

REGULAR MEETING MARCH 18, 2015

The Regular Meeting for the Board of Fire Commissioners was held on Wednesday March 18, 2015 in the office of the Board of Fire Commissioners. This meeting has been properly advertised according to the State of New Jersey Sunshine Law.

ROLL CALL

Commissioner Coucoules (absent) Commissioner Stout (here)
Commissioner Vannoni (here) Commissioner Simone (here)
Commissioner McCann (absent)

Attendees: FF W. Spain, FF W. Prendergast, Solicitor D. Carlamere, Fire Official P. Urso, Local 3249 Shop Steward F. Reiss, Local 3249 President K. Kemery, Resident D. Kemery

Meeting Minutes of the Regular Meeting of February 18, 2015 and Workshop Meeting minutes of February 4, 2015 will have to be approved at the April meeting where the 3 previous/current members of the Board will be present.

Motion by Commissioner Stout, second by Commissioner Simone to approve the Meeting minutes of the March 4, 2015 Workshop. All in favor, motion carries.

COMMISSIONER'S REPORT

Commissioner Stout had nothing at this time.

Commissioner Simone had nothing at this time.

Commissioner Vannoni said the only thing he has is they are looking to update some old policies so he asked the Board to be on the lookout for them.

CORRESPONDENCE

Commissioner Vannoni said they received 3 letters from Local 3249 tonight one on a surveillance camera policy, the Harassment Policy, and the implementation of a Drug and

Alcohol Policy and that the Local 3249 requests that any such policies be negotiated with them in the future.

CLERK'S REPORT

None

TREASURER'S REPORT

Motion by Commissioner Stout, second by Commissioner Simone to pay the March bills, regular bills of \$ 39,655.50 and add on bills of \$ 26,657.51 for a total of \$66,313.01. All in favor, motion carries.

Commissioner Stout stated to the Board that if you look at the profit and loss statement, and you see any discrepancies, please let the Clerk or him know, and they will have it resolved. He said to Commissioner Simone, every month you will have line items that you are responsible for and you can see what has been paid, and what money you have remaining after vouchers have been paid. He also said that one thing he is trying to do, when you sign your vouchers, and you write the line item in for that voucher to be charged to, also put part of the verbal description so the clerk will have no question as to what line item that is to be charged to.

FIRE OFFICIAL REPORT

Attached

CHIEF'S REPORT

None

PRESIDENT'S REPORT

None

Motion by Commissioner Simone, second by Commissioner Stout to accept all reports as written. All in favor, motion carries.

OLD BUSINESS

Commissioner Stout said since there are only 3 Board members present at this time, maybe we could do re-organization next month, and he asked Solicitor Carlamere can you help us out. Considering 2 Commissioners are absent, can we make a motion to continue our present positions until next month at the April meeting?

Motion by Commissioner Stout, second by Commissioner Simone that the Board of Fire Commissioners continues in their temporary duties until re-organization can be done in April with the full complement of the Board. All in favor, motion carries.

Solicitor Carlamere said he wanted the Board to know he submitted to the Clerk the resolution for the Clerk 1 title, that passed last month and it just has to be signed.

Solicitor Carlamere said at the meeting the last month the Board asked him to look into the workmen's comp claim that was denied. He said he spoke with the claims adjustor and gave them his report, and they said they would take another look at it and get back to him. The Board took the position that the workmen's comp should cover it. If they still say no, it should be the responsibility of the injured Firefighter to do the appeal.

NEW BUSINESS

None

GOOD AND WELFARE

None

COMMENTS FROM THE FLOOR

President Local 3249 K. Kemery asked who is charged within the Fire District of insuring training is completed by all personnel, both paid and volunteer. Who is charged with that responsibility to see that is done.

Commissioner Stout said I guess the person who is in charge of training.

President K. Kemery asked who is that.

Commissioner Stout said I am.

President K. Kemery said so for example, the mask fit testing that is annually done, do you personally oversee that or do you have a designee.

Commissioner Stout said I have a designee.

President K. Kemery and who is that?

Commissioner Stout said the Chief.

President K. Kemery said in all other training is the Chief your designee to make sure training is done within the Fire Department?

Commissioner Stout said he would say so, yes.

