

**MOUNT LAUREL FIRE DISTRICT #1
BOARD OF FIRE COMMISSIONERS
REGULAR MEETING MINUTES**

May 18, 2015

**Fire Department Headquarters Station
Meeting Minutes #8**

IN ATTENDANCE:

1. Commissioner Cornue
2. Commissioner Ridenour
3. Commissioner Roura
4. Commissioner Hamilton
5. Chief of Department Colucci
6. Deputy Chief Burnett
7. Administrator Jones
8. Solicitor Braslow

NOT IN ATTENDANCE:

1. Commissioner Shestack

The meeting was called to order by Commissioner Ridenour at 8:01 PM.

The Pledge of Allegiance was recited and a moment of silence observed.

Public announcements were read by Commissioner Hamilton.

Chief of Department Colucci presented the crew of Rescue Company 3629 (Lieutenant Opizzi, Firefighter/Fire Inspector Jenkins and Firefighter McCorkle) for a CPR Save Award.

The Board took a brief recess at 8:08 PM so that the families of the honorees could take pictures and the Board reconvened at 8:15 PM.

APPROVAL OF MINUTES:

Commissioner Hamilton made a motion to approve the 4/20/15 Regular Meeting minutes that was seconded by Commissioner Roura. The motion was unanimously approved by the Board.

Commissioner Roura made a motion to approve the 5/6/15 Special Meeting minutes that was seconded by Commissioner Cornue. The motion was unanimously approved by the Board.

RESOLUTIONS:

Resolution #2015-25 "Acceptance of Audit Report for 2014". Commissioner Roura made a motion to approve the resolution that was seconded by Commissioner Hamilton. The motion was unanimously approved by the Board members in attendance.

FINANCIAL MATTERS:

Commissioner Roura reported that he had reviewed the April monthly bills and found them all to be in order. He made a motion to approve April monthly bills in the amount of \$528,418.45 that was seconded by Commissioner Hamilton. The motion was unanimously approved by the Board.

MONTHLY REPORT BY ADMINISTRATOR:

The Administrator had submitted his monthly report to the Board for their review prior to the meeting. There were no questions and/or comments.

MONTHLY REPORT BY THE CHIEF OF DEPARTMENT:

Chief of Department Colucci had submitted his monthly report to the Board for their review prior to the meeting. He wanted to resolve an issue involving Lt. Opizzi's college tuition reimbursement that needed a decision by the Board. Commissioner Roura stated that he had reviewed the CBA and felt that this situation was unique and had not been dealt with before. He summarized the college tuition reimbursement policy for the Board, noting that the maximum reimbursement to any employee is capped at \$1,500 annually, although the policy does not clearly define whether the annual cap is in actual dollars paid out or the amount approved for reimbursement in any given year. In Lt. Opizzi's case, Chief of Department Colucci had approved his tuition reimbursement request for this Fall 2014 course, but the course did not finish and Lt. Opizzi did not receive his final grade until the following calendar year, which prevented the reimbursement being made in the year that it was intended and approved for. He felt that although Chief of Department Colucci and Administrator Jones had different interpretations of the policy, both interpretations were valid. The Administrator processed and paid Lt. Opizzi the Fall 2014 tuition reimbursement that he was entitled to in 2015 and was counting it against his 2015 cap instead of the 2014 cap, which is what the Chief of Department had intended. When Lt. Opizzi completed a Spring 2015 course, he was not reimbursed for the full amount of the tuition because it would have exceeded the \$1,500 cap for 2015. The Chief of Department's question to the Chairman and himself was how they interpreted the tuition reimbursement policy and how the annual cap should be applied. Commissioner Hamilton asked whether the policy defined "annually" as the fiscal year or the academic year and Administrator Jones replied that it does not. Commissioner Roura felt that the policy was open to either interpretation and assumed that prior tuition reimbursement requests have never crossed over fiscal years.

Administrator Jones confirmed that the policy has been part of the CBA's for many years and has been adjusted once to increase the maximum amount. He added that until now, all tuition reimbursement requests have always been processed and paid in the same year that the course was taken. When he closed out the 2014 financial statements in the 3rd week in January, Lt. Opizzi had not submitted his final grades yet and therefore the reimbursement amount could not be determined and payment did not count towards his 2014 cap. When he finally received and submitted his final grade, it was March and the payment was counted against his 2015 cap. He added that the new trend in college degrees is online courses and it is apparent that they don't always conform to the traditional spring and fall semester periods and that crossing over at the end of a calendar year is possible. Chief of Department Colucci added that when employees submit a request for prior approval of tuition reimbursement per the policy, he has always assumed that it would be paid out in the year that it was approved but in Lt. Opizzi's case he was not aware that the online course would not be done by the end of 2014 and cause a problem. He noted that he has also taken online courses and that although he has sometimes been delayed in submitting his Fall semester final grade for processing of the reimbursement until early January, Administrator Jones has always been able to get it included in the final closeout of the annual financial statements. He recommended that we revise the tuition reimbursement policy so that it is very clear as to how the cap will be applied because he felt bad that this employee could potentially be taking a significant financial hit because of his expectation of full tuition reimbursement for this course. Commissioner Hamilton suggested that the annual \$1,500 maximum tuition reimbursement amount could be outdated considering the increased costs of college tuition.

