

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of: *
*
MV ETHAN ALLEN, *
LAKE GEORGE, NEW YORK, *
OCTOBER 2, 2005 * Docket No.: DCA 06 MM 001
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Interview of: MARV LEMERY

National Transportation Safety Board
490 L'Enfant Plaza East, S.W.
Washington, D.C. 20594

Wednesday,
October 12, 2005

The above-captioned matter convened, pursuant to
notice, at 10:12 a.m.

BEFORE: MARIETTE BURER

APPEARANCES:

MARIETTE BURER
National Transportation Safety Board

MAJ. STEVE RIVENBURGH
New York State Park Police

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I N T E R V I E W

(10:12 a.m.)

1
2
3 MS. BURER: Okay. Today is October 12th, and it's
4 approximately 12 minutes after 10:00.

5 My name is Marietta Burer with the National
6 Transportation Safety Board, and to my left --

7 MAJ. RIVENBURGH: Steve Rivenburgh, New York State
8 Park Police.

9 MS. BURER: And --

10 MR. LEMERY: Marv Lemery, Warren County Fire
11 Coordinator.

12 MS. BURER: Okay. This is in regards to the Ethan
13 Allen Accident that occurred October -- Sunday, October 2,
14 2005.

INTERVIEW OF MARV LEMERY

15
16 BY MS. BURER:

17 Q. I would like for you to tell me in your own words
18 what your job was and how it all evolved?

19 A. Okay. First of all, let me just say that normally
20 when an incident like this happens, as soon as they begin the
21 dispatch procedures, once -- and this is a standard operating
22 procedure in our dispatch center, when more than one fire
23 department or when a fire department and a dive team are
24 dispatched, anywhere within the County, I am automatically
25 dispatched also along with the EMS Coordinator. In this case,

1 however, because I had, prior to this, checked out of service
2 for personal reasons for four days, I was not dispatched.
3 However, I was at home. About four or five minutes after the
4 incident, I called into the County Center to check back into
5 service, and they told me what was going on, and I immediately
6 left my home and went to the scene. My responsibilities at the
7 scene are pretty basic. I reported to the Fire Chief who was
8 the Incident Commander, offered him whatever assistance and
9 equipment or anything that he needed that I was there to take
10 care of that responsibility for him, to remove that from his
11 shoulders if you will. I went to the EMS command at the time
12 and told them the same thing. And then I waited for my EMS
13 Coordinator who is responsible to my office to come on the
14 scene, and then he and I met with the Incident Commander and
15 the Sheriff and a representative of the State Police to set up
16 a command center. And from that point on, I called mutual aid
17 assistance for two additional fire departments, one to set up a
18 landing zone for the helicopters at the Green Harbor Beach, at
19 the time that we would need to use the helicopters to
20 transfer -- transport trauma patients to Albany Medical Center,
21 and the other department, Queensbury Central Fire Department,
22 was to standby for coverage in the Lake George Fire House. I
23 then, with my EMS Coordinator, made sure that we had plenty of
24 ambulances that had been dispatched and wanted to find out from
25 the radio room who had been dispatched, and what departments

1 had been committed to the incident, and from that point on,
2 actually within 20 minutes of this incident, my
3 responsibilities were over. Everyone who had to be rescued had
4 been and had been brought ashore, and anyone that was going to
5 be brought in deceased, had already been brought in with the
6 exception I think of maybe two that were brought in later while
7 I was there. And at that point, I just offered support to the
8 fire and EMS folks that were there, and then stayed with the
9 Sheriff, waited for the coroners, and waited for most of the
10 deceased to be removed before I checked back in service.
11 That's pretty much all that I did.

12 Q. Okay. Can you actually like show on this particular
13 map what we're talking about as far as locations are
14 concerning, with staging or the Command Center or --

15 A. Okay. I'm going to -- looking here at Kramer Point,
16 I believe that these -- in this area right through here, is
17 where our staging area as well as the triage area had been set
18 up.

19 Q. Okay.

20 MAJ. RIVENBURGH: Would a close up aerial help you?

21 MR. LEMERY: Yes, sir.

22 BY MS. BURER:

23 Q. So that's both staging and triage?

24 A. That's correct.

25 Q. Okay.

1 A. Staging for the EMS providers.

2 Q. Okay.

3 A. Initially the ambulances were asked to stage up on
4 Route 9 --

5 Q. Yes.

6 A. -- up by Trinity Rock Road, and there's room
7 available for them to come down into the scene. They kind of
8 juggled them around that way, but as far as where we set up our
9 command center, command post, looking at this, this blow up,
10 I'm guessing that it was, I'm guessing it was right in this
11 area here. I think there's a ramp here like a launch ramp
12 perhaps.

13 MAJ. RIVENBURGH: That would be right on this side of
14 this little -- this (indiscernible) right here.

15 MR. LEMERY: Okay.

16 MAJ. RIVENBURGH: Right here.

17 MR. LEMERY: All right.

18 MAJ. RIVENBURGH: This is that dock, two sided, three
19 sided dock --

20 MR. LEMERY: Yeah. Okay.

21 MAJ. RIVENBURGH: -- where all the boats were coming
22 in.

23 MR. LEMERY: All right.

24 MAJ. RIVENBURGH: And there's a little launch ramp
25 right there.

1 MR. LEMERY: Okay.

2 MAJ. RIVENBURGH: Just to give you an indication.

3 MR. LEMERY: All right.

4 BY MS. BURER:

5 Q. Can we like name this just for the recording?

6 A. What would we name it?

7 Q. I don't know. What is it? What is it called?

8 What's the name of this --

9 A. I'm trying to think of the bay. I'm trying to think
10 of the name of the bay.

11 MAJ. RIVENBURGH: Does it tell us on here? No.
12 Let's see. Still Bay is to the north.

13 MR. LEMERY: I don't know what it's called but I know
14 if you come down Trinity Rock you can drive right to this part
15 here.

