

**WORKSHOP-MINUTES
BOARD OF FIRE COMMISSIONERS
NEPTUNE FIRE DISTRICT NO. 1
JANUARY 20, 2015**

President Fritz calls the workshop portion of the January 20, 2015, meeting to order and calls for a flag salute and moment of silence.

President Fritz asks the Clerk to Call the Roll:

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
COMM. LANE	PRESENT
COMM. MARTUSCELLI	PRESENT
COMM. PURYEAR	absent
PRES. FRITZ	PRESENT

President Fritz announces that the notice requirements of R.S. 10:4-18 have been satisfied by delivering the required notice to the Coaster and the Asbury Park Press, posting the notice on the board in the Neptune Municipal Complex and filing a copy of said notice with the Board Clerk.

President Fritz points to the exits to be used in case of an emergency.

ITEMS FOR DISCUSSION IN OPEN SESSION - none

MOTION TO ADJOURN

Offered By: Comm. Martuscelli

Seconded By: Comm. Lane

MEETING ADJOURNED

**MINUTES
BOARD OF FIRE COMMISSIONERS
NEPTUNE FIRE DISTRICT NO. 1
JANUARY 20, 2015**

President Fritz calls January 20, 2015 regular meeting to order.

President Fritz asks the Clerk to Call the Roll:

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
COMM. LANE	PRESENT
COMM. MARTUSCELLI	PRESENT
COMM. PURYEAR	absent
PRES. FRITZ	PRESENT

President Fritz announces that the notice requirements of R.S. 10:4-18 have been satisfied by delivering the required notice to the Coaster and the Asbury Park Press, posting the notice on the board in the Neptune Municipal Complex and filing a copy of said notice with the Board Clerk.

President Fritz points to the exits to be used in case of an emergency.

PUBLIC COMMENT-ON AGENDA ITEMS ONLY -

The public will be permitted one visit to the microphone with a limit of five minutes. No time can be transferred to another party.

**RESOLUTION 2015-2-1-1
A RESOLUTION TO APPROVE THE PAYMENT OF BILLS AND PAYROLL**

Offered By: Comm. Martuscelli

Seconded By: Comm. Lane

BE IT RESOLVED, the bills total of \$181,921.87 are hereby approved for payment: and,

BE IT RESOLVED, that the total of \$19,681.39 be approved for the 12/31/14 payroll and the total of \$20,683.72 be approved for the 1/15/15 payroll:

BE IT FURTHER RESOLVED, that the total bills be attached to this resolution and be made part of.

VOTE: Comm. Lane: AYE; Comm. Martuscelli: AYE; Comm. Puryear: absent;
Pres. Fritz: AYE.

RESOLUTION # 2015-2-1-2
A RESOLUTION DISPENSING WITH THE READING OF MINUTES
OF THE DECEMBER 16, 2014 MEETING

Offered By: Comm. Martuscelli

Seconded By: Comm. Lane

BE IT RESOLVED, that the Clerk dispense with the reading of the minutes of the December 16, 2014 meeting.

VOTE: Comm. Lane: AYE; Comm. Martuscelli: AYE; Comm. Puryear: absent;
Pres. Fritz: AYE.

RESOLUTION # 2015-2-1-3
A RESOLUTION TO RATIFY AND APPROVE MINUTES
OF THE DECEMBER 16, 2014 MEETING

Offered By: Comm. Martuscelli

Seconded By: Comm. Lane

BE IT RESOLVED, that the minutes of the Meeting of the December 16, 2014 be ratified and approved.

VOTE: Comm. Lane: AYE; Comm. Martuscelli: AYE; Comm. Puryear: absent;
Pres. Fritz: AYE.

RESOLUTION # 2015-2-1-4
A RESOLUTION FOR BUDGET TO BE READ BY TITLE ONLY

Offered By: Comm. Martuscelli

Seconded By: Comm. Lane

WHEREAS, the Annual Budget for 2015 was presented at the open public meeting held on Jan 20, 2015, and:

WHEREAS, for at least 1 week prior to 1/20/15 meeting for public comment on budget, a complete copy of approved budget was posted in a public place as public notices are usually posted in District, and has been made available to each person requesting a copy during said week, and:

WHEREAS, copies are available during this public hearing in compliance with N.J.S. 40A:14-78.2.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Fire Commissioner of Neptune Township District #1, that the Budget shall be read by title only.

