

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

October 17, 2016

Fire Department Headquarters Station  
Meeting Minutes #13

**IN ATTENDANCE:**

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

**NOT IN ATTENDANCE:**

1. Commissioner DiPietrantonio
2. Commissioner Shestack

The meeting was called to order by Commissioner Ridenour at 8:09 PM.

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

Public announcements were read by Commissioner Hamilton.

**ADOPTION OF RESOLUTIONS:**

Resolution #2016-35 "Appointment of Kanerah E. Carroll as a 'Junior' Member of the Mount Laurel Fire Department". Commissioner Roura made a motion to approve the resolution that was seconded by Commissioner Hamilton. The motion was unanimously approved by the Board.

Resolution #2016-36 "Appointment of Kenniyah G. Carroll as a 'Junior' Member of the Mount Laurel Fire Department". Commissioner Roura made a motion to approve the resolution that was seconded by Commissioner Hamilton. The motion was unanimously approved by the Board.

Resolution #2016-37 "Promotion of Christopher R. Santone to the Position of Battalion Chief for the Year 2016". Commissioner Roura made a motion to approve the resolution that was seconded by Commissioner Hamilton. The motion was unanimously approved by the Board. Commissioner Hamilton administered the oath of office.

Resolution #2016-38 "Appointment of Edwin Munoz to the Position of Firefighter for the Year 2016". Commissioner Roura made a motion to approve the resolution that was seconded by Commissioner Hamilton. The motion was unanimously approved by the Board. Commissioner Hamilton administered the oath of office.

The Board took a brief recess at 8:20 PM so that the families of the members could take pictures. The Board reconvened the meeting at 8:36 PM.

**FINANCIAL MATTERS:**

Commissioner Roura reported that he had reviewed the October monthly bills and found everything to be in order. He noted that this month we made the annual \$223,000 apparatus capital lease payment to Santander Bank. He made a motion to approve the payment of monthly bills totaling \$718,604.99 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. He reported that the completion of punch list items on the construction projects continues and that the mold remediation project has been completed. He added that the

Finance Committee is working on finalization of the 2017 Budget proposal for presentation to the full Board with another meeting scheduled for Wednesday.

**BOARD QUESTIONS FOR THE CHIEF OF DEPARTMENT:**

Chief of Department Colucci had submitted his monthly report to the Board for their review prior to the meeting. There were no questions or comments.

**STANDING COMMITTEE REPORTS:**

Building and Grounds: Administrator Jones reported that when the Birchfield Station roof replacement punchlist was being developed, we came across some issues with the maroon brick façade. Brick mortar joints on the hose tower were cracked and in some cases missing entirely, which is causing white “effervescence” marks as water gets behind the bricks and leeches out the calcium in the mortar mix. Unfortunately most of the effervescence is very high up on the walls, which makes it hard to inspect and potentially difficult to repair. The Architect developing the punchlist strongly suggested that we have these issues addressed in order to prevent bricks from potentially falling out of the walls as a result of repeated winter freeze and thaw cycles. We agreed that something needs to be done and he asked the Architect to prepare a proposal with a solution. They have submitted a \$7,500 proposal to develop a specification to completely inspect every square inch of the brick surface, repair any cracked or missing mortar joints, remove all effervescence and apply a clear waterproof coating to all brick surfaces on the building to prevent future water infiltration. He recommended that the Board accept the proposal so that we can hopefully get the project out to bid and the work completed before we get into the winter weather.

Commissioner Hamilton asked whether this work would include repointing of the brick joints and Administrator Jones stated that repointing of the mortar joints would be done wherever it was necessary. Commissioner Roura asked him whether this should have been part of the original scope-of-work and Administrator Jones replied that we did not notice any of these issues 3 years ago when we started developing the scope of work for the project. Commissioner Hamilton asked him if there was a gap between the brick face and the wall and how water could get down behind it. Administrator Jones replied that the walls are cinder blocks with an exterior cladding of brick attached to the cinder block wall with metal tabs. He believed that there is probably a small gap between the cinder block and the brick face that should allow water to travel to the base of the wall and exit through weep holes that are built into the bottom row of mortar joints. Commissioner Ridenour asked him if we could get the mortar repairs done before the winter weather sets in and Administrator Jones replied that he didn't know if things could move along that quickly but if this proposal is accepted tonight, he will let the Architect know that this is what we are shooting for. Commissioner Roura made a motion to accept the Architect's proposal not to exceed \$7,500 that was seconded by Commissioner Hamilton. The motion was unanimously approved by the Board.

