

December 7, 2017 Meeting of the Board of Fire Commissioners

District #3 in the Township of Hanover

County of Morris, Cedar Knolls, New Jersey

The meeting was called to order at 7:00 p.m. on December 7, 2017 in accordance with the Public Meeting Act of 1975, Chapter 231.

ATTENDANCE: Commissioners Robert Callas, Peter DeNigris, Michael Dugan, Maria Florio and Tom Quirk were present.

Chief DiGiorgio, Administrator Schultz, Asst. Chief O'Hare, FF Belott and FF Ujfalussy were also in attendance.

PUBLIC PARTICIPATION: None.

CORRESPONDENCE: Commissioner Callas reported that there were two items. The first was the minutes from the State Association of Fire Districts for September. The second was a letter of thanks from Whippany Park High School Athletic Director Brent Kaiser for the Fire District's continued support for the programs and events at Whippany Park High School.

APPROVAL OF PREVIOUS MINUTES:

The minutes from the November 16, 2017 Regular Meeting were reviewed. Commissioner Florio made a motion to accept the minutes from the November 16, 2017 Regular Meeting. Commissioner Callas seconded the motion. All were in favor.

The minutes from the November 29, 2017 Special Meeting were reviewed. Commissioner Florio noted that at the end of the minutes, when Chief DiGiorgio opened the floor for questions, the minutes indicated that there were no questions. Commissioner Florio recalled that both she and Commissioner Quirk had asked questions. Commissioner DeNigris made a motion to table the minutes from the November 29, 2017 Special Meeting. Commissioner Quirk seconded the motion. All were in favor.

REPORT OF THE TREASURER: Commissioner DeNigris reported that 2017 Budget transfers between accounts would be made next week and will be reviewed at

the next meeting. Commissioner Quirk made a motion to accept the Treasurer's Report, seconded by Commissioner Callas. All were in favor.

Report of Fire Commissioner Board Committees and Chief of Department:

CHIEF'S REPORT: Chief DiGiorgio distributed his Bi-Monthly Report prior to the meeting. Commissioner Florio noted that she had not received a copy and Chief DiGiorgio said that he would email it to her again.

Chief DiGiorgio reported that the Pay per Call reimbursement was completed and the checks are included for signature this evening. Chief DiGiorgio noted that this year there were 34 members who were eligible and the Pay per Call amount was \$11.10 per call which is the highest it has ever been. Chief DiGiorgio noted that the \$100 stipend to all the officers has also been included this year. Chief DiGiorgio reported that any employee that was eligible for Pay per Call would see this as a separate line item on their next paycheck. Commissioner DeNigris noted that the proposed 2018 Budget amount for Pay per Call is \$28,000, which is \$3,000 higher than the 2017 Budget amount.

Chief DiGiorgio reported that he ran a couple of reports as a follow up to the presentation on November 29. The reports give the Board an idea of what is referred to as overlapping calls, which means that the District is out on one or two calls at the same time. The one report shows the types of calls the District responded to and the other report shows all the overlapping calls.

Chief DiGiorgio reported that he has the results of the surveys that were completed at the Fire Co. community recruitment events and will distribute the report in the next few days. Commissioner Florio asked if all the survey responses were from town residents. Commissioner Dugan reported that 89% of the responses were from town residents.

EMS: Chief DiGiorgio reported that the District has received numerous phone inquiries about EMS transport bills that they have received. Chief DiGiorgio noted that Lieutenant McGuinness has fielded these calls and explained the billing policy and pointed out where it appears on the website. Chief DiGiorgio noted that this means that the billing company is invoicing correctly. Commissioner Quirk reported that he received a call from District 2 Commissioner Mihalko about an elderly resident of District 2 who was questioning an EMS bill. Commissioner