16 BY MS. BURER:

17 Q. Okay.

18 A. I don't know if it's, if it's part of Green Harbor.

19 Q. Okay.

20 A. I really -- I think Green Harbor is over here though,
21 isn't it, and then that's where the Green Harbor Beach is, is
22 over here. So I really don't know what this is called.

23 Q. Okay.

24 A. But, yes, this area right here, we, we set up a
25 triage area here, and if you faced it from the Lake, looking to

1 the left, would be all the walking well and walking wounded
2 were kept there.

3 Q. Okay.

4 A. And the deceased were brought into the right-hand
5 side where the area had been divided by some ropes and some
6 tarps and things.

7 Q. Right.

8 A. And then the area to the right of the docks, where
9 there's sort of a launch ramp, that was pretty much used for
10 the dive teams. They went into the water there --

11 Q. Okay.

12 A. -- on their dive boats and proceeded out from there
13 to the site of the incident.

14 Q. Okay.

15 A. And actually this, from an Emergency Service
16 standpoint, could not have been a better area for us to be
17 working from. We had line of sight to where the incident was.

18 Q. Yeah.

19 A. The lake was relatively calm that day. It was a
20 beautiful, clear day, and I'm going to guess that it was
21 probably no more than maybe 175 yards, 150 yards out from the
22 shoreline where we were. When I arrived on the scene, with the
23 exception of probably two or three survivors, most all of the
24 people that were going to be saved had already been brought
25 ashore.

1 Q. Okay.

2 A. And I think there were probably 12 deceased folks
3 that had been brought ashore by then. And then we set our
4 command post up, just to the rear of the launch ramp where the
5 Sheriff had, I think it was his dive team van was parked there,
6 and that's where we tried to set up a command post. Like in a
7 lot of incidents, it kind of becomes a roving command post, but
8 we tried to keep all of the principal players, at least
9 representatives from each agency in one spot where, you know,
10 we could just coordinate everything, kind of unified command.
11 We did have a representative from the State Police, a
12 representative from the PEC, obviously the Sheriff, myself or
13 one of the Sheriff's representatives, our EMS Coordinator. I
14 had -- a couple of my deputy coordinators were there, and we
15 had at least one officer and sometimes two from each of the
16 agencies that were -- that had responded were there with us
17 also.

18 Q. Okay. So they all would be -- actually all of these
19 agencies that you just mentioned would be part of the Incident
20 Command, and then under the umbrella of the unified command.

21 A. That's correct.

22 Q. Okay.

23 A. The initial commander, the initial Incident Command
24 would have been the Lake George Fire Chief, Bruce Kilburn.

25 Q. Okay.

1 A. It was his call right from the very beginning.

2 MAJ. RIVENBURGH: His name?

3 MR. LEMERY: Pardon me.

4 MAJ. RIVENBURGH: His name again?

5 MR. LEMERY: Bruce Kilburn, K I L B U R N. He's the
6 Lake George Fire Chief.

7 BY MS. BURER:

8 Q. Okay.

9 A. And he's the -- he's responsible for the fire
10 department and the dive team.

11 Q. Okay. Okay.

12 A. And as soon as everyone had been brought ashore that
13 was going to be saved, and all the other remains were brought
14 ashore, basically then it changed to a law enforcement
15 investigation and everything turned to the Sheriff.

16 Q. Okay.

17 A. I think it was a joint command between the Sheriff
18 and the State Police, a joint investigation but I'm not 100
19 percent sure of that.

20 Q. And in 911 dispatch, when the calls would come in --

21 A. Yes.

22 Q. -- that is located at Warren --

23 A. At the Warren County Municipal Center, and actually
24 it's in the Warren County Public Safety Building.

25 Q. Okay.

1 A. And I don't know if you have a dispatch log, I think
2 you probably have received one.

3 Q. No, I actually ended up making a list which I can
4 actually give you a copy of, that I ended up giving to --

5 A. Well, I actually have a printout of the actual time
6 the first call was received and how the dispatching went and
7 each time. I assume that you had had one of these.

8 MAJ. RIVENBURGH: I haven't seen that one.

9 BY MS. BURER:

10 Q. No, I have not.

11 A. Okay. This one, it shows the time the original call
12 was logged in, who took the call and what actions the call
13 taker took.

14 Q. Yes. Yeah.

15 A. And each one of these gives you the name, the time,
16 the name of the dispatcher or call taker, the action and the
17 description of what they did. If you'd like to have that.

18 Q. Yes.

19 A. Let me just explain a little bit if I could.

20 Q. Okay.

21 A. What these things, LGFD is obviously Lake George Fire
22 Department.

23 Q. Yeah.

24 A. That's Lake George EMS.

25 Q. Yes.

1 A. HFD is the Horicon Fire Department. It's

2 H O R I C O N.

3 Q. Okay. Sorry.

4 A. Okay. BFD is Bolton Fire Department.

5 Q. How do you spell that?

6 A. B O L T O N.

7 Q. Okay.

8 A. WGF is West Glen Falls.

9 Q. Okay.

10 A. NQ is North Queensbury. Let me see if there's any

11 other -- WEMS would be Warrensburg. HEMS would be Hague,

12 H A G U E.

13 Q. H --

14 A. A G U E.

15 Q. Okay.

16 A. NW is North Warren. That's for EMS.

17 Q. Okay.

18 A. BRFD is the Bay Ridge Fire Department.

19 Q. Okay.

20 A. Let me see if there's any others that jump out at me

21 here that you might need some help.

