

1 **RECORD OF BOARD MINUTES**

2 Boone County, Kentucky

February 11, 2015

3 The Point Pleasant Fire Protection District Board of Trustees met in regular session at the Point
4 Pleasant Fire Station, Marshall Station, 3444 Turfway Road, Boone County, KY at 9:00 AM on
5 the 11th day of February 2015, with a quorum present:

Chairman Ed Divine

Trustee Brian Laws

Treasurer Debbie Newman

Trustee James Rice

Secretary Eric Seibel

Chief Michael Giordano

Trustee Arthur Crowe

Counsel Bill Knoebel

Trustee Sandra Gallenstein

Members absent: None

6 **CALL TO ORDER**

7 Chairman Divine called the meeting to order at 9:00 AM.

8 **MINUTES OF PREVIOUS DISTRICT BOARD MEETING**

9 January 2015 Point Pleasant Fire Protection District Board Meeting

10 The chair entertained a motion to dispense with the reading of the minutes from this meeting.
11 Motion made by Trustee Crowe; seconded by Trustee Newman. Motion carried; all in favor.

12 The chair asked if there were any additions, corrections, or deletions to the minutes from this
13 meeting. No corrections were noted.

14 The chair entertained a motion to accept the minutes from this meeting as recorded. Motion
15 made by Trustee Newman; seconded by Trustee Crowe. Motion carried; all in favor.

16 **TREASURER’S REPORT**

17 The Treasurer’s report was submitted for all to review.

18 Special attention was brought to the following items:

- 19 1. Inquiry by Trustee Crowe if \$16,000 payment to KY Retirement System was a monthly
20 bill or for the year; Treasurer Newman advised this was a monthly payment.

21 The Chair entertained a motion to accept the Treasurer’s Report as submitted. Trustee Seibel
22 moved accept; seconded by Trustee Rice. Motion carried; all in favor.

23 **CHANGE OF ORDER/SPECIAL PRESENTATION**

24 The Chair changed the order of the meeting to enter Executive Session.

25 **EXECUTIVE SESSION**

26 Request executive session under KRS 61.810 (1)(f)

27 1. (1) All meetings of a quorum of the members of any public agency at which any public
28 business is discussed or at which any action is taken by the agency, shall be public meetings,
29 open to the public at all times, except for the following:

30 o (f) Discussions or hearings which might lead to the appointment, discipline, or
31 dismissal of an individual employee, member, or student;

32 SEE ATTACHED FINDINGS OF FACT, VOTE AND ORDER OF DISCIPLINE

33 The Chair entertained a motion to enter into Executive Session. Motion made by Trustee Crowe;
34 seconded by Trustee Newman. Motion carried, all in favor. The Board entered Executive
35 Session at 9:04 AM.

36 The Chair entertained a motion to exit Executive Session. Motion made by Trustee Newman;
37 seconded by Trustee Laws. Motion carried, all in favor. The Board exited Executive Session at
38 9:06 AM.

39 The disciplinary hearing against Tanya Brotherton would proceed in open session at the request
40 of Tanya Brotherton in Executive Session.

41 The disciplinary hearing against Tanya Brotherton proceeded with a court reporter present to
42 officially record the transaction. See official recording for full details of proceeding.

43 At the conclusion of the hearing, the Chair entertained a motion to enter back into Executive
44 Session under KRS 61.810 (1)(f). Motion made by Trustee Newman; seconded by Trustee
45 Laws. Motion carried, all in favor. The Board entered Executive Session at 10:53 AM.

46 The Chair entertained a motion to exit Executive Session. Motion made by Trustee Crowe;
47 seconded by Trustee Newman. Motion carried, all in favor. The Board exited Executive Session
48 at 11:15 AM.

49 The Chair entertained the following motion:

50 I move that the Board of Trustees find that on February 2, 2015
51 Lieutenant Tanya Brotherton rejected alternative options presented to
52 her for uninterrupted employment and continued service to the
53 District, in light of her failure to achieve Paramedic Certification,
54 pursuant to a Motion adopted by the District on June 12, 2013 and
55 prior to the February 2, 2015 deadline imposed by the Board on
56 December 10, 2014. That as the result of this failure and her rejection
57 Lieutenant Brotherton is inefficient (as outlined in Chapter 26, Section
58 5 of the Point Pleasant Fire Protection District Board Personnel
59 Policies) thus negatively impacting Operational Efficiency on her
60 assigned shift.