Quirk reported that he had spoken to Commissioner DeNigris and they each had different understanding of the billing process. Commissioner Quirk stressed that the Board needs to be on the same page on this matter. Commissioner Quirk said that his understanding was that if the bill was covered by Medicaid or Medicare that both District 2 and District 3 would accept the Medicare / Medicaid payment as payment in full and not balance bill. Commissioner DeNigris said that he thought Commissioner Quirk was correct and that Administrator Schultz was checking with Revenue Guard, the billing agency, to verify this. Administrator Schultz reported that this was true for Medicaid but that for Medicare there is a co-pay that the patient is billed for. Administrator Schultz reported that the District has been monitoring the billing agency and has pointed out errors in their billing for out of District patients. The numerous billing inquiries are a result of the correction of these billing errors. Administrator Schultz feels that the billing agency has not been billing correctly for some time and that quite a bit of money has been left on the table as a result. Administrator Schultz said that in January he will do an RFP to go out and find another billing company. Commissioner Florio asked if the District should keep a log of billing inquiries that the District employees are fielding. Commissioner Florio felt that it would be worthwhile to be able to track whether an inquiry that is answered results in a payment of the bill. Chief DiGiorgio stated that billing inquiries are directly to either Lieutenant DeSimone or Administrator Schultz so it would be possible to keep track of the calls and of course any payment can be tracked through the billing agency. Commissioner Quirk reported that he has heard that some patients are being told to disregard any bill although he is not sure whether they are getting this from other residents. Commissioner Florio asked if an explanation of the billing policy is included in communication from the billing agency. Administrator Schultz replied that the billing agency sends out requests for insurance information and bills both of which have information on the policy and customer service numbers for billing inquiries.

BUDGET: Commissioner DeNigris distributed copies of his proposed 2018 budget worksheet and the budget package that was put together by Vince Montanino prior to the meeting. Commissioner DeNigris noted since the last meeting he increased that Tax Revenue per the data received from Town Hall. Commissioner DeNigris said that the Board could see on his 2018 Budget worksheet that with this change the income and expense are even. The proposed increase in

personnel has been left in the budget but this does not mean that this is a done deal. Commissioner Florio asked if the tax revenue number was firm and Commissioner DeNigris said that it was. Commissioner Quirk asked for clarification that if the proposed increase in personnel does not happen, the budget money for this would remain in the salary section unspent. Commissioner DeNigris said that the Board could decide to move the budget money to another budget line as needed if the decision was made not to hire additional personnel. Commissioner Quirk asked if the makeup of the proposed increase in personnel could be changed if the Board chooses to do so. Commissioner DeNigris agreed that allocating the money to hire additional personnel does not lock you into hiring specific positions or to hiring at all. Commissioner DeNigris asked if the Board would like to include hiring qualifications in the 2018 Budget Resolution. Administrator Schultz said that the budget resolution is a State drafted resolution and if you change the format, the State will send it back. Commissioner DeNigris wanted to clarify that the Board has not made a decision on the proposed increase in personnel and that they will just be approving the bottom line budget number. The Board agreed that no hiring decisions had been made yet.

Commissioner Callas read Resolution 17-12-07-91 introducing the 2018 District Budget. Commissioner Callas made a motion to introduce the resolution, seconded by Commissioner Florio. All were in favor.

Commissioner DeNigris asked Administrator Schultz to send the 2018 Budget Package to the State. Administrator Schultz agreed to send it. Administrator Schultz thanked Vince Montanino for preparing the budget package today.

PERSONNEL: Nothing to report.

NEGOTIATIONS: Commissioner Quirk reported that the committee has a meeting with the FMBA on Tuesday, December 12th.

LIAISON TO THE VOLUNTEERS: Commissioner Dugan reported that there will be a meeting on Monday night. Chief DiGiorgio reported that there is an operations meeting on Monday at 6:30 p.m. Commissioner Florio reported that the Tree Lighting was a rousing success and the Fire Co. worked very hard to prepare for it. Commissioner Florio noted that she has received many positive comments about the evening and it was so well attended that we ran out of hot chocolate and coffee. Commissioner Florio and Commissioner DeNigris said that the Board

should send a letter to the Fire Co. thanking them for their effort. Administrator Schultz said that he would draft a letter. He noted that he also received a request to send a letter to Whippany Park High School Choir and Wegmans for their donations of time, talent and/or product for the Tree Lighting Ceremony.

