

**The Monthly Meeting of the Board of Fire Commissioners  
District #3, in the Township of Hanover,  
County of Morris, Cedar Knolls, New Jersey  
January 6, 2011**

The meeting was called to order at 7:00 PM on January 6, 2011 in accordance with the Open Public Meeting Act of 1975, Chapter 231.

**Attendees:** Commissioners Thomas Harrington, Gary Keyser, Joseph Martin, Paul Pilipie and Thomas Quirk

Chief Davidson was also present.

The Board stood for the Pledge of Allegiance.

The first order of business was the approval of the minutes from the December 2, 2010 regular monthly meeting. **Commissioner Keyser made a motion to accept the minutes as submitted from the December 2, 2010 regular monthly meeting, seconded by Commissioner Pilipie, all in favor.**

Next was the approval of the December 2, 2010 **Personnel** minutes. **Commissioner Keyser made a motion to accept the minutes as submitted from the December 2, 2010 regular monthly meeting under Personnel, seconded by Commissioner Pilipie, all in favor.**

The next order of business was the approval of the minutes from the December 16, 2010 monthly work session. **Commissioner Keyser made a motion to accept the minutes from the December 16, 2010 monthly work session, seconded by Commissioner Pilipie, all in favor.**

Next was the approval of the December 16, 2010 **Personnel** minutes. **Commissioner Keyser made a motion to accept the minutes as submitted from the December 16, 2010 monthly work session under Personnel, seconded by Commissioner Pilipie, all in favor.**

Chairman Harrington reported that the VCI work on ambulance #39 has been completed.

Chief Davidson reported that the procedure on upcoming physicals had previously been approved by the Board. Dr. Manis also gave a talk at the last Second Floor meeting, sign-up sheets have been posted in the Day Room, the forms have all been mailed and copies have been put into everyone's mailboxes. If a member cannot make any of the three dates, Dr. Manis would do the physical portion and send the bloodwork, EKG etc. to Morristown Medical and then review the results and meet with the member. There

was lengthy discussion on what would happen if anyone refused to take the physical. It was decided that the physical is mandatory for any Interior Firefighter, but voluntary for all other personnel. If an Interior Firefighter refuses to take the physical, he will no longer be an Interior Firefighter, but he could be an Exterior Firefighter. The physicals are meant to be a benefit offered to the firefighters and EMS personnel -- this is the only department that the Board knows of to offer this benefit. Access Health will not certify anyone who goes to his own doctor. Commissioner Martin said Dr. Manis will oversee everything and makes the decisions including giving the physicals in specific situations where people could not make the dates made available. Dr. Manis will review Access Health's data from the tests taken by them and he will do a medical history review. Pulmonary testing is especially important for the Interior Firefighters. The Chief said he would check with Dr. Manis right away to find out if a person has his physical done elsewhere, can he can have those results sent directly to Dr. Manis? The final result after much discussion was that physicals for the Exterior Firefighters and EMS personnel will be optional, but strongly encouraged, but Interior Firefighters must take the physical. The Chief recapped the discussion regarding physicals:

- The Chief will confirm that someone can go to their private physician and submit the results to Dr. Manis and he will make a classification. If the information is not enough, he can send the person back to his physician or he can call that person's physician directly. Primary care physicians usually don't have pulmonary function machines, but will send the person to a place that does have it.
- If a member chooses to go to his/her personal physician, the member must pay the cost for the physical. Commissioner Martin said that anyone who questions that should be told that the Board is offering these physicals as a benefit at no cost to the member. If anyone chooses not to go for a physical at any of the designated dates or through Dr. Manis, then the member has to absorb the cost.

