

LOWER TOWNSHIP FIRE COMMISSION

**SECOND DISTRICT
P.O. BOX 724
NORTH CAPE MAY, NEW JERSEY 08204**

Minutes of the January 22, 2013 Meeting

The regular monthly meeting of Fire District 2, Lower Township, Cape May County, New Jersey was called to order at 20:00 hours by President Brown at the Town Bank Fire House, 224 Town Bank Road, North Cape May, New Jersey.

President Brown read the statement of compliance with the "Open Public Meetings Act" and pointed out the fire exits to the public in attendance.

After flag salute, roll was called; Commissioners present were Andrews, Brown, Conley, Nolan and Prendergast and Charlotte, "Missie" Taylor Financial Data Specialist. Also in attendance were 4 firefighters, and no other members of the public.

MINUTES

1. The Secretary reviewed the minutes of December 17, 2012 regular meeting. A motion to approve the minutes as presented was offered by Nolan and seconded by Prendergast; voting yes, Andrews, Brown, Conley, Nolan and Prendergast; voting no, no one; abstaining, no one.

TREASURER'S REPORT

- Prendergast reviewed the Treasurer's report; a copy of the report is attached to the original minutes and made a part hereof. Interest earned this month was \$230.24. We have received a \$751.38 premium refund from VFIS our insurance carrier. A motion to approve the report was offered by Andrews and seconded by Nolan; voting yes, Andrews, Brown, Conley, Nolan and Prendergast; voting no, no one; abstaining, no one.
- The Commissioners reviewed all bills that were submitted to the Treasurer in proper form. Resolution 13-01.01 authorizing payment of those bills, in the amount of \$45,820.85 was offered by Conley and seconded by Prendergast; voting yes, Andrews, Brown, Conley, Nolan and Prendergast; voting no, no one; abstaining, no one.

CORRESPONDENCE

The Secretary read the following correspondence:

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1. Letter in from VFIS dated 11/16/12 transmitting their check in the amount of \$751.38 as a premium refund due to adjustments made for the previous policy term.
2. Fax out to the Cape May County Herald dated 12/28/12 transmitting the notice of meeting change to be published.
3. Fax out to the Cape May Star & Wave dated 12/28/12 transmitting the notice of meeting change to be published.
4. Letter out dated 12/31/12 to the Division of Local Government Services transmitting 2 copies of the approved 2013 budget.
5. Email in from Tom Shand acknowledging Conley's submission of Shand's report to Sam Squire requesting a response to the identified deficiencies.
6. Email out to Thomas Lipski dated 1/03/13 requesting an extension of time to have the driveway apron repaired.
7. Email out to Bob Cozen dated 1/14/13 transmitting a purchase order to perform a marine survey on the FireCat 36 fireboat.
8. Email in dated 1/16/13 from Jo Ann Hunt regarding the use of a voting machine for the election.
9. Letter out dated 1/16/13 to Mike Kennedy at the County Board of Elections requesting the use of a voting machine for the election.
10. Copy of a notice of inquiry from the Division of Taxation regarding the outstanding sales tax due on the retired police vehicle the Township gifted to the Fire District.
11. Memo in from Rita Fulginiti, County Clerk dated 1/03/13 regarding election procedures.
12. Memo in from Rita Fulginiti, County Clerk dated 1/03/13 regarding mail-in ballots.
13. Letter in dated 1/08/13 from CM3 Building Solutions transmitting their detailed proposed service agreement for 2013 as requested by the secretary.

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TOWN BANK VOLUNTEER FIRE COMPANY REPORT

Chief Megonigal reported the following:

- Report of the month's activities; a copy of the report is attached to the original of these minutes.

BUREAU OF FIRE SAFETY REPORT

- Conley who is the Board's representative to the Bureau reported on the activities of the Bureau of Fire Safety's previous month and distributed copies of the financial reports. A copy of the minutes of that meeting was distributed to the Commissioners and is attached to the original of these minutes.

OLD BUSINESS

- *The Chief reported a growing building crack in the southeast corner of the engine bay. Conley has look at the crack and it looks like a settlement issue. The Commission authorized Conley to contact a structural engineer to look at the situation and make recommendations. (03/08).*

Conley reported that he contacted Edward P. Ryan, PE, a structural engineer who met with Conley and Brown to look at the building. Mr. Ryan's preliminary determination was that the cracking is due to settlement but there is no immediate danger. He will prepare recommendations and specifications for the repair of the settlement as well as the cracks in the near future. (04/08)

Conley reported that he has received the details from structural engineer, Edward P. Ryan and will coordinate with Richard Braslow and Ryan to put together a contract to perform the work recommended. (06/08).

