

**MOUNT LAUREL FIRE DISTRICT #1
BOARD OF FIRE COMMISSIONERS
SPECIAL MEETING / WORK SESSION**

October 4, 2010

Fire Department Headquarters Station

Meeting Minutes #19

IN ATTENDANCE:

1. Commissioner Cornue
2. Commissioner Nash
3. Commissioner Shestack
4. Commissioner Shapiro
5. Chief of Department Gallos
6. Administrator Jones
7. Deputy Chief Colucci

NOT PRESENT:

1. Commissioner Roura

The meeting was called to order by Commissioner Cornue at 7:07 PM.

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

The Public Announcements were read by Commissioner Shapiro.

Resolution #2010-65 "Closing of Meeting Pursuant to Open Public Meetings Act". A motion to approve the resolution was made by Commissioner Shestack and seconded by Commissioner Nash. The motion was unanimously approved by the Board.

THE 1st OPEN SESSION ADJOURNED AT 7:09 PM.

THE 1st CLOSED SESSION BEGAN AT 7:10 PM.

THE 1st CLOSED SESSION ADJOURNED AT 8:02 PM.

THE 2nd OPEN SESSION BEGAN AT 8:03 PM.

General Discussion:

Discussion of "Fee for Service" Resolution / Proposal:

Commissioner Cornue stated that this agenda item has been tabled several times because the Board wanted to have all 5 members present to participate in the discussion and vote on the final decision. He proposed tabling it one last time and asked if anybody disagreed with this suggestion. Commissioner Shapiro stated that she would not be at the 11/1 Special Meeting. Commissioner Nash suggested that we try hold off on the discussion and try to have it at the 11/18 Regular Meeting after the Board has had a chance to review the 2011 Budget and we know what our revenue stream looks like. Commissioner Shestack stated that he will not be at the 11/18 Regular Meeting and wasn't sure if Commissioner Roura would be attending either because of his new job. He reported that the 2011 Budget that he and Administrator Jones have put together does not rely on revenue from any new source such as "Fee for Service". Administrator Jones agreed and added that the Board could decide on whether to proceed with this program and any revenue it generates this year or next year would be considered "unanticipated income" and revert to surplus at the end of either year. He felt that if the Board decided to move forward with the "Fee for Service" program, it would be helpful not to anticipate the amount of revenue in the next budget cycle so that we can establish a reasonable figure based on actual collections. This would support any future revenue anticipation figures that we include if they are questioned by the DCA. The Board unanimously decided to table this matter until the next meeting.

2010 Awards Banquet Discussion:

Commissioner Cornue stated that Firefighter Stenton had provided the Board with 3 proposals for the banquet and a good overview. Chief of Department Gallos asked Firefighter Stenton if alcohol was part of the "per person" pricing quoted in the proposals and Firefighter Stenton replied that it was not. Commissioner Shestack added that in the past, the owner of the Weston has included an open bar as complimentary in his proposals. He asked Firefighter Stenton how many members are attending and Firefighter Stenton stated that the invitations have not yet gone out and asked that the Board appoint someone to act as a liaison with the Fire Company for the banquet preparations.

Deputy Chief Colucci offered to act as the liaison, which the Board agreed was a good idea. Commissioner Shestack stated that if we are anticipating 100 guests, the cost of the Weston is \$6,000, the Doubletree is \$9,800 and the Aloft is close to \$12,000. Firefighter Stenton reported that the banquet room at each facility has been tentatively reserved until a final decision is made by the Board and that the DJ has booked the date as well. He asked the Board if a decision can be made tonight so that each facility can be advised and we can lock in the pricing and the date. After a brief discussion, the Board agreed that the Westin proposal is the best of the 3 and should be accepted. Commissioner Nash offered to work with Deputy Chief Colucci on any banquet issues that he needed to consult with the Board about and Commissioner Cornue thanked Firefighter Stenton for his efforts in putting this together.

Proposed 2010 LOSAP Program Changes:

Commissioner Cornue reported that members of the Volunteer Labor/Management Committee brought up and prepared a proposal to change the LOSAP point system to eliminate the requirement for attending at least 6 Fire Company meetings each year in order to qualify for a LOSAP award. There have been a significant number of volunteers over the years that have not qualified for a LOSAP award because they did not meet this requirement, many times missing by a single meeting. Captain McCorkle's research indicates that currently there are almost a dozen volunteers that would come close to qualifying for a LOSAP award this year but could miss it because of this requirement. He is bringing the proposal to eliminate the requirement for Fire Company meeting attendance to the Board this evening for discussion and a possible decision.

