



THE CAPITAL BULLETIN

FIRE DISTRICT NEWS

OCTOBER 22ND, 2022

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*The future of the fire service doesn't depend on us. It depends on the legacy that we leave behind.
If nothing else read the articles preceded by ***

CAPITAL CALENDAR:

WWW.AFDCA.ORG

Meetings will take place on Thursday evenings 7pm, Food will be provided at the Clifton Park Fire Station, dining will begin at 6:15PM to be finished prior to meeting.

HYBRID ZOOM MEETINGS

[Still working out some sound issues but overall working well.](#)

November 10th

General Membership Meeting/2023 Elections

November 12th

Capital Area Annual Workshop at Westmere Fire District

2023 CAPITAL AREA MEETING & TRAINING SCHEDULE

Saturday January 7th 9:00am general membership breakfast serviced at 8AM

Thursday February 9th 7:00pm general membership dinner served at 6PM

Thursday March 9th 7:00pm general membership dinner served at 6PM

Thursday April 6th Board of Director's Meeting 7PM

May Meeting of the General Membership To Be Determined

Thursday June 8th Board of Director's Meeting 7PM

Thursday July 13th Board of Director's Meeting 7PM

August, No Meeting

September/October Meeting, General Membership To Be Determined/Nominations

Thursday November 9th, 7:00pm general membership dinner served at 6PM/Elections

December, No Meeting

Saturday, February 11, 2023	8:00 AM	Commissioner Training Averill Park, Rensselaer Co. w/Greg Serio
Saturday, March 4, 2023	8:00 AM	Commissioner Training Clifton Park Saratoga Co. w/Greg Serio
Saturday, March 11, 2023	6:00 PM	Officer Installation Location in Saratoga Springs TBD
Saturday, March 25, 2023	8:00 AM	Commissioner Training Berkshire Fire District Fulton, Co. w/Greg Serio

2023 Membership Activity Options Being Explored

Saturday, November 11, 2023 8:00 AM Fall Workshop Location and Date to be determined

We want to thank the Clifton Park – Halfmoon Fire District for allowing us to use their facility for the Capital Area meetings.

CAPITAL AREA ASSOCIATION NEWS:

WWW.AFDCA.ORG

Welcome to the Fall 2022 Training Workshop – November 12, 2022

Don't Put it Off Register Now

Westmere Fire District, 1741 Western Avenue, Albany, NY 12203

7:00-8:00

Registration & Continental Breakfast

8:00-8:10 *Pledge to the Flag & Welcome: Capital Area Association Officers*
8:10-9:15 *Presentation Topic: Human Resources for the Volunteer Fire Service*

Description: For any employer, the human resources department plays a vital role in maintaining a healthy and positive work environment. This is true for the volunteer fire service as well! This training will focus on the importance of HR within the volunteer fire department, and what types of challenges you may face, strategies to handle them, and best practices to implement in your department.

9:15-9:30 *Networking Break*

9:30-10:15 *Presentation Topic: Fire District Purchasing*

Description: A representative from the Office of General Services will give an overview of fire district purchasing. This training will cover a wide range of topics and equip commissioners on how to spend taxpayer dollars wisely.

10:15-10:30 *Networking Break*

10:30-12:00 *Ask the Experts Panel – NEW AND REFRESHED! We’ve assembled a panel comprised of attorneys, a CPA, a VFBL expert and a general insurance specialist to answer your questions. This is an excellent opportunity to have all your questions answered about a broad range of important topics.*

12:00-1:00 *Lunch and Networking*

Everyone is Invited to Attend

[Food Sponsors to date: Gentile, Brengel & Lin LLP and NYS Public Entities Safety Group 497, H2M Architects](#)

Not limited to Commissioners

Please Reserve your Seat Now – AFDCA Members \$15, Non-Members, \$25

Price includes all seminars, training materials, meals

To save a seat email Tony Hill at caaofd@gmail.com. Provide names, district and contact information.

Meals sponsored by GBL CPA's & Fleury Risk Management VFBL Insurance

REGISTRATION AND AGENDA DOWNLOAD:



**ASSOCIATION OF FIRE DISTRICTS
OF THE
CAPITAL AREA, INC.**

ALBANY, FULTON, MONTGOMERY, RENSSELAER, SARATOGA, SCHENECTADY, WARREN, WASHINGTON
WWW.AFDCA.ORG

INVITATION & REGISTRATION

Fall 2022 Training Workshop on November 12, 2022

Westmere Fire District, 1741 Western Ave, Albany, NY 12203

See attached Schedule of Events for more details!

Per-Attendee Cost is \$15 for Member Districts, \$25 for non-Members

ADVANCE REGISTRATION IS VERY HELPFUL, BUT NOT REQUIRED

Fire District: _____

Membership Status (select one): ___ Member of AFDCA or ___ non-Member of AFDCA

Attendees (include full name and at least one email so we can confirm your registration):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total Number Attending: _____ at \$15 each (member) or \$25 each (non-member)

Payment Option:

- 1) Check enclosed payable to Association of Fire Districts – CA for: \$ _____
- 2) Pay at the Door (check box):

HELP US PLAN - Please Respond by Friday, November 4, 2022

Return to:
Association of Fire Districts - CA
PO Box 242
East Schodack, NY 12063

Or by email to caaofd@gmail.com

The Capital Area Association has voted to amend its By-laws to allow both individual and regional or county Fire District Associations to join. The updated By-laws are posted to the AFDCA.org website. Applications are being updated and will be available shortly. Individual membership fee will be \$50 annually, fire district association fees will be \$300 annually. Download THE APPLICATION HERE: <https://afdca.org/wp-content/uploads/2022/08/2022-Application.doc>

The Capital Area has logo ware for sale, long and short sleeve polo shirts. Contact Secretary/Treasurer Tony Hill to purchase shirts.

Please advise your secretaries that all correspondence go to the Capital Area Association Mailing Address at:
AFDCA PO Box 242 East Schodack, NY 12063
EMAIL: CAAOFD@GMAIL.COM
[518-407-5020](tel:518-407-5020)

NOTE: I WORKED THROUGH THE MOST RECENT MEMBER EMAIL LISTING, NON-MEMBER EMAIL ADDRESSES HAVE BEEN PURGED FROM THE CONTACT LIST FOR THE WEEKLY BULLETIN.

If you see ** it indicates a must-read article with educational value or leadership qualities.

CAPITAL SHORTS:

- John Meehan has announced that he will not be a candidate as the Region 1 Director for the State Association. If anyone is interested in being endorsed as the Regional Director please send a letter of intent to the Capital Area Association at caaofd@gmail.com. A new Director needs to be named by the Capital Area by the end of November. You must be an active fire district official; commissioner, treasurer or purchasing agent.
- Schodack Valley FD will be hosting a Brooks BBQ Fundraiser on October 29 from 3 to 6PM at the station at 1553 Schodack Valley Road, Calstleton, NY 12033 Take Out Only, \$14.00, reserve by email brooksbqq32@gmail.com
- **Congratulations** to the Waterford-Halfmoon Fire District on the dedication of their new state of the art \$10m fire station on Middletown Road.
- A Livermore Falls Maine, firefighter was taken to a hospital in an ambulance Sunday after he went into the fire station and discovered the utility fire truck had been running since Friday night.
- After a three-year hiring freeze, the Madison Wisconsin Fire Department is accepting applications for full-time firefighters and EMTs, no longer requiring applicants to have U.S. Citizenship. MFD has also reduced the number of in-person interviews needed in hopes of streamlining the process as a whole and reducing candidates' time commitment. "The goal is to keep qualified candidates engaged with the career opportunity amid existing demands at home and work."
- **PLEASE TAKE THE TIME TO REGISTER FOR THE NOVEMBER 12TH WORKSHOP, RIGHT NOW!**
 - ***If you no longer wish to receive the Capital Bulletin you have the option to "unsubscribe" at the bottom of the introductory email.***

TRAINING APPROPRIATE FOR YOUR ENTIRE BOARD/SECRETARY/TREASURER



COFFEE WITH COMMISSIONERS 2022

[2022 Schedule click to register](#)

Nov 5 LOSAP and Cancer Reporting/ Insurance Requirements

Dec 3 Topics for Annual Organizational Meeting

[Click Here for Previously Recorded Webinars](#)

Duties & Deadlines Secretary Webinar

Duties & Deadlines Secretary Webinar Schedules

Start time 6:00pm

October 25, 2022 - It's Election Time - what to do the day of

November 22, 2022 - What will we need for the Org. Meeting

December 20, 2022 - Organizing for the New Year

***If you have already registered you DO NOT have to register again, you will automatically received all zoom links.**



PERMA WEBINAR: VFBL Common Misconceptions

Tuesday, October 18, 2022 • 10:00 – 11:00 a.m.