Commissioner Martin said that his experience as a police officer is that certain specialized units have to have annual physicals. If the individual chooses not to have the annual physical, he can still be a member of the department, but not in a specialized unit. The same applies to District #3's members. Right now, there are 11 Interior Firefighters in the department. If a member chooses not to have a physical, he can still be a firefighter, but not an Interior Firefighter. Physicals for EMS volunteers and exterior firefighters are optional. Chief Davidson said that he has told members that physicals are mandatory. If that's the way the Board keeps it, then the members should know that they cannot ride EMS or fire if they do not get the physicals. He also said that, if the Board changes mandatory physicals to only Interior Firefighters, then something has to be done to inform everyone else that it is not mandatory so that everyone is fully aware, but it is a benefit that will be available to them. After much discussion, it was decided that the physical is only mandatory for Interior Firefighters and anyone required to wear an SCBA (self-contained breathing apparatus), but is strongly suggested for all members of the department.

Commissioner Pilipie asked what to do if a fire officer is an Interior Firefighter who decides he does not want to take the physical and Chief Davidson said that he would become an exterior firefighter and he could not be an officer.

Chief Davidson recapped:

- Interior Firefighters must have mandatory physicals along with anyone who is required to wear an SCBA?
- It is strongly recommended that everyone in the department have the physical.
- The Chief will doublecheck with Dr. Manis about the use of a personal physician and information sent to him to make the judgment.
- Check with Dr. Manis regarding drug screening.
- Anyone using his personal physician will have to pay the cost of that physical

It was reported by Commissioner Quirk that nothing had been done regarding by-laws because of the holidays.

Chief Davidson said that he had spoken to the representative regarding the security system and he is just waiting for them to let him know the date that they will be coming.

Chief Davidson said that he had spoken with Peter DeNegriz who is on the Planning Board regarding putting Chief Davidson and Chief Cortright on the Spec Committee and Mr. DeNegriz said he had spoken with Bill Byrne, the Chairman of the Planning Board, who thought it was a good idea. Mr. Byrne said he would speak with someone about adding the Chiefs to the Spec Committee. The Board will wait to hear whether anything comes from this, but it was suggested, if they don't hear anything, then they will write a letter from the Fire Prevention Bureau to the Planning Board Chairman with a copy to Mr. Giorgio and Mayor Sheridan.

Chairman Harrington said that the contract for billing is in Fire District #3's name (Hanover Township Fire District #3). There was discussion on Mr. Bucco's interpretation on ramifications of billing to the First Aid Squad. The Chairman said that he and Commissioner Keyser went over the contract and the contract should not have had the Cedar Knolls Fire Department listed on the contract – it should have Fire District #3. Chairman Harrington had attended a special meeting with the Second Floor and answered all their questions. The Second Floor agreed that Fire District #3 could use their ambulances, per diem people could drive the ambulances and the State seal and the word **AMBULANCE** can be put on the ambulances. The only thing different is that the billing process would be handled by Fire District #3's Board. The State license says the contract

must be in the name that is on the ambulance. Revenue Guard said that was not true and he gave the Chief the phone number of the state licensing department. They spoke with Chief Davidson and said the state of New Jersey's office of emergency medical services doesn't care anything about billing, but the state of New Jersey insurance and banking commission department is the one who deals with that. If the Board wants the Cedar Knolls Fire Department in writing on the ambulance, that's fine, but they will have nothing to do with billing. The contact in Trenton will approve the license. Now the Board has a personal contact in Trenton for any further questions. Commissioner Keyser clarified: the license is going to remain the same (Cedar Knolls Fire Department), the contract with Revenue Guard will not list the Cedar Knolls Fire Department since Hanover Township Fire District #3 is the billing agency. Chief Davidson said most private insurance policies cover EMS charges 100%. The only contract that Fire District #3 will be making is a contract between the Fire District and Medicare (CMA) to accept CMA's payments. CMA covers both Medicare and Medicaid. In the contract with CMA, CMA has made the ruling that a municipality or government agency that is collecting a tax from a resident will allow the out of pocket costs to be born by taxes paid by that person. Federal Health and Human Services wrote an opinion letter that said, if CMA has made this ruling, then Health and Human Services which covers medical billing will honor that private insurers as well. If you are receiving money through taxes, you can waive the out of pocket costs to the person who is being transported. The Chief said he will make a copy of everything and send it to the Commissioners.