**OTHER MATTERS:**

Chief of Department Colucci reported that volunteer firefighter Edwin Recinos had submitted a fundraiser request that he referenced in his monthly report. His request was to undertake a fundraising walk from Station 363 to the World Trade Center Memorial and he was requesting MLFD support and approve to have T-shirts made up and to wear his turnout gear for the last 3 miles as he crosses the bridge. The money raised would go into a fund to support firefighters, police and EMS workers. Chief of Department Colucci asked Solicitor Braslow and Administrator Jones if there is any insurance in place to cover Firefighter Recinos should he get injured during the walk. Administrator Jones stated that he was unaware of any coverage that our policies contained for an event like this and questioned whether the Board and the Fire District should be exposed to this kind of liability since it is not a normal fire department function. Chief of Department Colucci stated that he was not so much worried about strain or sprain injuries, as much as he was concerned about him getting seriously hurt should he be hit by a car. Solicitor Braslow suspected that Firefighter Recinos might try to make an argument that he was acting indirectly in his capacity as a volunteer firefighter and if he was sponsored by the Board and the Fire District he could try to claim any injuries as a Worker's Compensation case. Chief of Department Colucci added that Firefighter Recinos employer (Scott's Pizza) is sponsoring him and that he was mainly just looking for sponsors to support his cause. Solicitor Braslow suggested that we look into the cost of a 1 day insurance liability rider if coverage is available. Administrator Jones stated that he didn't know if this kind of activity really qualified as an expense that taxpayers should be responsible for. Commissioner Ridenour suggested that Commissioner Shestack and Administrator Jones might be able to look into this further and determine whether there is anything in our policies that cover something like this. Chief of Department Colucci added that in addition to seeking permission to wear his MLFD turnout gear for the final 3 miles of the trip, Firefighter Recinos wanted us to promote his cause on our website and that he was willing to work with the Board on approval for any T-shirt designs that involve our logo. Commissioner Ridenour suggested that Firefighter Recinos be asked for a written plan to document what he was looking to do so that we could give it to our insurance carrier for evaluation. Commissioner Hamilton stated that although he loves the idea and everything, he was definitely not for it due to the potential liability. Commissioner Ridenour stated that he would err on the side of caution and Commissioner Roura stated that he wanted to see what the insurance carrier says once we have something in writing. Chief of Department Colucci stated that he will request him to submit a plan that we can have Administrator Jones send to our JIF for their review and comment.

### **COMMENTS OF FIRE DISTRICT PROFESSIONALS:**

Solicitor Braslow reported that the DCA recently advised Fire Districts via e-mail that they have clarified an interpretation of how "special elections" & "special meetings" will be done by Fire Districts. Based on their interpretation of the elections statute, voting being conducted at any of these events must start no later than 2:00 PM and end no sooner than 9:00 PM on the day that is chosen. He added, for those that were unaware, that there are currently 3 methods that a Fire District can use to secure voter approval of capital expenditures – a ballot question at the annual election in February, a ballot question at a "Special Election" scheduled by the Board, and through a ballot question at a "special capital meeting" that must be held in the year prior to the annual election in order for the capital expenditure to be included in the annual budget.

He questioned their new interpretation because it means that "special capital meeting" elections must now begin at 2 PM and last until at least 9 PM, which is unnecessary and almost never happens. Theoretically this new interpretation means that this meeting could be opened by a quorum of Commissioners for voters to cast ballots and that the quorum would have to remain present until 9:00 PM in order for the "special meeting" to remain in session. He felt that what would actually happen is that a quorum of Board members would leave the meeting and then return just before 9 PM to close the meeting and count the ballots. He contacted the DCA and asked why this new interpretation has been made and they indicated that it was in response to guidance that the Attorney General had provided, but he felt that it was actually done to keep Fire Districts from using the "special capital meeting" method of getting voter approval for capital expenditures.

He reported that he had met with NJ State Senator Turner today about the election bill permissively allowing Fire Districts to hold their election in November on the General Election date as part of the General Election ballot. Provisions in that bill would permit Fire Districts to include capital expenditures in the annual budget without obtaining "prior voter approval in the preceding year" just like municipalities and school districts do. He stated that Senator Turner had concentrated on that provision and was very interested in the cost of elections and eliminating them whenever possible by combining them with either June or November election dates that are already established and get better voter turnout. He believed that the DCA is no longer willing to work with Fire Districts to come up with mutually agreeable solutions and may, in fact, be going out of their way to create havoc and problems for us. He suggested that the way to meet the new requirements that the DCA has imposed is to have 1 Commissioner present with 2 Commissioners calling in at 2 PM to meet the requirement for a quorum, then maintain 1 Commissioner physically in attendance until the 9 PM end time when the other 2 Commissioners can call back in so that a quorum is met with the ballots being counted and the results of the voting announced publicly. Administrator Jones added that we don't currently have any capital expenditures in the current 2017 Budget Proposal that would require us to hold a "special capital meeting" this year so this new interpretation will not affect us yet. He added that we will most likely have capital expenditures in the 2018 Budget Proposal because we have several fleet vehicles that will be scheduled for replacement.