VOTE: Comm. Lane: AYE; Comm. Martuscelli: AYE; Comm. Puryear: absent;
Pres. Fritz: AYE.

**RESOLUTION #2015-2-1-5
2015 ADOPTED BUDGET RESOLUTION
FIRE DISTRICT NO. 1 BUDGET**

FISCAL YEAR: FROM JANUARY 1, 2015 TO DECEMBER 31, 2015

Offered By: Comm. Martuscelli

Seconded By: Comm. Lane

WHEREAS: the Annual Budget for the Fire District No. 1 for the fiscal year beginning January 1, 2015 and ending December 31, 2015 has been presented for adoption before the governing body of the Township of Neptune Fire District No. 1 at its open public meeting of January 20, 2015: and

WHEREAS: the Annual Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services: and

WHEREAS: the adopted budget is in compliance with the Property Tax Levy Cap Law (N.J.S.A. 40A:4-45,44 et. Seq.) and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$3,596,147 which includes amount to be raised by taxation of \$2,869,730, and Total Appropriations of 3,596,147; and

WHEREAS, an election shall be held annually on the third Saturday of February in each established fire district to determine the amount to be raised by taxation for the ensuing year;

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Township of Neptune, Fire District No. 1, at an open public meeting held on January 20, 2015 that the Annual Budget of the Township of Neptune Fire District No. 1 for the fiscal year beginning January 1, 2015 and ending December 31, 2015 is hereby adopted and shall constitute appropriations for the purpose stated and authorization of Total Revenues of \$3,596,147 which includes amount to be raised by taxation of \$2,869,730 and Total Appropriations of \$3,596,147; and

BE IT FURTHER RESOLVED, that the Annual Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

BE IT FURTHER RESOLVED, that the Annual Election shall be held on the third Saturday of February to determine the amount of money to be raised by taxation for the ensuing year. The results of which shall be subsequently certified to the Division and the Municipal Assessor.

1/20/15

Clerk-Frank Martuscelli

Board of Commissioners Recorded Vote

Member	Aye	Nay	Abstain	Absent
John Fritz	X			
Frank Lane	X			
Frank Martuscelli	X			
Todd Puryear				X

Governing Body

Recorded Vote

AYE: 3 NAY: 0 Abstain: 0 Absent: 1

RESOLUTION # 2015-2-1-6
A RESOLUTION ADOPTING A TEMPORARY BUDGET
FOR 2015 IN THE AMOUNT OF \$391,650.00

Offered By: Comm. Martuscelli Seconded By: Lane

WHEREAS, the Township of Neptune Fire District #1 has introduced its 2015 Budget on Dec. 16, 2014 and is presently awaiting approval: and

WHEREAS, it is necessary for the District to appropriate funds to meet various contractual; commitments and expenditures for utilities which are required while the District is awaiting final approval of its budget: and

WHEREAS, N.J.S.A. 40A:14-78.17 allows the District to appropriate up to a maximum of 14% of its prior year's total budget, excluding, in both instances, appropriations made for interest and debt redemption charges and capital improvements, is **\$391,650.00**

NOW, THEREFORE, BE IT RESOLVED, that the following temporary 2015 Budget appropriation be authorized,

Operating Appropriations:

Administration:

Salaries and Wages	\$25,000.00
Fringe Benefits	\$10,400.00
Other Expenses:Insurance:	\$34,000.00
Office Expenses	\$12,000.00
Elections	\$ 2,000.00
Fire Prevention	\$ 1,000.00
Professional Services	\$ 6,600.00
Board Lease	\$ 8,000.00

Total Administration **\$99,000.00**

Cost of Operations and Maintenance:

Salaries and Wages	\$70,000.00
Fringe Benefits	\$36,000.00
Uniforms	\$ 5,500.00
Other Expenses:	

Facilities Maintenance (Bldg)	\$20,000.00
Maintenance Repairs (vehicle)	\$30,000.00
Rental Charges	\$11,650.00
Supplies and Equipment	\$10,000.00
Training and Education	\$ 1,000.00
Utilities	\$12,000.00
Hydrant Rentals	\$30,000.00
Operations and Maintenance Fire Bureau	\$ 1,000.00

Fire Bureau O/E Control	\$25,000.00
FB Fringe Benefits	\$ 2,000.00
Aid to Volunteer Fire Company	\$16,000.00
Aid to First Aids	\$22,500.00
Total Cost of Operations and Maintenance	\$292,650.00

Total Budget Appropriations	\$391,650.00
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Dated: 1-20-15

Governing Body

VOTE: Comm. Lane: AYE; Comm. Martuscelli: AYE; Comm. Puryear: absent;
Pres. Fritz: AYE.