President K. Kemery said during the work session of March 4, there was discussion as to who was going to insure the annual harassment training was done. Like Commissioner Stout just said, is all training overseen by the Chief? Specifically the Chief is not here, but he did ask the question.

Commissioner Stout said the harassment training is happening as we speak.

President K. Kemery said that is not being questioned. The Chief asked the question who is going to be in charge of the I think at the time it was the harassment training. He asked the question and the Board did not answer at that time.

Commissioner Stout said what was the question?

President K. Kemery said the question was who is going to be responsible to make sure the harassment training is done.

Commissioner Stout says he oversees what the Chief is doing, but the Chief is ultimately running the program.

President K. Kemery said so ok the Chief is responsible.

Commissioner Stout said well in the whole technical thing I don't know. He said maybe ultimately he is.

Solicitor Carlamere said it is ultimately the Boards responsibility. He said they can designate who reports back to them, and the status of the programs.

President K. Kemery said that goes back to my question, he asks Commissioner Stout if he is assuming that responsibility or are you designating the Chief to assure the harassment training is completed.

Commissioner Stout said he does not know how to answer that question.

President K. Kemery said it is very simple the training is in progress, who is overseeing it. Who scheduled it?

Commissioner Stout said the Chief.

Solicitor Carlamere said the Chief has to report to the Commissioner in charge.

President K. Kemery said so the Chief is responsible, ok. He went on to say during the Fire District Election, and he believes Solicitor Carlamere is familiar with the incident, and he said he would like the opportunity to speak to the Board and discuss the incident of inappropriate behavior during the Election. He requested an Executive Session from Chairman McCann at the conclusion of the Workshop dated 3/4/2015, at which time Commissioner McCann said he was going to contact Solicitor Carlamere.

Solicitor Carlamere said the Clerk informed him, and he does not feel as though this qualifies for a closed session. He told him he is open to discuss in the public forum. The Election is not Fire District business.

President K. Kemery said well if you want to discuss it public session that is fine. This office is a Fire District Office.

Solicitor Carlamere said not during an Election. The Election is the Board of Elections.

President K. Kemery said if you are going to try to tell me, not just a member of the fire company, but a chief officer is not under the purview of the Fire Commissioners or the Fire

Company, even though the Fire Company reports to the Fire District for suppression personnel. There is a station policy in effect that indicates that all visitors of Fire District # 4 firehouses will be treated with courtesy and he believes respect. The station policy, the behavior that was reported was a violation of that policy, a policy that has been adopted by the Board of Fire Commissioners Fire District # 4. There is no exception listed within that policy. Furthermore, the chief officer who purported this conduct unbecoming has a history, he has a disciplinary matter for he believes in subordination for conduct being a superior officer for he himself was a superior officer. He was involved in a manner that involved a union grievance where the Fire District found his behavior was inappropriate. And now we have another incident. Now the Fire District has been given fair opportunity to address the situation with one of its personnel, one of its chief officers. He said he is asking for that to be done. Again you have a clear policy that states visitors will be treated with respect. That did not happen, and it did not happen in front of witnesses in public view. It did not happen in another section of the firehouse, it happened in this office. What will we do about it, and he will submit it is a personnel matter. If you would like to continue this in executive session that will be fine.

Commissioner Coucoules entered the meeting.

Solicitor Carlamere said he still believes it is not a personnel matter. It is an incident that took place during the Election. When there is a polling place, whether it is a Municipal Hall or a school building or this fire hall, that polling place is under the jurisdiction of the Board of Elections, not under the jurisdiction of the Fire District. If someone comes in and is unruly, it is up to the Judge of the Election or any challenger who is there to ask the person to leave, and if they don't then the Board of Election can be called, or the judge or challenger can call a police officer. He said when he was advised of the situation, the first question he asked was the individual in uniform or was he not in uniform. He is not condoning what the individual did; he believes it was out of line. But he does not believe the Board of Fire Commissioners can turn around a reprimand, because it was under the jurisdiction of the Board of Elections. The incident should have been reported to the Board of Elections and a police officer should have been called if the individual refused to leave, but that is not the Board of Fire Commissioners jurisdiction. Now you are talking about, which he had no knowledge of till now, this individual has a history, and he asked K. Kemery over what period of time.

President K. Kemery said you should have knowledge of his history because you were involved in the Union grievance, 2000 that resulted in the harassment policy being instated.

Solicitor Carlamere said the year 2000?

