

## **April 6, 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 April 6, 2017 in accordance with the Public Meeting Act of 1975, Chapter 231.

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

Chief DiGiorgio, Administrator Schultz, Captain Robert Lake, Firefighter Michael Belott and Fire Co. Member Gary Keyser were also in attendance.

**PUBLIC PARTICIPATION:** Fire Co. Member Gary Keyser, Hanover Township Fire District serving area, reported that the Cedar Knolls Fire Co. was organized September 19, 1919 and the Commissioners were created by ordinance in 1923. Mr. Keyser said that all Fire Co. members received a document from the Board of Fire Commissioners on February 2, 2017 regarding policies and procedures. Mr. Keyser stated that the Cedar Knolls Fire Co. has their own bylaws and policies & procedures. Mr. Keyser indicated that the Fire District Policies and Procedures Manual appeared to have conflicts with the already existing Fire Co. Bylaws and Policies and Procedures Manual. Mr. Keyser stated that the Fire Co. and the Fire District are two different entities and that the Board of Fire Commissioners have no say over the Fire Co. on their policies and bylaws.

Mr. Keyser read the following statement: *The Fire Co. and the Fire District are two separate entities with each providing fire protection services to the public. Each have its own officers and its own bylaws. It is important to recognize the distinction to serving as a commissioner, a fire company and a fire district.*

Mr. Keyser stated that this is an important distinction and he felt that there was a lot of misinformation between the two documents. Mr. Keyser indicated that he did not know where the Fire District Policies and Procedures Manual came from or who set it up. Mr. Keyser stated that the District can enforce it but there is a lot of misinformation between the two documents.

Commissioner Florio directed the following comment to the Chief: *The labor attorney reviewed the Policies and Procedures, inserted the areas where it was*

*appropriate for the members, and applied the Standards of the Laws of the State of New Jersey and the Policies of the State of New Jersey that apply to employees.* Chief DiGiorgio clarified that the labor attorney describes everyone as employees of the District whether volunteer, appointed or full time. Mr. Keyser asked if the manual was reviewed by a civil rights attorney because it seemed to him that civil rights and civil liberties appear to be violated. Commissioner Florio stated that the Board had an Attorney of the State of New Jersey, who abides by all of the laws of the State of New Jersey as well as Federal laws, review the Fire District Policies and Procedures Manual. Commissioner Florio indicated that there was a presumption that they know the laws that apply. Commissioner Florio said that if Mr. Keyser is indicating that the Fire Co. Bylaws differ with something in the reviewed Fire District's Manual, The Board can provide the Fire Co. Bylaws to the labor attorney for review. Mr. Keyser asked who District's labor attorney was. Commissioner Florio replied that Mr. Trimboli was the District's labor attorney. Mr. Keyser stated that this was all he needed to know. Commissioner Florio asked if Mr. Keyser had any other questions and concerns. Mr. Keyser indicated that he had a lot of questions and concerns between the two documents. Commissioner Florio asked if Mr. Keyser was suggesting that the Board consider taking the Fire Co. Bylaws to the labor attorney. Mr. Keyser indicated that it was not up to him and that he will bring it up to the Fire Co. on Monday. Commissioner Florio stated that the Board does not act in darkness. The Board submits documents to the attorneys to make sure that everything is legal and protecting the employees of the Fire District that includes the members of the Fire Co. Mr. Keyser stated that Fire Co. members are only considered employees in regards to Workmen's Compensation. Commissioner Florio declined to debate this point and stated that the District manual has been reviewed by council. Commissioner DeNigris asked if the District's rules & regulations supersede Fire Co. rules & regulations since the District owns everything and really runs the operation. Mr. Keyser said that according to his knowledge this is not the case because they are two different entities. Commissioner DeNigris said that he realized that they are two different entities, but only one entity runs the operations. Mr. Keyser indicated that operations were not run by one entity. Commissioner Callas asked Mr. Keyser if he was here on behalf of the Fire Co. or himself. Mr. Keyser stated that he spoke with Mr. Dobson last night and thought that he would be at the Board meeting tonight. Mr. Keyser said that he told Mr.

