

**Board of Fire Commissioners
Fire District No 1
POBox 6903
Freehold, NJ 07728**

October 28, 2014

Regular Meeting

The meeting was called to order at 7:31pm by Chairman Thomas Caruso.

The notice was read and the flag salute was lead by Ex Chief Story.

Roll call was taken, Mr. Toutouchi, Mr. R. Buscaglia, Mr. Joshi, Mr. C. Buscaglia and Mr. Caruso were all present. Also in attendance was Joseph Youssef, Donna Pujat and Vice President Fogarty.

Chairman Caruso asked everyone to put their phones on vibrate for the meeting, he also asked anyone who needed to use their phones, leave the meeting room to do so.

The meeting was turned over to Mr. Youssef for legal.

Mr. Youssef introduced Mr. Washburn, legal council for Mr. Spicuzza. Mr. Youssef asked if Mr. Spicuzza had provided the password for the computer system to the board. Mr. Washburn stated that the did not believe so but would speak to Mr. Spicuzza. Mr. Washburn outline events which had taken place concerning Mr. Spicuzza and the Board which began in July.

Have provided password of computer to board. Mr. Washburn advised that he will speak for Mr. Sp. He thought he had not, but will answer that when request.

JDY outline matter concerning Mr. Spicuzza which began in July. He discussed call sheets in

question and offered copies to Mr. Washburn who stated he did not need them . Mr. Youssef stated that there were two serious matters at hand and those were the operation of motor vehicles and call sheets.

Mr Youssef asked Chairman Caruso to explain how these matters were uncovered, which he did.

At this time, Mr. Youssef asked if Mr. Spicuzza wanted to address the Board, of which Mr. Washburn advised he would speak on behalf of his client.

Mr. Washburn stated that he would speak opening and honestly . He advised that he is aware of good work being done, but what is being done to Mr. Spicuzza could happen to anyone in attendance, and he believed it to be improper. He discussed allegations with no witnesses or proof, he discussed policies , the matter of having Mr. Spicuzza's daughter in the car during emergency responses, and allegations of speeding, driving recklessly, etc. with no witnesses.

Mr. Washburn stated that his client was denying all allegations. He added that fraudulent records of Board is a serious allegations - accusing him of a crime or official misconduct without evidence.

He added that if the Board wanted to vote him out, they should have an election, but to terminate based on this type of information, he asked how can this happen in this district.

Mr. Youssef stated that this is hearing of wrong doing by an employee - and proceeding is not bound by trial laws. Correct that allegation on fraud is serious. Set forth by Board with full knowledge of how serious it is to fabricate records. He added that without any evidence to contrary, board forced to make a decision. Discussion was held regarding how the incidents were brought to the attention of the board.

Discussion was held regarding the resolution regarding nonmembers riding in District apparatus and vehicles. It was noted that the policy was put into effect after the new insurance company made it clear of what would be covered and what would not. They made it clear that no non-fire department members would be covered if incident occurred during an emergency response.

Mr. Caruso continued to indicate that he would like the matter with Mr. Spicuzza closed tonight and put to rest.

Mr. Washburn thanked the board for remarks and noted that he and his client disagreed with what took place.

Mr. Youssouf asked if the Board could obtain the password for the computers. Mr. Washburn indicated that the situation with password was related to the call sheets in question his client would rather not give the password. Mr. Youssouf stated that the computer system in question is owned and operated by the fire district, and that he was shocked that MR. Washburn and his client were refusing the password. He added that this is a public agency not a social club He added that the Board would seek a court order for the password.

Mr. Caruso asked if there were any other questions for the board.

A motion was by Mr. Joshi and seconded by Mr Toutouchi to terminate M. Spicuzza from all fire services of Fire District No. 1 as of November 2nd. A roll call vote was taken, all votes in the affirmative.

Mr. Youssouf indicated that this is the end of the proceedings. Regular order of business was continued. Proceed with regular meeting
Minutes - hold off CB didn't have time to read.

Correspondence -Numerous emails were received from VFIS regarding the insurance inspection Information was received regarding training videos and programs.

Treasurers Report- Report was read into record by Mr. C. Buscaglia . A motion was made by Mr. Joshi an seconded by Mr. R. Buscaglia to approve the report as presented. A roll call vote was taken, all votes in the affirmative. A motion was made by Mr. C. Buscaglia to pay the bills in the amount of \$30,523.39 and to transfer \$30,000 from money market to checking motion was seconded by Mr. Joshi. Mr. Joshi requested that the Board hold Mr. Purvis invoice until clarification of charges is rec'd. Roll call vote was taken, all votes in the affirmative. Mr. C. Buscaglia noted he was working on the budget, and had been talking to auditor It was noted that a bill was not of the list, being that of the deductible reimbursement of\$750 to Mr. Legravenis. Discussed followed. Mr. Caruso noted that the claim is well within the limits covered and will be submitted to the insurance company. Mr. C. Buscaglia will check with VFIS and get back to Kevin regarding his reimbursement.

