

**TOWNSHIP OF MONROE**  
**Board of Fire Commissioners**  
**Fire District No. 2**  
**Minutes of the Agenda and Regular Meetings**  
**Wednesday, August 10, 2011**

The Monroe Township Board of Fire Commissioners of District No. 2 met at the Monroe Township Fire District #2 & EMS building, 10 Halsey Reed Road, Monroe Township, New Jersey for an Agenda and Regular Meeting.

Chairman Mahler called the meeting to order with a Salute to the Flag at 7:05 pm. Chairman Mahler asked for a moment of silence for all firefighters and military that have died in the performance of their duties.

**UPON ROLL CALL** made by Commissioner Martin Berkowitz, the following members of the Monroe Township Board of Fire Commissioners of District No. 2 were present: Martin Berkowitz, Glenn Borsuk, Maurice Mahler, Edward Mitnowsky and Lawrence Reisch.

**ALSO PRESENT:** Board Attorney Richard J. Shaklee, Esquire, and Val Cier, Recording Secretary.

There were no career firefighters present.

There were no volunteer firefighters present.

There were no members of the public present.

Chairman Mahler announced that the meeting was being held in accordance with the Open Public Meeting Act, having been published in the April 1, 2011 newspaper, posted on the bulletin board of the Office of the Township Clerk, and notices sent to those requesting such.

**AGENDA MEETING**

Chairman Mahler asked if there were any corrections to last month's minutes.

Commissioners Borsuk, Berkowitz and Reisch had grammatical corrections to various pages of the minutes.

Commissioner Reisch would like the minutes hand delivered at the door, not put in the mailbox, which will be relayed to Chief Carbin. If not possible to leave minutes in the door area, not the mailbox.

Commissioner Berkowitz has correspondence from the Ponds

7:08pm - Mark Davis arrived.

Chairman Mahler had sent letter to the Port Authority for an artifact from 9/11 and the Port Authority is giving District 2 an artifact from 9/11 in NYC. A crew will go to NY with new truck to pick up the artifact. There will be a ceremony with the artifact and have color guard present from Jewish War Veterans from Concordia and possibly from Clearbrook also.

Commissioner Reisch stated if it can't fit in cab, the new truck cannot be used. Chairman Mahler stated it can be worked out and it would be nice to have the new truck there.

Chairman Mahler also mentioned there is still some paperwork that needs to be completed by Attorney Shaklee. Commissioner Reisch felt Chairman Mahler did a great thing in obtaining this artifact from the Port Authority and is very grateful.

Chairman Mahler asked the board to review the claims against the board. Chairman Mahler mentioned maintenance supplies are very high. Commissioner Reisch didn't see repayment of the check that was cancelled due to the garage door. Commissioner Reisch mentioned the bill from Patriot is very high. Chairman Mahler stated it includes phone calls and correspondence sent to him. Both he and Commissioner Mitnowsky saw the bill. Commissioner Reisch will make a note that there is no voided check from the garage door company and mention to Chief Carbin.

Chairman Mahler would like to speak about the brush truck. The volunteers were given a brush truck by district 1. An issue was brought up at the district 1 meeting when Mr. Robert Lebrun stated the truck is unsafe. If there is a brush fire, career firefighters will also ride the truck. The truck should be examined.

Chief Davis said the comment was made during a court hearing, but knows no more than that. Chairman Mahler stated it came up in court of the firing of career men in district 1.

Chief Davis said he formed truck committee and the truck is at Noonan's Garage now to look it over and determine what may be wrong and the cost to be fixed. Then it will go to North Brunswick for repair. The truck is registered to the volunteer organization. Nothing has been signed and if there is paperwork, they would give it to Attorney Shaklee to review.

7:25 Dennis Cronin arrived

Chairman Mahler stated that if district personnel on the truck, there is a liability if unsafe. Attorney Shaklee stated as long as there is due diligence that truck is safe, that is all that can be done and obtain that in writing. Chief Davis will have the mechanics put in writing on repairs needed and that it's safe. (The truck is a 1986) Attorney Shaklee suggested getting a copy of the testimony from the allegations so mechanics can look at it.

Chairman Mahler asked Dennis Cronin if he heard anything about the truck. Mr. Cronin did not hear anything about truck being unsafe. Commissioner Borsuk talked to Jim Grande. Jim said Bobby Lebrun said truck is unsafe in court.