22 Q. Now these units, like for example, just kind of

23 glancing here --

24 A. Uh-huh.

25 Q. -- that's Ambulance 711.

1 A. Any number that -- any identifier that starts with an

2 A --

3 Q. Yeah.

4 A. -- is going to be an ambulance.

5 Q. Right.

6 A. Okay.

7 Q. And then the number, does that give me the location
8 of where it's actually being dispatched from?

9 A. It will tell you where they are.

10 Q. Okay.

11 A. If they're en route to the scene or at the scene.

12 Q. Okay.

13 A. Like this one shows en route to the hospital. This
14 actual time here shows the time that I checked out and was en
15 route.

16 Q. Okay.

17 A. I think that pretty much covers -- NQFD would be
18 North Queensbury Fire Department.

19 Q. Okay.

20 A. You already have that for the EMS.

21 Q. Yeah. Now are those the -- where it says officers,
22 are those the people --

23 A. These are the police officers --

24 Q. Okay.

25 A. -- that responded to the scene --

1 Q. Okay.

2 A. -- from the Sheriff's Department and that's all of
3 that.

4 Q. Okay. Thank you.

5 A. Sure. I also have a list here that might make it
6 easier for you, too, that I brought along. All of these
7 agencies that are circled --

8 Q. Yes.

9 A. -- are agencies that provided a response to the
10 scene.

11 Q. Yes.

12 A. Both fire and EMS.

13 Q. Okay.

14 A. Those are there too. I didn't know if you had seen
15 any of those.

16 Q. No. Okay. Now as far as this is concerned, then who
17 would actually be the IC for the ambulances. Would that be
18 Mr. Skidmore.

19 A. Yes.

20 Q. Okay.

21 A. He was -- before he arrived, it would have been his
22 deputy coordinator, a fellow by the name of Chris Norton.

23 Q. Okay.

24 A. N O R T O N. He's a Deputy EMS Coordinator.

25 Q. Okay.

1 A. He got there before Mr. Skidmore.

2 MAJ. RIVENBURGH: Four rangers lift qualified. Would
3 that be for a helicopter?

4 MR. LEMERY: I don't know. I don't know what that
5 means. I saw that and wondered what it was myself. I didn't
6 get a chance to ask.

7 MAJ. RIVENBURGH: Okay.

8 BY MS. BURER:

9 Q. So once Mr. Skidmore came --

10 A. Yes.

11 Q. -- then he relieved Mr. Norton?

12 A. That's correct.

13 Q. Okay. So he is the IC and then -- okay. And the
14 Bruce Gilmore -- Kilmore --

15 A. Kilburn.

16 Q. -- Kilburn --

17 A. Uh-huh.

18 Q. -- okay, he was the actual Incident Commander --

19 A. That's correct.

20 Q. -- for the Lake George Fire --

21 A. For the whole incident.

22 Q. For the whole incident.

23 A. That's correct.

24 Q. Right. Okay.

25 A. Until, until they went back in service, after

1 everyone had been removed and saved or whatever, and then it
2 became -- once it became -- obviously it was a police
3 investigation thing, he was no longer the guy in charge.

4 Q. Okay. So how --

5 A. Then command changed.

6 Q. Right. Into law enforcement --

7 A. That's correct.

8 Q. -- versus search and rescue.

9 A. Uh-huh.

10 Q. So how long do you think that whole evolution was
11 from when they first got that 911 to when the Fire Chief was
12 relieved of his duties?

13 A. Well, that, that will tell you --

14 Q. Right.

15 A. -- because that will tell you what time the Fire
16 Chief checked back into service.

17 Q. Right. Right.

18 A. I'm going to guess probably -- I would say no more
19 than two hours they may have been back in service, but again I
20 haven't looked at the log.

21 Q. Yeah.

22 A. So I'm not really sure.

23 Q. And everyone was transported by ambulance, so the LZ
24 was not really a necessary item.

25 A. That's correct.

1 Q. And it was never used.

2 A. That's correct.

3 Q. Okay.

4 A. It was set up. It was used. A couple of helicopters
5 did put down there.

6 Q. Okay.

7 A. And it was used. I believe they just flew over the
8 area a number of different times making sure that there wasn't
9 someone or something floating. I know they were checking the
10 debris field and they were checking for slick -- oil slick and
11 whatever else was being done by the State Police helicopters
12 but I -- I'm fairly confident that there wasn't anyone
13 transported to a trauma center by helicopter.

14 Q. Okay. So the State PD only used -- was only using it
15 for search.

16 A. That's correct.

17 Q. Okay. Do you remember how many ambulances actually
18 transported the patients or the passengers?

19 A. There were -- if there were 28 survivors, 27, 28
20 survivors --

21 Q. Well, it's 27 and then the captain.

22 A. Okay.

23 Q. So that would be 28.

24 A. I know they were taking -- when they could, they were
25 taking two per ambulance. However, I think some of them who

1 were seriously injured may have been transported alone, but I
2 know that we used probably 15 ambulances that actually
3 transported to the hospital. Now whether they transported
4 twice or carried more than one patient, that I don't know.

5 Q. Okay.

6 A. I believe that everyone that was there was used.

7 Q. That's approximately or 15?

8 A. I'm going to say approximately.

9 Q. Okay. That's what I wrote down. Okay. Okay. Can
10 you just clarify for me what your ambulance situation is in
11 regards to the qualifications of the personnel that operate the
12 units?

13 A. Okay. It's my understanding and not being the EMS
14 Coordinator --

15 Q. Right.

16 A. -- it's my understanding that all our fire -- all of
17 our ambulances, all of the ambulance squads, in Warren County,
18 with the exception of one, are all volunteer.