NYS AFC partner [PERMA](#) is hosting a free webinar, VFBL Common Misconceptions, presented by Senior Director of Claims Richard Hayes (PERMA) and Managing Partner Matthew Mead (Stockton, Barker and Mead).

All firefighters are invited to [register](#) for this free webinar! If you can't attend on Tuesday, you can register and a recording of the webinar will be emailed to you.

Confused by why a volunteer gets paid benefits if injured? Not sure if that department softball game is covered under Voluntary Firefighter benefits? What exactly is considered "line of duty"? This informative webinar will review some common questions and misconceptions surrounding volunteer firefighter and ambulance benefits.

Learn more about NYSAFC's partnership with PERMA [here](#).

REGISTER HERE: https://us02web.zoom.us/webinar/register/WN_QTtWzaxBTS66Nc8heR8lew

THE LATEST FROM THE NYS LEGISLATURE

From Commissioner Ron Berti, COUNTIES ARE ABLE TO OFFER TAX BREAKS

As you all know I have working for the last 8 months to get the NYS Legislature to pass legislation **allowing counties** to give tax breaks to First Responders.

After the June recess I thought the issue was dead until January when the new session would convene.

However, I made all the material (Draft of proposed legislation, Drafts of County implementation of the proposed legislation and news articles describing the need for assistance by fire companies for aid in recruitment and retention.) to the lobbyists for several of the New York State Fire Service organizations.

Well, it appears the fire service lobbyists continued the fight and the result is the bill now before the Governor for signature **granting all 62 NYS Counties the power to enact legislation** to grant First Responders tax breaks.

As more details become available after Governor Hochul signs the Bill, I will keep you informed.

Copy of the Bill is attached.

My thanks to Commissioner Robert Blauw for bringing the passage of this legislation to my attention. My special thanks to Rensselaer County Executive Steve McLaughlin, Past Rensselaer County Executive Kathy Jimino and retired State Senator Kathy Marchione for their very active support in all phases of this endeavor.

Now we need to encourage the Governor to sign this bill.

LINK TO BILL:

<https://afdca.org/wp-content/uploads/2022/10/BILL-NUMBER-9131-10-2022-3.docx>

The 2022 Legislative Session and Fire Service Bill Status

Bills that didn't gain any traction and were stuck in committee were amendments to the heart and lung bill making them permanent, rather than renewing them every five years or so. Hopefully this effort will be renewed next year.

Several other bills that affect fire service business operations are the following, many have not been signed by the Governor yet, she is probably too busy running for re-election:

- (S7623A) EXTENDS PROVISIONS OF LAW AUTHORIZING POLITICAL SUBDIVISIONS TO PERMIT ANY PUBLIC BODY TO HOLD MEETINGS REMOTELY AND WITHOUT IN-PERSON ACCESS DURING THE COVID-19 STATE DISASTER EMERGENCY, UNTIL THE EMERGENCY IS DECLARED TO BE OVER. **SIGNED BY THE GOVERNOR 1/14/22**
- (S7718) AN ACT TO AMEND A CHAPTER OF THE LAWS OF 2021 ESTABLISHING THE NEW YORK STATE RURAL AMBULANCE SERVICES TASK FORCE IN RELATION TO MODIFYING THE MEMBERSHIP OF THE TASK FORCE. **SIGNED BY THE GOVERNOR 2/24/22**

- (S7144) PROVIDES CRISIS INTERVENTION TEAM TRAINING, MENTAL HEALTH FIRST AID, IMPLICIT BIAS TRAINING AND NALOXONE TRAINING TO FIREFIGHTERS AND EMERGENCY MEDICAL SERVICES PERSONNEL BY THE COMMISSIONER OF MENTAL HEALTH. **SIGNED BY THE GOVERNOR 5/6/22**
- (S9405) THE NYS ENERGY CODE PRODUCT AND APPLIANCE STANDARDS WILL DELIVER A PROJECTED \$15 BILLION OF TOTAL UTILITY BILL SAVINGS (SUPPOSEDLY) BY 2035 FOR NEW YORK CONSUMERS, INCLUDING AN ESTIMATED \$6 BILLION IN TOTAL UTILITY BILL SAVINGS FOR LOW-TO MODERATE-INCOME HOUSEHOLDS. THIS LEGISLATION ALSO PROVIDES DOS WITH ENFORCEMENT AUTHORITY OVER ANY STATE STANDARDS. **SIGNED BY THE GOVERNOR**
- (S3532) AUTHORIZES STATE AND MUNICIPALLY OWNED VEHICLES TO AFFIX GREEN OR ALTERNATING GREEN AND AMBER LIGHTS TO MOTOR VEHICLES ENGAGED IN SNOW AND ICE REMOVAL FOR THE PURPOSE OF INCREASING VISIBILITY DURING WINTER WEATHER EVENTS. **SIGNED BY THE GOVERNOR**
- (S7399A) AN AMENDMENT TO THE GENERAL MUNICIPAL LAW, IN RELATION TO AUTHORIZING A MUNICIPALITY TO INCREASE THE NUMBER OF YEARS OF SERVICE THAT **A VOLUNTEER AMBULANCE SERVICE** PARTICIPANT IN A DEFINED CONTRIBUTION PLAN SERVICE AWARD PROGRAM OR A DEFINED BENEFIT PLAN SERVICE AWARD PROGRAM MAY RECEIVE A CONTRIBUTION. **NOT YET SIGNED** **[PERTAINS TO AMBULANCE VOLUNTEERS ENROLLED IN A LOSAP PROGRAM NOT FIREFIGHTERS]**
- (S926B) REQUIRES ELECTRIC CORPORATIONS TO PRIORITIZE RESTORING SERVICES TO POLICE DEPARTMENTS, FIRE DEPARTMENTS, AND AMBULANCE SERVICES, WHEN SUCH SERVICES ARE INTERRUPTED. **NOT YET SIGNED**
- (S9131) A BILL TO ALLOW ANY COUNTY TO ADOPT A LOCAL LAW THAT WILL PROVIDE AN EXEMPTION ON REAL PROPERTY OWNED BY AN ENROLLED MEMBER OF AN INCORPORATED VOLUNTEER FIRE COMPANY, DEPARTMENT, OR VOLUNTARY AMBULANCE SERVICE. THE BILL WOULD EXEMPT UP TO 10% OF THE ASSESSED VALUE FOR MEMBERS WHO SERVED A MINIMUM OF TWO YEARS. THE BILL WOULD REQUIRE LOCALITIES THAT CURRENTLY PROVIDE THE EXEMPTION ADOPT A LOCAL LAW TO CONFORM TO THIS PROVISION. **NOT YET SIGNED**
- (S6093A) THIS BILL IS INTENDED TO CLARIFY THE INTENT OF THE LEGISLATURE REGARDING EXISTING STATUTORY PRESUMPTIONS PERTAINING TO HEART-RELATED DISABILITIES SUFFERED BY MEMBERS OF THE NEW YORK STATE LOCAL POLICE, FIRE RETIREMENT SYSTEM AND THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM. CLARIFICATION IS NECESSARY BECAUSE A SERIES OF NARROW JUDICIAL INTERPRETATIONS HAS PREVENTED THE STATUTORY PRESUMPTIONS FROM ACHIEVING THEIR INTENDED PURPOSES. **NOT YET SIGNED**
- (S953A) REQUIRES BUSINESSES THAT MAKE PAYMENTS IN LIEU OF TAXES TO PROVIDE LOCAL GOVERNMENTS AND SCHOOL DISTRICTS WITH NOTICE OF THEIR INTENTION TO CHANGE ASSESSMENT. **NOT YET SIGNED**
- (S8524B) ALLOWS FOR THE USE OF GREEN LIGHTS ON THE VEHICLES OF MOBILE MENTAL HEALTH CRISIS RESPONDERS. **NOT YET SIGNED**
- (S7863A) THE GENERAL BUSINESS LAW IS AMENDED TO PROVIDE THAT NO ELECTRIC SPACE HEATERS MAY BE SOLD IN NEW YORK STATE BY A PERSON, FIRM, PARTNERSHIP ASSOCIATION OR CORPORATION REGULARLY ENGAGED IN THE BUSINESS OF ASSEMBLING, MANUFACTURING, DISTRIBUTING, OR RETAIL SALE OF SPACE HEATERS UNLESS THEY: CONTAIN A THERMOSTAT; HAVE AN AUTOMATIC SHUTOFF; AND HAVE BEEN CERTIFIED BY AN APPROVED BODY. **NOT YET SIGNED** **My Question is, who is going to enforce this. Suspect only action will be on complaints or as a result of lawsuits.**
- (S7582A) TO REQUIRE THAT THE BUILDING CODE COUNCIL COMPOSITION INCLUDE PERSONS WITH KNOWLEDGE OF FLOODING HAZARDS AND THAT THE BUILDING CODE BE REVISED TO INCORPORATE MEASURES FOR FLOOD MITIGATION AND FLOOD SAFETY. **NOT YET SIGNED**

It's recommended that the fire service start to think about legislation it would like to present for 2023, bills will begin to be introduced on the first week of the legislative session starting January 2nd. If you have legislation you would like to suggest, contact your local representatives or a member of the legislative committee of one of the fire service organizations in the State.