Nolan inquired as to the status of the crick repair. Conley responded that the District is in the process of having a contractor look at it and provide an estimate to see if the repair needs to be bid. He also reported the Mr. Ryan had reported that there is no immediate

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danger, and budget constraints had moved this repair a little lower on the priority list, but not forgotten. (06/12)

- *Following a brief discussion regarding the purchase of a replacement piece of apparatus hopefully next year, a special meeting was scheduled for 7:30 pm on Monday, November 21, 2011. Conley will post and publish the necessary notices for a public hearing at the special meeting to determine if the apparatus should be purchased in 2012 and that formal action will take place at that meeting. (10/11)*

A special meeting was held earlier tonight, 11/21/11 at which meeting those in attendance voted to authorize the purchase in 2012 of a replacement Class A attack pumper to replace the 1994 Pierce Class A attack pumper for a cost of approximately \$600,000.00. For detail see the minutes of the Special Meeting of 11/21/11.

Chief Megonigal reported that he and Asst. Chief George Barger will be travelling to Harrisburg to the Fire Expo to do some research on new apparatus that will be on display from various vendors. (03/12)

Chief Megonigal has provided the District with a proposal for Emergency Vehicle Response to work with the Apparatus Committee and the District to evaluate their needs, assist in the preparation of Bid Specification for the apparatus that is brand neutral, will assist in evaluating the bids, once received, and will verify that the apparatus was constructed according to the bid specifications.

Resolution No. 12-29 Approving the contract with Emergency Vehicle Response as outlined above was offered by Nolan and seconded by Andrews, voting yes, Conley, Nolan and Prendergast; voting no, no one; abstaining, no one. (05/12)

Conley discussed the new apparatus purchase specifications. The specifications have been reviewed by Conley, Solicitor Braslow and the apparatus committee. Conley has made a copy of the specifications and place them in the Commissioners' Office for review by the Commissioners. He has asked that they review the specifications during the month and be ready to adopt them at the October meeting. It was determined that the ideal financing will be for 3 years, 2013, 2014 & 2015. They should also be ready to discuss dates for bidding and receipt of bids. (09/12)

Resolution #12-33 Authorizing the bid and bid documents for the new pumper was offered by Conley and seconded by Prendergast voting yes, Conley, Nolan and Prendergast; voting no,

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no one; abstaining, no one. The bids are to be received Tuesday November 27, 2012 at 4:00 pm. (10-12)

Bids were received on November 27, 2012, with only one bid received. That bid was from Pierce Manufacturing and is currently under review by the Tom Shand and Richard Braslow (12/12)

Conley reported that he, Chief Megonigal, Tom Shand and Richard Braslow have been working on the bid received. A copy of Shand's report of the items that did not meet the bid specifications was reviewed by the group and forwarded to Sam Squire of Pierce Manufacturing to explain each deviation from the specifications and to explain if any substitution was better than specified and if so why, in writing. Once the written response was reviewed by the group, it was decided to recommend pursuing a contract with Pierce Manufacturing adding the raised roof cab and the oil-dry container to the vehicle.

Resolution 13-18 Awarding a contract for the new apparatus subject to approval by the Local Finance Board was offered by Nolan and seconded by Andrews, voting yes, Andrews, Brown, Conley, Nolan and Prendergast; voting no, no one; abstaining, no one.

Resolution 13-19 Authorizing a Local Finance Board Application for the new apparatus was offered by Nolan and seconded by Prendergast, voting yes, Andrews, Brown, Conley, Nolan and Prendergast; voting no, no one; abstaining, no one.

Conley will be working with Richard Braslow and Leon Costello to prepare the necessary application. (01/13).

- *Scott Brown asked if there was some types of sealer that can be used to stop the damage to apparatus aprons that have sever salt damage. He has seen repairs to bridge surfaces that were temporarily repaired rather quickly. Brown volunteered to discuss it with a friend who is a masonry contractor and Conley will talk to the County Engineer who may have specified the repairs to the County Bridges. (06/12)*

Brown reported that Jay Blackley of Blackley Concrete will look at the driveway and make a recommendation (07/12)

Brown reported that Jay Blackley reported that there is no fix the driveway apron will need to be removed and replaced. Conley requested that Blackley provide us with a cost estimate to do that

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work so that we know if we would need to bid the project and look for the money to pay for the replacement. (08/12)

Brown reported that Blackley has provided a proposal to remove the existing concrete and replace it with the same strength reinforced concrete for \$24,860.00. This is above the bid threshold and obviously will need to be bid.

