

RECORD OF PROCEEDINGS

Meeting Minutes of the Estes Valley Fire Protection District
February 28, 2024 4:30 p.m.
Dannels Fire Station, 901 N. St. Vrain Ave., Estes Park, CO 80517

Board: Jon Hodde, Dave Hamrick, Brian Tseng, Ryan Bross

Staff: Chief Paul Capo, Div.Chief Jon Landkamer; Chief of Staff Erika Goetz, Stacey Sutherland, Wesley Keller

Also Attending: Lt. Ron Bruchwalski; Dylan Wallace, William Harkins, Larry Leaming
Via Zoom: Shelley, Colleen, Joan Hooper, Chris Wilson, Kimberly Cook, Josh Moore, Chris Lucius, Holly Senecal

Absent: none

The following minutes reflect the order of the agenda and not necessarily the chronological sequence of the meeting.

President Ryan Bross called the meeting to order at 4:30 p.m.

Chief Capo led the Pledge of Allegiance

Erika Goetz performed roll call – all present

APPROVAL OF AGENDA

Moved by Dave Hamrick and seconded by Brian Tseng to approve the agenda as written. Motion carried unanimously.

CONFLICT OF INTEREST

None

PUBLIC COMMENT

Public Comment from William Harkins:

February 28th, 2024

To the Board, members of EVFPD, and Public,

I have a statement that I would like added to the public meeting, so that these questions are on public records, and so that other firefighters in the future can see that I have raised these concerns .

Be advised when a filed a workers compensation form was filed for injuries sustained on December 30th, 2021 the incident and hipaa claim under Colorado law, renders that waiver automatic, but to avoid any confusion I hereby waive any hipaa concerns you may have to go ahead and process the review of my application.

While redundant and to avoid any further confusion that if there is a misunderstanding that in some reason my pension disability application can't be considered because of hipaa concerns I am stating publicly, , and I also have in writing I am waiving any possible hipaa considerations to review my application. Additionally, no HIPAA waiver is required for a workers compensation case according to our annual OSHA HIPAA training.

The questions raised in this statement, I am expecting to get answers to in writing.

There have been several attempts made at a settlement starting January 2024, and an offer has been sent by me to opposing counsel, and despite numerous requests for a response there has been no contact from the insurance company or opposing counsel. The board informed me back in November of 2023 that there was active settlement negotiations, which is simply not true at all. Can you please provide me with details of this supposed negotiations? Since the board at one time was using this excuse to delay the application. Where in the bylaws does it allow the board to delay the review of an application based off of a pending workers compensation decision?

Who is advising the board to delay the decision to review the application that was received, and signed for on October 20th, 2023? How much taxpayer dollars have been spent to fight against helping an injured firefighter? Conversely, how much has been spent to help? How much do we pay in premiums to have an insurance company become

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unresponsive? Who on the department is helping to actively to get a firefighter off of medical leave? Why does the disability application, a firefighters call for help, continue to go unreviewed? Is this the message you would like to send to the district? Do response times only matter when you are talking about firefighter responses to incidents?? Who is holding the insurance company accountable? Who is holding the fire district accountable?

How and why are meetings being postponed and/or cancelled to review a disability application? Where can I find the meeting minutes for these meetings where formal decisions and positions have been made utilizing a publicly elected board? There was a date scheduled to review the disability application on November 22nd, 2023. Who made that decision to cancel the date to review and where are the meeting minutes for this meeting where a formal action, position, and decisions were made? Why wasn't the volunteer representatives aware of this decision?

I have corresponded with my own counsel once a week and we have been hearing nothing in response from the insurance company or opposing counsel. January 25th, 2024 a settlement offer was made by myself and counsel. There has been zero responses from the insurance company, opposing counsel.

Furthermore I know that you have had my records through my workers' compensation file for over 4 months. Which up until that point was a complete set of medical records. You require a medical note to come back to duty, but you are refusing to read the medical notes. Tell me how that makes sense?

In the bylaws which are posted on the website there are no exclusion to this in the bylaws visa vi where it says that anything I recover in my workers compensation case via medical benefits, medication coverage, future medical or others are offset by this pension disability application. Why is the decision to unreasonable delay the review of the application being made? Who is making this decision?

Who from the agency is in contact with the insurance company, how are they helping to resolve this matter? Where can I find a call log or correspondence showing that the insurance company and fire district are actively working on resolving this matter? Who is holding the insurance company accountable? Why has the insurance company, opposing counsel, and fire district all working together to ignore the calls for help?

Who is the current Fire Chief of the department? Who is managing the paid staff of the department?

How did it take 18 months from date of injury to find the bylaws for a work injury when the injured worker was consistently asking for help? What was the process to produce the application and why did it take 3 months after the initial request? Why do you ask an applicant to fill out the application if you have no intention to review it? When the applicant was asking about benefits in January 2022, why wasn't this form or others located earlier?