NEWS FROM THE NYS VOL. FF R&R TASK FORCE

Updated Link for the Recruitment and Retention Task Force:

<https://www.dhSES.ny.gov/volunteer-firefighter-recruitment-and-retention-task-force>

The task force in their most recent meeting has broken into sub committees.

Open Meetings and Webcasts are located at: <https://www.dhSES.ny.gov/open-meetings-and-webcasts>

FIREHOUSE

WEBINAR, in the comfort of your own home or fire station

Nov. 1 Webinar: The Modern Training Officer - Considerations and Liabilities

Date: Tuesday, November 1, 2022

Time: 3:00 PM EDT

REGISTER NOW AT THIS LINK: [https://www.firehouse.com/home/webinar/21280234/the-modern-firefighter-training-officer-considerations-and-liabilities?sti=FH_VectorWSem1_10142022&pk=FH_VectorWSem1_10142022&utm_source=FH+Webcast+Information&utm_medium=email&utm_campaign=CPS221013080&o_eid=6778E0229656H9A&rdx.ident\[pull\]=omeda|6778E0229656H9A&oly_enc_id=6778E0229656H9A](https://www.firehouse.com/home/webinar/21280234/the-modern-firefighter-training-officer-considerations-and-liabilities?sti=FH_VectorWSem1_10142022&pk=FH_VectorWSem1_10142022&utm_source=FH+Webcast+Information&utm_medium=email&utm_campaign=CPS221013080&o_eid=6778E0229656H9A&rdx.ident[pull]=omeda|6778E0229656H9A&oly_enc_id=6778E0229656H9A)

A certificate of attendance will be offered for one hour of training.

The training officer plays an integral part in the success and safety of everyone in the department. However, many departments do not place enough emphasis on the role of the training officer. Continuing education is of paramount importance to today's responder, and the Training Officer is responsible to make sure that all members know their current responsibilities that they play on the emergency scene. It is a constant task that requires diligence and commitment, resulting in continued education and skills for all of the department's members. In this webinar we will address certain points of consideration that aid the training officer in developing a successful continuing education program for their departments.

Topics to be discussed include:

- Training and Leadership
- Team Building and Efficiency
- Training Research and Delivery options
- Creating S-M-A-R-T Objectives
- Documentation - Significance and Liability Concerns



Modern Fuels, Modern Response, ESIP Leadership Series

Join our Risk Management team as we discuss the initial fire attack considerations for leadership in an age of modern fuels

Wednesday August 26th, 7PM

REGISTER AT THIS LINK:

https://webinar.ringcentral.com/webinar/register/WN_DXrl-MMFS7GU-4vzd3QEJQ?utm_source=ESIP+Risk+Management+Mailing+List&utm_campaign=cec0294ff7-EMAIL_CAMPAIGN_2020_04_21_04_23_COPY_01&utm_medium=email&utm_term=0_f653b3c566-cec0294ff7-278064383

NYSAFCA 2022 Seminar Series, "The Five Points of Command"

Presented by Chief/Commissioner

MICHAEL LOMBARDO

Buffalo Fire Department

Registration (per person):

\$35 – NYSAFCA Individual and Department Members

\$50 – non-members

[Pre-registration](#) is encouraged. On-site registration will be accepted if space permits. Convenient online registration is available for individual registrants.

Fall 2022 Schedule (Lecture begins at 7:00 p.m.):

- Albany County – October 24
- Schenectady County – November 15

REGISTER HERE: <https://www.nysfirechiefs.com/2022seminarseries>

[New Course! Leadership for the Fire & Emergency Services](#)

The NVFC has released a new course in the Virtual Classroom on “Leadership in the Fire & Emergency Services.” This on-demand course provides an overview of leadership roles, how anyone can be a leader regardless of rank, and tips to help in succeeding as an emergency service leader. Virtual Classroom courses are always free to **NVFC members**, but this course is free for a limited time to all members of the fire and emergency services. **Register now:** <https://virtualclassroom.nvfc.org/products/leadership-for-the-fire-emergency-services>

[Innovative Recruitment Ideas for Volunteer Fire, EMS, and Rescue Departments](#)

Recruitment is a challenge for many volunteer and combination emergency service departments. The NVFC has released a new one-pager featuring 10 ideas to help jump-start your recruitment initiatives. Download it [here](#). You can find more tools and resources to help with recruitment – including customizable outreach materials and PSAs – from the NVFC’s [Make Me A Firefighter campaign](#).

OUR CHANGING FIRE SERVICE –CHALLENGES & OPPORTUNITIES!

OPPORTUNITIES:

[Improvements to the Volunteer Firefighter Cancer Benefit Program from](#)



Remember if you don't have insurance, you are self-insured.

As many people know, effective January 1, 2019, all fire departments in New York must provide coverage to comply with New York State General Municipal Law Section 205-CC, also referred to as the Volunteer Firefighter Cancer Benefit Program. The program has three benefit features: a lump-sum benefit, income protection, and a death benefit. Marshall & Sterling Insurance and VFIS will be holding two informational meetings - on October 5th and 6th - to address many of the questions and open issues related to this program. If you're a Chief, Officer, Commissioner or Board Member, don't miss this important event.

ALL ARE WELCOME!

- Where are we 3 years later
- What has changed
- What types of claims have we seen
- What's in the future Volunteer Firefighter Cancer Benefit Program

October 27th, 7:00 p.m. - Boght Community Fire District, 8 Preston Dr., Cohoes,

NY SPACE IS LIMITED, SO PLEASE SIGN-UP TODAY! Visit; marshallsterling.com/cancer-program to register

The last two classes in Ulster and Dutchess Counties were full.

- All cancer coverages
- Who is covered/who can be added (different classes)
- We will also talk about Cancer prevention techniques
- What to do if one of your members come to you with a diagnosis

[Henrietta Opens Its New Fire Station 6 On Erie Station Road](#)

Wendy Mills

Henrietta's new Fire Station 6 is now open and serving the growing southwest corner of town. The new firehouse is an upgrade for **the combination career and volunteer fire district**.

The firehouse, located at 60 Erie Station Road, is already proving its worth in improved emergency response times. It has a drive-thru apparatus bay and on-site living quarters that helps get the crew where they are needed fast.

"Before, this area was covered by our other firehouse, Station 4. On a good day to travel down here, it would be about a 12-minute response time, so this cuts that at least in half, if not more. We have had a few incidents down here already where we have made a difference," said Jared Guhl, Henrietta battalion chief.

Henrietta now has seven fire stations. It consolidated with the West Brighton fire protection district, so now covers more than 40 square miles with four staffed and three volunteer stations.

The firefighters welcome the comforts of home in the state-of-the-art station from the gear, kitchen, ventilation system, fitness room, new training area, burning tower and storage barn.

Congratulations to Henrietta on the opening of their new station.

Grants for lifesaving equipment and prevention education tools, open to all public safety agencies

The [Firehouse Subs Public Safety Foundation Grant](#) has reopened for Q1 2023 grants. And no, this grant ISN'T just for fire departments. Here's what you need to know:

- Grant portal is open now
- 2023 Q1 grant deadline: Wednesday, November 2, 2022, 5 PM ET, or when the 600 application limit is met
- Q1 2023 grant award notifications will be emailed in January 2023

All types of public safety agencies, including fire departments, law enforcement, EMS, public safety organizations, non-profits, and schools are eligible.