Conley suggested that if total replacement is necessary, we should look into retaining a structural engineer or architect to design a heating system into the apron and then there would be no need to have salt on it. Conley will look into finding an engineer or architect with the appropriate experience. (09/12)

Conley reported that he has not been able to get Jay Blackley (concrete mason) to respond with a cost for a temporary winter patch. Brown will reach out to Troiano Concrete to see if they can do a temporary patch to get us through the winter months. (12/12)

Brown reported that he has contacted Ernie Troiano, Jr. of E. Troiano & Sons Concrete who will perform a temporary patch on the driveway for an estimated cost of \$2,100.00 as outlined in his letter of December 21, 2012. Conley reported that he has contacted, in writing, Thomas Lipski of PEOSH to request an extension of time to repair the driveway apron. A motion was offered by Andrews and seconded by Nolan to approve E. Troiano and Sons Concrete's proposal and authorize the work, voting yes, Andrews, Brown, Conley, Nolan and Prendergast; voting no, no one; abstaining, no one.

Conley presented a proposal from M V Engineering of Cape May Court House, NJ for providing the design, bid preparation and administration, and construction observation of the permanent driveway apron replacement for an estimated 11,200.00 as contained in their written proposal. Resolution 13-20 Approving the award of the contract with Brian Murphy, PE of M V Engineering for the Design and Inspection of the Driveway Apron Replacement was offered by Andrews and seconded by Prendergast voting yes, Andrews, Brown, Conley, Nolan and Prendergast; voting no, no one; abstaining, no one. (01/22/13)

- *Prendergast followed up with Bank of America regarding the letter that we received that they would be going to a computerized system and there would be monthly fees involved. Prendergast spoke with Melissa Lemon at the North Cape May Branch of Bank of America who reported that it was a mass mailer and did not affect the Fire District. We still would not incur monthly fees. (08/12)*

During the month we received another notice that indicated that the charges would be forthcoming, Prendergast again spoke with Melissa Lemon who stated that the Bank would not be charging fees to us since we are not using the new on-line services that the programs charges for. Conley requested that we get a current Government Deposit Protection Act certification from them. Prendergast will follow up with them. (09/12)

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Prendergast reported that he feels that he is getting the runaround from Bank of America. He and Commissioner Nolan went to the Bank together to attempt to get Commissioner Nolan's name and signature added to the Fire District's account. The bank manager, who is not the regular manger told them Bank of America requires all five commissioners to be at the bank at the same time and all sign new signature cards in the manager's presence. Commissioner Nolan informed her that that would constitute a meeting under the Open Public Meeting Act and need to be advertised as required.

Due to this continuing issue with the signature cards as well as the continuing issues regarding the letters regarding interest charges for the account Commissioner Prendergast will be seeking out other banks for proposals for services. (11/12)

Prendergast reported that he has one proposal in and looking for a couple more before making a recommendation. (12/12)

- *A presentation was made for a Power Purchasing Agreement by Emerald Energy, LLC (Joseph Jackson) and Cambria Solar (Mike Atkins) wherein Mr. Atkins represented that the current electric use would be sold to us by Cambria Solar at a savings of 8% with a 2.5% increase/year after the first year. Resolution #12-34 approving the PPA offer subject to review by the Solicitor Richard Braslow was offered by Nolan and seconded by Conley voting yes, Conley, Nolan and Prendergast; voting no, no one; abstaining, no one. (10/12)*

Conley reported that he forward the draft Power Purchasing Agreement and current electric use release documents provided to him to Solicitor Braslow. The current use release document was approved by Mr. Braslow, signed by Commissioner Conley and returned to Joe Jackson. The Power Purchasing Agreement was drafted to be with the Town Bank Volunteer Fire Company and was unacceptable. Conley would not sign the document and returned it to Joe Jackson for correction. In the letter from Mr. Atkins attorney, the attorney states that he also agreed that the Fire District is the correct entity for Mr. Atkins to contract with, but it was his opinion that such an agreement needed to be publicly bid. This is contrary to what Mr. Jackson and his people had represented at prior meetings. It is, however consistent with Commissioner Conley and Solicitor Braslow's feeling. This information was passed on to Mr. Jackson for a response and/or a revised proposal. As of November 19, 2012 Conley has not heard back from anyone. (11/12)

