

BOARD OF FIRE COMMISSIONERS  
Pennington Borough Fire District No. 1  
P.O. Box 387  
Pennington, NJ 08534  
**January 17, 2023**

**MINUTES**

**CALL TO ORDER**

The regularly scheduled remote 'Zoom' meeting was called to order by Commissioner Brian Hofacker at 7:30 p.m. following adequate and electronic notice under the Open Public Meetings Law and N.J.A.C. 5:39. The meeting was also opened at Pennington Fire House for a Hybrid meeting. Annual meeting notice including information on how the public could access and participate in the remote meeting, make public comment and where relevant documents, if any, would be made available published in the Times of Trenton and Hopewell Valley News, provided to the Hopewell Express, sent to the Borough Clerk for filing and public posting and posted on the board's website, at the firehouse entrances and at board offices, as well as provided to any person requesting same in advance of the meeting.

**ROLL CALL**

Present by roll call were Commissioners Robert DiFalco, Ryan Fraser and Brian Hofacker. Meeting is hybrid with remote access and in person at the Fire House. Quorum established.

Also present: Attorney Appleby, Auditor Weiss and Auditor Atwell.

- **Motion to Accept Resignation of Commissioner Ingram**

On December 31, 2022, Commissioner Robert Ingram tendered his resignation, due to his election to a position as an officer in the Fire Company.

- Motion to accept Commissioner Ingram's resignation made by Commissioner Hofacker, seconded by Commissioner DiFalco. All voted in favor - with a thank you to Commissioner Ingram for his service and best of luck in his new position.

Attorney Appleby advised that the newly re-elected Commissioners needed to be sworn into office. Attorney Appleby swore in Commissioner DiFalco and Commissioner Hofacker.

A motion was made from the floor by Commissioner Hofacker to appoint Sandra Radice to the unexpired term of Commissioner Ingram, said term to expire on December 31, 2024. The

nomination was seconded by Commissioner DiFalco, and all voted in favor. Commissioner Radice was sworn in by Attorney Appleby.

Attorney Appleby indicated that the Commissioners now needed to elect officers for the coming year.

Motion by Commissioner DiFalco, seconded by Commissioner Fraser to appoint Commissioner Hofacker as Chairman for 2023. All voted in favor.

Motion by Chairman Hofacker, seconded by Commissioner DiFalco to appoint Commissioner DiFalco as Vice Chairman for 2023. All voted in favor.

Motion by Chairman DiFalco, seconded by Commissioner Fraser to appoint Commissioner Radice as Treasurer for 2023. All voted in favor.

Motion by Chairman Hofacker, seconded by Commissioner DiFalco to appoint Commissioner Fraser as Secretary for 2023. All voted in favor.

The following Commissioners shall serve in these positions for 2023:

- **Chairman Brian Hofacker**
- **Vice Chairman Robert DiFalco**
- **Treasurer Sandra Radice**
- **Secretary Brian Fraser**

A motion was made by Commissioner Fraser and seconded by Commissioner DiFalco to appoint Nicola Gaudio as LOSAP Representative. All voted in favor.

Enrique Rodriguez discussed increases of pay to LOSAP and need to approve the signed sheet of LOSAP active members and credits.

- **Resolution 2023-01 Adopting Temporary Budget for period of 1/1/2023 to Final adoption of budget.**

Auditor Weiss believes more appropriate for municipalities, but Auditor Atwell did not think it was a bad thing to do. Attorney Appleby indicated that she believed a similar resolution has been passed by the Board in other years.

Motion to approve made by Commissioner DiFalco, seconded by Commissioner Fraser.

Roll Call:

Chairman Hofacker	yes
Commissioner DiFalco	yes
Commissioner Fraser	yes
Commissioner Radice	yes

- **PUBLIC HEARING** opened on Budget to be considered for approval for 2023 Annual Budget.

- No comments on Zoom or at Fire House in person.

Public Hearing **closed** on the budget.

Auditor Atwell indicated an Amendment was needed to the Budget due to the typo in the budget. Reimbursement from Hopewell Township did not reflect correct amount. Totals are not changing. Decreases in amount to be raised to \$255,000. Auditor Weiss indicated that amount from Hopewell Township will go up. Hopewell increase by 14.5% equivalent to tax levy. Reimbursement for Scuba gear reflected. Commissioner Hofacker asked about increase for Hopewell Township – 7.1%.

Motion to Amend the budget in accordance with Resolution prepared by Auditor Atwell made by Chairman Hofacker and seconded by Commissioner DiFalco.

Roll Call:

Chairman Hofacker	yes
Commissioner DiFalco	yes
Commissioner Fraser	yes
Commissioner Radice	yes

Resolution 2023-1A approved.

### **PUBLIC COMMENTS**

Attorney Appleby announced to the audience a request for public comments. With no public comments made, Attorney Appleby closed the request for public comments.

### **CHIEF'S REPORT**

Delivered by Deputy Chief Baldorossi.

59 calls for the month. 14 in the Borough. 39 in the Township. 1 in the Hopewell Borough.

