

**Montgomery Township District No. 1
Board of Fire Commissioner's Meeting**
35 Belle Mead-Griggstown Road
PO Box 130
Belle Mead, NJ 08502

Minutes of October 13, 2015

Call To Order -- The regularly scheduled meeting of the Board of Fire Commissioners was called to order at 7:30 p.m. by Commissioner Spohn, following proof of publication in accordance with the Open Public Meetings Act. Notice of the meeting was posted at the municipal building, the Board's office, and advertised as required by law.

Roll Call -- Upon Roll Call the following Commissioners were present: W. Spohn, T. Karsay, E. Fedun, J. Kessler, W. Hyncik. Absent: None. Also present: Chief J. Huxley, Attorney Griswold.

Approval of September 8, 2015 Minutes – The Board reviewed the minutes of the September 8, 2015 regular meeting.

A motion was made to accept the Minutes of the September 8, 2015, board meeting.

Motion made by Hyncik. 2nd by Fedun. Motion passed without objection.

PUBLIC COMMENT- None.

TREASURER'S REPORT

Monthly Bills/Financial Statement Review -- A copy of the Treasurer's report was made available to each Commissioner with a list and description of the bills to be paid. One item was added to the list of bills being paid at this meeting: Johnathan Kessler (\$85.60) for materials for Fire Prevention presentations ('15 Training). The Approved Fire Protection Co. invoice was \$212.10 (not \$184.75 as entered in the report).

Commissioner Fedun questioned payments to PSE&G in the amount of \$2002.92 as probable duplicates of payments made last month. These payments will be approved but the checks won't be sent until confirmed.

The 3rd quarter tax check has been received and will be deposited in the PNC operating account.

A motion was made to accept the Treasurer's Report, to approve payment of the bills as presented, supplemented and amended.

Motion made by Hyncik. 2nd by Fedun. Motion passed without objection.

RESOLUTION 2015-43 – Payment of Bills

The Chief Financial Officer having certified there are sufficient funds in the 2015 budget and encumbered funds from the 2014 budget to pay the bills as presented, supplemented and amended, and having designated the accounts to which each should be charged, a Resolution passed authorizing payment of the bills in the total amount of \$31,000.87 ('14 encumbered \$123.54; '15 budget \$30,877.33).

Resolution Ayes: Spohn, Karsay, Hyncik, Kessler, Fedun. Nays: None. Absent: None.

*Abstention: Commissioner Fedun abstained from voting on payment to Harlingen Garage.
Commissioner Spohn abstained from voting on payment to Sunrise Office Systems.
Commissioner Karsay abstained from voting on payment to Karsay Coffee, Inc.
Commissioner Kessler abstained from voting on reimbursement to him.*

MEETING UPDATES

Emergency Services – No meeting.

Fire Prevention – No meeting – Fire Prevention Month activities taking place.

COMMITTEE REPORTS

Special Services Vehicle – Training has been ongoing. Once fluids are drained and changed the vehicle will be ready to respond to calls.

Rescue Truck – The vehicle has been delivered to the manufacturer's rep (Fire & Safety Services) in New Jersey for mounting/outfitting and prep work. It is scheduled for delivery to the firehouse on Oct. 24th. A check for the balance due will be needed at that time.

OLD BUSINESS

Bid Opening – Command Vehicle Radios & Installation – No proposals were submitted in response to the public solicitation for bids returnable at this meeting.

2014 Fire District Audit – Completed. **RESOLUTION 2015-44 (attached).**

Rescue Truck Final Payment-

RESOLUTION 2015-45 – Authorizing Payment to Pierce Manufacturing And Transfer of Funds

Upon inspection and acceptance of the vehicle, authorization to pay Pierce Manufacturing, Inc. the balance due for the manufacture and delivery of the Rescue Apparatus, purchased through the H-GAC purchasing cooperative contract FS 12-13, in the amount of \$382,981.68, representing the purchase price of the apparatus, less prepayment of chassis, prepayment discount, and trade-in value of old rescue apparatus, chargeable to the 2014 Capital Truck appropriation; together with authorization to transfer \$200,000.00 from the PNC Bank investment account to the checking account for the purpose of making this payment.

Resolution Ayes: Spohn, Karsay, Hyncik, Kessler, Fedun. Nays: None. Absent: None.