Insurance: Progress

Building: Mr. Joshi reported on heater, stove & oven. Service was done on boiler. Work done on locks/keys Mail slot will be cut in door. Caruso - gave Mike Fogarty letter from insurance regarding the hold harmless wording for the hall rental contracts. Chief Zuccarelli entered meeting, and gave chiefs report. Sept read into record. Two structure fires last month. Handle well and worked well with

mutual aid officers. Very good job.

Caruso, heard great job on solar panel fire. Training paying off

Peterson - pump test done -two small problems, being handled.

Mr. Caruso reported on the plyovent for 78 which was not working and getting a high reading of carbon monoxide. He added that the Board may need to get Mr. Youssef involved. Mr. C. Buscaglia and Asst Chief Petersen will make a joint call in the am to the company.

Aerial test and cert done

76 exhaust pipe replaced

79 wheel seal repaired

All cross lays changed out, can deem surplus so we don't get charged for testing provided letter stating same.

Legal - Mr Youssef stated that the Board is prepared to make purchase fire apparatus not to exceed\$650,000 through HGAC cooperative purchasing State contract approved, don't need to bid Board has funding to make acquisition. Formal resolution for purchase was made by a motion by Mr. Joshi and seconded by Mr. R. Buscaglia Roll call vote was taken, all votes in the affirmative.

An interlocal service proposal between Asbury Park and Fire District No.1 for the proposed exchange of a Stanley hydraulic system. In addition to the exchange they will provide training to membership. A motion was made by Mr. Joshi and seconded by Mr. R. Buscaglia to authorize the inter local agreement . A roll call vote was taken, all votes in the affirmative. Mr. Caruso asked how Chief feels about getting into the training with them. Chief Zucarelli stated that he though it was a very good idea. Discussion followed.

Mr. Youssouf also noted that he wanted to clarify the record as to the action taken tonight against Mr. Spicuzza. He wanted everyone to understand what it means. Mr. Spicuzza is no longer permitted to participate in any manner in any firematic activity of the fire district. He can not possess any equipment of fire district. How does it affect membership of fire company is up to fire company HE asked if anyone had questions.

Old Bus : Mr. R. Buscaglia noted that background checks were done. He thanked all who were involved., and noted that there were several more still to be done. He added that they are looking into doing assoc next, and anyone coming in will be done prior to membership. Mr. Joshi noted, just to clarify - anything comes back - issues will be handled case by case. Caruso thanked the ladies aux for recent help at fire calls an noted that they will be added to fingerprint lists. He noted that name of the members will be needed.

New Bus- at budget meeting discussed computer upgrades and surplus funds. ERS system - working well. Upgrade Board computer. Laptops 3 - operation division - \$5,400
Desktop doing two one for Chief & Board \$5,460 Cases laptops \$99 \$15,000 \$11,560 total including cables.... see quote Apple Inc. Motion was made by Mr. Joshi and seconded by Mr. R. Buscaglia to approve the purchases. A roll call vote was taken, all votes in the affirmative.

President - No report

Audience: Kristian Aspiolea asked, with what happened to Mr. Spicuzza, would not want it to

happen to anyone else. When will there be a set of definitive rules and regulations as to what the Board wants.

Mr. Caruso noted on the fire call credits being handled. Mr. Youssef added that the Board is not going to be dictating firematic rules/regulations. He added that he could not imagine anyone who would think good practice to bring child to calls in board apparatus. Andrew Prochnow stated that why it is not good idea, it has been done by other board members.

Mr. Youssef stated that Mr. Spicuzza certainly has his loyalist, family and fans which is fine - but this is a serious matter which needed to be dealt with.

Andrew Prochnow stated that he felt it was handled poorly, and an embarrassment to fire district and town. Mr. Youssef stated that it would be interested to hear how he thought it should have been handled.

Vice President Fogarty asked about following traffic rules while driving fire district apparatus. Mr. Youssef outlined the title 39 and how it effects the fire district and explained observance of title 39 for fire /emergency apparatus.

Larry Story noted that he feels the Fire District website may not be up to date. Discussion followed.

Ralph Reifer note that four months ago, locks to chiefs room changed, and his key didn't work. At next meeting asked if he could get a new key. Mr. Toutouchi noted that he would let Mr. Caruso know and he currently still does not have a key. Mr. Caruso stated it was an oversight and he would get a key tonight. Tom apologized.

Mr. Reifer noted that although he is on medical he asked the Chief several months ago what his

limitations were, but has not yet received and answer. Mr. Caruso asked that he get note from dr regarding medical limitations and will address at the next meeting.

Mr. Joshi requested that Ralph stay, and the matter will be discussed in executive.

At 9:18pm a motion was made by Mr. Joshi and seconded by Mr. R. Buscaglia to enter into executive session.

A motion was made by Mr. Joshi and seconded by Mr. R. Buscaglia to adjourn the executive session and return to regular session at 9:55pm

Being no further business, a motion was made and seconded to adjourn the regular session meeting. All votes in the affirmative.

Respectively submitted:

John Toutouchi, Secretary of the Board

jt/DLP