President K. Kemery said no, 2007 and now we have another incident here.

Solicitor Carlamere said so what has happened between 2007 and now with that individual. Has that individual had a repeat in subornation, unbecoming an officer whatever since 2007?

President K. Kemery said the Assistant Fire Chief who had the incident in 2007, before he was the Assistant Fire Chief.

Solicitor Carlamere said so nothing has happened between 2007 and now, the Election period.

President K. Kemery said not that he is aware of at this time.

Solicitor Carlamere said he would still tell the Board of Fire Commissioners that you do not have jurisdiction over the incident that took place during the Election that is not your business because it was under the jurisdiction of the Board of Elections. This was a polling place, and a police officer could have been called or a Board of Election official could have been called, and the individual could have been charged depending on the circumstances of the case. Normally if the person just leaves no one does anything about it. It is not uncommon during Elections.

President K. Kemery said so you are talking about a firehouse, and especially in a volunteer force they are not in uniform, if you are the Chief or the Assistant Chief you are representing the Fire Company if you are in the firehouse no matter what you are wearing. Everyone knows who you are. Now the other thing he wants to ask is, you are telling me effectively anyone who was in the room, short of the Fire District Clerk who was here because of her employment, everyone else is connected to the Board of Elections by way of running the Election, challenger, judge and he was not sure what capacity the other woman was, basically a poll worker. You are saying they are not attached to the Fire District, but they are attached to the Board of Elections.

Solicitor Carlamere said correct.

President K. Kemery said so you are telling me the Assistant Fire Chief can violate the station policy.

Solicitor Carlamere said he is not saying that. What took place at that event, and it is here say .

President K. Kemery asked if he had a copy of the written statement.

Solicitor Carlamere said he received something that was written by Commissioner McCann, to him explaining the circumstances. Other than that he said he has no knowledge of what took place. He said his comment to Commissioner McCann was, and he walked into his office and gave him a report, his comment to Commissioner McCann was that this is under the Board of Elections. He said he could not walk into this room and indicate he wanted to be here. The Board of Elections could be called and he could be asked to leave. The only people allowed in here are a voter, challenger or a candidate and the poll workers and judge. When an incident occurs it is up to the Judge or any poll worker to tell the individual to leave or to call the police.

President K. Kemery said so what you are telling me, and he said he agrees with everything you just said, but when the Assistant Fire Chief violates the sanctity of the polling place, that the Fire District is not going to take any action.

Solicitor Carlamere said you are talking about the comment or the rule of the Fire Company or whatever, that says guests must be treated appropriately or with curiosity. He said he thinks when someone is coming into the polling place; it is the polling place that controls the jurisdiction. They are not coming in here as a guest of the Fire Company. They are coming in here as a voter, or a challenger or a candidate. If there is a grievance or something that happens, a complaint should be filed with the Board of Elections against that individual for violating the polling place. Not because that person was in here and acting inappropriately in the fire hall under the Fire Company or Districts regulations.

President K. Kemery said again, the violating member is the Assistant Chief; certainly his behavior is not reflective of conduct that reflects credit upon the Fire District or its Fire Company. So the Fire District should take no action?

Solicitor Carlamere said I don't know what happened.

D. Kemery, Resident said she knows what happened.

Solicitor Carlamere said no complaint was filed, and if it was that would be a different circumstance. A complaint was not filed, so for the Board now to go into closed session or to respond and want to do an investigation or a reprimand, he believes it is out of order.

D. Kemery, Resident said a complaint was filed that night with Commissioner McCann, and she will take all the evidence she has and take it to the Board of Elections, including the fact that this was a sanctioned activity by you're now sitting Commissioners, by comments that were made in the hallway. So that is ok, and she will take everything she has to the Board of Elections

and then to the public and then you guys can handle it that way. You can put the fires out that way. This was inappropriate, and for you to sit here and say you are not going to deal with that gentleman, the way he behaved toward her as a taxpayer and a resident of this town is appalling. It is just absolutely appalling, and she thinks it speaks to the continued ridiculous behavior of this department.

Commissioner Coucoules asked what transpired, because he was not there.

D. Kemery, Resident said read the report that she gave to Commissioner McCann.

K. Kemery, President Local 3249 said tell him what happened.

Commissioner Coucoules said I did not see it.