Commissioner Reisch asked the age of the current brush truck. Commissioner Borsuk stated it's a 1973. It was new to Applegarth. The newer truck meets the needs because it is an automatic and can hold 4 firefighters, and has 10,000 miles less on it.

Chairman Mahler asked Attorney Shaklee to write down what needs to be obtained to document safety of truck. Chief Davis asked if Bob Lebrun is a certified mechanic, and how can he state it's unsafe.

7:28 Dan Steadman arrived

Chief Davis stated that the Resolution states that the truck goes in volunteers name and if the

volunteers disband, the truck goes back to district 1.

Mr. Cronin stated the volunteers expected this -we get things but have to work hard to get them.

Commissioner Reisch asked how many volunteers live in district 3. Chief Davis stated four volunteers.

Commissioner Borsuk drove the brush truck back from district 1 and there was nothing wrong driving it. 575 is in worse shape.

**UPON MOTION MADE** by Glenn Borsuk and seconded by Lawrence Reisch, the agenda meeting was adjourned at 7:32pm.

**ROLL CALL:** Aye Berkowitz

Aye Borsuk

Aye Mahler

Aye Mitnowsky

Aye Reisch

## REGULAR MEETING

Chairman Mahler called the regular meeting to order with a Salute to the Flag at 7:36 pm.

Chairman Mahler asked for a moment of silence for all firefighters and military that have died in the performance of their duties, especially the 30 military that died in the helicopter crash.

**UPON ROLL CALL** made by Commissioner Martin Berkowitz, the following members of the Monroe Township Board of Fire Commissioners of District No. 2 were present: Martin Berkowitz, Glenn Borsuk, Maurice Mahler, Edward Mitnowsky and Lawrence Reisch.

**ALSO PRESENT:** Board Attorney Richard J. Shaklee, Esquire, and Val Cier, Recording Secretary.

There were no career firefighters present.

There were three volunteer firefighters present: Dennis Cronin, Mark Davis, and Dan Steadman.

There was one member of the public present: Charlie DiPierro.

Chairman Mahler announced that the meeting was being held in accordance with the Open Public Meeting Act, having been published in the April 1, 2011 newspaper, posted on the bulletin board of the Office of the Township Clerk, and notices sent to those requesting such.

## MINUTES

Chairman Mahler asked for a motion on the Minutes.

**UPON MOTION MADE** by Glenn Borsuk and seconded by Martin Berkowitz, a motion was adopted to approve the minutes of the July 13, 2011 agenda and regular meetings, as amended.

**ROLL CALL:** Aye Berkowitz  
Aye Borsuk  
Aye Mahler  
Aye Mitnowsky  
Aye Reisch

## CLAIMS AGAINST THE BOARD

Chairman Mahler asked the board to review the claims against the board.

Commissioner Reisch read the report:

General Operating Claims Total	\$210,642.86
Capital Project Claims Total	\$0.00
Net Payroll Claims Total	\$ 72,252.38
Total Claims Against the Board	\$282,895.24

July 14, 2011 - August 10, 2011

**UPON MOTION MADE** by Lawrence Reisch and seconded by Martin Berkowitz, claims against the Monroe Township Board of Fire Commissioners of District No. 2 were approved in the amount of \$282,895.24.

**ROLL CALL:** Aye Berkowitz  
Aye Borsuk  
Aye Mahler  
Aye Mitnowsky  
Aye Reisch

### **TREASURER'S REPORT**

Chairman Mahler asked for the treasurer's report.

Commissioner Reisch reported the following as of August 10, 2011

Hudson City Savings Bank:

Unrestricted Funds	\$561,190.78
Restricted Funds	\$375,989.83
Capital Projects	\$66,213.68
Cash on Hand	\$170.00
Total Balance	\$1,003,564.29

Commissioner Reisch questioned the last check of \$65,000 and if it was for capital projects. Chief Carbin stated it was capital projects because it was money expended on the building and reimbursed.

### **BUILDING COMMITTEE REPORT**

Chairman Mahler reported that the doors are all working. Looking into a contract with a door company, rather than the company that installed the doors. Chief Carbin will provide a door company.

