

September 15, 2022 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 September 15, 2022 in accordance with the Public Meeting Act of 1975, Chapter 231. The Board observed a moment of silence for all those who have given their lives in service of their communities and nation.

ATTENDANCE: Commissioners Steven Cornine, Mary Lou DeSimone, Michael Dugan Jr., Robert O'Hare, and Shawn Waldron were present.

Administrator Schultz, Lt. Belott, FF Gilson, FF Sulpy, FF Ujfalussy, EMT Makar, EMT Mauro, Fire Co. President James Hark Jr., and Michael Dugan Sr. were also in attendance.

DEPART FROM NORMAL AGENDA:

Commissioner Cornine read Resolution 22-09-15-67 to enter into executive session. Commissioner Cornine made a motion to introduce the resolution, seconded by Commissioner O'Hare. All were in favor. The Board went into closed session at 7:01 p.m.

The Board came out of closed session at 9:05 p.m.

PUBLIC PARTICIPATION: None.

CORRESPONDENCE: Commissioner Cornine reported that the Board received a
Commissioner Cornine reported that the following letter was received from Craig Vagell.

President Hark,

I am sorry I am not able to attend tonight's meeting in person due to a personal obligation. Please read this memo below to the Board.

Commissioners,

Due to my recent resignation, I have been advised and understand I am no longer covered under the workman's compensation portion of the insurance. Therefore, as a result of this change, I am no longer able to drive or operate any District vehicles. While I understand why this decision was made; I am asking the Board to consider making any exception and re-instate me on the policy in a new category as an "Operational Auxiliary Member" with the understanding that I would not be able to respond to any emergencies but it would allow me to operate and drive District vehicles during the preparation and night of the event.

This will allow me to effectively execute this Tree Lighting event. Being covered just under a sickness & accident policy would be too risky for me to continue doing what I do, unless I had the workman's compensation coverage as well. This protects myself but most importantly my family in the event I can not work at my jobs.

As some of you may know, there is much more than operating and moving a ladder truck to make sure this event goes off. I usually drive the pick-up truck to secure barriers, cones, traffic signs, light towers, pickup the wreath and run additional errands to make sure this event goes off without any problems. I also play a big role in overseeing to make sure our members and guests attending are safe by staging apparatus in strategic places. I do understand that I would have the support of the career staff and volunteers to help me move the apparatus and operate it - but not having the flexibility to do things on my own or in a "pinch" causes concern for me to move forward with leading this event.

Please consider this time sensitive request and I thank you for your time. This will be another successful year with your help. People from all over the County come to our event to see, "The Rockefeller Tree of Morris County." I would like to continue that and be much apart of it but I need your understanding and help.

Thank you,

Craig Vagell

Commissioner DeSimone felt that our Workers Compensation policy did not provide coverage for this. Administrator Schultz reported that as a member of the Fire Co. Mr. Vagell is provided with Accident & Sickness Insurance which pays up to \$60,000 per occurrence. Administrator Schultz reported that even if Mr.

Vagell were covered under the District Workers Comp policy it would not provide him coverage for loss of wages for his primary job. Administrator Schultz reported that Accident & Sickness Insurance will pay \$200/week. Administrator Schultz reported that if Mr. Vagell were to be injured while performing his duties for the Tree Lighting, the insurance here would not compensate him for lost wages at his primary job. Administrator Schultz reported that retired Chief Davidson teaches a section of the Officers Training class that talks about the fact that even as a volunteer you have no primary job protection ever if you were to exhaust all of your sick time because of an injury that was incurred while volunteering. Administrator Schultz reported that there is no law in the State which requires any primary employer to retain an employee injured at a volunteer job. Administrator Schultz reported that the other issue that was clarified by the insurance company is that a non-operational member is not covered to operate the apparatus. Administrator Schultz reported that to create a new Operational Auxiliary Member position within the District would require that the Board draft the job responsibilities for the position, to introduce it, to have a 2 hearings on it and then to adopt it. Administrator Schultz noted that the process would take until November to complete. Administrator Schultz reported that Mr. Vagell resigned and the Board accepted his resignation. Administrator Schultz reported that there is not much that the Board can do to ensure that Mr. Vagell would be covered short of reinstating him as an operational member which would mean operational requirements would need to be met. Commissioner Cornine felt the Board should discuss this under New Business.

Commissioner O'Hare reported that the Board received a request to recognize Eagle Scout David G. Farrell. Administrator Schultz suggested passing the resolution recognizing him at tonight's meeting so that the recognition could be announced at his September 25th event. Administrator Schultz reported that Mr. Farrell could then be invited to attend the October 6th meeting for a formal presentation.

APPROVAL OF PREVIOUS MINUTES:

The approval of the minutes from the August 8, 2022 Special Meeting was postponed until next meeting.

The minutes from the August 18, 2022 Regular Meeting were reviewed.

Amendments to Previous Minutes: None.

Commissioner Waldron made a motion to approve the minutes from the August 18, 2022 Regular Meeting. Commissioner Cornine seconded the motion. All were in favor.

The minutes from the September 1, 2022 Regular Meeting were reviewed.

Amendments to Previous Minutes: None.

Commissioner Waldron made a motion to approve the minutes from the September 1, 2022 Regular Meeting. Commissioner Dugan Jr. seconded the motion. All were in favor.

REPORT OF THE TREASURER:

Commissioner Waldron reported that the District is operating within the budget. Commissioner Waldron reported that the first 2023 budget meeting was held and more meetings are scheduled.