Belle Mead Plaza Development -

A Motion was made to close the meeting to the public for a discussion of the proposed Belle Mead Plaza Development.

Motion by Kessler.

2nd by Karsay.

Motion passed without objection.

RESOLUTION 2015-46 – Authorizing Closed Session to Discuss Matters Pursuant to N.J.S.A. 10:4-12(b)

Whereas, the Open Public Meetings Act (N.J.S.A.10:4-6 et seq.) authorizes a public body to meet in closed session under certain limited circumstances; and

Whereas, pursuant to the Act, as a prerequisite to adjourning to closed session the Board must first adopt a Resolution stating the general nature of the subject or subjects to be discussed and the time and circumstances when such discussion can be disclosed to the public; and

Whereas, the Board has determined it is necessary to adjourn to closed session at this time to discuss potential litigation that may arise concerning the proposed Belle Mead Plaza Development pending before the Montgomery Township Planning Board.

It is Resolved by the Board of Fire Commissioners of Montgomery Township District #1 that

- 1. The Board will adjourn to closed session for the purposes of discussing potential litigation; and*
- 2. The matters discussed will be made public if and when the substance of the matters discussed are no longer subject to potential or actual litigation and the confidentiality of which is not required to protect the attorney-client privilege; and*

It is further Resolved that at the conclusion of the closed session the Board will resume its regular meeting, open to the public, and will conduct all further business as may come before it at that time.

Resolution Ayes: Spohn, Karsay, Hyncik, Kessler, Fedun. Nays: None. Absent: None.

Resume Open Public Meeting

A Motion was made to retain a planning engineer and to increase the previously authorized fees payable to the traffic engineer and attorney in connection with the Belle Mead Plaza Development and Covert Drive issues.

Motion made by Hyncik. 2nd by Fedun. Motion passed without objection.

RESOLUTION 2015-47 – Award of Professional Service Contract and Authorization of Professional Fees

WHEREAS, by Resolutions adopted at its September 8, 2015 meeting the Board of Fire Commissioners' approved hiring the Herold Law firm and a traffic consultant recommended by said law firm to represent the Board's interests in addressing fire protection and public safety matters involving the proposed Belle Mead Plaza development; and

WHEREAS, said Resolutions authorized the initial expenditure of up to \$2,500.00 each to retain the services of the law firm and the traffic consultant, with any costs above the initial retainer being subject to further Board approval ; and

WHEREAS, evidence presented by the developer's experts at the August 17 and September 21, 2015, meetings of the Montgomery Township Planning Board has made it apparent that it is necessary for the Board to continue its participation, in conjunction with the Montgomery Township Volunteer Fire Company #1, in contesting certain aspects of the Belle Mead Plaza development being considered for approval by the Planning Board; and

WHEREAS, the matters of concern to the Board deal specifically with the developer's proposed redesign and use of Covert Drive for residential and commercial traffic purposes in connection with its planned development(s) and Montgomery Township's intent to designate Covert Drive as a public thoroughfare; and

WHEREAS, at this time Covert Drive is the sole source of ingress and egress for emergency personnel and fire apparatus to and from the Montgomery Township Fire Company No. 1 firehouse; and

WHEREAS, as presently designed, the proposed Covert Drive alterations are not adequately designed to safely accommodate both civilian and fire vehicle traffic, and will impede fire company access to the firehouse resulting in delayed response times for fire personnel and apparatus, as well

as increasing the potential risk of harm to drivers and pedestrians sharing the emergency vehicle passageway during emergency response situations; and

***WHEREAS**, the Board maintains that the developer's plan, if approved, will significantly interfere with its ability to fulfill its public duty to deliver safe and efficient fire protection services within the fire district, and also maintains that reasonable alternatives exist that will safeguard and promote the Board's and the fire company's ability to provide the essential public safety services they do, while also meeting the developer's needs; and*

***WHEREAS**, efforts on the Board's part to resolve its legitimate public safety concerns have produced no results and the developer's application is proceeding through the Planning Board approval process; and*

***WHEREAS**, it is evident that legal and traffic consultant services above the previously approved expenditures, and perhaps the services of a planning engineer, are required to present expert testimony before the Planning Board to address the emergency services and public safety issues raised by the developer's application and to illustrate the viability of alternatives; and*

***WHEREAS**, the Chief Financial Officer has certified that there are sufficient unencumbered funds in the 2015 budget to pay the expenses contemplated in this Resolution.*

