

**Board of Fire Commissioners
Fire District No. 1
330 Stillwells Corner Road
Freehold, NJ 07728**

Regular Meeting

June 28, 2022

Chairman John Toutouchi called the regular meeting of the Board of Fire Commissioners to order at 7pm. Chief Haas led the flag salute. Roll call was taken, and the Commissioners present at the meeting were John Toutouchi, Andrew Story, Michael Fogarty, Phil Engel and Stephen Lengyel. Board Secretary-Rachel Davis was also present at the meeting. Board Attorneys-Richard Braslow and Neil Braslow attended the meeting via teleconference. This meeting was live streamed.

Chairman Toutouchi called for a moment of silence for the passing of Dr. Harry Carter.

Mr. Toutouchi then suspended the regular order of business and began the meeting with the legal report, due to Mr. Braslow's time constraints.

Legal: Board Attorney-Richard Braslow reported the following:

Mr. Braslow also recommended that the Board amend the existing resolution addressing the consequences of a crime of moral turpitude, as per his May 19, 2022 email to the Board.

Mr. Braslow updated the Board on the cannabis legislation. There still is no guidance, but there is a bill that has been sponsored which mandates that career personnel cannot have cannabis in their system. Mr. Braslow had requested that the bill be amended to include career and volunteer. The Board can still do testing, still proceed and if someone tests positive, we will deal with it. But until then, there is no further guidance on the legislature.

There was an assembly bill introduced, limiting to certain dates to have the election. Based on the objections, Mr. Braslow does not think there are any reasonable amendments they can take.

Mr. Braslow reviewed the various resolutions that need to be adopted.

Motion was made by Mr. Story to adopt a Resolution to retain Special Counsel Suzanne Marasco, Esq., Attorney for Nottingham Insurance Company, relating to a harassment complaint received.

Second: Mr. Lengyel

Roll call vote: 5-0 all in favor

Motion was made by Mr. Lengyel to adopt a Resolution authorizing the award of contract to the architect, Jack Purvis, relating to the building project.

Second: Mr. Fogarty

Roll call vote: 5-0 all in favor

Mr. Braslow recommended designating two commissioners for any personnel decisions that need to be addressed in between meetings in order to gap the time. For example, if someone needed to be suspended immediately, the two commissioners have the authority to take action, without having to call a special meeting. Then the Board can take collective action at the next meeting.

Motion was made by Mr. Story to adopt a Resolution designating authority to Commissioner Toutouchi and Commissioner Story to take action, if necessary, for any personnel matters that come up in between meetings.

Second: Mr. Lengyel

Roll call vote: 5-0 all in favor

Mr. Braslow stressed the importance of an annual background check to ensure that the Board is not dealing with something that it has no awareness of. Mr. Story recommended that the Board table the matter in order to discuss at a later date.

Mr. Braslow stressed the importance of harassment training for new members and recommended a specific time frame in order to do the training right away.

Mr. Braslow further recommended the criteria for removal of eligibility as a result of the background check, as per the examples he previously sent to the Board. He strongly suggested this in order to have black and white guidelines when someone is joining and to make it a part of the application process. Commissioner Story recommended tabling the matter until a later date. Mr. Braslow stressed how crucial it is for the Board to discuss this matter.

Mr. Braslow addressed the subject of the Chiefs' vehicles and stated that every entity has a vehicle restriction policy. He further reminded the Board that public perception is important.

Motion was made by Mr. Lengyel to approve the minutes from the June 14, 2022 regular meeting.

Second: Mr. Fogarty

Roll call vote: 4-0 all in favor (Mr. Story abstained.)

Treasurer's Report: Commissioner Fogarty read the June 28, 2022 Treasurer's Report into record.

Motion was made by Mr. Fogarty to transfer \$2,500 from Ocean First money market to Ocean First checking and to pay the bills in the amount of \$2,281.59.

Second: Mr. Story

Roll call vote: 5-0 all in favor

Mr. Fogarty noted that there was a previous bill for work that was done on the rescue truck. The bill was paid, but they never received the payment. Mr. Fogarty will stop payment on the first check and personally hand deliver another check to them.

Mr. Fogarty received an invoice from Verizon in the amount of \$5,964 for the repair of a telephone pole that a member backed into. According to the police department, the telephone pole in question was already cracked. Commissioner Story will research the matter.

Insurance: Mr. Fogarty advised that the workers' compensation audit resulted in a refund of \$2,000, which he deposited.

Buildings: Commissioner Lengyel reported the following:

- The contract was sent over to the architect, Jack Purvis.
- HVAC people are coming out to fix Georgia Road.
- He is waiting for the site survey for the generator at Georgia Road as well.
- Exit signs were fixed at Georgia Road.
- The leak was fixed at District.
- The electrical current between the trucks was taken care of—the wire reel for the shoreline was replaced. He recommended that they all be replaced soon.

Website: (up to date)

Fire Company: Chief Haas reported the following:

- Bob Urban is on medical.
- Had to replace two fan batteries; he has quote.
- Final numbers for Hmaltro came in under what we budgeted for.
- New sets of gear were distributed.
- Tahoe should be done by the end of the week.

Commissioner Engel will get a quote to repair 1st Assistant Chief Spicuzza's lights.

Chief Haas needs to get more interest in the firehouse expo. A total of six people will go. Mr. Story will go on behalf of the Board of Commissioners.