Commissioner DeSimone asked if Commissioner Waldron had an update on the qualified purchasing agent agreement discussions with Hanover Township. Commissioner Waldron reported that there will not be any decision until after the Township Committee Meeting. Administrator Schultz reported that there is a meeting with Mr. Giorgio, Mr. Esposito, and Committeeman Cahill on Monday to discuss this. Commissioner Waldron reported that an agreement is being drawn in the hope that the Township approves the agreement and it can quickly be signed and put in place.

Report of Fire Commissioner Board Committees and Chief of Department:

CHIEF'S REPORT: Chief DiGiorgio submitted his Bi-Monthly report, including the Career Division reports and the most recent training and response reports, on September 9, 2022.

Commissioner DeSimone noted that she had requested that FF Sulpy include the number of mutual aid calls in his next report and that they were included with his August report.

EMS: Nothing to report.

BUDGET: Nothing to report.

PERSONNEL: Nothing to report.

NEGOTIATIONS: Nothing to report.

LIAISON TO THE VOLUNTEERS: Commissioner Waldron reported that he attended a short Fire Co. meeting and there was nothing brought up between the two organizations.

BUILDINGS AND GROUNDS: Commissioner Waldron reported that he asked the landscaper to weed the flower beds and he is not sure that the landscaper understood because he was able to fill a bag with weeds that he pulled the next day.

Lt. Belott reported that Allmark Door has confirmed that the new door and needed parts have been ordered for the bay door and he will follow up with them on an estimated time frame for delivery.

APPARATUS/EQUIPMENT AND MAINTENANCE: Nothing to report.

INSURANCE: Commissioner O'Hare reported that there was nothing to report beyond the discussion on a response to Mr. Vagell. Commissioner O'Hare felt that based on the information Administrator Schultz received about the Workers Comp policy, the Board is going to have to stick with what the current policy the Board agreed in place. Commissioner O'Hare acknowledged that Mr. Vagell likes to be hands on and has done a great job in the past with this event.

Commissioner O'Hare reported that Mr. Vagell will have to learn to delegate some of the responsibilities because unfortunately the Board will not be able to accommodate his special request.

BY-LAWS: Nothing to report.

WEBSITE: Up to date.

PLANNING COMMITTEE: Commissioner Dugan Jr. reported that the Consolidation Committee discussed the Special Meeting with Mr. Braslow and the deed issue that was brought up at their last meeting.

LIASON TO EXEMPTS: Nothing to report.

RECORDS RETENTION: Nothing to report.

LIAISON TO HANOVER TOWNSHIP COMMITTEE: Nothing to report.

OLD BUSINESS: Commissioner DeSimone reported that the Board and Chief DiGiorgio have decided on the Performance Appraisal Form that is going to be used for this year. Commissioner DeSimone thanked Fire Co. President Hark Jr. for converting the form to a Word document so that it can be filled out online.

President Hark Jr. reported that a copy of the Appraisal Form and Self-Appraisal Form will be sent to the lieutenants. Lt. Belott confirmed that the performance appraisal process will begin in October. Commissioner DeSimone recommended that the performance appraisals be reviewed by Chief DiGiorgio and the Board before they are issued to the employee.

NEW BUSINESS: Commissioner DeSimone reiterated that the Board is going to maintain their position that Mr. Vagell is not allowed to operate apparatus. Commissioner Cornine felt that the Board would gladly reinstate Mr. Vagell if he wished to withdraw his resignation.

Commissioner Waldron reported that Lt. Belott brought to his attention that in light of the Firemen Convention and Hanover Township Day this weekend this Department is short staffed this weekend. Commissioner Waldron reported that right now there will be 1 firefighter on the apparatus and a FF/EMT on the ambulance with an EMT. Commissioner DeSimone volunteered to take a vacant shift on Saturday which will allow the FF/EMT to go back on the engine.

Commissioner Waldron asked for permission for 8 hours of overtime for a FF/EMT over the weekend. Commissioner Cornine felt that this was an operational matter and should not be decided by the Board but by whoever is left in charge by Chief DiGiorgio. Commissioner Waldron told Lt. Belott to do what he needed to do to ensure coverage.

REMINDERS:

The next regular meeting of the Board of Fire Commissioners will be held on Thursday, October 6, 2022 at 7:00 P.M at the firehouse.

The Joint Fire Prevention Board Meeting will be held on Thursday, December 1, 2022 at the District 3 Fire House at 6:30 P.M.

PUBLIC PARTICIPATION: None.

RESOLUTIONS:

Commissioner Cornine read Resolution 22-09-15-68 recognizing Eagle Scout David G. Farrell. Commissioner Cornine made a motion to introduce the resolutions, seconded by Commissioner O'Hare. All were in favor.

EXECUTIVE SESSION: Commissioner Cornine read Resolution 22-09-15-69 to enter into executive session. Commissioner O'Hare made a motion to introduce

the resolution, seconded by Commissioner Cornine. All were in favor. The Board went into closed session at 9:29 p.m.

Personnel matters were discussed, and action will be taken.

The Board came out of closed session at 10:00 p.m.

Administrator Schultz reported that there was a motion on the floor to amend the minimum requirements for FF/EMT to reflect the Board's minimum FF1 Mutual Aid Agreement eligible and IM 200 in lieu of FF2 and Incident Management L1. Administrator Schultz reported that candidates that were not previously eligible will be notified and candidates that were eligible will be notified of the new dates. Administrator Schultz reported that the policies will be amended at the next meeting. Commissioner Waldron made a motion to accept the amended requirements, seconded by Commissioner DeSimone. All were in favor.

ADJOURN: A motion was made by Commissioner O'Hare, seconded by Commissioner Cornine, to adjourn the meeting. All were in favor.

The meeting was adjourned at 10:02 p.m.

Respectfully submitted by

Steven Cornine, Secretary