Solicitor Carlamere said you can speak publicly, it does not have to be a closed session. Understand something; he said he can advise the Board as he told Commissioner McCann, at that moment a Board official or a police officer should have been called, or the person should have been charged with disrupting a polling place. Now, to come in today and say you want the Board to reprimand, they can counter, he said he can only give an opinion, if they feel as though they want to take action, whatever. That is why he asked you "when was the last event", and you said 2007 and it is now 2015, there is not a repeat history all along in that span of time. The Commission has to determine if they feel as though a Firefighter career or volunteer is acting in a manner unbecoming an officer or a firefighter. The incident that took place should have been charged or the Board of Elections should have been called, or the police called, and what they would weigh at that time is did that person refuse to leave. That is the heat of a campaign, and they probably will not do anything. He said he cannot speak for any other agency, but they will say that is the heat of a campaign, when peoples passions starts to rise to the levels. If they refused to leave they are subject to an arrest do actions disrupting a polling place and a lot of other charges. This room is a polling place, not a Commissioner office at that time.

K. Kemery, President Local 3249 said but once again it could be this room or somewhere else, any other location and you are clearly identifiable as a representative and as the Assistant Fire Chief of Blackwood Fire Company. There is not getting away from that. When you behave the way the gentleman did, that brings discredit to the Fire District and the Fire Company and it is a violation of policy. He said he understands what you are talking about and if it was citizen against citizen unattached to the Fire Department I agree with you that goes elsewhere, but now you have an encroachment upon a clear policy, and it is repeat behavior and to be clear

the gentleman had an incident in 2007 and now the gentleman is involved in something again, that he knows of. It is being looked into if there are other incidents, and that will be reported to the Board. But right now, you have an incident that was brought to the Board, and it sounds like your initial council to Commissioner McCann was, not being made aware of the Station policy and the possible violation there, so you rendered a decision but now we are discussing other information that potentially changes that. Having said that, he would suggest that you tell the Commissioner what happened so they can make an assessment of this.

D. Kemery, Resident said she does not think that is appropriate at this time, because she thinks there is enough that they can hide, and she has documentation, pictures and this is going to the Board of Elections. They can be dealt with in that public forum. We were trying to come up here and do what was best.

Commissioner Coucoules said he understands that, but he does not know what transpired.

D. Kemery, Resident said why don't you go and ask him what transpired.

Commissioner Coucoules said he was not in the building and was not here when this happened.

D. Kemery, Resident said you were here.

Commissioner Coucoules said he was not here, he said he was having dinner across the street when this happened.

D. Kemery, Resident said it was discussed, so let's not play games.

Commissioner Coucoules said to D. Kemery that he is asking for her version.

D. Kemery, Resident said you are friends with this person, you know this person, let's not play games, and you know what he did. You all know what he did, and his menacing behavior was ridiculous. It was in front of witnesses, so she is going to the Board of Elections, she will file her complaint and she will give them all the evidence she has that supports not only that complaint and that Election violation but the other Election violations. We can just deal with it like that.

Commissioner Coucoules said ok.

D. Kemery, Resident said since you chose not to deal with your member.

K. Kemery, President Local 3249 said he will say what was reported to him. His wife, Mrs. Kemery was sitting over there under the security alert poster up against the file cabinet in a chair serving as a challenger for the Election. This occurred later in the evening after dark, and the Election had been going on for several hours. There were interactions between everyone in the room, no tension doing what they had to do. The Assistant Fire Chief apparently had a flier that he did not like one of K. Kemery's fliers placed on his vehicle, whatever that is, I do not know. He said he believes at the Blackwood Diner, if his impression is correct. He came in, flying through the door in an aggressive manner, stood over her, threw the flier in her direction and made some sort of remark about the flier, and then he turned and apparently there was a preparation to tell him he needs to go, but then he turned and he left. It is his understanding there was a consensus among the witness's in the room that the behavior was inappropriate and unbecoming any Fire Department member, let alone the Assistant Chief Officer. That is what happened.

Solicitor Carlamere asked if he knew Mrs. Kemery when he came in.

K. Kemery, President Local 3249 said yes, because part of his statement was tell your husband. He went on to say, if he has something to say to me he knows where to find me. He said they will talk anywhere he wants. In that regard, after the Election had closed, Mrs. Kemery met with Chairman McCann in this office and made a report. Commissioner McCann took time to make notes on the report and then obviously contacted the Solicitor and made him aware of the situation. The Solicitor at that time as he has already indicated thought it was a Board of Election matter and not a violation of the Station policy. That is where we are at now.