19 Q. Okay.

20 A. The one that is not volunteer is Empire Ambulance,
21 and they operate out of the city of Glens Falls. Everyone else
22 is volunteer. That having been said, some of our agencies have
23 paid personnel for certain hours of coverage, certain times of
24 the week. I don't know if that's weekend coverage --

25 Q. Okay.

1 A. -- or during the week. I'm not positive of that, but
2 I know that, for instance, Lake George, they have I believe a
3 paid ALS which is advanced life support technician on board,
4 and they might have a paid EMT also. North Warren has paid
5 personnel at times. Bay Ridge and North Queensbury have paid
6 personnel at times, and so does Lucerne but I don't, I don't
7 know if there were paid personnel available on Sunday when
8 these squads were called. I guess I could get that
9 information. Maybe Gary Skidmore would have that information.
10 I don't know.

11 Q. Right.

12 A. But I do know that all of the ambulances that respond
13 in our County respond with -- now with a EMT --

14 Q. Okay.

15 A. -- minimum qualification.

16 Q. EMTB.

17 A. Yeah.

18 Q. That's basic.

19 A. I believe it's basic.

20 MAJ. RIVENBURGH: EMTD would be the basic.

21 MS. BURER: Here?

22 MAJ. RIVENBURGH: Yeah.

23 MS. BURER: Okay.

24 MAJ. RIVENBURGH: I think all EMTs now are
25 defibrillator.

1 MR. LEMERY: Defibrillator certified.

2 BY MS. BURER:

3 Q. Okay. Okay.

4 A. And I think all of our -- I think all of our squads
5 are ALS certified. So that means that each one of them has an
6 advance life support tech on board also.

7 Q. And how many squads?

8 A. In the County, I think there's 13 including Empire.
9 Yes, there's 13 ambulance squads or rescue squads in our
10 County.

11 Q. And then regular ambulances with EMTDs?

12 A. Every one of them.

13 Q. Okay. So it's all the same. I think this is where I
14 had the problem with last Friday, too, because of the rescue
15 squad, it's the same thing as an ambulance.

16 A. Yes.

17 Q. And it's not necessarily a medical -- medic unit.

18 A. They are all.

19 Q. Right. Now in Fairfax County, that's the only thing
20 I can compare it with.

21 A. Okay.

22 Q. In Fairfax County, you have an ambulance.

23 A. Right. Which are strictly for transport.

24 Q. You also have your EMT what we call B as in boy which
25 is your basic --

1 A. Basic.

2 Q. -- which you can do your CPR and your defib. Okay.

3 A. Uh-huh.

4 Q. Then you also have your medical unit --

5 A. Okay.

6 Q. -- and that is your minimum qualifications are ALS.

7 A. Okay. We don't separate them by vehicle.

8 Q. Okay. Okay.

9 A. We have in the squad, we have a basic ambulance box,

10 whatever you want to call it.

11 Q. Uh-huh.

12 A. And that piece of apparatus is what responds.

13 Q. Okay.

14 A. They are a medic unit. They're an ambulance.

15 They're a rescue truck sometimes.

16 Q. Okay.

17 A. They have, you know, they're used for various things,

18 but they all come with a minimum EMT --

19 Q. Uh-huh.

20 A. -- and/or ALS provider on board.

21 Q. Okay. And they're called rescue squads.

22 A. They're called rescue squads, yes.

23 Q. Okay. And you have 13 --

24 A. That's correct.

25 Q. -- of them?

1 A. That's correct.

2 Q. Okay. Okay.

3 A. Okay.

4 Q. Yeah.

5 A. All right.

6 Q. All right. When it comes to the fire department,
7 what, what is -- what kind of equipment, units, transport units
8 do you have in your fire department, like an engine, a truck.

9 A. Okay. Responding to an incident like this?

10 Q. Yeah. Correct.

11 A. And I think you're talking about perhaps like engine
12 companies, truck companies, rescue squad, rescue companies.

13 Q. Uh-huh.

14 A. Our nomenclature that we use a little bit
15 differently. An engine company normally means that you have a
16 minimum of seven men on a vehicle, on an engine.

17 Q. Okay.

18 A. We don't run that way. To a typical response, when
19 they got this call for an overturned boat, people in the water,
20 fire department dive team, they would send one engine --

21 Q. Okay.

22 A. -- one rescue truck, that's a fire department rescue
23 truck. It's a heavy rescue unit. It carries everything from
24 the jaws of life down to defibrillators and Stokes baskets,
25 things of that nature.

1 Q. Uh-huh. Uh-huh.

2 A. That would be a typical response to this type of an
3 incident along with the ambulance from the rescue squad. Their
4 dive team would respond with their dive team vehicle and their
5 boat and whatever.

6 Q. Uh-huh.

7 A. At the same time that they're being dispatched, the
8 Horicon Fire Department dive team is being dispatched also.
9 That is standard procedure in our County. Any water type of
10 incident, they are both automatically dispatched for their dive
11 teams. Now along with the Horicon dive team comes a rescue
12 truck, not an ambulance, a rescue -- it's a fire --

13 Q. Fire department, yeah.

14 A. -- yes, and the North Warren Rescue Squad. And
15 that's to any water incident within Warren County.

16 Q. Okay.

17 A. Now because this incident was on Lake George, it's a
18 little bit different because we also dispatch the North
19 Queensbury Fire Department rescue boat, and the Bolton Landing
20 Fire Department fire boat and rescue boat. The only one they
21 didn't dispatch was the Hague rescue boat. I'm not sure why.

22 Q. Okay. North Queens and what was the other one.

23 A. North Queensbury rescue boat --

24 Q. Uh-huh.

25 A. -- and the Bolton Landing, we dispatched their fire

1 boat and their rescue boat.