As of December 17, 2012 Conley has not heard back from anyone. (12/12)

- *Fire Company President reported the Make Up air unit has a hole in the outside duct insulation. Conley will notify CM3 to look into it. (11/12)*

Conley reported that CM3 is preparing a proposal but had contacted him regarding the proposal that it does not look like that unit has been used in years and cannot be used in its current condition and well as needing the duct work repair. Conley has requested that they prepare three proposals, one for the repair of the duct work, one for the repair of the makeup air unit itself and the third to remove the makeup air unit. (12/12)

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Conley presented two proposals from CM3 Building Solutions. The first was to recover the exterior duct work with new insulation with a guestimate to make an evaluation of how much work needs to be performed on the unit to make it fully functional. The second proposal was for removing the make-up air unit and the outside duct work from the site and capping the duct where the portion of the duct remaining inside the building will remain to make the remaining duct and building weathertite.

A motion was offered by Andrews and seconded by Prendergast to approve the proposal to remove the make-up air unit and the outside duct work from the site and capping the duct where the portion of the duct remaining inside the building will remain to make the remaining duct and building weathertite at the cost of \$5,435.00, voting yes, Andrews, Brown, Conley, Nolan and Prendergast; voting no, no one; abstaining, no one. (01-13)

- Conley reported that we are still in the running to receive the reissued grant for the fireboat (Fire Cat 36) that is currently owned by Union Fire Company in Bensalem, PA.

Since the conditions of accepting the grant and thus receiving the boat requires several steps in short turnaround time and may not be able to wait until the next meeting, therefore Resolution 12-37 authorizing the appropriate commissioners to take the appropriate actions to have the boat surveyed, appraised, insured, and paid for if we are selected was offered by Prendergast and seconded by Andrews voting yes, Andrews, Brown, Conley, Nolan and Prendergast; voting no, no one; abstaining, no one.

Chief Megonigal received notice that Fire District No. 2 has been awarded e reissued grant for the Fire Cat36 fireboat and additional details are contained in his report attached to the original of these minutes. It is the goal to have the boat at Utch's Marina around the end of January. (01/13)

NEW BUSINESS

- Resolutions 13-02 to 13-17, and listed below, were offered by Andrews and seconded by Nolan, voting yes, Andrews, Brown, Conley, Nolan and Prendergast; voting no, no one; abstaining, no one.
 - 13-02 Adopting a Temporary Budget
 - 13-01 Airpower International - Contract
 - 13-02 Edmunds Assoc – Contract
 - 13-03 Grace Energy – Contract
 - 13-04 Bieber's Lawn Service – Lawn Contract
 - 13-05 Bieber's Lawn Service – Snow Contract
 - 13-06 CM-3 Building Solutions – HVAC Maintenance Contract

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- 13-07 Modern Group Power Systems (Generators) – Contract
 - 13-08 Fire & Safety – Apparatus Contract,
 - 13-09 Rich Fire Protection – Contract
 - 13-10 Western Pest Services – Contract
 - 13-11 Electronic Measurement Labs (Gas Monitor Calibrations) - Contract
 - 13-12 Waterways Hose Testing - Contract
 - 13-15 Polar Bear Mechanical Services - Clean Refrigeration Units (2 Times/year)
 - 13-16 Vector Security, Inc. – Fire & Alarm Maintenance
 - 13-17 ESI Equipment, Inc – Holmatro Rescue Equipment Maintenance)
- The LOSAP Points List was posted on the Fire Company Bulletin Board for 30 days as required and Conley reported that no appeals were filed; the list will now be processed for payment.
 - The following purchases were authorized by motion offered by Nolan and seconded by Andrews:
 - Kitchen Equipment Cleaning by JoJo’s Cleaning Service, 5 Tally Ho Road, Cape May Court House, NJ for a total of \$1,830.00.

PUBLIC PORTION

Nothing

There being no further business, the meeting was adjourned at 21:04 hours by a motion by Nolan and a second by Prendergast.

Respectfully submitted,

Lewis H. Conley, Jr.
Secretary/Commissioner