Commissioner Keyser asked if the fire department knows their name will be on the license and the Chairman said they agreed to whatever has to be done regarding the licensing approval. Assistant Chief Bob O'Hare confirmed that.

Chairman Harrington discussed the special meeting held on January 3, 2011 regarding the January 12<sup>th</sup> agenda. The original thought was to have a special election in December and then go to the local finance board, but they were told that this had to be approved by the taxpayers first. Commissioner Keyser said they have to pass a resolution by the Board to purchase a piece of apparatus which will cost \$500,000.00. In February's general election, there will be a question for the taxpayers to approve spending \$500,000.00 for a piece of apparatus either by bonds or lease purchase. They need 60% + 1 person of the people who come out to vote to pass a referendum to move forward. When that happens, the Board can move to the local finance board and then the Board will put it in the 2012 budget. If all of the approvals are there, then they can look at trucks available and can order it and take delivery in January 2012.

Commissioner Keyser indicated that he was on a conference call with the DCA regarding the Board's budget and the apparatus. That conversation led to the attorneys, McMahon & Scotland, doing this work for the Board. They are the ones the Board hired to present to the local finance board. Commissioner Keyser recommended that the Board go back to using Mr. Braslow as the Board's attorney. The Board could appoint Mr. Braslow as Special Counsel until March 2012 when the new appointments are made.

Chairman Harrington reported that the petitions are ready for the election and there is one petition out for signatures to run for the Board.

Chief Davidson said that an inventory had been done on the locations of all Nextel phones within the department.

Commissioner Keyser said the Board had already discussed out of pocket billing at the last meeting. He said the residents of District #3 are already paying a fire tax. Since the Board is accepting \$35,000.00 from District #2 for 2011 and the Township is giving \$30,000.00 to District #3 for a total of \$65,000.00 which is taxpayers' money. The Board was split on whether District #2's residents should be balance billed since District #3 residents will not be balanced billed. Chief Davidson felt that, by accepting the \$65,000.00, the Board will be better off taking that money than trying to recover out of pocket costs. Most private insurance policies pay 100% of an EMS transport and do not take out deductibles. The insurance company could possibly say that it was not a medically acceptable transport at which point Revenue Guard will return the bill and the Board can decide at their meeting to decide whether it should go to collections or not. The Chief also pointed out that, most likely, in 2012, this Board will not be receiving money from either the Town or District #2 and, therefore, will not be accepting any taxpayers' money. The Board can then look into billing District #2 next year.

**Commissioner Martin made a motion to move forward with the billing and whatever revenue is received from the Township be accepted and not move forward with out of pocket billing for the residents of Hanover Township.** The Chief pointed out if the resolution is passed now, the Board can rescind that resolution in December of 2011 to take effect January 12, 2012 and replace it with a new resolution starting January 2012. **Commissioner Keyser seconded the motion, with Chairman Harrington for the motion and Commissioners Pilipie and Quirk against. The motion was passed with 3 votes for and 2 votes against.**

### **Old Business**

Commissioner Martin reported that a request had been made some time ago by Commissioner Keyser regarding purchasing an SUV and turning it into a mobil command unit. Commissioner Martin noted that car #31 is in poor condition with a lot of mileage on it and significant body rust. He felt that it is a good idea and something that the Board should consider in the future. It would be a good idea to take out the back seat and put a chair and table there for field command. He asked the Board to think about it for a future purchase.

The Chairman indicated that Commissioner Hansch from District #2 had called. He confirmed that the \$35,000.00 payment from District #2 Commissioners was approved at their last meeting. He confirmed that they are sending the \$35,000.00 in two payments – one in January 2011 and one in March 2011. Chairman Harrington asked him to send a letter confirming the payments and also a copy of their minutes in which their Board had approved the \$35,000.00 payment.

