

The regular meeting of the Board of Fire Commissioners, District #3, was called to order at 8:17 p.m. by Commissioner Walter on October 20, 2008.

**PRESENT** – Commissioners Jordan, Baylis, and Walter

**ABSENT** - Commissioners Concato and Waters.

This meeting was duly advertised in accordance with the open business-meeting act of the State of New Jersey.

Commissioner Walter apologizes for being late, as he was coming from another function.

**VOLUNTEER COMPANY REPORT** – President Carson advises that there are no new members. They have started cleaning out the bay and hope to have it done by the weekend.

President Carson reads a letter to the public, commending FF Stacy, FF Grossman and FF Zimmerman for their assistance at the Open House for Fire Prevention.

Chief Byrnes adds to the status of the new room and advises that he submitted the Jacket to the Township for the permits and it was kicked back because it needed a formal design since it is a commercial building. He contacted an architect and had a plan drawn up and has resubmitted the plans, however, the Building Department is now in need of information regarding the heating/air. They need to know exactly what they are putting there. As soon as that information is received, he will submit it to the Building Department so that we can proceed with construction.

Firefighter Hussey discusses the physical proposals. He advises that the Safety Committee met and it is their recommendation that we stay with Family Practice of Freehold. Per NFPA 1500, the department needs a designated physician. Family Practice covers that requirement. The committee looked into everyone using their own companies, but there are a lot of malpractice issues involved. Firefighter Stacy advises that private insurance carriers will not cover the physical if they know it is work related. Questions were raised as to their availability. Firefighter Stacy advises that the firefighters can make appointments in the evening, but there is no chest x-ray at night. But not everyone is in need of an x-ray each year. They have advised that they will work with us. Motion to accept Family Practice for our annual Physical program by Commissioner Jordan, Seconded by Commissioner Baylis. **VOTE: AYE:** Commissioners Jordan, Baylis, and Walter **NAY:** None.

Chief Byrnes advises that the new Meridian Health Care center is about 18 months off, but they are supposed to have emergency care and other things. We can probably look into them once they open up and see if they can provide the services for us, keeping us in town.

**SECRETARIES REPORT** – Motion to approve the minutes as submitted, by Commissioner Walter, seconded by Commissioner Baylis. **VOTE: AYE:** Commissioners Jordan, Baylis, and Walter **NAY:** None.

**TREASURER'S REPORT** - Commissioner Baylis reads the summary of the report. Motion to accept the summary as read made by Commissioner, seconded by Commissioner. **VOTE: AYE:** Commissioners Concato, Jordan, Baylis, Waters and Walter **NAY:** None.

**ATTORNEY JOSEPH YOUSOUF** – Attorney presented Resolution to the Board that was read and voted on at the previous meeting for Technical Fire Services for the District Study.

Attorney provided the Board with a copy of the Budget and Election Schedule. Discussion regarding the military notice by all districts. Administrative Clerk advised to make sure that she does it, as scheduled.

Attorney Youssouf discussed the Open Public Meetings act and replied to FO McDonnell's questions. Question one was not very well worked but Closed session minutes are to be taken and released when it is no longer privileged. This covers contract, litigation and personnel matters. Disciplinary may or may not ever be released. The employee has the right to have any item discussed in public or private. What kind of minutes do you have to take? You have to take reasonably comprehensive minutes. This means you must include the subject and any other information pertinent to the discussion and then make this available to the public when it is no longer harmful to the respective parties. They are to be Comprehensive minutes, not comprehensive. Pursuant to a 1993 case, not word for word or verbatim detail. They do not have to give details as to how they came up with their decisions.

Question two requested why the resolutions are not numbered. All items are placed in the minutes when they are finalized. Therefore the minutes contain a date and no number is required. There is no requirement for cross reference to the resolutions. When the subject matter is finalized, it is placed in the regular minutes.

Question Three requested the specific detail of the closed session resolution. No the resolution does not need to be detailed as to exactly what is being discussed other than Litigation, Personnel or contractual information. At the time the item is placed in the minutes, you will know the exact detail.