Commissioner Quirk noted that the Fire Co. Tree Lighting Committee of Craig Vagell, Jimmy Hark and Jessica Sinnato did a fantastic job. Commissioner Quirk also applauded the career guys who were great about coming in and helping out.

Asst. Chief O'Hare reported that the Historical Society recognizes that the siren has sentimental value but does not have any historical value and therefore has no interest in having it. Asst. Chief O'Hare said that Fire Co. President Dobson also has no interest in keeping it. Administrator Schultz reported that the Board can declare them surplus at the next meeting and then do whatever they want with them. The Board can either give them to someone or sell them. Administrator Schultz said he will research the value of the siren for next meeting.

BUILDINGS AND GROUNDS:

Roof Project: Administrator Schultz reported that he has made a few adjustments to the termination agreement and forwarded it to Mr. Braslow for review. The agreement will be sent to Bondex after Mr. Braslow approves it.

2017 Building Improvements

Sign Project: Commissioner Dugan reported that the sign is done and then the caps were redone because the main contractor was not happy with the way the caps came out. Commissioner Callas noted that the sign looks very nice.

Administrator Schultz reported that he will have a draft of the guidelines for the sign for next meeting.

Day Room: Chief DiGiorgio reported that the countertops and cabinets are the only remaining items left to be installed in the Day Room.

Parking Lot Lights: Chief DiGiorgio reported that Crotty Electrical is waiting on the vendor to give him an exact price so that he can finalize the original quote that he provided to the Board for replacing the parking lot lights with LED lights. Commissioner Quirk commented that the Community Center did this and it looks great and is a softer light that does not sacrifice brightness.

APPARATUS/EQUIPMENT AND MAINTENANCE: Chief DiGiorgio reported that the OpSpots Tire Chains for Ambulance 38 are in at VCI and he will schedule a time for them to be installed.

Chief DiGiorgio reported that four rear tires were replaced on Engine 34.

Chief DiGiorgio reported that Truck 33's re-inspection of the ladder was completed on 12/6 by UL and the certificate will be sent to VFIS as required. VFIS has issued the ladder truck a certificate of insurance.

INSURANCE: Commissioner DeNigris reported that he, Commissioner Florio, Chief DiGiorgio and Dr. Manis met with Brian from VFIS and determined that we are not covered for malpractice insurance. Commissioner Florio reported that we have a general liability policy which protects us from inside out. The malpractice insurance would protect us from outside in. This means that Dr. Manis is covered under the general liability policy as an employee but is not covered for malpractice as a physician. Dr. Manis does not carry malpractice insurance himself and the hospital does not cover him for activities outside the hospital. VFIS said that they do not offer that type of insurance so there is no way to add this insurance through our current carrier. To purchase malpractice insurance is pretty cost prohibitive in VFIS's opinion. Commissioner Florio reported that she spoke with Dr. Manis after receiving an email expressing his concern about the lack of malpractice liability insurance for both the District and himself.

Commissioner Florio reported that he raised a number of issues that she was not aware of and she does not believe the Board was aware of. Commissioner Florio reported that Dr. Manis provides his DEA number to the District and allows the District to purchase supplies and drugs under this number. Commissioner Florio reported that if there was ever a problem with the use of the DEA number, it would go back to him and he would be fined and punished. Commissioner Florio said that these issues need to be addressed immediately. Commissioner Florio reported that Dr. Manis has been doing some research concurrently with Administrator Schultz on what the District can do about the matter.

Commissioner Florio noted that there was discussion about changing the job description from the Board approved Medical Director who covered everything including the training and all medical clearances, etc. The Board could bifurcate the position and potentially have a Medical Director, who might be someone outside, while having Dr. Manis keep the training aspect here in house.