Commissioner Ridenour asked Administrator Jones how tuition reimbursement money is budgeted for and he replied that there is a line item for employee college tuition reimbursement funded for about \$15,000 this year. He added that the \$1,500 maximum was more than enough in the past when employees were taking college courses locally, but the new online college courses appear to be much more expensive depending on the college chosen. Chief of Department Colucci added that more colleges are offering online degrees that are averaging about \$350 per credit and they are being offered more frequently because they are easier to administer and can be more easily taken by students online as they have free time. He requested that the Board pay Lt. Opizzi for the balance of the Spring 2015 course that he was not paid for and consider the March tuition reimbursement to be part of his 2014 tuition allocation. In the future, we would need to more thoroughly review prior approval requests by employees' to make sure that the approval does not exceed the annual \$1,500 maximum provided for in the policy.

Commissioner Ridenour asked the Board for their thoughts on this issue. Commissioner Cornue felt that Lt. Opizzi should be reimbursed as recommended by the Chief of Department. Commissioner Roura also agreed but felt that we need to clarify the policy as well so that there is no question how the annual \$1,500 maximum allowance will be applied. Chief of Department Colucci agreed and would make sure that he specifically reviews the start and end dates for any college courses being requested in the future so that this doesn't happen again. Commissioner Hamilton felt that reimbursement is appropriate and Commissioner Ridenour also agreed. Commissioner Roura asked Administrator Jones if there would be any administrative issues involved with this and Administrator Jones replied it will make it more difficult to determine whether an employee has exceeded his annual maximum because you will no longer be able to simply look at the amount they received each calendar year. We will now need to pull documents on prior disbursements to make sure we know which year the \$1,500 maximum is being applied to. We will also have to explain this to the auditors if they include one of these disbursements in their 10% sample. He felt that the best way to stay within the policy language is to make sure that no prior approval request is approved for an employee until the impact of the potential approval amount is evaluated and if the \$1,500 maximum could be exceeded, the employee will know the maximum amount that they can be reimbursed for. Commissioner Roura agreed that going forward this needed to be done, but asked if there were any administrative issues for this one case. Administrator

Jones replied that there will be if the policy is interpreted differently by somebody because he will receive \$2,640 in 2015 for tuition reimbursement, which exceeds the annual maximum by \$1,140. He will note why Lt. Opizzi received the extra funds but we have to do a better job of determining and advising employees how much that they can expect when they submit their request for prior approval, which is why it is being done this way in the first place. Commissioner Hamilton asked Solicitor Braslow if the policy is not clear that "annually" means "fiscal year", can it be also be construed as meaning "academic year"? Solicitor Braslow replied that it certainly can be and what the Board was doing is the correct way to resolve it in this instance because the employee was not to blame and the Administrator and Chief of Department both have very valid interpretations. Chief of Department Colucci took the blame for not looking at the prior approval closer and Solicitor Braslow stated that nobody would have expected that the online course would cross a calendar year boundary and not be able to be reimbursed in the year that it was approved. He felt that as far as any concerns that the auditors might express, if we explain the rationale behind this situation, it should satisfy them.

Commissioner Roura made a motion to reimburse Lt. Opizzi for the full amount of his Spring 2015 tuition reimbursement submittal because the Fall 2014 tuition that he was previously reimbursed for in 2015 should be considered part of his 2014 maximum allocation, which was seconded by Commissioner Cornue. The motion was unanimously approved by the Board.

Commissioner Cornue asked the Board if they needed to discuss the stipend program to get closure on that and Commissioner Roura asked whether the discussions about the potential IRS implications had concluded yet. Chief of Department Colucci stated that we are still working with the legal professionals on this and that the next meeting with them is on 6/8. Administrator Jones added that we should have the right legal experts at this meeting to fully understand what we can and need to do. Commissioner Cornue stated that he just wanted to remind everyone that this issue was still unresolved and that although discussions are ongoing, it will soon reach a point where we will need to have closure. It was brought up again in tonight's Labor/Management Relations Committee meeting tonight.

STANDING COMMITTEE REPORTS:

None.