61 Motion made by Trustee Crowe; seconded by Trustee Newman. Vote taken by roll call vote:

- 62 • Trustee Arthur Crowe - Aye
- 63 • Trustee E. Edward Divine – Aye
- 64 • Trustee Sandra Gallenstein - Aye
- 65 • Trustee Brian Laws - Aye
- 66 • Trustee Debbie Newman - Aye
- 67 • Trustee James Rice - Aye
- 68 • Trustee Eric Seibel - Aye

69 The Chair entertained a motion to enter back into Executive Session under KRS 61.810 (1)(f).
70 Motion made by Trustee Newman; seconded by Trustee Crowe. Motion carried, all in favor.
71 The Board entered Executive Session at 11:28 AM.

72 The Chair entertained a motion to exit Executive Session. Motion made by Trustee Newman;
73 seconded by Trustee Crowe. Motion carried, all in favor. The Board exited Executive Session at
74 12:00 AM.

75 The Chair entertained the following motion:

- 76 I move that the Board of Trustees fix the punishment of Lieutenant Brotherton as:
- 77 I. Suspension from duty upheld, allowing Tanya Brotherton to utilize vacation in
78 lieu of non-payment of wages;
 - 79 II. Suspension from duty will end effective immediately (February 11, 2015) with
80 Tanya Brotherton returning to duty her next regularly scheduled shift, Friday,
81 February 13, 2015;
 - 82 III. Demotion to Firefighter/EMT with commiserate reduction in pay;
 - 83 IV. Mandatory attendance and participation in the District's Employee Assistance
84 Program as contracted with St. Elizabeth Health Care and coordinated by Chief
85 Michael J. Giordano at the District's time and expense;
 - 86 V. Time until July 2016 to attempt/complete her final two opportunities at National
87 Registry Paramedic Testing at her own time and expense;
 - 88 VI. An understanding that failure to complete certification as of July 2016 will result
89 in the sitting Point Pleasant Fire Protection District Board at said time to evaluate
90 the employment status of Tanya Brotherton and determine the next course of
91 action;
 - 92 VII. An understanding that, if so authorized, any cost or time required to complete this
93 project after July 2016 will be at the burden of Tanya Brotherton;
 - 94 VIII. Effective February 11, 2015.

95 Motion made by Trustee Gallenstein; seconded by Trustee Newman. Vote taken by roll call
96 vote:

- 97 • Trustee Arthur Crowe - Aye
- 98 • Trustee E. Edward Divine – Aye
- 99 • Trustee Sandra Gallenstein - Aye
- 100 • Trustee Brian Laws - Aye
- 101 • Trustee Debbie Newman - Aye
- 102 • Trustee James Rice - Aye
- 103 • Trustee Eric Seibel - Aye

104 **CHIEF’S REPORT**

105 Chief’s report was distributed and briefly reviewed. Specific discussion was given on the
 106 following points:

- 107 1. Significant Fire at Newly Wed Foods at the corner of Olympic and Turfway. This was a
 108 second alarm event and included responders from our district as well as Airport FD,
 109 Elsmere, Erlanger and Hebron. All crews did an excellent job on extinguishment.
- 110 2. Crews are completing training on Class “A” CDL training for the TRT truck.
- 111 3. FF/Medic Peck worked last shift Thursday, January 29, 2015. She asked to return Part
 112 Time in March after her orientation is complete to new job. Recommend Board approve
 113 her as Part Time employee.
- 114 4. Recommend Will Stevie be moved up to temporary appointment as Lt. with commiserate
 115 pay.
- 116 5. New volunteers (Joshua Hughes, Denny Kindoll) are active and doing well.
- 117 6. Two RFP’s were received for copier that were competitive and close (within \$10/month
 118 each); request permission to schedule appointments with all administrative staff and
 119 move forward with selection based on findings.
- 120 7. Chief Giordano and Asst. Chief Seibel stay active with State Committees regarding
 121 Incident Management Teams and Search and Rescue.
- 122 8. HB 156 (Cancer Presumption Bill) has moved out of committee. This bill will provide
 123 cancer treatment for our personnel. It will also allow KY Fire Commission to assume all
 124 Worker’s Compensation costs for Paid personnel as well as Volunteers (already covered
 125 by State).
- 126 9. No real positive movement on Retirement Program.
- 127 10. Grants
 - 128 ○ **AFG**
 - 129 a) 2014: Anticipated award announcements summer 2015:
 - 130 ○ Operations: \$185,000 for SCBA
 - 131 ○ Regional: \$172,260 for IMT Training
 - 132 b) 2015 SAFER: Investigating applying to fund intern program
 - 133 ○ **KOHS**