Question Four asked whether an individual can request a non emergency closed session from the floor of the meeting. You can always request a closed session and it will be up to the Board whether to entertain it now or at a future date. When someone requests executive session, once in executive, if it is found not to be executive material, then it will go back to the public. But until you are in executive, you really do not know if it is Executive session material until discussed. Personnel matters, paid or volunteer,

you can go into executive session. The person that will be affected by the discussion has the ultimate decision as to whether to be open or closed session. Disciplinary actions must be served with rice notice to discuss his personnel matters and he is given the choice.

The reading of the resolution for closed session by title is in compliance with the law.

Lt. Schoch asks if he can obtain minutes from an executive session from a year ago. Attorney Youssouf advises as long as an OPRA request is properly filled out, yes. It was noted that there was a gentleman that goes around looking for the procedures of how minutes are taken. Toms River had to revamp their whole procedure. Commissioner Walter advised that he came after Jackson Township, but Annemarie was doing it correctly.

Lt Schoch asks about an executive session about an employee and a rice notice. Attorney Youssouf advises that only if action is to be taken against an employee, does the rice notice need to be given and the conversation stopped. So yes, initially the employee can be discussed. If the Board wants to pursue it further, the employee would be notified and be given a rice notice and then would be allowed to testify under oath and give a sworn statement to the events.

Firefighter Granato questions about information to be given about the discussion in executive. Attorney Youssouf advises that the Board does not need to give detailed information about the discussion and unless the Board is going to take formal action, nothing is written. This safeguard's everybody's rights, so yes; the public is allowed to make a complaint in executive session. We had an incident of this kind previously and everyone was brought in and everyone had the opportunity to protect everyone's interest.

Discussion regarding an OPRA request received from a tenant of a dwelling that recently had a fire. Attorney advised that there is nothing privileged about that information and it is a public document. Chief Byrnes advised Administrative Clerk Brown to release the information tomorrow.

**CHIEF BYRNES REPORT** - A report has been given to the Commissioners for review. A copy of report is attached. Chief Byrnes highlights a few items. Fire Prevention is ongoing for the entire month. 5511 is out of service as of today for a crack in the radiator. It is down at Peterbilt and should be back on Thursday or Friday. 5515 was sent out for \$7500 to tear the truck apart and check it out. Chief Byrnes advises that he received a call right before the meeting and was advised that the whole main frame is rusted beyond repair. This is the box that the ladder is built on. The cost of replacing this item would be \$70,000. The truck is 23 years old. They did make some minor reports to the truck so the truck will be operational as a pumper, but the ladder is being disabled so it cannot be accidentally raised. When the truck comes back it will be

as a reserved pumper. Chief Byrnes authorized the \$7500 and the minor repairs and that is all that the Board will be obligated to pay.

**CHIEF SMITH'S REPORT** – A report has been given to the Commissioners for review. A copy of report is attached.

Assistant Chief Fatovic read over the Chief's report to the Board. He commented on working with the Cert team and advised they were very helpful and he looks forward to working with them more.

Commissioner Walter asks if the report has been generated yet with regard to the Regency Club Fire. Assistant Chief Fatovic advises that the Chief will be finishing it up either tonight or tomorrow night.

**OLD BUSINESS** – Discussion regarding the different bids received for the Camera project. Motion to accept VMS by Commissioner Jordan, Seconded by Commissioner Baylis. Resolution to award contract to VMS read by title by Attorney Youssouf. **VOTE: AYE:** Commissioners Jordan, Baylis, and Walter **NAY:** None.

Discussion regarding the switching of the swipe box from the gym door to the bay door. The cost is too much. Administrative Clerk Brown to contact Supreme Security Systems and Complete Security Systems for additional price quotes.

Firefighter Hussey advises that no information from LOSAP yet. Administrative Clerk Brown to follow up on this and table this matter for next month's meeting.