Dobson that he was going to briefly say that there was disagreement between the two documents. Mr. Keyser indicated that Mr. Dobson said that he had no problem with that. Commissioner Florio asked Mr. Keyser when the Fire Co. Bylaws and Policies and Procedures was last updated. Mr. Keyser said that he would have to look that up. Commissioner Florio indicated that the since the laws are continually changing, it was a possibility that the Fire Co. should have their Bylaws and Policies and Procedures reviewed by an attorney to make sure they are up to 2017 standards.

**CORRESPONDENCE:** None.

**APPROVAL OF PREVIOUS MINUTES:**

**The minutes from the March 16, 2017 Regular Meeting were reviewed. Commissioner Florio recommended the addition to the Chief's Report of a sentence indicating receipt of a memo regarding a change in Rice Notice requirements. Commissioner DeNigris made a motion to accept the amended minutes from the March 16, 2017 Regular Meeting. Commissioner Florio seconded the motion. All were in favor. Commissioner Quirk was absent.**

**The minutes from the March 7, 2017 Reorganization Meeting were reviewed. Commissioner Callas made a motion to accept the minutes from the March 7, 2017 Reorganization Meeting. Commissioner DeNigris seconded the motion. All were in favor. Commissioner Quirk was absent.**

**REPORT OF THE TREASURER:** Nothing to report.

**Report of Fire Commissioner Board Committees and Chief of Department:**

**CHIEF'S REPORT:** Chief DiGiorgio distributed his Bi-Monthly report to the Board prior to the meeting. Chief DiGiorgio thanked Firefighter Belott for his last minute stand in with Good Morning America. FF Belott graciously agreed to a last minute interview request and spent 2 ½ hours talking with GMA. Chief DiGiorgio commended FF Belott on his excellent job, especially given the short notice. Chief DiGiorgio reported that Dr. Manis has prepared letters for members to begin the annual physical process.

**EMS:** Nothing to report.

**BUDGET:** Commissioner DeNigris reported we are gathering all the necessary documents to send to Vince Montanino so he may begin the audit process.

**LABOR RELATIONS:** Nothing to report.

**LIAISON TO THE VOLUNTEERS:** Commissioner Florio reported that the Usage Agreement was sent to Mr. Braslow and the Board is waiting for his review. Commissioner Florio said that she reached out to Rocco Siino about the Fire Co. concern that some members indicated that they were not able to obtain the personal liability insurance for usage of the 2<sup>nd</sup> floor room. Mr. Siino put Administrator Schultz in touch with his associate to outline of how to get the required certificate of event insurance. The Board was provided with a copy of this outline. The outline states that an individual has the ability to obtain liability coverage outside of their homeowners insurance if their homeowner's policy does not afford them the opportunity to obtain it through their existing policy. The procedures to obtain event insurance along with several websites that sell event insurance were included in the outline. Administrator Schultz reported that this outline has been forwarded to Mr. Braslow. Commissioner DeNigris added that liability insurance thresholds have nothing to do with property insurance. Any individual is able to purchase liability insurance for whatever amount they are willing to pay for. Commissioners DeNigris and Florio jointly made a motion to approve the Usage Agreement subject to Mr. Braslow's approval. All were in favor. Commissioner Quirk was absent.

Administrator Schultz reported that he has obtained pictures of the handcart but he has not been able to find any organization that will appraise a piece of vintage apparatus. Unfortunately without the appraisal letter, VFIS will not insure the handcart. Mr. Keyser indicated that the Fire Co. had the same problem when they were trying to get the handcart appraised. Administrator Schultz reported that he has reached out to a larger organization in Maine and he is waiting to hear from them.

**BUILDINGS AND GROUNDS:**

**Roof Project:** Administrator Schultz reported that a scheduled meeting with the bond company and the architect was postponed due to the weather. Administrator Schultz indicated that he received an email from Bondex with some

particulars about the snow guards which he forwarded to Mr. Connelly because he has the technical expertise to handle it.

