus far at the meeting, it would be futile to take another vote because he felt it would yield the same results as it had at the previous meeting.

Stepich stated to the department members in the audience that they need to speak up to the board about their concerns. 2nd Lt. Scheetz stated that the board's lack of action when they had previously spoken up and that continued lack of action makes it hard for any of them to feel comfortable speaking up. Stepich stated that he is requesting that each member, individually contact Chair Fizzell

to let him know what their concerns are. Chair Fizzell spoke to the department members in the audience and reiterated that he is available to meet them in person, by cell phone or email and that he too would encourage them to contact him. Marvin stated that the board was basically inviting the fire department members so go against the policy that outlines the grievance process to which Stepich stated that the board has the latitude to vary from the policy to adequately address the matters at hand. Stepich stated to the fire fighters in the audience that they are brave men who risk their lives to fight fires and keep the people of the community safe. He believes that they are brave enough to come forth with their concerns.

Bambrick stated that she wants to see everybody be heard and she wants the board to take their time and take action that had been thoroughly thought out and action that would be fair to everyone involved.

Fizzell asked Marvin what concerns she had that she may want discussed so that maybe some questions could be answered. Marvin asked Chief Jones why when he was given a salary of \$68,000.00 to be effective April 1, 2019, he had put it through to the payroll bookkeepers retroactive to March 2019. Chief Jones stated that he had not. Marvin asked him why the increase was included on his paycheck dated April 5, 2019, to which Dan stated that he is paid in advance. Marvin asked him if he was saying that he is paid at the beginning of the month for work not yet performed, to which Dan adamantly responded, "Yes I am". Marvin said that she has never known of anyone being paid in advance of work performed. Stepich agreed that he did not agree that was the way the department paid its employees or fire fighters. Marvin asked the Chief if his pay he received on September 4, 2020 was pay for the month of September to which Dan confirmed that it was. Marvin referenced a signed employee agreement dated April 1, 2014 and asked Brinker (Treasurer) to look back in payroll records to confirm when that raise went into effect, and follow up to let the board know if it was reflected on the Chief's April 2014 paystub or if it was not reflected in his pay until the May payroll. Brinker confirmed he would be able to go back in the records and report back to the board. Stepich stated that this was one of many things that the board would be looking into and taking action to correct.

Marvin then asked Chief Jones if he would explain why he had continued to submit and be paid for MFR "on-call" pay when it had been thoroughly discussed at the March 19, 2019 meeting that his increase to his pay was to put him on a straight salary and would eliminate all of the misc. income for runs, training and on-call pay. The Chief responded that he did not understand it that way. He said that he was no longer receiving additional pay for fire calls, but to not receive on-call pay would mean he is basically on the job 24/7, to which Stepich stated, "As Fire Chief, you are". Stepich stated that he believes that the Chief knew exactly what was discussed and stated at the meeting, however because the motion that was voted on stated that his salary was increased to \$68,000.00 and did not include the verbiage of being "all inclusive", that would have to be reviewed and corrected moving forward. Marvin asked Chief Jones how it was that in 9 of the previous 15 months, he had been paid for more "MFR On-Call" shifts than were available after other MFR Certified personnel had signed up for the shifts. Chief Jones stated that he had not and proceeded to explain how the shift sign up works and that on weekend days there are two shifts available. Marvin responded that she is aware of how it works and that she had taken all of that into account and stated again, that Dan had been paid for more shifts than were available to which Dan shrugged his shoulders and had no further response. When asked to confirm that this information is listed on the payroll sheets that he turns in to the bookkeepers to do payroll, Dan confirmed that it is.

Marvin asked Chief Jones why there were three "Certified" firefighters who were still being paid at the rate of pay for "non-certified" personnel and one member of the department who has "No certifications" has been being paid at the "certified" rate. Dan asked whom Marvin was speaking of and Marvin stated Quinton Childs, was being paid at the certified rate and to date was not certified in Firefighter 1 or 2. Dan stated that the states "Smoke" website was incorrect and that Quinton has the necessary certification. Marvin told the Chief, "Dan, you have been beating that dead horse for over eight months now and I am telling you that I don't believe you." Dan said that he had been trying to straighten it out but the state was not reporting it correctly. Marvin asked Tom Sexton, a member of the department who has been certified for over a year, if he was aware that he was still being paid at

the non-certified rate to which he stated that he knew what he was being paid but had not questioned it. Marvin asked him to confirm that he had been certified for over a year, to which he responded that he had. Marvin asked Cody Irwin, also in the audience if he was certified to which he responded yes. Marvin asked Cody when he had completed his training and he indicated around July 2020. Marvin asked him when he had taken his test to which he replied, July or August 2020. Marvin asked him when he received his Certificate from the state to which he responded, "I believe in August". Marvin made the point to the board that the state's certification site seemed to be up to date on everyone else's certifications and she did not believe that the state was incorrect in the way they were reporting on Quinton's. She went on to state that if her suspicions were correct and that he was not certified, he may cause a liability for the Chief, Department, Board and both municipalities. Chief Jones continued to insist that Quinton is certified and that his responding to fires presents no liability.

Brinker stated that he has many concerns at this point and that he knows in his mind that Dan was fully aware of what was expected of him based on what was stated at the meeting in March 2019. Brinker further stated that he was not buying this business of the state's website being incorrect.

George Smith, a member of the audience who is on the fire department spoke to the board and said that he was disappointed that even after everything that had surfaced, the board was still not taking any different action than they had at the previous meeting. He went on to state that the way things were being run by Dan, put the department in jeopardy, and he was concerned that there would be very few members left to adequately staff the department should things continue on as it appeared it was going to.

Chair Fizzell reminded members of the board that he needed their list of concerns and questions emailed to him by September 23rd so that he could compile the list that he would present to Chief Jones and require written response from him no later than September 30, 2020.

A motion to adjourn was made by Brinker and supported by Bambrick. All in favor, motion carried.

The meeting was adjourned at 12:42pm.

Respectfully Submitted,

Melanie Marvin