Certified to be a true copy of a resolution adopted on the 20th day of January 2015.

CLERK

RESOLUTION 2015-2-1-7
A RESOLUTION TO ENTER INTO AGREEMENT
WITH SHARK RIVER HILLS FIRE COMPANY

Offered by: Comm. Martuscelli

Seconded by: Comm. Lane

AGREEMENT

THIS AGREEMENT dated this 20th day of January, 2015 by and between the Board of Fire Commissioners, Fire District No. 1, Township of Neptune, County of Monmouth, State of New Jersey hereinafter designated as the “Board”, and the Shark River Hills Volunteer Fire Company No. 4 hereinafter designated as the “Company”.

WITNESSETH:

WHEREAS; the Board of Fire Commissioners, is a duly constituted public agency organized pursuant to the provisions of N.J.S.A. 40A:14-70 et. Seq.; and

WHEREAS; N.J.S.A. 40A:14-70.1.B. authorizes a Board of Fire Commissioners to contract with a volunteer fire company for the purpose of providing fire protection services upon such terms and conditions as shall be deemed proper; and

WHEREAS; the Company is a duly constituted nonprofit corporation organized pursuant to the laws of the State of New Jersey for the purpose of fire suppression/fire protection services; and

WHEREAS; the parties hereto desire to enter into a contract to define the rights, duties and responsibilities of each regarding the furnishing of fire protection services to the residents of the fire district.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS CONTAINED HEREIN IT IS HEREBY AGREED AS FOLLOWS:

1. **TERM:** This Agreement shall have a 20 year duration commencing on January 1, 2015 and terminating, unless otherwise renewed and extended, on January 1, 2035.

2. **DUTIES:** The Company covenants and agrees to provide fire protection/fire suppression services to all persons and property situate within the borders of Fire District No. 1 Neptune Township, Monmouth County, New Jersey and to provide mutual aid services to neighboring fire companies and municipalities in accordance with established standards and practices as needed. The Company shall provide said services seven days per week, 24 hours per day, in accordance with any and all applicable rules, regulations, standards and laws of the State of New Jersey and any administrative agency having the necessary and proper jurisdiction to prescribe rules and regulations regarding the conduct of firefighting services. The Company shall also provide four man standby crews during emergencies such as storms and severe inclement weather conditions. The Company shall operate and utilize any and all equipment and apparatus supplied by the Board for the purposes of fire suppression in accordance with such rules and regulations as may be adopted by the Board. The Company shall provide such personnel as may be available for the purposes specified herein. The members of the Company shall operate under the supervision and control of the Board and in performing fire duty shall be deemed to be exercising a governmental function.

3. **BUILDING USE:** The Company does hereby specifically grant to the Commissioners the right to use the premises and building commonly known as the Shark River Hills Fire House located at 200 Brighton Avenue Neptune Township for the storage and maintenance of fire apparatus and equipment; the conduct of public meetings, both public and executive sessions; and generally to use the buildings for the conduct of Fire District business including use as a polling place, for such elections as may be required to be held within the District, subject only to the requirement that the Commissioners notify the Company in advance of their intention to use the building for such purposes and also subject to the requirement that such use will not interfere with normal operations of the fire company.
4. **CONSIDERATION:** The Board shall pay the Company's utilities and building maintenance during the 20 year duration of this agreement. All sums paid pursuant to the terms of this agreement shall be used for the usual and customary expenses incidental to the operations of a volunteer fire company and may not be used in any manner that could be construed as individual personal gain.
5. **MAINTENANCE AND REPAIR:** The Commissioners shall be responsible for the payment of all costs for the maintenance and repair of all firefighting equipment and apparatus supplied to the Company in accordance with the budget adopted by the Board of Fire Commissioners at the annual referendum.
6. **INSURANCE:** The Board shall provide, at no cost or expense to the Company, such insurance as may be legally required including, but not limited to, workmen's compensation insurance and liability insurance insuring the Company against any and all liability for claims arising out of, occasioned by or resulting from any accident or incident resulting in personal injury or property damage in or about the building and premises described above and any accident or damage arising out of or in the course of the performance of firefighting duties as permitted by N.J.S.A. 40A:10-1 et.seq. The Company does hereby agree to hold harmless and indemnify the Board against any and all claims arising out of or in connection with the rental of the banquet hall including host liquor liability claims.
7. **ANNUAL ACCOUNTING:** The Company shall provide an accounting of all public monies received and expenditures made by it to the Board annually.
8. **AGREEMENT SUBJECT TO MUNICIPAL PAYMENTS:** The terms of this agreement are contingent upon the approval of the annual budget of the Board by the voters of Fire District No. 1 as provided by statute. In the event the budget is not approved, or in the event that the Township of Neptune does not make the quarterly payment of tax revenues required by statute, the payments due the Company shall be suspended and tolled without penalty, until the budget is fixed by the Township Committee as required by statute.
9. **SAVINGS CLAUSE:** The terms and provisions of this Agreement are subject to such limitations as may be imposed upon either of the parties by statute or ordinance. Should any provision of this Agreement be ruled invalid by a court of

