

April 15, 2021 Meeting of the Board of Fire Commissioners

District #3 in the Township of Hanover

County of Morris, Cedar Knolls, New Jersey

The meeting was called to order at 7:00 p.m. on April 15, 2021 in accordance with the Public Meeting Act of 1975, Chapter 231. The Board observed a moment of silence for all those who have given their lives in service of their communities and nation.

ATTENDANCE: Commissioners Michael Dugan Sr., Michael Dugan Jr., and Robert O'Hare were present. Commissioner Robert Callas was absent.

Chief DiGiorgio, Administrator Schultz, Lt. McGuinness, FF Ujfalussy, EMT Bergman, EMT Makar, Asst. EMS Chief DeSimone, Captain Thompson, and Fire Co. Member Davidson were also in attendance.

PUBLIC PARTICIPATION: Commissioner O'Hare reported that Commissioner Callas and Commissioner Dugan Sr. have chosen not to run again now that their terms are over. Commissioner O'Hare thanked them for their nine years of service, and their energy and input, to the Board. Commissioner O'Hare wished them well as they go forward.

CORRESPONDENCE: None.

APPROVAL OF PREVIOUS MINUTES:

The minutes from the April 1, 2021 Regular Meeting were reviewed.

Amendments to Previous Minutes: None.

Commissioner Dugan Sr. made a motion to approve the minutes from the April 1, 2021 Regular Meeting. Commissioner Dugan Jr. seconded the motion. All were in favor. Commissioner Callas was absent.

REPORT OF THE TREASURER: Commissioner Dugan Sr. distributed a preliminary April 2021 P&L. Commissioner Dugan Sr. reported that everything looks good and the district is where it should be as far as spending.

Report of Fire Commissioner Board Committees and Chief of Department:

CHIEF'S REPORT: Chief DiGiorgio submitted his Bi-Monthly on April 9, 2021 and did not have any additions to the report.

Commissioner O'Hare asked if anyone had questions for the Chief. There were no questions.

EMS: Nothing to report.

BUDGET: Nothing to report.

PERSONNEL: Nothing to report.

NEGOTIATIONS: Commissioner Dugan Sr. reported that there was progress and that the Board is waiting to have the contract sent to the attorney to be typed up. Commissioner O'Hare asked when the contract would be sent to the attorney. Commissioner Dugan Sr. reported that the attorney should have the contract by mid next week.

LIAISON TO THE VOLUNTEERS: Nothing to report.

BUILDINGS AND GROUNDS: Commissioner O'Hare reported that he looked at the eaves based on the Chief's request at the last meeting and would like to look into getting them painted. Commissioner O'Hare asked Administrator Schultz to get some quotes for painting the eaves.

Commissioner Dugan Jr. reported that some lights in the electronic sign are out, specifically the ones that illuminate "Hanover Township Fire District 3".

Administrator Schultz reported that he and FF Ujfalussy are going to change the bulbs on Tuesday of next week.

APPARATUS/EQUIPMENT AND MAINTENANCE: Administrator Schultz reported that Car 32 was picked up and the check from GovDeals should be coming soon. Administrator Schultz thanked Chief DiGiorgio and FF Gilson for their help on this matter.

INSURANCE: Nothing to report.

COMMUNICATIONS: Nothing to report.

BY-LAWS: Nothing to report.

WEBSITE: Up to date.

PLANNING COMMITTEE: Nothing to report.

LIASON TO EXEMPTS: Nothing to report.

RECORDS RETENTION: Commissioner Dugan Sr. reported that the District is awaiting approval to destroy some records.

LIAISON TO HANOVER TOWNSHIP COMMITTEE: Nothing to report.

MEMORIAL DAY COMMITTEE: Chief DiGiorgio reported that at the Company Meeting he discussed setting a date to put a Work Group together in a couple of weeks. Chief DiGiorgio thanked Commissioner O'Hare for securing a caterer and reported that the deposit check was being signed tonight.

OLD BUSINESS: None.

NEW BUSINESS: Commissioner Dugan Sr. reported that it was brought to his attention that the Chief was exonerated of all charges and he does not know how that happened when he had no knowledge of it. Administrator Schultz advised against discussing personnel matters in open session. Commissioner Dugan Sr. reported that he was looking for a yes or no answer and to discuss further in executive session, if needed. Commissioner O'Hare said that the matter would be discussed in executive session.

REMINDERS:

The next regular meeting of the Board of Fire Commissioners will be held on Thursday, May 6, 2021 at 7:00 P.M at the firehouse.

The next Joint Fire Prevention Board Meeting is to be determined.

Fire District Elections will be held on Tuesday, April 20, 2021 from 2 P.M. until 9 P.M.

The Board's Reorganization Meeting will be held on Tuesday, May 4, 2021 at 7:00 P.M. at the firehouse.

PUBLIC PARTICIPATION: Asst. EMS Chief DeSimone thanked Commissioner O'Hare for the letter he sent her last week about the subject they discussed after the last Commissioners Meeting. Asst. Chief DeSimone noted that the letter stated that the situation is now closed and felt that the situation was not closed. Asst. Chief DeSimone reported that there was one or two other people that