Administrator Schultz has begun to look for someone outside of the District that the Board could use as a Medical Director. Commissioner Florio noted that there were also HIPA issues that prohibit Dr. Manis from getting information because he is the intermediary, not a Medical Director with the files for the individual. Commissioner Florio reported that Dr. Manis found a New Mexico company that will insure doctors in this capacity which was founded by a group of doctors and EMT's that were sued and held liable. Dr. Manis told Commissioner Florio that the malpractice insurance would cost around \$4,000 which would be in addition to what the Board is paying Dr. Manis. Dr. Manis stressed that this needs to be addressed immediately. Commissioner Florio reported that she assured him that the issues would be discussed at tonight's meeting and that the Board would get back to him with their opinion on how it should be handled. Commissioner Florio noted that the Board has a couple of different options. The Board can hire an outside Medical Director. Administrator Schultz reported he and Chief DiGiorgio met with Dr. William Gluckman today. Dr. Gluckman is the Medical Director for the County's OEM, the Medical Services for the County, the Medical Director for the Minutemen and Medical Director for Parsippany EMS. Dr. Gluckman was familiar with the insurance company that Dr. Manis found and stressed that this is a very specific field and no companies will write policies for doctors in EMS capacities. Administrator Schultz reported that Dr. Gluckman is paying about \$7,000 a year for the insurance. Dr. Gluckman noted that there is no true test case of someone going after a medical director for something that happened in the field. Administrator Schultz reported that Dr. Gluckman is willing to take on the position on an interim basis while the Board researches a more permanent solution. Commissioner Florio asked what Parsippany was paying for Dr. Gluckman's services. Administrator Schultz said that Parsippany was paying \$12,000 a year but that he is not providing all the services that Dr. Manis is currently providing. Administrator Schultz noted that this is not meant as a slight to Dr. Manis who is a tremendous asset to the District but rather an attempt to protect everyone involved from liability. Administrator Schultz reported that on a permanent basis, the Board can either field the Medical Director duties out to someone or the Board can make whatever accommodations are necessary to retain Dr. Manis. Administrator Schultz reported that Dr. Gluckman realizes that this may not be a permanent position. Administrator Schultz noted that whatever the Board decides to do, the Medical Director position is needed to oversee the

medical programs that are currently in use in the District. Without this oversight, the medical programs would need to be stopped. Commissioner Quirk was surprised that the District was not questioned about this when we became licensed. Administrator Schultz replied that this is because the District has a Medical Director. Chief DiGiorgio noted that the use of the DEA number was needed because a prescription is required to purchase certain medical supplies such as defibrillators, saline water and bag valve masks. Commissioner Florio reported that there were two other things about this New Mexico insurance company that were a benefit to the District. The first is that they would write the job description so that the insurance coverage and the job description are in sync. The second benefit is that the insurance company would give the District a DEA license through them so the doctor does not use his to purchase supplies. Commissioner Quirk commented that he had difficulty finding someone to write him a prescription to purchase AEDs for the Parks and Recreation Dept. only to find out that the manufacturer will write the prescription for a \$30 fee per AED. Commissioner Quirk wondered if some other medical supplies could also be purchased this way. Chief DiGiorgio reported that the Medical Director is also validating the program which uses the supplies. Commissioner DeNigris said that the bottom line is that the District is not covered for any malpractice. Commissioner Florio stated for the record that Dr. Manis loves and enjoys his job here and his working relationship with the Fire District and did not indicate that he wants to sever the relationship. His concern is for his personal and the Board's exposure to liability. Commissioner Florio stated that the Board needs to act immediately because there is a resolution needed to appoint the Medical Director for the coming year. Administrator Schultz said that the Board could hire Dr. Gluckman on a fee for service basis to satisfy the need for a medical director while researching permanent solutions. Commissioner DeNigris felt that this was a good suggestion but questioned whether Dr. Manis would still be an employee during this interim period. Administrator Schultz said that he would be an employee and perform the Health & Safety Officer duties though his hours would be reduced. Commissioner DeNigris asked if Dr. Manis would still be exposed to liability. Administrator Schultz said that the duties that resulted in the liability exposure would be taken on by Dr. Gluckman during this interim period. Commissioner Florio asked if this was the time to have a discussion on training. Administrator Schultz said that the Board could discuss the standard operating