**Apron Project:** Commissioner Dugan reported that most of the remaining items are on hold until weather improves.

### **2017 Building Improvements**

**Electronic Sign Board:** Administrator Schultz reported that he spoke with Jane Hyde at Stewart and they will extend the \$1,000 rebate until April 11, 2017. Administrator Schultz and Commissioner DeNigris met with town officials and picked up the necessary paperwork. Administrator Schultz reported that the design of the top of the sign, which is the only thing that is still undecided, can be considered at the next meeting. Administrator Schultz outlined the procedures he followed when looking into purchasing a sign. Administrator Schultz indicated that Stewart was the only company out of three that responded to his inquiries. He said that Ms. Hyde has been extremely helpful during the whole process. Administrator Schultz stated that the cost of the sign will be \$15,708. Commissioner DeNigris made a motion to purchase the sign. Commissioner Florio seconded the motion. All were in favor. Commissioner Quirk was absent.

**Day Room Rehabilitation:** Commissioner Dugan reported that the work group members had a lot of input and came up with some designs. Commissioner Dugan indicated that when an electrician came to look at the current setup, the electrician found a few things that need to be corrected. Commissioner Dugan said that at this point the electrician will correct the existing problems. Commissioner Dugan stated that while the day room design is still in the works, they are planning to at least gut the room, have the electrician do what he needs to do, then sheetrock and paint. Commissioner Florio asked where everyone will be working once the room is gutted. Commissioner Dugan said they would move to the 2<sup>nd</sup> floor.

**Masonry Work:** Commissioner Dugan reported that Bowman provided the Board with a quote of \$2500 to do the design for the sign pillars, a quote of \$9800 to draw up the specs for the rest of the cement work that the Board wanted. Commissioner Dugan recommended that the Board have Bowman do the design for the sign pillars, do the concrete pad under the fire escape and do the apron at

the back of Ladder 33. Commissioner Dugan suggested putting off the sidewalk and picnic table pad.

**Landscaping Contract:** Commissioner Dugan reported that the Board has received two bids on the landscaping contract. The first bid is from Giovanni Landscaping for \$3800 plus extra for planting or any additional work. The second bid is from Chuck Hill Landscaping for \$2080 plus extra for planting or any additional work. Commissioner Dugan noted that Giovanni Landscaping has provided the requested insurance certificate while Chuck Hill Landscaping has not provided an insurance certificate to date. Commissioner Callas asked if Chuck Hill Landscaping has donated flowers in the past. Commissioner Florio noted that this has been the case in the past. After discussion, the Board decided to allow Chuck Hill Landscaping one week to provide the insurance certificate.

**APPARATUS/EQUIPMENT AND MAINTENANCE:** Chief DiGiorgio reported that Ambulances 38 & 39 received their annual maintenance service. Ambulance 39 got 2 new front tires. Engine 35 needed 4 replacement rear tires. Commissioner Dugan reported that we are waiting for the rebuild on one valve on the truck.

**INSURANCE:** Commissioner DeNigris noted that insurance issues were discussed earlier in the meeting.

**COMMUNICATIONS:** Nothing to report.

**BY-LAWS:** Commissioner Florio reported that each Board member received a draft of the revised by-laws at the last meeting and that the Board would review Articles 1 – 10 of the draft tonight. The remaining articles would be reviewed at the next meeting. Commissioner Florio pointed out the proposed revisions to the by-laws. Some of the proposed revisions are needed to align the by-laws with the way the Board has been operating. Many of the revisions were to needed to correct grammatical errors. Administrator Schultz recommended a revision that would allow a committee chairperson to contact legal counsel as long as it was reported at the next Board meeting. The Board members agreed with this revision. Administrator Schultz relayed a revision that Mr. Braslow suggested regarding the fact that the Board retains the same individual as their accountant and auditor. Mr. Braslow suggested clarifying the fact that the Board prepares their own annual budget which is then submitted to the accountant. The accountant prepares the State Budget Proposal based on this submission.