Near or not near a Firehouse Subs?

Typically these grants are for agencies within a 60-mile radius of a Firehouse Subs location, but they will consider applications from beyond that range.

Lifesaving equipment and prevention education tools

The Firehouse Subs Public Safety Foundation supports improving the lifesaving capabilities of first responders and public safety agencies.

Apply by Nov. 2, 2022

CHALLENGES:

Short-Staffed Hospital In Washington State Calls On Firefighters To Help Treat Patients

VIDEO: On Saturday, Oct. 8, the emergency room staff at St. Michael Medical Center in Silverdale had to call in firefighters to help treat patients. The fire chief, Jason Christian, said a charge nurse called around 10:30 p.m. and said her staff was drowning and they needed help. "She expressed that this was a bit of an unprecedented request, and she said the conditions in the emergency room were horrible," Christian said. The nurse called the backline to a 911 dispatcher, and that dispatcher called the battalion chief for Central Kitsap Fire and Rescue. The battalion chief dispatched two firefighter EMTs to help. "She was describing to the dispatcher that they only had five nurses on duty and they had over 45 patients just in the waiting room," Christian said. The firefighters helped in the ER for about an hour and a half.

16% Of Vt. FD Quits After New Chief Hired, Department Restructured

Leila Merrill

Several firefighters are leaving the Fairfax Fire Department after the selection of a new chief and a departmental restructuring, NBC5 reported Wednesday.

In September, the town informed its chief and battalion chief that their positions would be eliminated in a restructuring. The select board voted for a new chief, Micah Genzlinger, on Oct. 12. Battalion Chief Dave Raymond had also applied for the full-time chief job.

Raymond worked for the department for 10 years while working as a town employee. He had been the only full-time member within the department.

Genzlinger most recently served as the Vermont Fire Academy's training coordinator and has experience as a USAR specialist.

The town manager said that the fire department had around 32 firefighters, but following the five submitted resignations, there are now 27.

David Yergeau, who worked for the department for 27 years, recently resigned over the chief decision.

"He does not have the same recommendations or credentials that Dave does. Dave has been doing a great job for the town for the last 10 years and they basically just let him go for no reason," he said. "We're standing up for Dave Raymond, our battalion chief, and all the great things he's done by resigning."

Tom Snyder, who has served in the department for almost 22 years, quit shortly after the vote.

“I’m not quitting because Micah is the guy, I’m quitting because of this select board. I’m not working for them. They just handled this wrong, they fired a perfectly good employee who’s worked for them for 10 years,” Snyder said.

APPARATUS DESIGN & CONSTRUCTION!

Apparatus Purchasing: Drawings and Blueprints, Part 2

Bill Adams

“Apparatus Purchasing: Drawings and Blueprints, Part 1” (September 2022) explained the value of blueprints and drawings in designing and building fire apparatus, especially when advancing an idea drawn on a bar napkin to a finished product. Now let’s discuss the methodology and tools used in the process. There is no single accepted definition in the fire service for either blueprints or drawings, so consider them one and the same. Fire apparatus articles are usually authored by marketing and salespeople from the corporate side of the apparatus industry and by current and past fire service members. When commentary includes sophisticated and technical data, some writers are in uncharted waters. There’s a possibility of regurgitating unfamiliar and misinterpreted data, thus inadvertently confusing or misleading readers. That scenario can exist when purchasers write apparatus specifications requiring blueprints with terms they may have misunderstood. Lukas Drayna, the lead engineer at CustomFIRE Apparatus in Osceola, WI, has provided some manufacturer’s engineering perspective to my commentary. Three fundamentals in the fire truck world are buying, selling, and manufacturing. Most purchasers want apparatus built their way. Some are oblivious to, or are uncaring of, the difficulty and cost. Manufacturers (OEMs) and salespeople (vendors) look at profitability—as they rightfully should. Degreed engineers, designers, and draftsmen (engineers) employed by the OEMs are neutral participants. They only look at the physical dynamics. Can the apparatus be built safely and legally while complying with all applicable regulatory standards and established engineering practices? The unfounded wrath of both buyer and vendor is often directed at the engineers for merely stating a simple fact such as, “No, it can’t be done.”

DIMENSIONAL DRAWINGS

The adage “A picture is worth a thousand words” means a photograph or an illustration is better than a written description when describing an object including fire apparatus. That has merit, providing the picture hasn’t been Photoshopped. On the other hand, an illustration is a visual aid—a rendering of what something might look like. It is the purchaser’s responsibility to define exactly what a drawing is to show. Drawings and blueprints should only be evaluated based on meeting those explicit requirements. Those requirements can vary per application. Drawings can be specifically oriented for sales presentations, bid proposals, preconstruction meetings, and postconstruction approvals. Highly detailed and often proprietary engineering (construction) drawings are seldom, if ever, disseminated until a contract is signed. Because there is no single definitive fire service description of drawings, it is advisable purchasers and vendors predetermine them—preferably at a prebid conference. Almost all fire apparatus blueprints are two-dimensional (2-D), meaning they are flat views showing, as an example, the length and width but not the depth or thickness of an object. Explaining three-dimensional (3-D) drawings is complicated. When researching a simple definition for them, confusing terminology was found such as visual and aspect analysis, multiple vanishing points, isometrics, and graphical projections. My paraphrasing of combined multiple online definitions of 3-D drawing resulted in defining it as, “a technique of drawing a 3-D object on a flat surface.”

2-D

Drayna: “2-D sales drawings, as I refer to them, are very helpful but can be dangerous tools if the user is unfamiliar with the product. Since we are unable to see what is going on with the other side of the truck, we don’t know what issues we might be causing by adjusting the compartment heights or adding a transverse sleeve.” Taking Drayna’s “dangerous tool” description one step further: It can be problematic when an apparatus purchasing committee (APC) member has enough computer savvy to make a rudimentary 2-D computer-aided design (CAD) drawing of a fire truck. It can be embarrassing when a vendor in the field has equally limited capabilities. Both can look foolish. Frank Riccobono, a 4 Guys and HMEAhrens Fox salesperson, provided some examples. Illustration 1 is the rear view of a pumper; 2 shows the same view with purposely made errors. The upper rear scene and warning lights are reversed, the rightside tail light assembly ended up inside the hosebed, the auxiliary steps are now inside the compartment, and one length of hard suction hose is stored underneath the rig through the mudflap and rear tires. An APC member bringing such a flawed print to a committee

meeting could likely be embarrassed and ridiculed by his peers if the vendor points out the obvious errors. The vendor might have made an enemy, especially if the member thinks that just because he can draw what he considers a blueprint, the manufacturer should be able to build it. Likewise, if the vendor provided a similar print with glaring errors, his credibility and ultimately the sale may be lost— despite the good intentions.

2-D drawings are excellent sales tools, albeit with limitations. They don't show depth; they're not self-correcting, and they are not necessarily engineering drawings. OEM-supplied 2-D drawings do not always reflect a complete representation of a proposed apparatus. OEMs are only obligated to provide the number of views and features a purchasing specification requires (illustrations 3, 4, and 5). OEMs are understandably hesitant to provide proprietary methods of design, engineering, and construction for an apparatus that has not been sold.

Drayna: "Our sales department uses a basic 2-D platform to accurately draw fullsize renderings of the trucks for the customers. This helps them visualize compartment loadouts and overall sizing of the apparatus. (Note: Drayna said 2-D drawings are renderings and are not necessarily engineering drawings.) There can be times that something looks good on a paper sketch or even a 2-D drawing, but until it has been fully designed into the apparatus, we cannot guarantee it will work in the desired location or orientation. Changing one detail on an apparatus can create a snowball effect regarding the final design that committees may not think about at that timeframe, such as changing the tank capacity or compartment volume."

3-D AND CAD

Drayna: "Our engineering department uses the 2-D drawings as a reference to create 3-D models. The 3-D models allow the OEM and customer to realize how much space is available for their equipment and if there are shortfalls in the original plans. A great part about CAD is the opportunity to move and change designs on the fly. When a customer asks to move a feature, we can show them the alternative layout in a matter of minutes. The attention to detail allows the customer and OEM to be confident in the end product. We always send our customers final 3-D layouts prior to sending the truck to the laser to ensure they are happy with the look and configuration of their apparatus." (CustomFIRE uses an all-bolted body construction where all bolt holes for fabrication and accessory mounting are laser cut prior to assembly.) Drayna continues: "We use multiple CAD programs during the sales and manufacturing process of each truck sold. These programs have become an essential part of the fire apparatus building process. CAD is able to provide us with accurate design details and quick on-the-fly adjustments as desired. We have been using 3-D modeling since 1994."