procedure for reassessment of proficiencies on a regular basis that is part of the EMT job description. Administrator Schultz reported that Dr. Gluckman was impressed that the District has yearly physicals administered but pointed out that it might be more efficient and cost effective to have one service perform all physicals as opposed to the current four vendors. Administrator Shultz said that the Board cannot decide on a long term fix tonight because there are too many things to consider. Commissioner Dugan said that in the short term the Board would meet with Dr. Gluckman to discuss what responsibilities he is will to take on and what the cost will be. Administrator Schultz recommended that the Board work tonight to bifurcate the two job titles effective the signing any agreement with Dr. Gluckman. The Board then needs to set the long range goal. Commissioner Quirk asked if the Board could authorize spending a certain dollar amount on this matter tonight. Chief DiGiorgio pointed out that Dr. Manis only has a few months left on his current contract so much of the budgeted money has already been paid. Commissioner Quirk said he was concerned about the Board authorizing money to be able to give Dr. Gluckman the green light as soon as possible. Commissioner DeNigris felt that the Board has to do this because it is necessary and the money will have to be found. Commissioner Florio reported that Dr. Manis asked for the minutes from the committee meeting and Commissioner Florio said that minutes are not taken at committee meetings but that the discussion and any action would be reflected in the Board Meeting minutes. Commissioner Callas asked if the Board would be introducing a resolution tonight and Administrator Schultz said that the Board needs to act tonight to protect all parties from further liability. Commissioner Dugan noted that there is money in the budget for physicals that the members will need regardless of who is performing them or reviewing the results. Commissioner Florio asked if the Board will be ok with the incremental cost of the malpractice insurance. Commissioner DeNigris said that the Board will have to be ok with it because it needs to be done to be sure that Dr. Manis and the District are protected. Commissioner Florio asked Administrator Schultz to email Dr. Manis tomorrow to update him on what was discussed tonight. Administrator Schultz said that he would call Dr. Manis and then follow up with an email.

COMMUNICATIONS: Nothing to report.

BY-LAWS: Nothing to report.

WEBSITE: Nothing to report.

PLANNING COMMITTEE: Nothing to report.

LIASON TO EXEMPTS: Nothing to report.

RECORDS RETENTION: Nothing to report.

LIAISON TO HANOVER TOWNSHIP COMMITTEE: Nothing to report.

OLD BUSINESS: None.

NEW BUSINESS:

Commissioner Dugan asked the Board members when they would like to hold the Annual Holiday Luncheon. After discussing options, the Board settled on December 20, 2017 at 11:30 a.m.

The next regular meeting of the Board of Fire Commissioners will be held on Thursday, December 21, 2017 at 7:00 P.M.

PUBLIC PARTICIPATION: None.

RESOLUTIONS: Commissioner Callas read Resolution 17-12-07-92 amending the Job Description of Medical Director and Resolution 17-12-07-93 appointing an Interim Medical Director. Commissioner DeNigris made a motion to introduce the resolutions, seconded by Commissioner Florio. All were in favor.

Commissioner Callas read Resolution 17-12-07-94 approving the sale of the old Ambulance Chassis, Resolution 17-12-07-95 appointing Volunteer Member Poulter, Resolution 17-12-07-96 changing Job Title for FF/EMT/INSP Gilson, Resolution 17-12-07-97 authorizing COE for Part-Time EMT Beaton, Resolution 17-12-07-98 authorizing COE for Part-Time EMT Sulpy, Resolution 17-12-07-99 appointing Part-Time EMT Buono, Resolution 17-12-07-100 appointing Part-Time EMT Mclvor and Resolution 17-12-07-101 accepting the resignation of Volunteer EMT Viera. Commissioner Quirk made a motion to introduce the resolutions, seconded by Commissioner Florio. All were in favor.

EXECUTIVE SESSION: Commissioner Callas read Resolution 17-12-07-102 to enter into executive session. Commissioner Dugan made a motion to introduce the resolution, seconded by Commissioner Callas. All were in favor.

The Board went into closed session at 8:25 p.m.

Personnel matters were discussed. Action will be taken.

The Board came out of closed session at 9:12 p.m.

ADJOURN: A motion was made by Commissioner Callas, seconded by Commissioner Dugan, to adjourn the meeting. All were in favor. The meeting was adjourned at 9:13 p.m.

Respectfully submitted by

Robert Callas, Secretary