



Broad & Gales Creek Community Association, Inc.

3010 Hwy 24, Newport, NC 28570

Phone: 252-222-3700

<http://broadandgalescreekca.org/>

Tony Bello, President
Steve Phifer, Vice President

Sallie Salter, Secretary
Jeff Batten, Treasurer

Minutes of the Regular Monthly Meeting January 12, 2023

Meeting was called to order at 7:02 pm

Board Members Present:

Tony Matthews, Steve Phifer, Dusty Desteunder, Sallie Salter, Jeff Batten, Tony Bello, Missy Rhodes, Ryan Garcia, Mark Rippeth

Community Members Present: Makenzie Williams, Danny Moreno, Brandon Swain, Hendry Garcia, BJ

Secretary's Report: Tony Bello in place of Sallie Salter

1. Minutes of the previous regular meeting were issued for approval.
2. Motion to approve the minutes.
 - a. Motion to approve by Dusty Desteunder
 - b. Seconded by Tony Matthews
 - c. Motion passed.

Treasurer's Report: Jeff Batten

1. Review Treasurer's Report and financial statements.
 - a. #DIV question by Dusty, Tony Bello confirmed that there is no number value entered. Null
 - b. Budget is in good condition, and we have money in the bank for payroll.
 - c. Chief has started working on the budget for next year.
2. Motion to approve by Steve Phifer
3. Seconded by Dusty Desteunder.
- a. Motion passed.

Fire Department Report: Chief Tony Matthews

1. No issues with equipment.
2. Calls are being met.
3. Slow since December.
4. No new members this month. One new member last month.
5. Steve Phifer mentioned the Conex box. The county wants to keep the existing Conex box since it has electrical and already on site. He did mention that Steven Rea has one that he would give the board.
 - a. Chief mentioned that he has obtained prices for a new one.

Standing Committee Reports

1. Executive Committee was activated by Tony Bello
 - a. Members consist of board officers.
 - i. Tony Bello (Chair), Board President
 - ii. Steve Phifer, Board Vice-President
 - iii. Jeff Batten, Board Treasurer

- iv. Sallie Salter, Board Secretary
- 2. Bylaws: Ryan Garcia
 - a. No report
 - b. Tony Bello will work with Ryan to review Bylaws and Policy/Procedures.
- 3. Building and Grounds: Steve Phifer
 - a. Ryan Garcia asked about the basketball goals to be set to regulation height.
 - i. The board approved for a community member to take care of it, per his request.
- 4. Community Services (*Community Building*): Sallie Salter
 - a. No Report due to Sallie Salter absence
- 5. Ways and Means: Missy Rhodes
 - a. No Report

Old Business:

- 1. Playground Equipment.
 - i. Tony Bello mentioned that we have secured a contract with a licensed installer per board approval last month \$4,200 max.
 - ii. Contract is for \$3400 including installation and wood chips. Liability falls on the installer.
 - iii. Timeline is the end of January.
 - iv. Once installed, Steve Phifer will arrange to have the fence set back up.
 - v. Big Rock did not approve the grant for this year.

New Business:

- 1. Dream Yards Landscaping Annual Contract
 - a. No discussion
 - b. Motion to Approve Contract by Tony Matthews
 - 1. Second by Dusty Desteunder
 - 2. Motion Passes
- 2. Steve Phifer congratulated Brandon Swain for receiving firefighter certification.
- 3. Community Building has a gutter that has fallen on the playground side (West).
 - a. May be an issue during rain.
 - b. Steve recommended that we install a metal gutter system.
 - 1. Steve will obtain estimates.
 - c. Dusty asked is an awning would be possible to install instead of replacing the gutter.
 - 1. Steve will obtain quotes for that as well.
 - 2. Tony Matthews mentioned that electrical will need to be included.
 - d. The basketball court is being utilized at night and using vehicles to light up the court.
 - 1. Steve asked the neighbors if they would object to installing a security light. They welcomed that.
 - 2. Tony Matthews mentioned that it would cut down on vandalism.
 - 3. Steve Phifer mentioned that the power company can install the light.
 - a. Steve will contact them to get an estimate.
 - e. Henry Garcia addressed the main entrance on the west side needs replacement.
 - 1. He witnessed the issue when a renter brought it to his attention.
 - 2. Steve Phifer had the lock repaired by a locksmith and agreed that the push bar is in bad shape and needs to be replaced.
 - a. Steve Phifer will obtain a quote to replace the door.
- 2. Steve Phifer moved to purchase a 20' Conex Box for Fire Department training with a max cap of \$1100.
 - a. Dusty Desteunder Seconded
 - b. Motion Passed
- 3. Paid Staff

- a. Tony Bello met with Chuck Kitchen, board attorney, and informed him that paid employees (day crew) could not legally volunteer without receiving regular pay for calls.
 1. Tony Bello issued NCDOL § 95-25.14: Exemptions.
 - a. This form states that an employee cannot sue for payment as a volunteer.
 2. Fair Labor Standards Act (FLSA) states that paid staff must be compensated their regular pay for calls outside of their regular working hours.
 3. Tony Bello mentioned that federal regulations trump state regulations, which gets very confusing.
 4. Tony Matthews mentioned that day shift firefighters should not be considered employees.
 - a. The work they do is compensated as a “stipend” and not a wage.
 - i. A stipend does not automatically make a volunteer an employee.
 - ii. The tricky part is that is \$500 or more is issued in a year, taxes must be taken out.
 - b. The issue is in the verbiage.
 - c. According to the federal government, A volunteer contributes time to benefit a civic, humanitarian, or charitable purpose without pressure or coercion.
 - d. Employees cannot be displaced for volunteer work. This is the case for our volunteers.
 - e. Most of the paid staff does not volunteer for the fire department. No ramifications if a firefighter does not want to work a particular day.
 5. Tony Bello asked if there are any other departments in our district that have a similar situation.
 - a. Chief Matthews mentioned that there were none in our district, but Wilson Mills Fire Department pays firefighters to stay at the station. \$150/full night or \$75/half-night as volunteers. Any other volunteers that show up on scene are paid by call, same as us.
 - b. Due to firefighter shortages, many more stations are implementing this process.
 6. Jeff Batten mentioned that in the scheme of things, as long as a paid day staff member that responds to calls, they cannot fall below minimum wage with their stipend pay. The only question arises if a lengthy structure fire occurs, how would that affect the pay. It should equal out since most calls are less than one hour. It just may require tracking of calls and hours by the chief. Simply needs to be documented.
 7. According to Chief Matthews, paid staff that respond to calls after hours receive their regular wage.
4. Jeff Batten inquired about a quote for the bay doors.
 - a. Mark Rippeth said it was a quote to service the doors.
 - b. The doors have not been under a service program and are in bad condition.
 - c. Without a contract, there is a \$300 service charge on top of labor and materials.
 - d. The \$1200 quote is for a service fee of annual preventative maintenance for all bay 6 bay doors on fire side. One per year. Mark explained that it would be in our best interest to approve the contract.
 1. Steve Phifer moved to accept the service contract quote.
 2. Second by Ryan Garcia
 3. Discussion
 - a. Ryan Garcia mentioned that a scope of work would need to be included. Does the contract include parts? What is included in the service contract? Bottom line, the doors need to be repaired.
 4. Tony Bello tabled the motion until Mark Rippeth can gather this information.