Commissioner Shapiro stated that she was ambivalent about this and wanted to hear the opinions of the other Board members. She could see both sides of the issue and the importance of maintaining the requirements of the Department and those of the Fire Company. She was concerned that removing the Fire Company meeting attendance requirement could compromise the distribution of pertinent Department information to members. She could also see that it is a significant loss and huge disservice to those members that otherwise qualify for a LOSAP award but cannot make at least 6 of the 12 Fire Company meetings each year. These members are very dedicated and doing the work that we need them to do in running calls and staffing duty crews, which is much more important than attending a few meetings.

Commissioner Nash felt that it is problematic for him whenever we propose changing the rules of a program after the year is over in order to make someone eligible for something that they did not initially earn. He felt that if we make the proposed changes, they should go into effect for the 2011 cycle, not for the 2010 cycle as is being proposed. He added that Deputy Chief Colucci has informed him that Solicitor Braslow does not believe that there is any harm in making the change for the 2010 cycle because this change will only be helpful and nobody can be harmed by it. He felt that there should be some kind of requirement for members to attend either Fire Company or Fire District meetings so that they can get the information that they need as members. He would like to hear Commissioner Shestack's opinion because they were both on the Board when the LOSAP program started and he was instrumental in getting it approved.

Commissioner Shestack stated that when the Board approved LOSAP initially, it was designed to produce a well rounded volunteer and that the issue that was most debated was requiring attendance at Fire Company meetings. He recalled that Chief O'Donnell was instrumental in the initial discussions and he felt strongly that there needed to be some kind of requirement for Fire Company meeting attendance because members weren't showing up and vital information could not easily be distributed to them. He agreed that there should be some meeting attendance requirement, but that maybe 6 was too many. He still felt that even though we use e-mail much more now, the Fire Company meetings are still the best way for the members to get information from the Department because they hear it directly from the Chief Officers or the Commissioners, which leaves no room for interpretation.

Administrator Jones reminded the Board that in many cases, members had way more points than they needed in the calls, duty crews and drill categories, but it was the requirement to make 50% of the Fire Company meetings that cost many very active members \$1150 each year. Many of these very active members fell short by only 1 or 2 meetings, which he has noted almost every year. Commissioner Nash added that we have never spent anywhere close to the amount that we budget for LOSAP each year because not enough members qualify and that this could be the main reason why.

Deputy Chief Colucci pointed out that Captain McCorkle and Battalion Chief Bigoss presented this proposal to the Board and although he agreed that this change needed to be made, he also felt that this program needed to be thoroughly revised to reflect the current priorities of the Department and incentivize our members to participate more. He felt that it should reflect Mount Laurel Fire District Volunteers and not be broken down by Fire Company affiliation. He believed that we should not be awarding large amounts of points to many of the non-fire related member classifications and for non-fire related activities because it does not further the primary mission of the Department.

Commissioner Shestack added that the framework of our LOSAP program was modeled after the Moorestown LOSAP. Of the member classifications and non-fire related activities qualifying for LOSAP points was to incentivize members like Ed and Rose Grabowski who aren't able to volunteer as firefighters any longer but could act as Fire Police officers and took care of things like the annual Children's Christmas party, the Annual Banquet, the Wildwood Convention and whatever other special events that were sponsored by the Masonville Fire Company. It was a way to reward those that were very active in the Department doing things that needed to be done but were non-fire related.

Deputy Chief Colucci agreed that the LOSAP program was initially designed as a way for use by the Fire Companies in keeping and increasing their membership. He believed that it was time to update these incentives to encourage members to remain with the Department and increase participation in fire-related activities, not just to keep members affiliated with an organization with a requirement to attend their monthly meetings. He was concerned that someday a prospective member may want to join the Department but not want to have an affiliation with a Fire Company, in which case he could never meet the LOSAP Fire Company meeting attendance requirement and not qualify for a LOSAP award, no matter how active he was. He believed that some members are not attending those meetings because of leadership or personality conflicts they have with elected Fire Company Administrative Officers.

Commissioner Shapiro asked whether the LOSAP program approved by the voters was approved as a concept or in this format. Commissioner Shestack replied that voters approved LOSAP in the current format and at the amount that we currently budget and at the contribution level that we initially set. Funding can be eliminated by the Board in any budget year if they felt that the program should no longer or could not be funded.

Chief of Department Gallos believed that our volunteer members are giving more than enough effort just by showing up and getting on the trucks and that having to attend monthly meetings just to get a LOSAP award puts unnecessary things on their plate. We know that we are getting shorter on manpower and that money is getting tighter but the volunteers still deserve the benefits of the LOSAP program.