2 Q. Okay. And that's for Lake George?

3 A. That's correct.

4 Q. Plus Lake George. Okay. How many personnel do you
5 think were involved originally?

6 A. In the original response?

7 Q. Uh-huh.

8 A. Probably close to 40.

9 Q. Okay.

10 A. Coming from all of those different agencies, maybe
11 closer to 50 with Horicon, Lake George, both of their dive
12 teams, the fire department, the two rescue squads, the North
13 Queensbury, yeah, probably close to 50 on the initial response.
14 And I don't have now, but I can probably make available to you
15 a list of everyone that was there from each of the agencies.

16 Q. Yes.

17 A. If you need a total number --

18 Q. Yes.

19 A. -- of people.

20 Q. Yes. Now that's one of the things that we normally
21 try to put in our reports. Who contacts the coroner or the
22 medical examiner?

23 A. Actually we radio, by radio, we call the dispatch
24 center at the Public Safety Building and they make the call to
25 the coroner.

1 Q. Okay.

2 A. And, and EMS Coordinator Skidmore --

3 Q. Yes.

4 A. -- he's also a County coroner.

5 Q. Yes.

6 A. And there was a point there where he changed helmets
7 all of a sudden. He no longer was EMS Coordinator. He handed
8 that off to Chris Norton --

9 Q. Yeah.

10 A. -- who was his First Deputy --

11 Q. Yes.

12 A. -- and he became coroner.

13 Q. Okay.

14 A. He stopped involvement on the EMS side.

15 Q. Okay.

16 MAJ. RIVENBURGH: And that's in here.

17 MS. BURER: Okay. Wonderful. Good.

18 BY MS. BURER:

19 Q. Okay. So it's Mr. Norton first and then he got
20 replaced by Mr. Skidmore and then Mr. Skidmore handed it back
21 to Mr. Norton again.

22 A. That's correct.

23 Q. And then he put -- okay.

24 A. That's correct.

25 Q. As far as working with the American Red Cross, or any

1 of that, how does that come into play?

2 A. There were representatives there from the State
3 Emergency Management Office.

4 Q. Okay.

5 A. In fact, the Director of the State Office was there,
6 a fellow by the name of Jim Tuffy (ph.), and his -- the local
7 guy around here name is Bob Baccari, B A C C A R I. He was
8 there, and he works with our Disaster Preparedness Director, a
9 fellow by the name of John Farrell (ph.). I don't know if
10 you've heard his name yet. He works for the County.

11 Q. Okay.

12 A. And he is our -- it's an old, old position that's
13 been around forever. It used to be called the National
14 Disaster and Civil Defense Director.

15 Q. Uh-huh.

16 A. And I think they probably still use the same title.
17 He is our chairman of our Local Emergency Planning Council, and
18 he is our County liaison to the American Red Cross.

19 Q. Okay.

20 A. And he works with SEMO, State Emergency Management
21 Office, and he was at the scene and he and Mr. Baccari,
22 together, the two of them were able to reach someone with the
23 American Red Cross and get them involved.

24 Q. Okay.

25 A. I wasn't involved in any of that.

1 Q. Okay. Has there been any kind of debriefing or
2 crisis management as far as your folks are concerned?

3 A. Yes.

4 Q. Okay.

5 A. We have a -- at our disposal, we have an incident
6 stress debriefing team --

7 Q. Yes.

8 A. -- and they were called -- I put the call into the
9 County Center to notify them probably two hours into the
10 incident, and I know that they -- I saw two of the
11 representatives at the incident themselves, and I know that
12 that evening, they met with the members of the Lake George Fire
13 Department and Rescue Squad, and the next evening, they met
14 with the Bolton folks that were involved, and I think everyone
15 that whomever felt needed to be spoken with and whatever, that
16 these folks had talked to, and they've also been offered
17 whatever other assistance they might need.

18 Q. Okay. Are they doing okay?

19 A. Yes, to the best of my knowledge, yes.

20 Q. All right.

21 A. To be very honest, most of the people -- in fact, all
22 of the people that responded on both EMS and fire side, they
23 just went about and did their jobs. They don't know how good
24 they were. They really don't. They don't know how excellent
25 they responded and worked. They just did -- this is something

1 that they do, and I'm sure that, you know, as we get further
2 down the road from this, some of them will realize, oh, I
3 really did a good thing or whatever, but they all did. They
4 all -- I mean there was, there was very little radio chatter.
5 There was not a lot of people issuing commands.

6 Q. Right.

7 A. There were not a lot of special requests being made.
8 Folks got there. Everyone that had been brought ashore was
9 being very well taken care of, and I'm very surprised that of
10 all the people that came ashore alive, none of them died. I
11 mean I would have expected, given the circumstances maybe some
12 cardiac arrests or whatever, but they were just really well
13 taken care of, and transported as quickly as possible to the
14 hospital and they were just given tremendous care, and these
15 folks that were doing that, it was just the thing that they do.

16 Q. Right.

17 A. So, you know, I don't -- the, the other side of the
18 EMS thing and the fire stuff was, you know, helping to get the
19 bodies out of the water --

20 Q. Right.

21 A. -- and up onto the lawn and covered up and stuff.
22 Yeah, you know, that's a little traumatic. It's not something
23 that they see every day, but most of them have seen something
24 similar -- not anywhere near as large, but --

25 Q. Right.

1 A. -- but I think everybody's been involved in fatal
2 incidents throughout the County. And, yes, I guess there are
3 sometimes when they needed to stop and take a little break and,
4 and just kind of regroup, but everybody just did a really
5 wonderful job, and I thought that the deceased were treated
6 with incredible respect and dignity, and that's one of the
7 things that I noticed right away, which I was very proud of,
8 because they'll just (indiscernible) up. I'm responsible for
9 their training on the fire and EMS side, and it's my
10 responsibility to make sure whatever they need at a scene they
11 get, and I really didn't have to do a heck of a lot. They
12 just -- they got there and they did their jobs. The civilians
13 on the Lake were incredible.