Discussion regarding the purchase of a new pumper. They are still waiting on KME, Ferra and Seagraves. Commissioner Baylis advised that due to personal conflicts, he has resigned as chairman of the Committee. President Carson advises that Kevin McGinn has replaced Commissioner Baylis.

Discussion regarding the District Study. Chief Byrnes advises that he met with Jerry Naylis and Doctor Flemming and started the initial review. They will be getting out the survey information to all membership soon. Chief Byrnes will be the coordinator. He advises that they would like to get a meeting set up with the Volunteers to go over the study and what is needed. Commissioner Walter advises President Carson to let him know when that meeting is scheduled, as he would like to attend it. Commissioner Walter asks Chief Byrnes if there is a target schedule outlined yet. Chief Byrnes will advise.

Commissioner Jordan questions Holiday Coverage and asks if we shouldn't have Career coverage. President Carson advises that Chief Smith is to meet with Chief Byrnes. They currently have a crew list request set up and will know more after their meeting on Wednesday. If they can't get enough for coverage, Chief Smith will advise Chief Byrnes.

Discussion regarding the programming of pagers. Chief Byrnes advises that Chief Smith just brought it to his attention and in researching the matter he found that when the pagers are sent out for repair, they seem to be automatically reprogrammed to the original setting of 1.90 seconds. So we now have to reset the pagers to 10 to 15 when they come back, which we are starting to work on now. President Carson asks about tone to tone, can it be cut out. Chief Byrnes to look into it.

Lieutenant Schoch comments on the Holiday Coverage and requests that notification be made as soon as possible so that the employees can plan accordingly.

**NEW BUSINESS** – Chief Byrnes advises that Fire Official McDonnell will be in training all this week, so we don't have a Fire Official in the district. Per the State, it is recommended that there be a back up Fire Official to replace FO McDonnell when he is out. It is the Chief's recommendation that the Board appoint Miriam Stacy as the backup. Resolution read by Title appointing Miriam Stacy to serve as Fire Official during the absence of Fire Official McDonnell, effective tonight. Motion to accept Resolution by Commissioner Jordan, Seconded by Commissioner Baylis. . **VOTE:** **AYE:** Commissioners Jordan, Baylis, and Walter **NAY:** None.

**OPEN TO THE PUBLIC:** Al Robbins commends all the firefighting personnel, the incident commander and his helpers for the recent fire and search. They did one great job and need Commending.

Motion to accept a Resolution authorizing a closed-session or executive session for the purpose of discussing potential litigation; lawyer-client privileged material and personnel material. Subject matter to be released when it is no longer privileged, by Commissioner Jordan, Seconded by Commissioner Baylis. **ROLE CALL:** COMMISSIONER JORDAN: AYE; COMMISSIONER BAYLIS: AYE; COMMISSIONER WALTER: AYE.

Meeting closed to the public for Executive at 9:19 p.m.

Executive session opened at 9:20 p.m. In attendance are Commissioners Jordan, Walter and Baylis, Deputy Chief Byrnes, Administrative Clerk Brown and Attorney Joseph Youssouf.

Executive session closed at 9:56 p.m.

Regular meeting reopened at 9:56 p.m.

Motion to approve the Memorandum of Understanding for Assistant Clerk Logan by Commissioner Jordan, Seconded by Commissioner Baylis. . **VOTE:** **AYE:** Commissioners Jordan, Baylis, and Walter **NAY:** None.

Motion to allow Jr. Firefighting members 16 and over use of the gym with a Parent, Guardian or member of Station 55 who is over 18. Motion by Commissioner Walter,

Seconded by Commissioner Baylis. **VOTE: AYE:** Commissioners Jordan, Baylis, and Walter **NAY:** None.

Motion to adjourn the meeting at approximately 9:58 p.m. by Commissioner Jordan, seconded by Commissioner Baylis. **VOTE: AYE:** Commissioners Jordan, Baylis, and Walter **NAY:** None.

---

**COMMISSIONER JORDAN, SECRETARY**