COMPUTER NUMERICAL CONTROL (CNC)

CNC and CAD are generic terms that are not proprietary to any one OEM, although some CNC and CAD programs can be. Depending on the complexity, an investment in CNC and CAD technology can be a million-dollar investment. Drayna: "Our advanced CNC software is essential to ensure all components fit in the provided areas and to allow our laser to precisely cut every hole in the sheet metal in the proper position. CNC is a group of software programs where every part on a fire truck's drawing is assigned a control number. This type of programming can create precision fire truck parts. Our software has thousands of hours programmed into the models to ensure our design allows the manufacturing team to be able to successfully assemble every engineered product provided to them."

ENGINEERS/DESIGNERS/DRAFTSMEN

Drayna: "The size of a company really differentiates the technical skills required by the engineers, draftsmen, and designers. In larger companies, there can be many tiers of CAD-based employees working together to complete a common goal. Draftsmen typically create detailed part drawings with specific dimensions that companies are able to reference back on for years to come. I have come across drawings older than myself that we still use today. A designer typically holds a degree in engineering or an engineering technology focus that normally uses CAD programs to design the truck. Engineers are the ones who ensure the apparatus is designed and built following all safety measures and regulatory codes. They understand the technical aspects and impacts a design change can make. Intricate builds such as aerial devices require the services of a certified engineer also known as a professional engineer to sign off on the design. Many tests must be passed to receive the professional engineer title." Specification writers should tread very carefully if they specify the "acceptable" qualifications of prospective bidders' engineering staffs. That could be considered overly restrictive to the point of limiting competition and showing favoritism to a particular vendor.

REVIEW

Drayna reviewed my interpretation of statements and questions referencing technical blueprint jargon and commented in terms understandable to noncomputer-savvy readers.

■ 2-D side views of fire apparatus only show length and height. “Yes; however, some rear views can show depths if drawn correctly.”

Autocad means CAD. “No, CAD means computer-aided design. It is a nonproprietary process. Autocad is just one of many software programs used in the CAD process.”

■ Isn’t Autocad a computer software program that helps design stuff? “Yes, but it only does so in 2-D. Software programs have various levels of performance. The earlier basic programs do not generate material lists.”

■ Are 2-D Autocad views self-correcting if an operator mistypes a compartment dimension? “That is incorrect; the program will not automatically correct itself.”

■ Is there only one CNC program? “No, there have been ongoing improvements and new software programs, such as Pro/ENGINEER, SOLIDWORKS, and Creo, that incorporate 3-D modeling.”

■ Are CNC programs foolproof? “Newer software programs are only as efficient as the data loaded into them. The less that is modeled in the design, the more that has to be created by hand.”

■ Will newer software programs automatically correct 3-D drawings? “Yes, BUT it requires programming upfront to make parts work together.”

■ But don’t the newer programs “talk to each other” and generate materials lists and the exact parts and pieces to be fabricated from the preestablished CNC control numbers? “Not exactly. Some computer programs are smart and can generate lists within their own program, but it takes multiple interacting software programs to design and fabricate a fire apparatus.”

■ When customized changes are made to an existing part number such as changing the location of a grab handle or a warning light, are those changes entered into the computer and a new control number established, thus increasing the menu of part numbers available for future builds? “It depends. For some manufacturers, this is true. Others reuse control numbers to reduce the number of parts they have to manage, allowing the same control number to have multiple configurations.” Specifications and Workers Prevail Almost every purchasing specification stipulates if there is a discrepancy between the specifications and the drawings, the specifications prevail. Caution: Blueprints often make note there may be a plus or minus variance in the prints’ dimensions and the actual product. Blueprints and drawings are invaluable tools when evaluating the apparatus being proposed and specification compliance. The actual benefit depends on the cooperation between buyer and seller and their mutual understanding of what is required on the prints. There is no doubt blueprints generated by CAD and CNC programs are a boon to fire apparatus design and efficient manufacturing. However, do not disparage or discount the value of well-trained and experienced workers “on the floor” who can ultimately determine a quality build— regardless of the size and expertise of an engineering staff.

HEALTH – SAFETY & LODDS – TAKING CARE OF YOUR MEMBERS!

IN 2022 WE HAVE SADLY EXPERIENCED 83 FIRE FIGHTER LODD’S

According to FirefighterCloseCalls.com

In 2021 we experienced 136 LODDs reported nationally.!

Those who died in the line of duty in NYS were, Peyton Morse, Jared Lloyd, Judy Spencer and Vincent Malveaux.

YOU JUST NEVER KNOW!!

- A firefighter was among at least six people injured in a serious multi-vehicle crash on the Eisenhower Expressway on Sunday morning, Illinois State Police said.
- More Close Calls at: <https://www.firefighterclosecalls.com/>

Reference Material for Use in a Line of Duty Death

- VFBL Firefighters Guide to Benefits, wcb.ny.gov/content/main/vf-vaw/injured-in-lin-of-duty.pdf
- Survivors Benefit Guide, www.firehero.org

- [National Fallen Firefighters Foundation https://www.firehero.org](https://www.firehero.org)

BUILDING & FIRE CODE ISSUES – WHY ARE THEY IMPORTANT TO YOU?

Home builders and relators already “drive” legislation with a history of disregard for life safety and a disgusting misinformation campaign about the cost of residential fire sprinklers, deaths are an awfully expensive price to pay to save money. Stop the carnage, install residential sprinklers.

WEEKLY FIRE FATALITY DATA AS REPORTED BY THE MEDIA

Fire Deaths in 1&2 Family Dwellings in NYS	60+2=62
Latest fire death, Cambria, Niagara County, Male 69	
Fire Deaths in any type of Dwelling in NYS	106+2=108
Fire Deaths in 1&2 Family Dwellings Nationally	1025 + 42=1067
Top Three State with the most 1&2 Family Deaths	1 PA -- 90
	2 OH -- 73
	3 TX -- 66
There has been a total of 1748 civilian home fire fatalities in 2022	
There were a total of 2248 residential fire fatalities reported in 2021 in the US media.	
Both the states of Maryland and California require sprinklers in residential dwellings	

In 2021 in New York State **68** residents perished in fires in 1 & 2 family occupancies.

FIRE DISTRICT FINANCES

Norfolk Fire District – Board Oversight

Background

The District is located in the Town of Norfolk in St. Lawrence County. The District provides fire protection services to approximately 4,600 residents.

An elected five-member Board governs the District and is responsible for its overall financial management.

The Board appoints a Secretary-Treasurer (Treasurer) who acts as the District’s chief fiscal officer. The Treasurer is responsible for receiving and disbursing funds, maintaining the accounting records, preparing annual financial reports and keeping the minutes of Board meetings as the District’s Secretary.

Audit Objective

Determine whether the Norfolk Fire District (District) Board of Fire Commissioners (Board) conducted proper audits and ensured that annual financial reports were filed timely.

Key Findings

The Board did not audit and approve all claims prior to payment, or annually audit the Treasurer’s records and ensure the Treasurer filed annual financial reports timely.

- We reviewed 73 claims totaling \$97,727 and determined they were generally for appropriate District purposes. **However, 17 claims totaling approximately \$54,000 were improperly paid prior to the Board’s audit and approval.** Also, six claims totaling \$3,445 were not adequately supported and/or the District had no authority to make the payments.
- **The Treasurer has not filed the District’s 2018 through 2021 annual financial reports with the Office of the State Comptroller as required.** As of the end of our audit period, these reports were between 72 and 1,168 days late.

Key Recommendations

- Audit and approve claims before they are paid and annually audit the Treasurer’s records.
- Ensure the Treasurer files annual financial reports timely.

Fly Creek Fire District – Non-Payroll Disbursements

Background

The District is located in the Town of Otsego in Otsego County.

The District is governed by an elected five-member Board responsible for the overall financial management and safeguarding of its resources. The Board is also responsible for establishing appropriate controls over cash disbursements and for auditing and approving claims for payment.

The elected Treasurer is the chief fiscal officer and is responsible for receiving, maintaining custody of, disbursing and accounting for District funds. **The current Treasurer started in January 2022.**

Audit Objective

Determine whether the Fly Creek Fire District's (District) non-payroll disbursements were supported, for proper District purposes, competitively procured and audited prior to payment.