Chief of Department Colucci followed up on Administrator Jones' earlier comment about how we can go about replacing Quint 3614 in 2017 if we decide that we want to do that. Administrator Jones replied there are 2 ways of doing it; through a ballot question on the annual election in February or as a ballot question at a Special Election sometime in 2017 and that there were merits either way we go. Solicitor Braslow clarified that the "special capital meeting" statute provides that if I wanted to buy a firetruck in 2017, I have to get voter approval this year in order for me to include funding for the purchase in the 2017 Budget. He felt that a lot of Fire Districts don't want to delay this kind of major purchase because of sometimes significant annual price increases and they don't want to put these ballot questions on the annual election ballot. He felt that the DCA believes that all Fire Districts do things secretly, and that because we usually have low voter participation, we are not getting approval from a majority of the voters. Administrator Jones clarified that if we put the Quint 3614 replacement question on the annual election ballot in February 2017 and it was approved by the voters, we would then budget for the initial debt service payment in the 2018 Budget. Solicitor Braslow added that only Fire Districts have to abide by this cumbersome and convoluted process. Commissioner Hamilton asked whether we can make a capital expenditure now if we have a special meeting and get voter approval for the expenditure instead of waiting until 2018. Solicitor Braslow replied that if you got your voter approval before the end of this year through the "special capital meeting" process, it can be included in the 2017 Budget and we could make the purchase in 2017. He stated that another way to do it that is becoming popular is to do a "lease/purchase" with the finance company making a payment to the manufacturer on your behalf but not requiring you to make a payment to them until the following year. It is a bit confusing, but there does not seem to be anything illegal about it and it is compliant with the statute. Commissioner Hamilton stated that in a sense we could get a vehicle earlier if we needed it and Solicitor Braslow replied that you could. Administrator Jones stated that in the past we would appear before the Local Finance Board for literally 30 seconds or so, they approved the project and we moved forward. Now they seem to be scrutinizing everything that Fire Districts submit, so you need to be very prepared with your facts when you appear before them. Solicitor Braslow agreed with Administrator Jones' comment and felt that they were going well beyond what they were supposed to be doing.

Commissioner Ridenour asked Solicitor Braslow when he believes that the annual election will be moved to November and Solicitor Braslow replied that the bills that are being put forth in the legislature are being changed in ways that make them difficult for the fire

service to support and getting away from the original compromises that he and the State Association of Fire Districts had worked out with legislators. He felt that Senator Turner was holding things up and making changes that removes many of the benefits that were initially included. The other problem is getting any bills out of Committee and out to a vote by the legislators. At this point, there will definitely be no change in the annual election process for this cycle.

Commissioner Roura asked Chief of Department Colucci about the status of the Quint 3614 replacement. Chief of Department Colucci replied that he believed we need to obtain a replacement as soon as possible because it was a 1<sup>st</sup> out piece of apparatus at Station 361. His dilemma at this point is whether we accelerate the replacement program for other apparatus that we had planned to replace in 2021 when a large portion of our current debt service was retired. He did not feel that we would be in a position to secure a piece of property and design a new Station 364 quick enough to include with any debt that we try to approval for in the next year or so, but this might be something to consider for the 2021 time frame when new debt can be pursued. He felt that the real question is whether we can get by between now and then without a replacement for Quint 3614 and we are looking at the possibility of a lease/purchase type of deal. He added that Quint 3614 is now out-of-service and we would like to begin the asset liquidation process as soon as we decide whether there are components that we want to strip off or not.