competent jurisdiction, such ruling, shall not affect the remaining provisions of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers and representatives on this 20th day of January, 2015

ATTEST: COMMISSIONERS OF FIRE DISTRICT NO. 1
TOWNSHIP OF NEPTUNE

President

Clerk

ATTEST: SHARK RIVER HILLS
VOLUNTEER FIRE COMPANY NO. 4

President

Secretary

VOTE: Comm. Lane: AYE; Comm. Martuscelli: AYE; Comm. Puryear: absent;
Pres. Fritz: AYE.

RESOLUTION # 2015-2-1-8
A RESOLUTION AUTHORIZING EXECUTIVE SESSION

Offered By: Comm. Martuscelli

Seconded By: Comm. Lane

WHEREAS, State law permits the exclusion of the public in certain circumstances; and,

WHEREAS, The Board of Fire Commissioners of Neptune Fire District, No. 1 finds that such circumstances currently exist and are as follows:

- Legal/Personnel issue pertaining to Fire Official & Fire Inspector positions
- Legal/Personnel issue pertaining to Personnel matters

WHEREAS, The Board of Fire Commissioners will make public, minutes of the closed session when confidentiality no longer exists;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Fire Commissioners that they are hereby authorized to enter into closed session to discuss legal and personnel matters which are exempt from the public meeting under the Sunshine Law.

VOTE: Comm. Lane: AYE; Comm. Martuscelli: AYE; Comm. Puryear: absent;
Pres. Fritz: AYE.

NEW BUSINESS: none

REPORTS

CHIEF-

ASSISTANT CHIEF-

CAPTAINS-

COMMISSIONERS REPORTS:

Hamilton – Comm. Lane-progress

Shark River- Comm. Martuscelli –members painted game room and replaced some ceiling tiles,

Unexcelled – Comm. -

Liberty – Comm. Fritz new ceiling tiles installed and some painting done –

PUBLIC COMMENT - none

MOTION TO GO INTO EXECUTIVE SESSION

Offered By: Comm. Martuscelli

Seconded By: Comm. Lane

MEETING GOES INTO EXECUTIVE SESSION

RESOLUTION # 2015-2-1-9
A RESOLUTION TO COME BACK TO REGULAR MEETING SESSION

Offered By: Comm. Martuscelli

Seconded By: Comm. Lane

VOTE: Comm. Lane: AYE; Comm. Martuscelli: AYE; Comm. Puryear: absent;
Pres. Fritz: AYE.

Public Comment

RESOLUTION #2015-2-1-10
A RESOLUTION TO RE-APPOINT FIRE MARSHALL/OFFICIAL

Offered By: Comm. Martuscelli

Seconded By: Comm. Lane

BE IT RESOLVED, the Board of Fire Commissioners do hereby re-appoint Douglas Rowell for the position of Fire Marshall/Official at an annual salary of \$55,000.00 starting February 16th 2015.

VOTE: Comm. Lane: AYE; Comm. Martuscelli: AYE; Comm. Puryear: absent;
Pres. Fritz: AYE.

MOTION TO ADJOURN

Offered By: Comm. Martuscelli

Seconded By: Comm. Lane

MEETING ADJOURNED