Key Findings

While the District's non-payroll disbursements were supported, for proper District purposes and audited prior to payment, the Board of Fire Commissioners (Board) did not ensure purchases were made at the best price.

- District officials could not demonstrate that they sought competition for disbursements totaling \$53,425.
- The Treasurer performed all aspects of the disbursements process with little oversight or mitigating controls.
- ***The Board did not ensure competition was sought prior to approving purchases, and it did not develop and adopt a written procurement policy to address seeking competition for goods and services below the competitive bidding thresholds.***

Key Recommendations

- Implement mitigating controls over the Treasurer's disbursements duties.
- Develop and adopt a written procurement policy.
- Seek competition for purchases.

2022 Governmental Accounting Class Schedule

Register for Accounting Schools Now Here!

<https://www.osc.state.ny.us/local-government/academy/osc-government-accounting-schools>

Cost: \$85 for local officials and government employees; \$170 for all others.

Introduction to Governmental Accounting (Basic Accounting School) - This multi-day school is designed to familiarize participants with the basic concepts of governmental accounting and give them a working knowledge of basic bookkeeping procedures such as understanding debits and credits, a discussion of the modified accrual system of accounting, the practice of maintaining the books and records, developing and accounting for the annual budget, as well as the year-end closing process. This school is for those individuals who possess some accounting experience, but are newcomers to governmental accounting in New York. It will benefit Chief Executive Officers, Chief Fiscal Officers, Comptrollers, Treasurers, Clerks, and Accounting Personnel.

Available Dates:

October 25-27, 2022 Online

Accounting Principles and Procedures (Advanced Accounting School) - This multi-day school is designed to familiarize participants with accounting and financial reporting requirements for local governments in New York. The course provides guidance on certain operational issues, such as cash management, purchasing, processing claims for payment, accounting for capital projects and utilizing reserve funds. This school is a good follow-up to our Introduction course, although attending the Introduction is not a prerequisite. It will benefit Chief Executive Officers, Chief Fiscal Officers, Comptrollers, Treasurers, Clerks, Accounting Personnel, Board Members and Department Heads.

Available Dates:

November 15-16, 2022 Online

Two Former Oramel Fire Officials Charged With Theft of More Than \$11,000 From Oramel Fire Department

New York State Comptroller Thomas P. DiNapoli, Allegany County District Attorney Keith Slep and the New York State Police today announced the arrests of Ronda (Brundage) Kish and Marion Brundage for allegedly stealing \$11,276 from the Oramel Fire Department.

Ronda Kish was charged with Grand Larceny in the 3rd Degree, Corrupting the Government in the 3rd Degree and Offering a False Instrument for Filing in the 1st Degree. Marion Brundage was charged with Grand Larceny in the 4th Degree and Corrupting the Government in the 3rd Degree. Kish, 54, served as the department's Treasurer and her former sister-in-law, Brundage, 52, was its Secretary and First Assistant Chief. The arrests were the result of a joint investigation between Comptroller DiNapoli's Office, the Allegany County District Attorney's Office and the New York State Police.

"These two officials allegedly used money meant for the protection of their community as their own personal bank account," DiNapoli said. "My thanks to Allegany County District Attorney Slep and the State Police for partnering with my office to make sure that those who engage in public corruption are found out and brought to justice."

From 2016 to 2020, Ronda Kish allegedly stole \$8,675 from the Oramel Fire Department by making unauthorized cash withdrawals and writing checks to herself for supposed reimbursements that had no receipts or approval from the department's board. Kish used the money to pay personal expenses, including numerous credit card bills.

Kish abruptly quit as Treasurer after the department's board began to ask questions about the money. The Oramel Fire Department bank account was empty when she quit. Local officials brought their concerns to Comptroller DiNapoli's office and the Allegany County DA.

During the same time period, Marion Brundage allegedly stole \$2,601 by writing checks to herself for supposed reimbursements.

Kish and Brundage were arraigned before Judge David Szucs in the Town of Caneadea Court and are scheduled to appear again in court on November 9.

RETAINING AND RECRUITING

Breaking Bad Habits: Recruitment and Retention of Volunteer Firefighters

Colby Cagle

We all have habits in our daily lives that we repeat with little to no thought in the process. Most of our bad habits are not even caught until someone calls attention to what we are doing, or we find out they have caused a problem for ourselves or our organizations. The volunteer fire service is no different. Our organizations have bad habits that we need to address before they cause harm.

Here are the top five habits to break in order to effectively recruit and retain volunteer firefighters:

Habit 1: Believing People Will Come

The days of thinking that volunteers will continually come to the fire station to help are long gone. We are no different than any other civic organization. Most civic organizations have experienced declines greater than 63% over the past two decades. We must change our tactics and actively recruit members to join our departments. As an organization we need to be visible, approachable, inviting and open-minded.

Challenge: In the next two months, hold a recruitment event in an environment away from the fire station.

Habit 2: Relying on People to Stay

We always thought that once we get them through training, we have volunteers for life. We now are realizing this is not the case. Some organizations are losing members at 115% the rate in which they can recruit them annually. This is something that cannot be sustained and will quickly lead to the demise of the organization.

One of the main reasons why members quit is because they do not feel appreciated. We all know time and energy are precious commodities and if we can't show our volunteers that we appreciate them and their time, they will find an organization that does. One of the best ways to combat this feeling is involving the entire family in the fire department. This requires effort and planning, but the rewards are huge in return.

Challenge: Plan a family movie night at the station with special activities for all ages or demographics.

Habit 3: Diversity Without a Plan for Inclusion

Diversity can only thrive in a welcoming, inclusive environment. Fire departments often make well-intentioned efforts to recruit more diverse members without a plan for making them feel accepted and valued once they join. Diversity is something you have, and inclusion is something you are. This can only develop with a change in attitude and department climate. Living by our mission and values, reaching out to different cultural groups in the community, and practicing inclusion and transparency as new members join are necessary for a successful department.

Challenge: Attend or volunteer at a community cultural event.

Habit 4: One-Size-Fits-All Recruitment Strategy

We tend to recruit in a one-dimensional fashion. No successful organization can recruit this way and survive for very long. Instead, we need to adapt our recruitment strategies to better suit individuals in our community and recruit those who believe in our mission and values. We also need to recognize people's unique talents and skills they could bring to the department.

Combining these individuals into a collective unit allows us to grow together. The tribal concept of networking and learning from each other provides a positive climate and allows for diverse skill sets that reflect the communities we serve.

Challenge: Perform a talent survey and find ways to utilize each member's unique skills.

Habit 5: Blame It on the Millennials

We often blame the millennial generation for changes we don't like. Many have tagged this generation as uncaring, unconnected and lazy. But in fact, the complete opposite is true. Millennials are one of the most passionate and driven generations since the baby boomers. The issues they care about vary wildly but millennials are engaged, active and have a culture of sharing knowledge like no other generation before. To recruit millennials, they need a shared purpose and the flexibility to volunteer on their time as many of them give their time and talents to multiple causes. Utilizing communication tools such as social media platforms is the best way to connect with this generation, as your information is available when they want to receive it.

Challenge: Develop a recruitment video and link to your social media accounts inviting your community to ask questions and find out more about volunteering.

A wise man once told me that to be successful in any endeavor we must have the ability to adapt, the knowledge to improvise and the drive to overcome. To break bad habits in recruiting and retaining our volunteer firefighters, we must diversify our methods and strengthen our individual bonds to be sustainable. We have many bad habits to break but starting with these five is a step in the right direction in recruiting the citizens we rely on to protect the communities that rely on us.

WELCOME TO THE ATTORNEY'S OFFICE:

****JUSTICE DELAYED, BUT EVENTUALLY SERVED FOR WHITEHALL FIRE CHIEF AND HIS FAMILY**

Gregory V. Serio, JD, The D'Amato Law Group, Albany, New York

In a stinging rebuke to the Washington County Self-Insurance Plan ("the Plan"), which provides insurance coverage under the Volunteer Firefighter Benefits Law ("VFBL") to the Whitehall Fire Department, and other municipal services in Washington County, the New York State Workers' Compensation Board has awarded benefits to the family of deceased Whitehall Assistant Fire Chief James Brooks, Jr. Such benefits were provided for both the line-of-duty injury that occurred in May, 2020, and death benefits, as he passed away in September, 2020 as a result of that injury. . The final order of the board was seen as a victory, not just for Chief Brooks and his family, but for all injured or deceased volunteer firefighters who incur a medical emergency while responding to alarms.