14 Q. I know.

15 A. They really were.

16 Q. I know. Have you all sat down together and, and
17 said, okay, we're going to go ahead and look at this particular
18 incident and figure out what lessons were learned?

19 A. We haven't critiqued the incident yet.

20 Q. Okay.

21 A. I do know that there will be a lot of that that will
22 be done. We will probably have one large critique where all of
23 the agencies will be brought together, the Sheriff and I will
24 probably put that thing together for everybody, and Gary
25 Skidmore, but then I also know that many of the agencies that

1 were there will do it themselves, will sit in their department,
2 or their squad buildings or whatever, and talk about what went
3 on and what they would do to make it better or different.

4 Q. Right.

5 A. I don't think -- I mean I think if this happened
6 tomorrow, it would all be the same, they would all respond and
7 react the same way.

8 Q. Is there a lot of training that you all do with one
9 another with the different counties and --

10 A. Not so much with the other counties, but we do a lot
11 of mass casualty incident training in our County.

12 Q. Yes.

13 A. Fire and EMS, and they work together a lot throughout
14 the County, and the County is kind of -- we break the County
15 down into like three regions.

16 Q. Okay.

17 A. The northern, the central and the southern part, and
18 that's kind of -- I mean some departments work with other
19 departments more frequently than some others might.

20 Q. Right.

21 A. For example, in the town of Queensbury, there are
22 five fire departments and three rescue squads. They pretty
23 much operate within their own little area all the time
24 together.

25 Q. Right.

1 A. They drill together. They work, you know --
2 occasionally they'll go out of the town under a mutual aid
3 compact to help other, you know, for assistance, and then as
4 you come into the center part of the County, the Lake George,
5 Lucerne, Warrensburg, Stony Creek, Thurman, they kind of --
6 Bolton, they kind of work together, and then the further north
7 you get up to the Johnsbury where there are seven fire
8 departments, one rescue squad, and you have Hague and --

9 Q. Uh-huh.

10 A. -- and they all kind of, Chestertown, Horicon, and
11 they all kind of work together. So there's a lot of training.
12 We do a lot of mass casualty incident training because we have
13 the interstate.

14 Q. Right.

15 A. And we've had some mass, mass casualty incidents.
16 We've had some bus accidents on the interstate where we've had
17 multiple fatalities. We had a bus incident in the town of
18 Bolton where a tour bus with a group of people going up to
19 Silver Bay, up in Hague, came down County Road 11, didn't make
20 the turn, and went over a very large (indiscernible)
21 embankment, rolled three or four times. I think we only had --
22 I think we had three fatalities out of that where we could have
23 had many, many more, but so we train for a lot of those
24 different things. Our fire departments are training all the
25 time. Of course, the EMS folks, the individual training that

1 they have to have for their medical training and stuff is
2 ongoing, and it consists -- it's so encumbering, I don't know
3 how they do it to be honest with you. And the fire service now
4 for a few firefighter coming in, before he can even get out of
5 the truck, he has to have about I think 151 hours of training,
6 you know, they're giving that in 3 hour segments over the
7 course of a year or however often we offer that training. We
8 offer it three times a year for basic firefighters, which is
9 now called the Firefighter I Class.

10 Q. Okay.

11 A. And they have Firefighter II.

12 Q. Yeah.

13 A. And then we have all of the other classes, pump
14 operator, truck company operations, rescue company operations,
15 those kinds of things. So there's a lot of training that goes
16 on all the time within the County.

17 Q. And was there any problem as far as communication,
18 radio communication or --

19 A. Absolutely none.

20 Q. Okay.

21 A. This is one of the times really when everything was
22 pretty much flawless. Even our cell phones worked over the
23 air --

24 Q. Right.

25 A. -- which we don't have a lot of cell coverage on that

1 side of the Lake, but we were very fortunate in this one
2 instance that we did have it.

3 Q. Okay. Is there a particular channel that you guys
4 used to communicate with one another?

5 A. Well, on our -- the fire departments, we all operate
6 on a low band frequency. It's 3390 megahertz, and that's truck
7 to truck.

8 Q. Uh-huh.

9 A. Truck to base.

10 Q. Okay.

11 A. And that's how the dispatch center talks to the fire
12 chiefs.

13 Q. Okay.

14 A. We dispatch everyone on a high band frequency,
15 175.1 -- 175. Something. I can't, I can't come up with what
16 it is.

17 Q. Right.

18 A. But we dispatch fire and EMS on high band, and we
19 have a fire ground frequency which is on high band.

20 Q. Okay.

21 A. And the EMS has their private talk around frequency
22 on high band, and then we have an EMS 400 channel that they can
23 talk to the County Center, to the dispatch center and to the
24 hospital.

25 Q. Okay. Do you all train with the hospital?

1 A. Yes.

2 Q. Okay.

3 A. Yes. In fact, I believe that a hospital
4 representative was at the incident.

5 Q. Okay.

6 A. I'm not positive of that --

7 Q. Right.

8 A. -- but I'm pretty sure someone was. I know they were
9 notified early on --

10 Q. Right.

11 A. -- what was happening. And they, they went into one
12 of their emergency response modes. They brought in extra
13 emergency room personnel and whatever else that they do.

14 Q. Right. There was a question I was thinking of.
15 Because this is mostly a volunteer response --

16 A. 100 percent.

17 Q. -- okay, 100 percent, how do they get actually
18 notified. Is there a particular schedule that you keep track of
19 whom is working on what particular day?

20 A. Every squad, every squad is available 24/7.

21 Q. Okay.

22 A. If they're not going to be available, they notify the
23 radio room, the dispatch center when there's going to be a
24 problem, like if they're going off line for a day or an hour or
25 whatever, they'll notify the radio room. So when this incident

1 happened, the people in the dispatch center, they know -- they
2 have an inventory, if you will, of who's available.