Chairman Mahler asked how doors at Applegarth firehouse. Mr. Cronin stated the doors are good, but when the generator goes on, one door opens automatically. They are calling Jammer door company.

### **CORRESPONDENCE**

Chairman Mahler asked for the correspondence to be read.

Commissioner Berkowitz read a letter to Mayor Pucci from the Ponds Condominium Association dated July 28, 2011, regarding a gas leak and evacuation performed by the fire department.

Chairman Mahler sent a letter to the Port Authority for an artifact from 9/11. Chairman Mahler received a call that district 2 will get an artifact and will be picking that up. May consider doing as one ceremony with the new truck. It could be something for the memorial garden. There are a few more papers that need to be signed.

Commissioner Reisch met with insurance agency today. All is up to par -met with Chief Carbin and Mike Mcgrath for insurance for 2012. Commissioner Reisch asked Chief Davis to make sure there is insurance on the brush truck. Chief Davis sent all paperwork to Chief Carbin for the insurance. Chief Davis stated they are donating the 1973 brush truck to Jamesburg fire department. Chief Davis has the title and Chief Carbin will inventory what belongs to district from the truck.

Chairman Mahler asked if they cancelled the Tri-district meeting. Mr. DiPierro stated there was a tri-district meeting and Chief Carbin was present.

Mr. DiPierro asked at district 3 meeting about the tri district meeting. Les Barta coordinated the meeting: 57, 23 chiefs were there, 51 chief missing. The discussion was on a safety officer. Jim Carbin is safety officer. 51 doesn't have a designated safety officer.

Safety officer job-Chief Davis explained it's a firefighter designated, on scene and it's appointed by chief officer. Their job is to make sure the fire scene is run in a safe manner. Mr. DiPierro question if district 2 & 3 safety officers are there 7/24. They said yes, but Mr. DiPierro doesn't believe it. Mr. DiPierro got the minutes today and they will be on the website.

Commissioner Reisch questioned how did Les Barta come to organize the meeting. He is a commissioner. Commissioner Reisch understands a tri-district meeting was for the operation of the district for the protection of the district and there were no more than 2 commissioners that can go otherwise it's a public meeting.

Mr. DiPierro stated their fire official wasn't invited; the meeting should have been cancelled if they all couldn't be there.

Commissioner Borsuk reported that the tri district was formed with a Chief from each district, commissioner from each district, representative from EMS/Police/Administration and 3 fire officials. Police stopped attending; EMS and Commissioners stopped attending.

Commissioner Borsuk stated that the recent meeting came about because the District 1 safety officer was designated by the tri-district as the primary safety officer for the town. It was discovered Rich Hayes was not reappointed as safety officer as of January 1, 2011. That was the purpose of the tri-district meeting. If there wasn't a called meeting for the topic and just two chiefs talking, it may not be a big fuss.

Chairman Mahler stated that one chief not being there then they shouldn't have had the meeting. Chief Davis stated that the way the meeting was handled is what caused the concern by Wayne Hamilton.

Mr. DiPierro stated that when the lawsuit was filed against district 1, the commissioners stopped going to the tri-district, based on the advice of their attorney and found they were being slandered. Only the chief went, and he's a volunteer. Commissioners are not attending.

Chairman Mahler stated that Lonnie is chief of the volunteers of district 1 and it should have been postponed since he couldn't make it. Commissioner Reisch is offended he wasn't invited to the meeting. Chief Davis was offended he was not invited.

Commissioner Reisch stated to those attending-Chief Davis and Chairman Mahler, it's very important the tri-district meeting should be held every 2 months and get a notice. If needed, have it monthly. Chairman Mahler stressed three times that an agenda is needed.

Chairman Mahler also mentioned it was held at 9am. Commissioner Reisch stated it should be held in the evening. Chairman Mahler stated the next meeting of the study committee is Monday night.

Commissioner Borsuk stated once per month worked well for 10-12 years. It's better to cancel if not needed, difficult to schedule emergency meeting.

Chief Davis stated there is no tri-district until the study committee meets.

### **FIRE PREVENTION BUREAU REPORT**

Chairman Mahler asked for the Fire Prevention Report.