Where in the bylaws does it allow the board to unreasonably delay the review of a pension disability application?

There has been no action taken whatsoever by the insurance company, opposing counsel, or the fire department. You have completely abandoned one of your own members after receiving a well documented work related injury.

Shall is used in our bylaws to indicate that certain actions are mandatory. Do you agree?

Is the fire district unaware, unable, or unwilling?

I am very concerned both as a honored member of this volunteer fire department with accolades and accreditation posted throughout the firehouse and online, and as a taxpayer for this entity that this matter has been this handled so poorly. There needs to be accountability for the egregious lack of response and support. The fire district has continued to not answer a call for help. The message you are sending about how you feel about your firefighter members are clear.

As a taxpayer I am deeply concerned my taxpayer dollars are going to an entity in which is unresponsive and does not provide the coverage stated in the contract.

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I will use any remaining minutes to listen to any answers the board may have concerning this matter

APPROVAL OF MINUTES

Moved by Jon Hodde and seconded by Dave Hamrick to approve the meeting minutes from the 1/24/24 board meeting as written. Motion carried unanimously.

PRESENTATIONS

Chief of Staff Goetz, Chief Landkamer, and Chief Capo presented a PowerPoint of the 2023 Year End Report which can be found on the website.

REPORTS

Fire Chief Report

Administrative Division:

Held Awards Banquet on 2/16 and it was well attended
Rooftop Rodeo parade application submitted
Received two resignations this week -1 board member and our other PIO
Working on Volunteer Affiliation Questionnaire for FPPA in regards to our vol pension

Prevention Division:

- Wesley - Project planning for Wildland Fire Mitigation programs
- Stacey – Passed her ICC Fire Inspector II!!!!!!

Operations Division:

2024 = 100
2023 = 49 Difference - 51
Extrication
Storm -Multiple calls
Gas leaks...
Cardiac Arrest

Chavis OOT dismissed
3- New FF's
46 ff's 43 vol
Promoted Lt Platz

Training Division:

Finished up FF Rescue / Survival
Duel Track DE training
Instructor I goes into March
Wildland March

Station & Apparatus:

- CDOT to install preemption equipment on the new signal lights being installed as part of the DEL. We will need to install transmitters on the apparatus that we choose to utilize this technology.
- E723 had a significant leak from the PTO. Fleet repaired it very quickly the next morning.

Volunteer Captain Report – not present/no report

Treasurer's Report – Reviewed January's 2024 balance sheet(s) including, but not limited to governmental fund and schedule of capital assets, statement of revenues, expenditures, and changes in fund balance for general operations, operating reserve. Moved by Jon Hodde and seconded by Ryan Bross to approve transactions listed in the Treasurer's report. Motion carried unanimously.

OLD BUSINESS

Chief Recruitment Process – Chief Lasky to be in office on April 1st, 2024.

POLICY UPDATES

None.

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NEW BUSINESS –

Acknowledgement of Letter of Resignation by Marybeth Bruchwalski

Ryan Bross accepted a resignation letter from Marybeth Bruchwalski on Tuesday 2/27. He also acknowledged and thanked her for her service to the district. This leaves a vacancy on the board that needs to be filled within 60 days.

Election of Treasurer Discussion

Once the vacancy has been filled a vote to fill the treasurer position will take place. Brian Tseng is currently the back up so will fill in in the meantime.

Resolution 2024-03 Ballot 1A Support Resolution and Discussion

Dave Hamrick presented resolution 2024-03 to the board. This resolution from the board of directors is showing support for the Town of Estes Park 1A sales tax renewal. Motion by Brian Tseng, seconded by Ryan Bross to approve resolution 2024-03 in support of the 1A sales tax renewal. Motion carried unanimously.

Update on the Ratification of the 2021 IFC code adoption by Town and County

Chief Landkamer gave an update on the 2021 IFC ratification. The Town of Estes Park ratified it on 2/27/24 and Larimer County ratified it on 1/20/24. Discussion too place on when it is effective and it was determined to put it into effect immediately.

BOARD COMMENT

President Bross mentioned that Erika Goetz was nominated for the Chambers Women of Impact. Event to be held at the Barrel on 3/7.

President Bross also acknowledged the almost 20 years of service to the district that Mike Richardson provided. Please say thanks to him when you see him.

The next board meeting will be on Wednesday, March 27th. The March 13th meeting will be cancelled.

Motion by Brian Tseng, seconded by Dave Hamrick to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 5:50 p.m.



David Hamrick, Secretary

The Mission of the Estes Valley Fire Protection District is to provide the citizens of and visitors to the Estes Valley with superior fire prevention, fire protection and emergency services in a safe and efficient manner."

"The Mission of the Board of Directors of the Estes Valley Fire Protection District is to establish policy, goals, strategies and financial leadership that are the foundation for the long-term sustainability of the District."