***IT IS RESOLVED** that Chairman Spohn be authorized to enter into a Professional Services Agreement with a professional planning engineer to be recommended by Herold Law P.A. and approved by Commissioner Spohn; and it is*

***FURTHER RESOLVED** that services of the Herold Law firm and traffic consultant be continued beyond the \$2,500.00 retainers previously approved for each; and it is*

***FURTHER RESOLVED** that the combined expenditures for professional services for the Belle Mead Plaza/Montgomery Planning Board matters shall not exceed an additional \$15,000.00 (chargeable to the 2015 Professional Services appropriation) unless subject to further Board action and approval.*

Resolution Ayes: Spohn, Karsay, Hyncik, Kessler, Fedun. Nays: None. Absent: None.

NEW BUSINESS

CHIEF'S REPORT

The fire company responded to 19 calls during September, 2015, including four building fires, a car fire, a mulch fire, and three gas leaks.

Drills/Work Sessions – A Jaws of Life drill was held during the month.

Activities –

-Sept. 12 The fire company participated in escorting the Memorial Riders from Florida on the Brotherhood Ride from the Elks Club

-Sept. 18 NJ Firemen's convention at Wildwood

-Sept 19 Carrier Walk of Hope

ENGINEER'S REPORT (presented by Chief)

Vehicle Repairs/Service – 45-103– two front tires will be replaced after Fire Prevention activities complete. 45-102 A/C work will be completed soon. 45-135 – replacement of the coolant level sensor completed.

A Motion was made to approve purchases presented to the board.

Motion by Fedun.

2nd by Kessler.

Motion passed without objection.

RESOLUTION 2015-48 – Approval of Purchases and Reimbursements

The Chief Financial Officer having certified there are sufficient unencumbered funds available in the 2015 budget, and encumbered funds in the 2014 budget, a Resolution passed authorizing the following expenditures:

- 1. One (1) DeWalt 4-piece 20 volt cordless tool kit (\$299.00); one (1) DeWalt dual port fast charger (\$99.00); and one (1) DeWalt 2-pack power tool batteries (\$99.00), all pursuant to lowest quotes submitted from Lowe's at a total cost not to exceed \$497.00, chargeable to the 2015 Supplies appropriation.*
- 2. One (1) aluminum floor jack stand set pursuant to lowest quote to be submitted, not to exceed \$463.00 quoted by Snap-On Tools, chargeable to the 2015 Supplies appropriation.*
- 3. Relocation of radio from old to new rescue apparatus by Motorola Solutions pursuant to NJ State Purchasing Contract #83909 at a cost of \$3000.00, chargeable to the 2015 General Operating appropriation.*
- 4. Three (3) ea. plastic speed bumps pursuant to lowest quote from Grainger at a cost of \$340.32, including shipping, chargeable to the 2015 General Operations appropriation.*
- 5. Purchase lighting for the Special Services vehicle from Emergency Services System, Inc., pursuant to NJ State Purchasing Contract #A81331 at a cost of \$6,251.68, chargeable to the 2015 General Operations appropriation.*
- 6. New wiper motor for Special Services vehicle pursuant to lowest quote from M Series Rebuild at a cost of \$450.00, chargeable to the 2015 Maintenance and Repairs appropriation.*
- 7. Purchase one (1) piercing nozzle pursuant to lowest quote from Zoro at a cost of \$801.90, chargeable to the 2015 Supplies appropriation.*
- 8. Purchase two (2) Task Force Tips storz elbow adapter (\$1,290.00) and two (2) Fire Hooks 30" Halligan Bars (\$509.98) pursuant to lowest quote from Firestore at a total cost not to exceed \$1,780.00, chargeable to the 2015 Supplemental Fire Services Grant appropriation.*
- 9. Purchase two (2) Task Force Gated Wye valves pursuant to lowest quote from Firestore at a cost of \$712.50, chargeable to the 2015 Supplies appropriation.*

Resolution Ayes: Spohn, Karsay, Hyncik, Kessler, Fedun. Nays: None. Absent: None.

ADJOURNMENT: There being no further business to come before the Board, the meeting was adjourned at 9:10 pm. The next regularly scheduled Board meeting is to take place on Tuesday, November 10, 2015, at 7:30 pm.

Motion made by Spohn.

2nd by Karsay.

Motion passed without objection