Commissioner Borsuk reviewed the following:

- Monthly run analysis - 72 incidents
- Will be getting quote for garden
- Tower is in Piscataway and will be delivered Friday
- Equipment will be installed and training will begin, expect to be in service in September
- 24 x 36 bronze plaque with quote of \$5697.20; it's the wrong size, waiting on new quote for correct size
- Paperwork in process with MX energy for electric rebates, should begin within next month
- Claim submitted for lightening strike at 130 Applegarth-don't have computer/printer - once money from insurance company comes in, will use money to purchase new one.

Chairman Mahler stated they will need to wait for Chief Carbin regarding the claim.

Commissioner Borsuk thought the Chief would take a volunteer to purchase

- Fire in Rossmoor; carport with 5 cars in it, when tower got there the building was on the ground.

51 had 23 volunteers there, 57 had 8 and more in the station but no transportation. Was there about 3 or 3 ½ hours.

- Received an OPRA request on district 2 Attorney fee and billing, by district 3 attorney, going back to 2007. Chief Carbin sent letter back with OPRA form.
- Participated in 9/11 Iron and steel run (NY to MD)
- 3 new volunteers started fire academy
- Attended National night out; going to Health fair at warehouse; Patriots Path fire safety seminar; fire drill at Encore Clubhouse

Chairman Mahler would like a motorcade to 9/11 piece, and would like it brought up at tri district.

8:14-Mike Konowitz arrived

## **APPLEGARTH VOLUNTEER FIRE COMPANY**

President Dennis Cronin reported:

- Claim submitted on June 1<sup>st</sup> - volunteers doing paperwork at home for use of computer/copier/printer. They are willing to go to Staples and get what's needed, just let them know how much they can spend. Chairman Mahler stated they can use district account at Staples.
- There are 3 people in the fire academy
- Request continued support from commissioners to recruit volunteers

## **MEETING OPEN TO THE PUBLIC**

Chairman Mahler opened the meeting to the public.

Chairman Mahler asked Mr. DiPierro when Mr. Lebrun was at court. Mr. DiPierro stated that was last Thursday. Chairman Mahler asked what was said about brush truck

Mr. DiPierro has spent 9 days in Trenton. Two employees's from district 2 attending and are sharing the testimony. Chairman Mahler stated the employee is a union representative.

Mr. DiPierro stated they were questioned by the court why \$70,000 was spent on chief's truck and \$140,000 for the brush truck. They money was used out of their reserve funds and there was no increase in taxes. When questioned what happened to the old truck, they gave it to the Applegarth volunteers and they may need to do improvements since it's a 1986.

Mr. DiPierro said they twisted it around and that it was unsafe. Mr. DiPierro thinks it may have been Jim Grande saying the truck is unsafe based on what he is hearing. Bob Lebrun never said the truck was unsafe. Mr. DiPierro was there every day in court.

Mr. DiPierro stated there was nothing said about anything regarding the truck being unsafe. Mr. DiPierro said they are getting a new deputy chief truck and would be willing to give volunteers old truck. Mr. DiPierro attorneys was at court and he will mention this to his attorney about what is happening so they can address these rumors. Mr. DiPierro is willing to get the court transcript to show it's a rumor.

Mr. DiPierro was at Stop and Shop, and noticed district 3 truck has a union sticker on it. Mr. DiPierro asked if board was aware of the sticker and it wasn't addressed. Monroe police don't have PBA stickers. Its township vehicles and the union didn't pay for truck. Who did the union go to and ask if they could put union stickers on township vehicles.

Chairman Mahler asked the board their feeling on union stickers on township trucks: Commissioner Reisch, Chairman Mahler, and Commissioner Mitnowsky don't think it should be there. Commissioner Berkowitz, Commissioner Borsuk didn't state opinion against it. Commissioner Reisch is 100% in favor of unions, but don't feel this would be right.

**UPON MOTION MADE** by Maurice Mahler and seconded by Lawrence Reisch that no union advertisements should be on a township vehicle taxpayers are paying for.

**ROLL CALL:** Nay Berkowitz  
Abstain Borsuk

Aye Mahler  
Aye Mitnowsky  
Aye Reisch

Mr. Konowitz stated if they want to put there label on truck, they should pay for it. If union wants to advertize, they should pay.

Chairman Mahler wanted to make an addendum to the motion - if it's on the truck now, union sticker, it should be removed. Seconded by Lawrence Reisch.