The case, which commenced with Chief Brooks suffering a lower aortic tear while responding to a working structure fire in the neighboring Town of Dresden, faced a stiff resistance from the carrier at the outset. The Washington Self-Insurance Plan considered Chief Brooks' pre-existing medical condition to be a valid basis for a denial of coverage. The Plan intransigence was met, however, by resolve on the part of Chief Brooks prior to his passing, and his family throughout the ordeal, as represented by attorneys from The D'Amato Law Group in Albany. An involved procedural history,

including numerous appearances before the Workers' Compensation Board judge and frequent appeals of those decisions to the Board Panel by the carrier, each of which it lost, made this matter drag on for more than two years.

The final Board Panel Decision not only affirmed that the Brooks family and the medical care providers of Chief Brooks were entitled to compensation, but it also clarified favorably for the fire service at large that pre-existing conditions won't necessarily void coverages for medical events that occur during firematic activities. It decided in the affirmative the question of "whether the alleged cardiac condition arose in the line of duty as a volunteer firefighter, entitling decedent (Chief Brooks) to benefits under the VFBL." It also determined that his subsequent death was causally related to "his prior duties as a volunteer firefighter sufficient to entitle the claimant to receive certain death benefits under the VFBL."

The medical record of the case turned on the impact of responding to a fire call on the human body. The carrier's medical witness was compelled to acknowledge that all of the facets of the response, from the piercing pager tone in pre-dawn hours, to the dressing in response to the pager, driving to the station, to the donning of gear and driving or riding of the rig, and to the sizing up and fire attack at the scene, have a pathologic impact, including, especially relevant in this case, a sustained increase in blood pressure. The testifying doctor was pressed on the issue of whether that increase in blood pressure could cause the aortic dissection that Chief Brooks actually suffered.

The medical review conducted on behalf of the Brooks family found a causal link between Chief Brooks' injury he suffered and his work as a firefighter. "The decedent experienced a type B aortic dissection which occurred after presenting for a fire call and was caused by the adrenaline rush as well as the physical nature of his occupation. It is well known that levels of adrenaline are very high in the morning and this emergency call increased his level of anxiety and stimulated any substrates of his prior medical condition to cause an aortic dissection."

The Board found that "the record wholly supports a finding that the decedent's experience of a dissected aorta occurred during, and arose out of, his line of firematic duties, sufficient to warrant compensation under the VFBL." The board further found that "the inception and onset of the decedent's root symptoms occurred while the decedent was at the fire station and in the process of donning his heavy firefighter protective gear in response to a fire call...the adverse symptoms did not present until the decedent was already in the process of responding to the relevant fire call."

In an important acknowledgement of the Board's knowledge of and sensitivity to the realities of performing volunteer firefighter activities, the Board said that it found "that the proffered medical report and testimony of [carrier's medical expert] were of little to no probative value, as [he] *incredibly* (emphasis added) testified that the decedent's aortic condition was not causally related to the events of May 2, 2020, while simultaneously conceding that the events in question could: 1) elevate the decedent's blood pressure; and 2) that elevated blood pressure could trigger an aortic dissection...." The Board found far more credibility in the family's medical expert, and commented specifically on the expert's noting of the impact of "an increase in adrenaline and blood pressure during the donning of heavy firefighter equipment and responding to a sudden fire call."

Consistent with the above, "the Board Panel finds...that the decedent had an injury in the line of duty as a volunteer firefighter, which consequently resulted in certain death from aortic dissection and its sequela."

As the insurer dug in its heels in this case, some volunteer firefighters started to fear that, should they suffer an injury or death while in the line of duty, they or their families may not be covered by the VFBL. The tenor of the Whitehall Fire Department reflected this concern, and others expressed similar sentiments. Four legislators—Assembly members Carrie Woehrner and Matt Simpson, and Senators Dan Stec and John Brooks (no relation to Chief Brooks, but himself an active volunteer firefighter and past chief from Seaford, LI)—teamed up in a bipartisan manner to pass legislation creating a legal presumption that medical events, such as the aortic dissection suffered by Chief Brooks, occurring during fire calls are in fact due to that firefighting activity. While not impacting the Brooks case, the new law may pave a smoother way for families to receive VFBL benefits from carriers, and allay the concerns expressed during the pendency of the Brooks matter.

The legal team from The D'Amato Law Group representing Chief Brooks and his family throughout the proceedings included Gregory Serio, Esq., an active firefighter and past chief of the Verdoy Fire Department, Peter Molinaro, Esq., president of the Menands Fire Company, Alyssa Snyder, Esq. and Thomas Buchan, Esq.

****Commercial Impracticability**

Ed Ballam

I learned of a new term recently that could have ramifications for how the fire industry does business in this new age of inflation and supply chain issues.

A legal term called “commercial impracticability” recently entered my lexicon. It’s something I never heard about before, but boy is it interesting. Essentially, it’s like an escape clause that says if something unexpected goes wrong and it’s impractical to meet the terms of a contract, it can be broken and both parties can walk away with little or no penalty.

It first came to me in the context of a feud between a little town and a well-known fire apparatus builder (*Seagrave*) this summer. Essentially, the truck builder—in this case, an aerial—told the little town that it would have to pay more than the contracted price because there were exponential cost increases and labor issues the builder couldn’t possibly have predicted. I don’t want to say the names of the parties involved because I don’t want to cast blame or cloud the issues that are much bigger than just the two parties involved.

To make a long story short, the aerial builder wanted an additional \$200,000 for an aerial it had contracted to build a year ago and was expected to deliver this fall. The builder blamed huge cost increases in parts and materials, labor shortages, and supply chain issues for the cost overrun.

The little town was flummoxed. It had contracted with the builder and paid the money upfront to get a discount on the truck. Now, it was being asked to cough up more money or the builder would stop building the truck and give the little town back its money plus a little interest for the trouble. It would cost the builder less to do that than take the hit and build the truck at a huge loss.

At a meeting with the little town’s selectboard, the representatives of the taxpayers, the aerial builder invoked the term “commercial impracticability,” a term he was told to use by the company’s lawyers. The company representative said he had traveled to many municipalities across the country with essentially the same speech. He said if the company was forced to build all the trucks at a loss, it would likely be out of business by year’s end.

The selectboard members asked pointed questions about how it could happen and told the company representative the townspeople approved of only so much money for the fire truck and the contract was entered into in good faith. The board didn’t make any decisions that night but, at a subsequent meeting, the town manager said the town’s lawyer sent the aerial builder a letter demanding the truck be built for the contracted price or the little town would take the builder to court.

It seems like a reasonable position but, as of press time, there’s no indication about who prevailed, the town or the builder.

The scenario brings up a lot of issues and a lot of questions. While I am not a lawyer and don’t pretend to be one, there are many good resources out there to help with legal questions. Some research shows the legal doctrine of commercial impracticability is real, and it means that a contract cannot be accomplished because of unforeseen circumstances that make it impossible or extremely difficult to fulfill the terms of a contract. The legal definition says it typically means death of or injury to one of the parties involved in the contract, extraordinary weather, or natural disaster and kind of a catch-all one that states unforeseen events or occurrences that make the contract impossible to complete.

In our scenario, the aerial builder said there is no way it could have forecasted 300 percent increases on some parts and materials and a labor market so tight it can’t find people to work, never mind about the supply chain issues.

It’s a real quandary.

As I look at the fire industry news nearly daily, I see many other towns and builders in the same predicament. Some towns opt to bite the bullet, swallow the pill, and other euphemistic phrases and pay the additional money. Some manufacturers opt to absorb the cost increases and hope for better days to weather the storms. Some, like the little town in our scenario, stand up and fight back.

I see both sides to this issue. Why should a manufacturer be forced to honor contracts that will make it go out of business through no fault of its own? On the other hand, why should small, or even large, municipalities be essentially extorted into paying more for goods and services they contracted for in good faith? Why didn’t the manufacturer have a better read on the market and anticipate the increases and supply chain issues? Isn’t that its job? Isn’t that its fault?

Ultimately, a judge might be forced to rule on these cases, which are likely to grow in numbers. I wish I had sage advice for those who find themselves in a bind right now. From a consumer side, having worked on apparatus committees, I would ask the questions of a prospective builder who will be on the hook for exponential, unforeseen cost overruns or labor issues or delays because of supply chain issues. Get the answers in writing, and have a good lawyer look the contract

over, because none of us like last-minute surprises, especially ones that can cost hundreds of thousands of dollars and cause delays in apparatus that we needed yesterday.