Deputy Chief Colucci asked the Board to approve the proposal before them and then authorize a review of the LOSAP program eligibility document with the volunteers' input on how the program can be revamped to be more fair and equitable to everyone. It should not be allowed to be used by a Fire Company to hold it over their members' heads by requiring them to attend at least 50% of Fire Company meetings but instead should be geared more towards the goals of the Fire District. He believes that if the program is updated to reflect our current operations, a lot more of our volunteers will put in a lot more hours and many more will qualify for LOSAP awards. Commissioner Nash stated that we are working against a clock and if we want to make the change apply to the 2010 cycle, we have to get this resolved within the next 2 months so that it can be submitted to the DCA for approval. Administrator Jones stated that if the Board approves the proposed changes, he will draft the required resolution and complete the notification and advertising requirements needed in order to hold the public hearing.

Commissioner Shestack made a motion that the Board approve the removal of the requirement for members to attend 6 Fire Company meetings in order to qualify for a LOSAP award and to make this change retroactive to the current 2010 cycle, which was seconded by Commissioner Nash. The motion was unanimously approved by the Board.

Station 362 Shower Reconstruction Bid Opening Results & Recommendation:

Administrator Jones reported that he opened bids for this project last Friday and that there were 6 bidders. He had provided the Board with a bid tabulation summary sheet for their review. The low bidder, JH Williams Enterprises, is located in Moorestown and their bid was \$19,800 with an estimated 10 days to complete the project. The next lowest bids were in the \$33,000 range and the highest bid came in at \$59,800. He had spoken with the low bidder, checked their references, confirmed that they had used prevailing wage rates and validated with them that they were comfortable with that price if awarded the project. He could find nothing in their bid that would disqualify them, so he asked the Board for authorization to award them the project. He figured that it would take 2 to 3 weeks to get through the permitting process. Commissioners Nash and Shapiro both expressed concerns about the large spread in bid prices along with the estimated project completion estimates. Administrator Jones confirmed that he shared their concerns, but that we had no choice but to award the project to the low bidder unless their bid could be disqualified. Our only other option would be to throw out all of the bids and start the process over again, but he did not know what reason we could use to do so. He recommended acceptance of the low bid and planned to keep a close eye on them. He also recommended that we retain a construction management firm in order to make sure that the construction drawings are followed. He neither had the expertise to monitor the contractor's work nor the time to do so. If the Board was receptive, he would obtain proposals for this work and bring them back to the Board for their approval. He estimated that this service would cost from \$7000 to \$8000.

Commissioner Shapiro agreed that this might be money well spent to make sure that the work is done right and we don't have a future problem. Deputy Chief Colucci asked him if we had used Greyhawk when we originally built Station 362 and Administrator Jones stated that we had no construction management on that project back in 1993 and that this resulted in many shortcuts being taken by the contractors. Commissioner Nash made a motion to accept the low bid for the project and to authorize Administrator Jones to solicit proposals for the construction management service which was seconded by Commissioner Shestack. The motion was unanimously approved by the Board.

Station 361 SCBA Compressor Bid Opening Results & Recommendation:

Administrator Jones reported that he opened bids for this project last Friday and that there were 3 bidders. He had provided the Board with a bid tabulation summary sheet for their review. The low bidder, Airpower International, is located in Pennsauken and their bid was \$19,950 with the trade-in of the existing compressor. They have done most of our SCBA compressor service and SCBA cylinder hydro-testing work for many years. There is also some minor electrical work that needs to be done to accommodate the higher horsepower compressor motor and we need to upgrade/replace some high pressure hoses to accommodate the new 6000 PSI compressor. Commissioner Nash made a motion to accept the low bid for the project which was seconded by Commissioner Shestack. The motion was unanimously approved by the Board.

Career Labor/Management Relations Committee "Re-start" Update:

Commissioner Cornue had missed this meeting and asked Commissioner Shapiro to overview what transpired. Commissioner Shapiro reported that they spent time reorganizing and prioritizing the items that were on the table when they last met. They spent significant time on the college education reimbursement policy, especially what constitutes "tuition" and what is considered "reimbursable". There were a number of miscellaneous fees associated with college course enrollment and this constituted a grey area because they did not represent "tuition", which along with textbooks were the only reimbursable items. They needed to decide whether "tuition" includes those mandatory miscellaneous fees and the consensus of the group was that they should be included because you could not take the course without paying them. Deputy Chief Colucci offered to draft a memo of understanding to clarify the wording of this policy, which will then be reviewed by the Committee and presented to the Board for review and approval. Commissioner Nash felt that many open items on the Committee agenda have already been taken care of, so he felt that great progress has been made, which is taking care of the employees' concerns.