3 Q. Right.

4 A. And when the Incident Commander got on the scene, and
5 did his size up and knew what was going on, he just started
6 calling for ambulances right away, and the dispatch center just
7 started dispatching them.

8 Q. Okay. Okay.

9 A. I think there may have been one squad that was coming
10 back from a call at the hospital that self-dispatched, went
11 right there and called the radio room and said, be advised,
12 we're responding to that incident.

13 Q. Okay.

14 A. That's not uncommon. In fact, we had a similar
15 incident. Last Thursday we had a highway employee that was
16 killed, and one of the first ambulances there was someone
17 coming back from the Glens Falls Hospital. So that does
18 happen.

19 Q. Right. Okay. Is there anything that we can do to
20 maybe help your situation or for future after you critique
21 everything or --

22 A. To be very honest with you, I wouldn't change a
23 thing.

24 Q. Okay.

25 A. You know, other than to put people on the Lake in

1 boats right there or to get the people off the boat before it
2 sailed, I don't think I would change a thing. Our response,
3 everybody did a great job. Again, we're very fortunate that
4 the location for the, for the guys to respond to and stage in
5 was, was one of the better that we could have had. It was nice
6 and flat. It was wide open, and we did have a nice area, beach
7 type area to get in --

8 Q. Right.

9 A. -- and out of the water. So all of the things worked
10 to the advantage of the first responders. It really did. We
11 have -- there are some areas around the Lake that are almost
12 impossible to get to the shoreline. This just seemed to work
13 out really well.

14 Q. So the staging area was pretty easy as far as --

15 A. Access was good.

16 Q. -- egress and --

17 A. Yeah, it really was. And then we activated our
18 Demort Team (ph.) which is the morticians and everything, and
19 the County Center, we have all those things in our emergency
20 plan. So they contacted all the local funeral directors. They
21 all staged on the Northway at the overlook at Exit 22 --

22 Q. Okay.

23 A. -- and they were called when it was appropriate, when
24 the coroners had finished doing what they do, and they came in
25 and -- by then, we had already secured I believe a

1 refrigeration truck, we had that go right to the hospital and
2 that's the way it worked out. Everything really just kind of
3 fell into place. You can -- and we drill for these kind of
4 incidents hoping that we never have to put our skills to use
5 but we really did test our resources that day, and we passed
6 with flying colors.

7 Q. Okay.

8 A. From, from my point of view we did.

9 Q. When do you think that you're going to be able to
10 critique, to sit down and talk with others?

11 A. I think we're probably 10 days way. I still haven't
12 had a chance to sit and talk with the Sheriff. We went from
13 this into the incident where a County employee was killed, and
14 I've been tied up with things and all, I sit on the Governor's
15 Fire Advisory Safety Board, and we had a meeting yesterday and
16 had a memorial service for the -- all the firefighters in the
17 state and, I spoke to the Governor and he was, he was real
18 pleased of the response -- type of response that we had and the
19 way everybody came together and worked up here and that's nice
20 to hear.

21 Q. Yes.

22 A. I mean, and I don't know. I've not heard anyone that
23 has not had something really nice to say about not only our
24 first responders and the folks that do it everyday, but
25 especially about the civilians, the way that they got involved.

1 I was -- when I got there, I mean people from their homes on
2 Kramer Point were just coming out of their homes and blankets
3 and towels and pillows and chairs and it was, it was really an
4 incredible response for that time of year. A lot of people
5 aren't around usually but we had good weather.

6 Q. Right.

7 A. So a lot of folks, and a lot of folks were around the
8 Lake. You know, usually October 2nd, you don't get a lot of
9 Lake traffic. It was a beautiful day.

10 Q. Yeah. Well, thank you.

11 MS. BURER: Do you want to --

12 BY MAJ. RIVENBURGH:

13 Q. Could you -- do you know the call signs for the Lake
14 George Fire Chief?

15 A. Yeah. His car is -- he's Car 230.

16 Q. 230.

17 A. Uh-huh. Or he might just be Lake George Command,
18 however he's calling in, but I believe that they would refer to
19 him at the County Center as Car 230.

20 Q. Okay. And you're FC1.

21 A. That's correct.

22 Q. Okay.

23 A. Anything with a C in front of it is going to be a
24 chief, a fire chief.

25 Q. Okay. It's a little different from Scary County. We

1 just use numbers and they just pop up.

2 A. Uh-huh.

3 BY MS. BURER:

4 Q. I was also wondering when I saw one that said A
5 Ambulance 711.

6 A. Uh-huh.

7 Q. Does 711, can you actually tell from that particular
8 number what region or what town they're coming from?

9 A. Yes.

10 Q. Okay.

11 A. 711 I can tell you right now is West Glens Falls.

12 Q. Okay.

13 A. 712 -- 710 would be West Glens Falls also.

14 BY MAJ. RIVENBURGH:

15 Q. Could you get us a list of that?

16 A. Sure.

17 Q. The engine numbers --

18 A. Yeah.

19 Q. -- the vehicle numbers, ID numbers.

20 A. Sure. Of those departments that were involved?

21 Q. Yes.

22 A. Okay.

23 Q. Just a breakdown of, like you say, several of these
24 units have seven or eight units to a --

25 A. Uh-huh.

1 Q. -- to a house.

2 A. Yeah.

3 Q. One, one other thing. Would you give me a heads up
4 when you do that critique.

5 A. Absolutely.

6 Q. I'd like to sit in on it and --

7 A. Sure.

8 Q. -- just listen to what everyone --

9 A. Okay.

10 Q. -- has to say.

11 A. Sure. I'd be glad to.

12 BY MS. BURER:

13 Q. Well, on that note, would you be willing to send
14 lessons learned.

15 A. Sure.

16 Q. Okay.

17 A. I'm going to be writing an article about this for the
18 New York State Chiefs, for one of their magazines at some point
19 in time, and probably will be speaking at their conference here
20 in June, and maybe about, you know, just this incident, and
21 there is lessons learned.