Commissioner Coucoules said ok, thank you.

K. Kemery, President Local 3249 said she is going to do what she is going to do.

Commissioner Coucoules said and she has every right to do it.

K. Kemery, President Local 3249 said you were told there was a problem now and I'm now telling you, if you didn't know it before, I'm now telling you there was a violation of the Station policy that needs to be addressed. It is not, and I respectfully submit for your consideration, that just allows things to get out of control. We then tend to show there is a tendency not to enforce the rules, and you can't have that. Thank you.

Motion by Commissioner Stout, second by Commissioner Simone to take the re-organization off the table. All in favor, motion carries.

Motion by Commissioner Coucoules, second by Commissioner Simone to nominate David Vannoni Chairman of the Board of Fire Commissioners.

ROLL CALL

Commissioner Coucoules (yes) Commissioner Stout (yes)
Commissioner Simone (yes) Commissioner Vannoni (yes)
Commissioner McCann (absent)

Motion by Commissioner Coucoules, second by Commissioner Simone to nominate John McCann Vice-Chairman for the Board of Fire Commissioners.

ROLL CALL

Commissioner Coucoules (yes) Commissioner Stout (yes)
Commissioner Simone (yes) Commissioner Vannoni (yes)
Commissioner McCann (absent)

Motion by Commissioner Coucoules, second by Commissioner Stout to nominate Michael Simone Secretary for the Board of Fire Commissioners.

ROLL CALL

Commissioner Coucoules (yes) Commissioner Stout (yes)
Commissioner Simone (yes) Commissioner Vannoni (yes)
Commissioner McCann (absent)

Motion by Commissioner Coucoules, second by Commissioner Simone to nominate Warren Stout Treasurer for the Board of Fire Commissioners.

ROLL CALL

Commissioner Coucoules (yes) Commissioner Stout (abstain)
Commissioner Simone (yes) Commissioner Vannoni (yes)
Commissioner McCann (absent)

Commissioner Vannoni said Commissioner Coucoules will remain Personnel, Operations and Contract Negotiations. Commissioner Simone will be Facilities, and will be in charge of maintaining Station # 1 and Station # 2, as well as water. Commissioner Stout will be in charge

of Finance and the Office; Commissioner Vannoni will have Fire Prevention, Computers and Communications. Commissioner McCann will have Insurance.

Motion by Commissioner Simone, second by Commissioner Coucoules to set the positions. All in favor, motion carries.

Commissioner Vannoni will have a copy of the new positions distributed to every Commissioner.

Motion by Commissioner Stout, second by Commissioner Coucoules to adopt a Resolution to go into closed session to discuss Personnel matters.

ROLL CALL

Commissioner Coucoules (yes)	Commissioner Stout (yes)
Commissioner Simone (yes)	Commissioner Vannoni (yes)

Meeting called back to order.

ROLL CALL

Commissioner Coucoules (here)	Commissioner Stout (here)
Commissioner Simone (here)	Commissioner Vannoni (here)
Commissioner McCann (absent)	

Commissioner Vannoni said during closed session the Board is interested in forming a Committee to include the Personnel Director as well as the Chairman to discuss a matter with the Union Representative and Peter Urso that had been previously discussed at the Board level.

Solicitor Carlamere said the rest of the issue remains closed session until the outcome of this meeting.

Commissioner Vannoni said they have made modification to 2 policies that are going to issued, Special Order 1996-01, which was originally issued in March of 1996 describing the General Order and the Department Directives. The only changes to this were the labeling of directives, adding the four digit year instead of the 2 digit year. The second policy that was revisited is the schedule of duties for Firefighter UFD Personnel and the only real modifications that were made there was to reflect change in apparatus, as well as change some of the language, and a few other minor changes. That was Special Order 1996-06.

Motion by Commissioner Coucoules, second by Commissioner Simone to accept the changes to the before mentioned policies. All in favor, motion carries.

With no further business to discuss.

Motion by Commissioner Coucoules, second by Commissioner Simone to adjourn.

DATED: March 18, 2015

BY: _____
Secretary, Michael Simone