Discussion about draft Administrative Policy #04-023 "Political Activity":

Firefighter Pine asked Commissioner Cornue if he could provide the Board with a few comments on this agenda item. He apologized for speaking up about this, but he didn't want this to go to a vote of the Board without them being aware of them. He understood the desire of the Board to maintain political neutrality and not allow issues of political partisanship to affect public safety policy and decisions. The initial thing that he noticed was that this has been drafted is an "administrative policy", which may conflict with the entire series of previously approved administrative policies that have been negotiated between labor and management. These administrative policies were created in 2004 when the CBA that was being negotiated at the time included language regarding paychecks, Fire Inspector certification and things like that. It was decided that this language was better suited to exist outside of the CBA so that it is easier to change. Since then, new administrative policies governing pregnant firefighters, drug and alcohol screening and other issues have been put in place through the negotiation process. Deputy Chief Colucci interrupted and said that this series of administrative policies includes not only negotiated ones that were removed from the CBA but others that involve personnel as well. He said that the Board and management have the right to create administrative policies that do not require negotiation with labor and this was one of them.

Firefighter Pine stated that every one of the administrative policies in effect have either come from collective bargaining or come from discussions of the Career Labor / Management Committee. Deputy Chief Colucci stated that this was not true. Firefighter Pine explained that this was not his primary concern with this policy - what did concern him was the fact that the Board has permitted the Union to use a designated space in a station for their office and to hold their monthly meetings on Department property while their members were on-duty. A situation that comes to mind is the Union's endorsement of candidates for Fire Commissioner when candidates come to a Union meeting to meet with us and answer questions. The members may decide on an endorsement at that time and then discuss political action that might need to take place to support that candidate. There may be on-duty members at that meeting and he'd like to prevent them from getting in trouble as a result of this new policy. During this past election cycle, he was very careful trying to delineate between his on-duty activity and his off-duty actions as the Union Vice-President, which he believed that he handled properly. He asked if the intention of the policy is aimed at these kinds of situations or at the political press conference situation such as the one that involved Congressman Adler recently. He only wanted to get an understanding of these issues before the policy is adopted and he then has to question aspects of it with the Battalion Chiefs when they introduce it to the staff.

Commissioner Cornue thanked Firefighter Pine for his thoughts and clarified that the intention of this policy is simply to recognize that we are a local government agency that has to try our best to maintain political neutrality in everything that we do and that we have not had clear guidance on how to handle some situations that have arisen. Firefighter Pine agreed and stated that they didn't need to be answered in a policy, but they needed to be discussed so that the staff can be given some kind of direction.

Commissioner Nash asked Firefighter Pine if his concern was that the policy would cause any harm to an on-duty employee if they should vote on or support a candidate during Union meetings at the station. Firefighter Pine confirmed that this was one of his questions and the other question was will the members of the Department be given direction as to what would now be considered to be political activity and what would not. An example is whether it would be considered political activity or public relations to ask a resident to support the budget while on a fire call. He basically wanted the Board to define where the line is so that he and the rest of the staff are aware of it.

Commissioner Shestack stated that this line doesn't exist and he recalled that in the past the Board has been very clear that when in uniform, employees cannot be campaigning for candidates or asking residents to support the budget. If an employee is not in uniform and in IAFF clothing, it would be okay. Union President Cimino agreed with his statement and that a policy on that has been in place for some time. Commissioner Shestack added that he did not believe this policy was intended to include candidates for a Fire Commissioner seat or efforts to support the annual budget. President Cimino was concerned about potential repercussions against on-duty members attending Union meetings in the station when the potential discussion about politics can come up in conversations and decisions are made. Commissioner Shestack repeated that this policy was not meant to include this, with President Cimino countering that this is the way that it can be interpreted and it was his goal to prevent unintended potential disciplinary issues down the road because of it.

Commissioner Nash added that his interpretation of the policy did come into play if, for example, the Union invited Congressman Adler to one of their meetings to talk about his political position on topics, that that would be inappropriate, especially for those members that were in uniform. He said this conflict exists because we allow the Union to use our facilities for their meetings but we have to recognize that political activity at those meetings is a problem. Commissioner Shestack agreed with Commissioner Nash but, in his opinion, the example that he just used was not the spirit in which this policy was proposed. He believed that the intent of the policy was for the Fire District to maintain an arms length distance from political candidates in order to maintain political neutrality. He added that another intention of this policy was to prevent Department assets being used on behalf of political candidates and to prevent on-duty employees from doing anything related to campaigning for political candidates. Commissioner Nash felt that in light of the issues brought up tonight, this policy needed more thought and work before it can be approved by the Board. Commissioner Cornue tabled further discussion so that the Board could give it further consideration. Deputy Chief Colucci offered to tinker with the policy and get additional input from the various parties that it could affect.

THE 2nd OPEN SESSION ADJOURNED AT 9:23 PM.

The Board took a brief recess.

THE 2nd CLOSED SESSION BEGAN AT 9:33 PM.

THE 2nd CLOSED SESSION ADJOURNED AT 9:47 PM.

THE MEETING ADJOURNED AT 9:48 PM.