OTHER MATTERS:

Commissioner Ridenour reported that the 2nd round of Phase 1 Building Envelope Renovation bids came in over budget again and that we are now permitted to have discussions with the bidders to negotiate a bid that we can accept. He asked Administrator Jones to brief the Board on where this process is today. Administrator Jones reported that the bidders were interested in participating in the negotiated bid process that we will now conduct and have submitted the detailed bid information that had been requested by the Architect along with some value engineering suggestions to reduce costs. The Architect worked on this all weekend and gave us his recommendation this morning for presentation to the Board tonight. There are several scenarios in the documents that he had provided to the Board this evening. The 1st document is the Architect's draft recommendation and the 2nd document was the analysis of the scenarios that were considered in order to bring in a final bid proposal from each bidder that fits our initial project budget. The scenario at the very bottom of the page gets the bid proposal total closer to our available budget and is what we are going to recommend. He had discussed this with the Architect, Construction Manager, Chief of Department Colucci, Deputy Chief Burnett and Commissioner Ridenour on a conference call this afternoon and we all agreed that the negotiated bid of \$1,678,898 by Puente Construction covers as much of the scope of work as we can at this time. Once other major scope of work costs are known later this summer when the Civil Engineering bids are received, it may be possible to reinstate some of the eliminated scope of work items through change orders. The negotiated bid eliminated about \$300,000 in costs and is close to our allocated budget when the \$75,000 allocation built into the bid specifications is taken into consideration. This \$75,000 allocation fund is intended to cover minor changes in the scope of work that may be found as renovations are being made and if any portion of it remains unspent at the conclusion of the contract, it is to be refunded to us as a credit.

Items eliminated from the scope of work include lightning protection at Stations 361 & 362, replacement of the Shop roof, replacement of HQ/Station 363 HVAC mechanical equipment (except for the replacement of the HQ computer room A/C unit and the addition of the Station 363 2nd floor training area heater due to the roof modifications that are necessary), HQ/Station 363 exterior wall cleaning, Station 363 EFIS coating and HQ masonry painting. All of this work still remains to be done and may be reinstated to the contract in the Fall once the other scope of work costs are known and we can re-allocate some of our contingency funds and excess professional service funds. We did not want to eliminate any of these items, but we also didn't want to spend more than we had budgeted right now before we know the remaining project costs. Commissioner Ridenour added that this approach gets the most important things done within the budget we have available, knowing that we may still be able to do more once we are further along in the process. Administrator Jones agreed, adding that we didn't want to put ourselves in a position of not being able to award other more critical work such as site work that needs to get done, but we won't be able to determine that until we bid out the remaining work. Commissioner Hamilton asked him a question about the scope of the HVAC work that is being done and temporarily deleted and Administrator Jones explained that it pertains only to HVAC work being here at Station 363. Commissioner Hamilton said he understands from past meetings that some of

these figures are 2 years old and Administrator Jones replied that we started the process 18 months ago. Commissioner Hamilton expressed his concerns about why we were using budget figures that were 2 years old and why the bids were so much higher than expected. Administrator Jones explained that when we developed the scope of work, we established cost estimates for each item based on actual contractor estimates and our best guess at what the actual cost might increase to by the time the work was done. Commissioner Roura added that he recalled that we padded most of the estimates by 10% or so to address this. Commissioner Hamilton clarified that we increased the estimated amounts but we didn't get new figures and Administrator Jones replied that the bids we have received reflect what it will currently cost to do the work, which in some cases is more than we expected because the economy has improved and contractors are trying to make up for several years of low bidding just to stay in business. He added that it has taken almost 18 months to get to this point after we started developing the scope of work and the economy has changed more than we anticipated. He felt that we had moved as quickly as we could have since the special election last July because it takes time to sell the bonds, go through the process of selecting professionals and developing a thorough set of bid specifications for contractors to bid on. Commissioner Hamilton felt that we should have had more up-to-date budget figures that may have covered some of the unanticipated increases in our costs and felt that if we had asked the voters for \$3.5 million instead of the \$2.95 million that was on the ballot, the public would have gone for it and we'd have plenty of money to do everything we are now eliminating. Commissioner Roura felt that we have done everything that we could to anticipate increased costs and that we didn't waste any time during the last 18 months. Commissioner Ridenour added that he never expected that we would have to reject contractor bids twice because they came in over budget, but we did and we are now where we are. Administrator Jones added that he felt that everything comes down to market conditions and when we started the scope of work development almost 2 years ago, we never expected the State to flood the market with so much school construction/renovation money, which is a big part of the problem. Contractors react to a glut of work on the market with higher bids because they can only handle so much work at any given moment and they bid premium prices for extra work because they can. Another factor is that many contractors folded during the last 5 or 6 years when times were tough for New Jersey construction and there are a lot less of them out there now to do the work now that the construction market is recovering.