**ROLL CALL:** Nay Berkowitz  
Aye Mahler  
Aye Mitnowsky  
Aye Reisch

Attorney Shaklee stated that no one else can advertize on township truck. Chairman Mahler stated there is only a symbol of 911. Commissioner Borsuk reported there are no union stickers on the district 2 trucks.

Mr. DiPierro reported he received his tax bill, and the board is doing a great job in keeping the taxes stable in district 2. District 3 went up 7% for fire tax, so thank you for keeping it down in district 2. Paying 11 cents, the difference is now 29.4 and 11 cents.

Mr. DiPierro owns a house in 3 districts. District 3 paying same amount of money on that house (140k) as District 1 house assessed at 425k. Paying more in fire tax in district 3, than fire insurance.

Chairman Mahler stated that Wayne Hamilton asked for all treasurers' report and treasurers should be there at consolidation meeting. Commissioner Reisch stated there should be no consolidation for district 2 and 3. They should be all left alone. The disparity getting closer - now 8.4 cents apart. If there is consolidation, there is a right way. Commissioner Reisch stated we are going to fight consolidation. Wayne Hamilton and the Mayor know it and that's why the board has consultant.

Mr. Konowitz asked if the board is trying to work out boundary lines for election. Chairman Mahler stated the boundary lines are fine. The election mailing went to district 3. Chairman Mahler stated the people get their tax bill by district for taxes. There is a disc that breaks out by district. The only way we can get correct information, we need tax bill. There is a database that has district 2 and use that for mailer.

Chairman Mahler will have Attorney Shaklee send a letter to township clerk and Mitch Elias of tax office, Middlesex county election board and get mailing list for district 2 residents, based on tax bill.

Commissioner Reisch asked Mr. Konowitz to suggest at district 3. Mr. Konowitz did ask district 3 and brought them to court due to some people living in district 1 and voting in district 3, and people lived in district 2 and voting in district 3. The attorney went after the township clerk. The clerk is not responsible for the fire election.

Chairman Mahler stated you need to circumvent the clerk. You want a break out for district 3 taxes. Mr. Konowitz stated if taxpayers aren't registered to vote you need county listing of registered voters.

Attorney Shaklee stated if you get the right list based on the taxes, if they go to right place to vote, but board of election may have it wrong.

Commissioner Reisch suggested to take list from tax assessor and go to board of election in Middlesex County to correct listing based on districts. The books from the county are wrong for the fire districts.

Chairman Mahler stated they need special books for fire elections since its different elections. Commissioner Berkowitz stated the problem starts with the township, if they make the mistake, it goes to county. Chairman Mahler stated the judge said it's not the townships responsibility.

Chairman Mahler stated if Mitch Elias doesn't want to comply, we will take the township to court. Attorney Shaklee agreed if that what's the board wants, but it will be costly. Attorney Shaklee estimated at least \$10,000. Chairman Mahler stated it's worth it.

Attorney Shaklee stated it would be simpler to file a complaint under governance record council instead. Mr. DiPierro stated that may be a topic for the consolidation panel. Commissioner Reisch stated their plan may be to change boundary lines. Pick up ratables for district 3 and expand boundary lines.

## **CLOSED SESSION**

Chairman Mahler announced the need to hold an executive session. Attorney Shaklee read the Resolution for an Executive Session for the purposes of anticipated litigation and attorney/client privilege matters.

**UPON MOTION MADE** by Maurice Mahler and seconded by Martin Berkowitz, the board went into executive session for the purpose of anticipated litigation and attorney/client privilege matters.

**ROLL CALL:** Aye Berkowitz  
Aye Borsuk  
Aye Mahler  
Aye Mitnowsky  
Aye Reisch

**ADJOURN**

Chairman Mahler asked for a motion to adjourn.

**UPON MOTION MADE** by Glenn Borsuk and seconded by Lawrence Reisch, the meeting was adjourned.

**ROLL CALL:** Aye Berkowitz  
Aye Borsuk  
Aye Mahler  
Aye Mitnowsky  
Aye Reisch

MARTIN BERKOWITZ  
Board Secretary  
MAURICE MAHLER  
Chairman

**NOTE:** Appendixes can be obtained upon request from the Board Secretary.  
**PREPARED BY:** Val Cier