Commissioner Keyser indicated that he attended a reorganization meeting at Town Hall and that the communications system details seem like they change constantly. Chairman Harrington reported that he had received a phone call and an e-mail that there will be a meeting this Wednesday, January 12, 2011 in which they will go to the County Communications Center and meet with the Committeemen. He told them that this Board doesn't want to have to get another set of radios after committing to the change in radios. He also said that Fire District #3 cannot pay the cost of \$40,000.00 for the annual fee. That amount might be negotiable. There will be another meeting on January 19<sup>th</sup> with the Township. They are aware that District #3 cannot afford this and the Township was made aware previously that the fire district needed advance notice because they need to budget for this change. Commissioners Harrington and Hansch and Chiefs Davidson and Cortright will be at the meeting. Chief Davidson said that, even if District #3 goes to the County, this department needs to maintain two VHF mobile radios in the ambulances so that there will be access to the statewide EMS channels. Those radios will need to be narrowbanded and it's possible that the department's license may have to be renewed to have those radios at no cost.

### **New Business**

Chairman Harrington said that Employment Horizons had sent a new contract. **Commissioner Martin made a motion to accept the new contract for cleaning the fire building at \$68.00/visit, seconded by Commissioner Keyser, all in favor.**

Commissioner Martin suggested putting a sanitizer in the bathroom. Commissioner Keyser said he would put battery operated sensors in the bathroom which should take care of the odor.

Commissioner Pilipie indicated that the arrowstick was left on in Truck #30. He found the truck was left unlocked and it was unlocked again tonight. Chief Davidson said he will make sure the career staff lock it up at the end of the 6:00 PM shift; however, it's hard to check on who leaves it unlocked after the career staff leave.

Commissioner Pilipie read **Resolution 11-01-06-02 authorizing the Township of Hanover Fire District #3 to make temporary appropriations not exceeding 14% of the total of the 2010 annual budget (less certain appropriations) sufficient to cover commitments made during the period January 1, 2011 to the date of the adoption of the annual budget. Total temporary budget appropriations will be \$158,000.00. A motion was made by Commissioner Keyser to accept the resolution as read, seconded by Commissioner Pilipie, all in favor. A roll call vote was taken with all Commissioners voting in favor.**

Commissioner Pilipie read **Resolution 1-01-06-03 authorizing submission of a proposal to acquire and finance through Fire District bonds or the execution of a lease purchase agreement the acquisition of a fire pumper vehicle at the annual fire district election scheduled for February 19, 2011 to the qualified voters of Hanover Township Fire District #3. A motion was made by Commissioner Martin, seconded**

**by Commissioner Keyser, all in favor. A roll call vote was taken with all Commissioners voting in favor.**

Chairman Harrington recommended temporarily appointing Richard Braslow, Esq. as a Special Counsel for the Board for a term of one year. There was discussion about the appointment. **Commissioner Quirk made a motion to amend Resolution 11-01-06-04 to read that Richard M. Braslow's appointment as Special Counsel for the Board would be until the March 1, 2011 Reorganization Meeting. The motion was seconded by Commissioner Keyser, all in favor. A roll call vote was taken with all in favor. Resolution 11-01-06-04 was then read by Commissioner Pilipie appointing Richard Braslow, Esq. as the Board's Special Counsel for legal services. Commissioner Martin made a motion to accept the amended Resolution as read, seconded by Commissioner Keyser, all in favor. A roll call vote was taken with all Commissioners in favor.**

### **Treasurer's Report**

Commissioner Keyser reported that checks #4314 – 4420 were paid in the amount of \$153,436.98 for the month of December 2010. **A motion was made by Commissioner Martin to accept the Treasurer's Report as submitted, seconded by Commissioner Pilipie, all in favor.**

There was no other regular business to discuss. **Commissioner Keyser made a motion to go into closed session to discuss Personnel at 9:35 PM, seconded by Commissioner Martin, all in favor.**

The monthly meeting reopened at 10:36 PM. There was no other business to discuss. **A motion to adjourn was made at 10:36 PM by Commissioner Martin, seconded by Commissioner Pilipie, all in favor.**

Respectfully submitted by:

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Paul Pilipie, Secretary