134 a) 2014 – Received fully executed agreement from KOHS; will begin
135 purchases shortly.
136 The Chair entertained a motion to approve Amanda Peck as a Part-Time FF/Medic. Motion
137 made by Trustee Newman; seconded by Trustee Crowe. Motion carried, all in favor.
138
139 The Chair entertained a motion to accept Gabriel Owens as a conditional Full Time Employee.
140 Motion made by Trustee Rice; seconded by Trustee Newman. Motion carried, all in favor.
141
142 As a result of the disciplinary hearing the opening at Lieutenant being a permanent time opening
143 as opposed to a temporary opening; the Chair entertained a motion to approve the promotion of
144 Will Stevie to the position of Lieutenant. Motion made by Trustee Crowe; seconded by Trustee
145 Laws. Motion carried, all in favor.

146

147 **COMMITTEE REPORTS**

148 **EMPLOYEE RELATIONS**

149 No report.

150 **BUDGETING & FORECASTING**

151 No report.

152 **RETIREMENT**

153 No report.

154 **ELECTIONS & APPOINTMENTS**

155 No report.

156 **INTERNSHIP**

157 No report.

158 **WORKER'S COMPENSATION**

159 No report.

160 **HEALTH INSURANCE AND BENEFITS**

161 No report.

162 **VEHICLE STATUS**

163 Reported in distributed Chief's report

164 **POLICY & PROCEDURES**

165 Recommendations tabled until next month due to hearing.

166 **UNFINISHED BUSINESS**

167 The Chair entertained a motion to authorize the Chief, Assistant Chief and Treasurer to move
168 forward with the copier contract upon their review and recommendation. Motion made by
169 Trustee Rice; seconded by Trustee Crowe. Motion carried, all in favor.

170 Counsel Knoebel advised there was a court hearing tomorrow (Thursday, February 12) in regards
171 to the Molfetta action. He filed a motion to dismiss on our behalf.

172 **PETITIONERS & COMMUNICATIONS**

173 No Report

174 **NEW BUSINESS**

175 No new business was discussed outside of motions made and approved during Chief's Report.

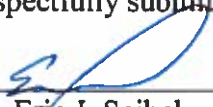
176 **ADJOURNMENT**

177 The Chair entertained a motion to adjourn. Motion made by Trustee Newman; seconded by
178 Trustee Rice. Motion carried, all in favor. Meeting adjourned at 12:25 PM.

179 The next Point Pleasant Fire District Board Meeting is scheduled at the Marshall Station on
180 March 11, 2015 at 9:00 AM.

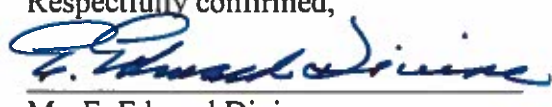
I hereby certify that the foregoing Minutes were duly approved by the Board of Trustees of the Point Pleasant Fire Protection District at a meeting held on the date shown below:

Respectfully submitted,



Mr. Eric J. Seibel
Secretary
Point Pleasant Fire Protection District
Board of Trustees

Respectfully confirmed,



Mr. E. Edward Divine
Chairman
Point Pleasant Fire Protection District
Board of Trustees

DATE APPROVED: 3-11-2015