22 Q. Right.

23 A. I know I will be speaking -- I'm going out to the New
24 York State Fire Academy the end of this month for our Regional
25 Fire Administrator's Conference, and I'm sure they're going to

1 ask me to talk about it. We do that, you know, when there's an
2 incident somewhere and you always want to get somebody to talk
3 about it, and everything.

4 MAJ. RIVENBURGH: Firsthand know is always the best.

5 MR. LEMERY: Yes, it is. Can I ask about the State
6 Park Police? What, what is your involvement? How do you --
7 because of the Lake George water or --

8 MAJ. RIVENBURGH: We are involved in this under the
9 Office of Parks and Recreation, Historic Preservation.

10 MR. LEMERY: Okay. It's not Bureau of Outdoor
11 Recreation?

12 MAJ. RIVENBURGH: No.

13 MR. LEMERY: Okay.

14 MAJ. RIVENBURGH: No. We're involved because our
15 agency oversees the navigation wall.

16 MR. LEMERY: All right.

17 MAJ. RIVENBURGH: Our Commissioner is charged with
18 the responsibility of administering the State nav wall, and we,
19 through our Marine Service Bureau, are the ones that license
20 and inspect the public vessels.

21 MR. LEMERY: Okay.

22 MAJ. RIVENBURGH: To be quite honest with you, if the
23 NTSB was not called into this, I would be --

24 MR. LEMERY: You would be the guy.

25 MAJ. RIVENBURGH: -- I would be the guy for this one.

1 MR. LEMERY: Okay.

2 MAJ. RIVENBURGH: And we would have more Park Police,
3 you know, Park Police Officers and civilian staff doing the
4 interviews. Mariette would not be here. I would have a
5 sergeant or a lieutenant interviewing you.

6 MR. LEMERY: Okay.

7 MAJ. RIVENBURGH: We're trying to stay separate from
8 Sheriff Cleveland's investigation with the State Police. We're
9 looking for the safety issues so that we can hopefully avoid
10 having you respond to another or multiple --

11 MR. LEMERY: Sure.

12 MAJ. RIVENBURGH: -- interviews.

13 MR. LEMERY: Would I have met your Commissioner maybe
14 at the Georgian?

15 MAJ. RIVENBURGH: No.

16 MR. LEMERY: On Monday or Tuesday.

17 MAJ. RIVENBURGH: No.

18 MR. LEMERY: Of last week.

19 MAJ. RIVENBURGH: She has not been up here.

20 MR. LEMERY: Okay. It was a man. I met a guy, I
21 thought he was -- someone said he was the new Park --

22 MAJ. RIVENBURGH: No, we have Colonel Warwick who is
23 the Acting Director of Law Enforcement, and Paul Lagado (ph.)
24 who is a Deputy Commissioner and Chief Counsel who were up on
25 Monday but that's all.

1 MR. LEMERY: This Monday or the Monday after the
2 incident?

3 MAJ. RIVENBURGH: The Monday after the incident.

4 MR. LEMERY: Would they have been at the Georgian at
5 noontime perhaps to address some of the survivors?

6 MAJ. RIVENBURGH: No.

7 MR. LEMERY: Or to be introduced to them?

8 MAJ. RIVENBURGH: I do not think so.

9 MR. LEMERY: It seems to me that I met someone from
10 Park Police.

11 MAJ. RIVENBURGH: You know Tuffy was here.

12 MR. LEMERY: I know Jim, yeah. I've known him from
13 the days way back in DEC but -- and would they have been at the
14 Governor's press conference at the Sheriff's Department?

15 MAJ. RIVENBURGH: Yes, they were.

16 MR. LEMERY: Okay. That's where I think I may have
17 met them. Okay.

18 MAJ. RIVENBURGH: Yeah.

19 MR. LEMERY: So that's the Park Police involvement.

20 MAJ. RIVENBURGH: Yeah.

21 MR. LEMERY: Okay.

22 MAJ. RIVENBURGH: And that's why we're here.

23 MR. LEMERY: Okay.

24 MAJ. RIVENBURGH: We provide all the training for the
25 law enforcement agencies in the State. So we do have an

1 interest. We provide funding for them, Sheriff Cleveland, in
2 his younger days, when he wasn't Sheriff Cleveland, and he was
3 Deputy Cleveland and Sergeant Cleveland --

4 MR. LEMERY: Uh-huh.

5 MAJ. RIVENBURGH: -- he was one of our instructors.

6 MR. LEMERY: Oh, is that right.

7 MAJ. RIVENBURGH: Yeah.

8 MR. LEMERY: Okay. Like I say, I've been on the lake
9 my whole life, and my wife's family owns a marina and boat in
10 Trevor, and they see Ambrose probably from here. Mt. Norwall
11 (ph.), my brother-in-law, in fact, he's just selling that now.
12 So --

13 MS. BURER: I'm going to --

14 MR. LEMERY: Sure.

15 (Whereupon, the interview in the above-entitled
16 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Investigation of MV Ethan Allen
 Lake George, New York
 October 2, 2005
 Interview of Marv Lemery

DOCKET NUMBER: DCA 06 MM 001

PLACE: Washington, D.C.

DATE: October 12, 2005

was held according to the record, and that this is the original, complete, true and accurate transcript which has been compared to the recording accomplished at the hearing.

Kathyrn A. Mirfin
Transcriber