Commissioner Florio noted that one of the revisions pertained to the use of telephonic participation in board meetings. Commissioner Florio expressed her concerns about the use of telephonic participation. She felt that it should be used only in exigent circumstances because the present Board members are unable to read the body language of the member who is telephonically participating. Commissioner Florio also felt that silence from the telephonically participating member could be misconstrued as acceptance during discussions. She also pointed out that the member who is telephonically participating could walk away from the phone during a discussion, unbeknownst to the other Board members, and still participate in any vote on the matter discussed. Chief DiGiorgio reported that the subject of telephonic participation is addressed in the Open Public Meetings Act and therefore does not have to be included in these by-laws. The Board decided to remove the mention of telephonic participation and default to the Open Public Meeting Act requirements. Commissioner Callas questioned whether to change the by-laws to have a closed session at 6:30 pm before each scheduled Board Meeting. After discussion, the Board decided to discuss this further when they reviewed the by-law for the order of the meeting.

**WEBSITE:** Administrator Schultz reported that anyone making inquiries on the MakeMeaFirefighter.com website will now be directed to the District website.

**INSPECTION NIGHT:** Commissioner DeNigris reported that the catering contract and deposit will be mailed in. Commissioner DeNigris questioned whether the Fire Co. will be providing the wine and beer for Inspection Night. Commissioner DeNigris asked Commissioner Dugan to inquire when he attends the Fire Co. meeting on Monday.

**OLD BUSINESS:** Administrator Schultz recommended that the Fire District's Policy and Procedures Manual be discussed at the next Fire Co. Meeting and that the questions brought up tonight be addressed.

**NEW BUSINESS:** Chief DiGiorgio reminded the Board that they need to complete the Local Government Ethics form this month. Chief DiGiorgio reported that each member will be emailed the form.

The next regular meeting of the Board of Fire Commissioners will be held on Thursday, April 20, 2017 at 7:00 P.M.

## **RESOLUTIONS:**

Commissioner Callas read **Resolution 17-04-06-33** appointing Michael Dugan, Jr. as a Volunteer Member. **Commissioner Florio made a motion to introduce the resolution, seconded by Commissioner DeNigris. All were in favor. Commissioner Quirk was absent. Commissioner Dugan abstained.**

Commissioner Callas read **Resolution 17-04-06-34** approving Contract with EMS Billing Collection Agency. **Commissioner Dugan made a motion to introduce the resolution, seconded by Commissioner DeNigris. Commissioner Quirk was absent. All were in favor.**

Commissioner Callas read **Resolution 17-04-06-35** entering into a Memorandum with Hanover Township Police Department for the providing of services in the Hanover Township Rescue Task Force. **Commissioner DeNigris made a motion to introduce the resolution, seconded by Commissioner Florio. All were in favor. Commissioner Quirk was absent.**

Commissioner Callas read **Resolution 17-04-06-36** authorizing membership in the National Joint Powers Alliance (NJPA). **Commissioner Dugan made a motion to introduce the resolution, seconded by Commissioner Callas. All were in favor. Commissioner Quirk was absent.**

Commissioner Callas read **Resolution 17-04-06-37** authorizing the purchase of an ambulance chassis under NJPA. **Commissioner Dugan made a motion to introduce the resolution, seconded by Commissioner DeNigris. All were in favor. Commissioner Quirk was absent.**

Commissioner Callas read **Resolution 17-04-06-38** authorizing the remount/refurbishment of Ambulance 38 with VCI. **Commissioner Dugan made a motion to introduce the resolution, seconded by Commissioner Florio. All were in favor. Commissioner Quirk was absent.**

**ADJOURN: A motion was made by Commissioner DeNigris, seconded by Commissioner Florio, to adjourn the meeting. All were in favor. Commissioner Quirk was absent. The meeting was adjourned at 8:42 p.m.**



Respectfully submitted by

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Robert Callas, Secretary