Commissioner Ridenour stated that he had spoken with a George Reed from the Voorhees Fire Department recently and he told him that Voorhees leases their fire apparatus and turn their apparatus over every 3 years. He wondered how feasible that would be for us and Solicitor Braslow added that what Voorhees does might not be something that we want to follow because they are in the process of being dissolved as a Fire District, with one of driving issues being that very program. He has spoken with the DCA about their leasing program and was told that it is illegal and suggested that the Board not even look at what they are doing. Commissioner Roura felt that he didn't know if he wants to strip Quint 3614 down and suggested that the Board make a decision on how they want to liquidate it soon. Chief of Department Colucci added that we don't know what the value of the apparatus would be either way because unless it is somehow repaired it should not be placed back into service and he didn't know whether anyone would even be interested in it. Deputy Chief Burnett recommended putting it up on GovDeals for auction, setting a reserve that we are comfortable with and see what we can get. Administrator Jones suggested that we should be evaluating our entire apparatus fleet, what we have and what we really need and come up with a 5 to 10 year long range plan for apparatus replacement that is practical. He felt that the problem is that we have to operate within the 2% levy cap and if we want to purchase apparatus in 2017 or 2018 we will have to exceed that and go to the voters for approval. He felt that the real question is when was the most opportune time to approach the voters with this, at the annual election in February or at a special election. If we have an operating budget tax increase on the ballot this February, and we tack on a \$3 million capital lease or bond issue question for apparatus replacement, it may be too much for voters to accept and we could have both questions defeated. He was more comfortable insulating the operating budget from an apparatus purchase ballot question by having them considered in separate elections. Commissioner Ridenour added that this is what we did for the building maintenance bond issue in 2014 and it worked out well but the drawback is that we add another ½ year to the timetable for a replacement apparatus. Administrator Jones clarified that we can expect a timeline of 16 to 18 months for replacement of apparatus beginning with the date of the election, gaining Local Finance Board approval, signing a contract with a manufacturer and final delivery. He also expressed concern with the increased scrutiny that the Local Finance Board seems to be giving to Fire Districts that appear before them for financing approvals. We would need to make sure that we have all of our facts in order and anticipate the questions that they may ask.

Solicitor Braslow agreed with his comments and the increased scrutiny that they are giving to Fire District projects. Commissioner Hamilton asked him who was on the Local Finance Board and he replied that they all have a political background, former legislators or associations with political office holders. They seem to have an agenda that they are following and the agenda appears to be coming from the political leadership and includes consolidation where possible and dissolution if they have reasons to justify it. Commissioner Hamilton stated that it appears that they are being used to give people a hard time over nothing. Solicitor Braslow replied that their statutory responsibility is supposed to be somewhat limited, looking at our cost of debt issuance, whether the interest rate is reasonable and validating that we followed all of the required statutory procedures. However, they are now asking questions about why you need the apparatus, what are you replacing, how many districts are in your town and so on, which he felt is well beyond their scope. Administrator Jones suggested that we develop a new Long Range Plan for apparatus replacement so that we have some of the answers for questions that might be posed at a Local Finance Board hearing. He added that a new plan would help us determine when we can replace retired debt and how much we believe will to be spent. Commissioner Hamilton felt that long range plans were largely useless and Administrator Jones replied that they are only as valuable as what is put into them and if they are followed. He added that a new Long Range Plan should also anticipate other periodic capital needs beside apparatus purchases such as replacement of radio equipment, SCBA equipment and building construction and/or major maintenance. Commissioner Roura commented that while there may be an immediate need for replacement of Quint 3614, there is no way before the end of the year that we will have any hard numbers to propose to the public. Administrator Jones agreed and stated that with the 2017 Budget likely to contain a tax increase, it would probably be best not to rush things and look to hold a special election sometime in 2017.

#### **COMMENTS OF FIRE COMMISSIONERS:**

Commissioner Ridenour reported that the Fire Prevention Open House event went off pretty well and seemed well attended. There was a little bit of a communication problem with Wegman's but overall our mutual aid crews and our staff were there and did a nice job. We will need to plan things a little better next year and maybe not depend as much on them to get the message out.

**PUBLIC PARTICIPATION:**

None.

Resolution #2016-39 "Closing of Meeting Pursuant to Open Public Meetings Act". Commissioner Roura made a motion to approve the resolution that was seconded by Commissioner Hamilton. The motion was unanimously approved by the Board.

**THE OPEN SESSION ENDED AT 9:37 PM.  
A CLOSED SESSION BEGAN AT 9:38 PM.  
THE CLOSED SESSION ENDED AT 9:47 PM.**

Commissioner Roura made a motion to approve Chief of Department Colucci's promotion recommendations that will be required as a result of Battalion Chief Sharkey's announced retirement next year. Commissioner Hamilton seconded the motion. The motion was unanimously approved by the Board.

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

**THE MEETING ADJOURNED AT 9:48 PM.**