Resolution #2015-26 "Award of a Negotiated Contract for Phase 1 Building Envelope Renovations to Puente Construction for \$1,678,898". Commissioner Roura made a motion to approve the resolution that was seconded by Commissioner Cornue. The motion was unanimously approved by the Board.

Administrator Jones thanked Solicitor Braslow for his assistance in preparing this resolution and appreciated all of the help that he has provided. Commissioner Ridenour appreciated everyone's input and all the hard work that Administrator Jones has put into this project so far.

COMMENTS OF FIRE DISTRICT PROFESSIONALS:

Solicitor Braslow reported that he has a meeting scheduled with Assemblyman Singleton tomorrow about the Fire District election bill and some of the other fire service related bills that are making their way through the legislature.

COMMENTS OF FIRE COMMISSIONERS:

Commissioner Hamilton asked what happens to all of the pictures that are taken by Personnel Assistant Delp and other Department officials when we swear-in new members or present awards. He never sees anything in the newspaper that Township residents might be able to read. He felt that it is important to spread the word about the excellent things that our staff is doing, especially when we recognize them for saving lives. Chief of Department Colucci replied that we usually put them on our Facebook page and on our website but that we have not been very active with the local newspapers and that would be something that we will look into. Commissioner Ridenour agreed with Commissioner Hamilton and that we need to put our guys out in front for the good things that they are doing.

PUBLIC PARTICIPATION:

None.

Resolution #2015-27 "Closing of Meeting Pursuant to Open Public Meetings Act". A motion to approve the resolution was made by Commissioner Roura that was seconded by Commissioner Cornue. The motion was unanimously approved by the Board.

**THE OPEN SESSION ENDED AT 9:15 PM.
A CLOSED SESSION BEGAN AT 9:16 PM.
THE CLOSED SESSION ENDED AT 9:53 PM.**

Commissioner Ridenour stated that the recently released Funeral Guideline was well written and thanked Chief of Department Colucci for getting it done. Commissioner Hamilton asked him if the antique ladder truck will ever come into play in future funeral operations because it is not mentioned in the guideline, isn't owned by the Department and he didn't know if we had any say in whether it is used. Chief of Department Colucci stated that although Department personnel built a carriage device designed to allow a casket to be carried on top of the antique main ladder rails, he was adamant that the Department not be in the practice of carrying caskets using that ladder. He had no way to stop the Masonville Fire Company from doing it, but he was not going to be responsible for it. The guideline provides the ability to empty a hose bed on an Engine and use that space to transport a casket the way that it is done traditionally, but he has never seen any Department put a casket on top of a main ladder like we have done. Using the hose bed on an Engine is much safer and you don't need to have any special lift to make it happen. Commissioner Hamilton stated that he was concerned that if Masonville really wanted to use their antique ladder to transport a casket in the future, we don't have the ability to deny them. Chief of Department Colucci stated that he would not allow on-duty staff to participate in something like that in the future. Solicitor Braslow asked him who provided the insurance on the vehicle and Chief of Department Colucci replied that Masonville Fire Company does. Solicitor Braslow reminded the Board that if the Fire District participates in or coordinates with them on a funeral assignment where the antique ladder is used, you would have some liability and could be held accountable in a lawsuit. Commissioner Hamilton asked about the rest of the equipment at Masonville and Chief of Department Colucci replied that everything in that fire station except for the antique ladder truck and the trophies belongs to the Fire District. Commissioner Hamilton asked Solicitor Braslow if it could be construed that the Fire District also owned the antique ladder truck since we own everything else in the building. Solicitor Braslow replied that an argument could be made for that, especially since the Fire District would be the responsible party in any funeral operation where it would be used and other Fire District assets and personnel are involved. He added that if an incident occurred, the Fire District would almost certainly be named in a lawsuit and that having and following a good policy or guideline is the best way to prevent it. Commissioner Hamilton asked if the Fire District owns the fire station properties and Administrator Jones replied that Masonville Fire Company still owns the building and ground but by virtue of a 99 year lease that we have with them, we can control what can be done there. Chief of Department Colucci felt that the Board should pursue getting clear title to each of the fire station properties and Administrator Jones added that we had tried getting this done on several occasions without success and that the removal of deed restrictions imposed by the family that donated the ground to the Fire Company has been the problem. Commissioner Hamilton felt that the Fire District should pursue it and get control of the property. Commissioner Roura liked the funeral guideline as it was written and felt that the use of the antique ladder as a casket platform for funerals has to be specifically addressed because of the liability.

Commissioner Roura made a motion to adjourn the meeting that was seconded by Commissioner Cornue. The motion was unanimously approved by the Board.

THE MEETING ADJOURNED AT 10:10 PM.