For information only and not for the purpose of providing legal advice. The opinions expressed are the opinions of the individual author at the time the facts were presented and based on the law then applicable. The information contained in these opinions is not guaranteed to be up to date. The information provided is not legal advice. Since legal advice must be tailored to the specific circumstances of each case, and laws are constantly changing, nothing on this site should be used as a substitute for the advice of competent legal counsel. The authors assume no responsibility to any person who relies on information contained herein and disclaim all liability in respect to such information. You should not act upon information in this publication without seeking professional counsel from an attorney admitted to practice in your jurisdiction.

STEP INTO THE CHIEF'S OFFICE:

****Fire Prevention Education: Because We've Always Done It This Way...**

Becki White

In my role as an advisor for fire service professionals giving presentations, I am frequently asked to review and revise prevention programs. I am always excited to go watch someone else present, mostly because I am looking for tips on how to enhance my own teaching methods or lessons. However, I have gotten better at finding out on the front end what it is that people truly want me there to do. Many just want me to justify the program they have in place. They aren't interested in hearing what could be improved or what needs to be abandoned.

I should back up a bit and tell you a little about my personality. I am a doer. I am a resource gatherer and disseminator. I want the best for people and for their programs. Most of all I want the best for the citizens. I am not the type of person that would stroke your ego or pat you on the back just because you're a nice person. I'm there to evaluate the program. The program should be able to stand on its own with or without you. You should be able to separate yourself and your personal feelings from the program. Yes, you spent a lot of blood, sweat, and possibly tears creating the program and an enormous amount of energy presenting it and bringing it to where it is...but it doesn't define you. I am proud of the lessons I have created. I am proud of the projects I have worked on. But if I can't separate myself from those programs, others won't either. What will happen to those programs when I'm no longer with the organization? If they are tied directly to me, they are likely to be abandoned when I'm no longer there. Do you want that to happen to the programs you have spent all your energy on?

Think about the legacy you are creating for the department and the citizens of your community. You must establish goals and make sure that your program is continually meeting those goals. Challenge yourself to change little things every time you present or every year at the very least to make sure that your presentation is meeting the fire safety needs of the community you serve. When I ask someone why they do the things they do – show a particular dated video or practice a skill that is rarely used in real life, like “stop, drop, and roll” —I am met with two common answers. The first is, “Because we've always done it that way.” The second is, “Because the teachers and students love it.”

Let's tackle the second one first. Speaking as a former teacher, the teachers don't really care what you're doing up there. They are happy that you are taking the time and the attention of the kids. Did you notice them frantically correcting papers or doing other paperwork at the back of the room? That's because they don't have enough time in the day to get that stuff done. If you were lucky enough to have them sit attentively during your presentation year after year, I'm impressed – and maybe, good for you, they do love you. Generally, teachers aren't going to go out of their way to hurt your feelings or give you tips on your program, unless you specifically ask in an evaluation: *Was the video shown a valuable use of our time? Would you recommend using this video again next year?* If you don't ask, you won't get feedback on it.

As to the other response, “Because we've always done it that way”...ugh! Time for change. I may alienate some of you with my next example but hear me out. “Stop, drop, and roll” is synonymous with the fire service. Kids hear “fire” and they respond in chorus: “Stop, drop, and roll!” Right, there is the problem. I go into classrooms of kindergarten, first and second grade and I ask them: “If the boxes/curtain (whatever) in the corner were on fire, what should we do?” A majority will chorus back: “Stop, drop, and roll.” That should illustrate why we need to reevaluate our messaging. I only teach this element when I am preparing for Halloween fire safety, because of the flowing, polyester costumes around the unattended candles when kids' minds are sugar-focused not safety focused. It's also a good concept to reinforce during summer fire safety presentations when we're talking about campfires. I'm not saying that “Stop, drop, and roll” is not an effective message. I eliminated it from the other sessions because there isn't a high rate of children catching on fire. I

would rather spend my time talking about how to best learn their address or about smoke alarms, meeting places, and sleeping with their bedroom door closed.

The business world prides itself on being goal-driven and results-oriented. Maybe we should take a cue from that. Identify your goals as a department or your goals as the prevention bureau. More personally, identify the handful of messages that you want the kids to bring home with them tonight. Consider those your key messages. What type of evaluation piece(s) do you have in place? Do you have teachers evaluate the program? Do you evaluate the students' knowledge gain? When? Do you follow up? Do you have the kids evaluate the program? Do you ask for what would make your presentation better in the future? If you do ask questions, do you read them? Do they give you useful information? If either of those is no—then don't bother asking. If you can't use the information or are too busy to even consider what you might gain from that information, then don't make someone else take the time to answer the questions. If you're not getting the information you need, ask better questions. Find questions that will get to the point of what you're trying to find out. Be blunt.

- Was this program a good use of your class time?
- Were the messages delivered in a manner that kept the students engaged?
- Was the material presented using vocabulary that students this age can comprehend?
- Is there anything you think could be removed or changed for our next presentation?
- Is there anything you would like to see added?

You won't always get the answer you want to hear but remember it's not about you—it's about creating a program that works for your customers/citizens.

When you have time in front of a group of kids, you shouldn't be giving them all the information you have. You should limit the number of pieces of new information to their age. If you are talking to kindergarteners, you are pushing it if you have five messages in there; six for first grade; seven for second; and so on. This only applies until you get to around seven or eight messages, and then you should stop. Phone numbers were originally designed in seven-digit formations because that's the largest number data pieces that your brain can retain in a string (<https://human-memory.net/short-term-working-memory/>). I have my fundamental four messages, the things I tell to any group I am in front of. Granted I change the content per group, but I cover the fundamental four concepts with everyone:

1. Working smoke alarms
2. Sleeping with bedroom doors closed
3. Escape planning/meeting place
4. Prevention, at the level they can participate. Cooking safety, candle safety, etc.

I recently read an article that mentioned that prevention isn't working. Not true. In my state the population has increased 7 percent over the past 10 years, yet the number of fires statewide has gone down 11 percent. Something is working. Those that say the messaging isn't working, I challenge you...pull out a post-it-note and write down your major themes. Those things you push in your department in public education and prevention. List as many as you can think of. Now look at your list. Are you teaching skills for preventing fires or are you teaching how to react to fires? If you're teaching reaction techniques, then you can't assess prevention. It's like grading a hockey player on how well he can hit a curve ball. Even looking at my fundamental four, only one is prevention. Smoke alarms involve reaction. Sleeping with the door closed pertains to survival. Having a meeting place/escape planning related to reaction. Candle safety and cooking safety relate to prevention, whereas "Stop, drop, and roll" is a reaction. Hopefully that exercise has opened your eyes a bit to what you are spending your time teaching "Fire Prevention" is actually doing. It's mostly reaction and survival AFTER a fire has started. This is still important messaging, but those messages will not decrease the likelihood of your audience avoiding having a fire.

It's not us that are failing, it's what messages we are delivering, and how they are being delivered. Fire prevention and safety educators must assess and evaluate these programs to make them better.

THE LIGHTER SIDE!

And on the 8th day, God created Seniors. Then God considered the function of bladders and decided seniors would have additional calls of nature, requiring more trips to the bathroom, thus providing more exercise. God looked down and saw that it was good.

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Fire District Officials include Commissioners, Treasurers, Secretaries and Chief

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The Capital Area Association wants to take this opportunity to thank all the Fire Districts who continue to support the local Capital Area Association as members for 2022.

FIRE DISTRICT RESOURCES --THE BACK PAGE -- FOR YOU TO FOLLOW UP!

What are the duties and responsibilities of a Commissioner?

The Answer is posted on our web site at www.AFDCA.org

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Links to the Budget and Election Schedule

Get a copy of the 2022 BUDGET SCHEDULE HERE: <https://afdca.org/wp-content/uploads/2022/07/2022-Budget-Schedule-1.pdf>

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We invite our business partners to submit educational information to be included in this Bulletin for district commissioners and chief officers

Write me at tom@rinaldi1.com

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If you have information on new products you wish to showcase or is educational and informative for fire districts, please submit it and we will use it in this Bulletin under the appropriate heading.

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The Capital Bulletin is reaching well over 400+ fire district members and now other members of the fire service on a regular basis. Since the Capital Area Association covers an area the size of Connecticut it is difficult to meet in person to exchange information and ideas.

This is a service of the Capital Area Association through the effort of Tom Rinaldi who can be reached at tom@rinaldi1.com for comments or content contributions are always welcome.

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