Vice President Celano mentioned a by-law conflict between the Fire Company and the Board of Commissioners regarding expelling a member. Commissioner Toutouchi noted that once the Board of Commissioners has a chance to discuss the matter, they would work together with the Fire Company.

Mr. Braslow confirmed that it is okay for the Fire District to reimburse the Fire Company if the Fire Company is willing to purchase the camera system at Smithburg, as long as the accountant approves it. A capital meeting must also be scheduled from 6-9pm to get voter approval.

Audience:

John Catenacci requested an executive session with the Board of Commissioners and President Mitzelman for personnel reasons.

Motion was made by Mr. Lengyel to go into executive session for personnel matters at 7:43pm.

Second: Mr. Fogarty

Roll call vote: 5-0 all in favor

(back from executive 8:06pm)

Old Business:

Mr. Toutouchi advised the Board that the Shared Services Agreement for automotive was approved, effective July 1st, and Commissioner Phil Engel will be the contact person.

As per the May 19, 2022 email to the Board, Mr. Braslow had researched the questionable wording in the Board of Commissioner's May 7, 2011 Resolution Establishing a Policy of Administrative Leave for Firefighters Charged with Serious Criminal Offenses.

Motion was made by Mr. Fogarty to amend the May 7, 2011 Resolution Establishing a Policy of Administrative Leave for Firefighters Charged with Serious Criminal Offenses to indicate that a charge or an investigation relative to a crime of this nature result in suspension until the matter is resolved. The resolution of the matter would be either that the investigation is completed by the appropriate party, including but not limited to the prosecutor and/or police, or there are no charges leveled or the individual enters a plea concerning the charge.

Second: Mr. Engel

Roll call vote: 5-0 all in favor

Mr. Fogarty addressed the matter of the three Chiefs' vehicles being operated for personal use and referred to his June 27, 2022 e-mail to the Board of Commissioners expressing his concerns and showing his calculations on fuel usage. A discussion was held.

Motion was made by Mr. Fogarty to limit the personal use of the Chief vehicles usage to within responding distance only, which is no more than 10 miles to the center of our coverage area.

Second: Mr. Lengyel

No vote: Discussion was held, but Mr. Fogarty withdrew his motion.

Mr. Braslow rejoined the meeting at 8:20pm and stated that it is not uncommon to limit Chief vehicles to mileage. He further stated that the ultimate issue is the reasonable

distance that would still allow for a response. The Board further discussed the matter, and Commissioner Fogarty withdrew his motion and amended it as follows.

Motion was made by Mr. Fogarty to limit the personal use of the Chief vehicles to within responding distance only, which is no more than 15 miles from the border of our District.

Second: Mr. Lengyel

Roll call vote: 3-2 motion passed

Mr. Engel: no

Mr. Fogarty: yes

Mr. Lengyel: yes

Mr. Story: no

Mr. Toutouchi: yes

Mr. Toutouchi will be receiving the final reports on the completed physicals. Mr. Story will mark the list of all the ones who came in late in October.

New Business: The Board discussed the matter of members who are on medical. Mr. Braslow recommended that if a member is on medical, they should not be engaging in any activities until they have medical clearance by a physician. Mr. Braslow further stated that the insurance company can make recommendations, but the Board has the discretion. Once the Board implements a policy, it should be applied equally to everyone. Mr. Braslow also noted that the Board couldn't prevent someone from coming to a public meeting.

Motion was made by Mr. Lengyel that if an active member is out on medical, they cannot be on District owned/insured property, until recommended by a doctor with a doctor's note.

Second: Mr. Fogarty

Roll call vote: 3-2 motion passed

Mr. Engel: no

Mr. Fogarty: yes

Mr. Lengyel: yes

Mr. Story: no

Mr. Toutouchi: yes

Mr. Fogarty read his recommended amended verbiage to the Fire Company contract, as per his June 28th email to all commissioners. He asked the Board to read through the wording and make any suggestions at the next meeting. Mr. Braslow will prepare something for the Board to review at the next meeting. The Board advised the Fire Company to use their own attorney for this contract and not Mr. Braslow.

Pete Hall will work on a new computer drive, and Mr. Toutouchi will notify when it is up and running.

Mr. Fogarty suggested that the cameras at Smithburg should be done next year. Board agreed.

Mr. Toutouchi is getting rid of the Verizon TV services.

Mr. Fogarty asked the Fire Company to continue to notify him about quotes and purchases.

Mr. Toutouchi mentioned that the mannequins would be thrown out.

Audience:

Firefighter Jared Evanego asked if the Board could amend the (medical-leave) motion to include the installation dinner? Mr. Toutouchi clarified that this motion is not against life members. The Board is only making reference to an active firefighter on medical. Mr. Story said we could revisit the matter before the September installation dinner. Mr. Braslow confirmed that a medical clearance would indicate the medical professional's opinion as to the limitation on someone's activities and that would be stated on the medical note.

Motion was made by Mr. Fogarty to go into executive session at 9:13pm for personnel matters.

Second: Mr. Story

5-0 all in favor

(back from executive at 9:31pm)

There being no further business, Mr. Lengyel made a motion to adjourn the meeting at 9:31pm.

Second: Mr. Fogarty

5-0 all in favor

Respectfully submitted,

Phil Engel, Secretary

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