submitted concerns to the Board about the same situation and asked if they received a letter. Commissioner O'Hare explained that Asst. Chief DeSimone signed the complaint and that is all he could say. Asst. Chief DeSimone acknowledged that she may have filed a complaint but she believes there were also other complaints filed. Commissioner O'Hare stated that he did not want to discuss a personnel matter in open session but felt that the letter was pretty straight forward. Asst. Chief DeSimone reported that the letter states the situation is closed but nothing is closed and the whole Board agreed to the decision. Commissioner O'Hare reiterated that he will not discuss personnel matters in open session. And stated that the Board made a decision and that Asst. Chief DeSimone was notified as the complainant. Captain Thompson felt that based on what Commissioner Dugan Sr. said, it does not look like the Board made that decision because it seems to be news to him. Captain Thompson asked, along those lines, if there was a reason why other employees were kept home for a week and a half if there was nothing improper found about the situation in the complaint. Commissioner O'Hare reported that the situation was looked into and as a result the policy has been changed. Captain Thompson asked if employees who work second jobs will be reimbursed for the money they lost while they were held out of work. Commissioner O'Hare reported that there is a policy on that and he will have to look at it because he is not sure what that policy is off the top of his head. Captain Thompson reported that he knew of one person that was brought up on charges and terminated for going to a second job while he was still on quarantine. Commissioner O'Hare noted that these were personnel matters and he did not want to discuss them in open session. Commissioner O'Hare noted that not every case is the same and it was like comparing apples to oranges. Captain Thompson asked again if people who lost money when the policy was changed are going to be made whole. Commissioner Dugan Sr. reported that he did not know about that but that the Board is supposed to follow the policy that is in place at that time. Commissioner Dugan Sr. reported that if the policy that was in place required that they stay home, then they had to stay home. Commissioner Dugan Sr. felt that whether the policy was going to be changed five days down the road was irrelevant. Captain Thompson reported that the argument that the policy was going to be changed is what is being used to say that the policy was not violated because it was about to be changed. Captain Thompson asked how come the tax payers of Cedar Knolls paid two or

three other employees to stay home another week and a half if the policy was going to be changed. Captain Thompson asked why the policy was not immediately changed and people brought back to work. Captain Thompson noted that employees that had second jobs and were prohibited from attending these jobs lost money and asked who was going to make them whole for the additional week and a half. Captain Thompson noted that he could not be specific because this was a public session. Commissioner Dugan Sr. reiterated that he felt that the policy that is in place should be the one that is followed. Captain Thompson felt that regardless of any finding of wrongdoing from that point on things should have been changed and things should have been addressed. Asst. Chief DeSimone felt that even though the Board says that the matter is closed, a thorough investigation was not done and that the response given to her was inadequate. Commissioner Dugan Sr. recommended that all involved parties that wish to express their dissatisfaction, request to come to a closed session where it can be discussed. Asst. Chief DeSimone noted that Commissioner Dugan Sr. is leaving and that leaves only two continuing positions on the Board, so what would be the purpose of discussing this with new Board members. Commissioner Dugan Sr. agreed and felt that if the parties had requested to come to closed session tonight at least they could have been heard by the existing Board. Asst. Chief DeSimone reported that it was unfortunate how it was handled because there is no credibility at all with this Board. Commissioner O'Hare objected to this statement and reported that Asst. Chief DeSimone does not know the ins and outs of the whole thing and that she has certain information that she is operating on which may or may not be partially true. Commissioner O'Hare ended the discussion on this matter and asked if there was any other member of the public that they want to say on a different matter. Chief DiGiorgio asked to speak on the matter before the discussion was concluded. Chief DiGiorgio reported that his name as Chief of the Department was mentioned about being exonerated and in the same conversation there was reference made to a complaint, a complainant, and a discussion on how the matter was handled. Chief DiGiorgio reported that he has not received a Rice notice, has he agreed to have any of this conversation held in public session, and has not agreed to have this conversation held in private session. Chief DiGiorgio reported that he wants it on record that he did not agree to have this conversation either in public or private session as is his right under Rice. Chief DiGiorgio reported that the matter of a complaint and his

rights under Rice to have a discussion in open or closed session needs to be discussed with him. Chief DiGiorgio noted that if the subject was going to be discussed in closed session, he needs to know because it affects his rights under rules of his employment. Chief DiGiorgio reported that if his termination, suspension, or any type of disciplinary matter is going to be discussed, he would like to have a Rice notice 24 hours before that discussion is held. Chief DiGiorgio reiterated that at this point he has not agreed to have this heard in public session. Commissioner O'Hare asked if there was any other topic for public discussion.

Fire Co. Member Davidson reported that when the firehouse was painted during the renovation, the architects came up with a paint spec for bidding and strongly recommended that when painting is done the entire firehouse should be painted. Fire Co. Member Davidson reported that painting all the exposed wood would help maintain the firehouse and prevent the wood from rotting. Fire Co. Member Davidson therefore felt the Board should consider and get specs on painting the entire firehouse and not just the eaves.

RESOLUTIONS:

Commissioner O'Hare read Resolution 21-04-15-30 appointing Per Diem EMT D. Harrington.

Commissioner Dugan Sr. made, a motion to introduce the resolution, seconded by Commissioner Dugan Jr. All were in favor. Commissioner Callas was absent.

EXECUTIVE SESSION: Commissioner O'Hare read Resolution 21-04-15-31 to enter into executive session. Commissioner Dugan Sr. made a motion to introduce the resolution, seconded by Commissioner Dugan Jr. All were in favor. Commissioner Callas was absent. The Board went into closed session at 7:16 p.m.

Personnel and legal matters were discussed. Action will not be taken.

The Board came out of closed session at 7:30 p.m.

Chief DiGiorgio requested that the Board approve the updated FF/EMT job announcement. The Board approved the announcement. Chief DiGiorgio reported that the job announcement will be reposted starting April 16, 2021.

Commissioner Dugan Sr. made a motion to allow Chairman O'Hare to sign the FMBA contract once the attorney approves it. The Board approved the motion.

ADJOURN: A motion was made by Commissioner Dugan Sr., seconded by Commissioner Dugan Jr., to adjourn the meeting. All were in favor. Commissioner Callas was absent. The meeting was adjourned at 7:32 p.m.

Respectfully submitted by

Karen Calabrese, Bookkeeper