6 CO alarms, 1 non-residential, 30 accidental alarms, 6 mutual aid calls. 58 service hours for drills, 232 man hours for drills.

### **APPROVAL OF MINUTES**

Attorney Appleby requested any edits or comments regarding regular session minutes from December 20, 2022. Motion made by Fraser to approve minutes from December 20, 2022 followed by second by DiFalco and all voted in favor. Commissioner Radice did read the minutes and voted. Roll call: all voted in yes.

**TREASURER’S REPORT**

Commissioner Hofacker sent bills for the month which \$21, 965.67 total.

**Resolution 2023-04** Resolution for payment of monthly bills (December 2022)

Motion to approve payment of bills made by Commissioner DiFalco and seconded by Commissioner Fraser.

**Roll Call:**

Chairman Hofacker	yes
Commissioner DiFalco	yes
Commissioner Fraser	yes
Commissioner Radice	yes

**OLD BUSINESS**

Inventory tracking: Chairman Hofacker spoke with Deputy Chief Baldarossi about truck repairs and took good inventory.

- Auto technician to service vehicles (Lt. Sutherland to provide quotes): This is resolved per Chairman Hofacker.

- Driver Abstract updates – Chairman Hofacker indicated in progress.

- new email addresses for Commissioners – any issue with set up from Mike Murphy/Citi Connections: Attorney Appleby advised as to use of official email and Commissioner Radice needed an official email for communications. Commissioner Hofacker indicated that he would talk to Mike Murphy about new Commissioner and website.

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--Legal review of SOG’s- Attorney Appleby had reviewed but did not forward memo yet. Deputy Chief Baldarossi indicated that the SOG’s were approved by the Fire Company, and if attorney had changes, they would amend.

District vehicle transfer of title to District – did it occur? Chairman Hofacker indicated that MVC problem and it was a work in progress. We have not gotten a new registration.

Tanker refurbishment and dealing with Hopewell Township. Chairman indicated it will be a topic of discussion with Township. Commissioner DiFalco asked if Attorney Appleby was contacted by Township District’s attorney and she indicated that she had not.

P.O. issue with regard to radio. Deputy Chief wants to amend P.O. to reflect correct item.

Former Commissioner Ingram indicated that we did not have P.O. numbers. Also need to amend another P.O. to make it used for gear. 2022-33 P.O. was not utilized and wants to use for same vendor with different item.

Discussion ensued as to radio purchases. Need to change that P.O. – Chairman Hofacker stated that just don't exceed what P.O. issued for and make sure it is used for a radio.

Auditor Weiss asked about encumbering assets and dissolution regarding equipment.

### **NEW BUSINESS:**

-Filling vacancies under N.J.S.A. 40A:14-70.1(c)(5): filled by remaining members until next succeeding annual election held at the time of the general election, at which time a resident of the district shall be elected for the unexpired term. One seat filled by Commissioner Radice. Commissioner Fraser had asked as to time period limitation for appointing to fill vacancy. Attorney Appleby indicated that no statute or law was found other than a reasonable period of time to fill Mark Blackwell's term, ending 2023. Commissioner Fraser indicated that possible person to fill vacancy.

Hybrid meetings – Notice will be published with 2023 dates for hybrid (in-person and virtual) meetings (3<sup>rd</sup> Tuesdays). Attorney Appleby indicated that hybrid meetings will be conducted and obviously, the Commissioners are already doing this.

Motion asked to approve the meeting dates. Motion made by Commissioner DiFalco and seconded by Commissioner Fraser, All voted in favor of meeting dates for 2023.

Attorney Appleby indicated that the meeting dates will be posed on website and published in the official newspaper.

### **ANNUAL RESOLUTIONS (ready by title by Attorney Appleby and presented as a consent agenda):**

- **Resolution 2023-05 Designating depositories of funds and adoption of cash management plan for 2023 (TD Bank)**
- **Resolution 2023-06 Appointing Official Newspapers**
- **Resolution 2023-07 Appointing Melanie Appleby, Esq. and Matthew Donohue, Esq. of RMSHC  
Law as Fire District Attorneys for 2023 under professional services (non-fair and open)**
- **Resolution 2023-08 Appointing Joseph M. Carducci, CPA of BKC as Auditor for 2023 under professional**

**Services (non-fair and open)**

- **Resolution 2023-09 Appointing Insurance Broker of record (Nottingham Insurance Agency)**

**Motion to approve consent agenda made by Commissioner DiFalco and seconded by Commissioner Fraser.**

**Roll Call:**

<b>Chairman Hofacker</b>	<b>yes</b>
<b>Commissioner DiFalco</b>	<b>yes</b>
<b>Commissioner Fraser</b>	<b>yes</b>
<b>Commissioner Radice</b>	<b>yes</b>

**Consent agenda approved.**

Attorney Appleby reminded about Political Contribution/Vendor list. Former Commissioner Ingram indicated that he would take care of making sure that this was taken care of and send to Commissioner Fraser and bookkeeper.

Deputy Chief indicated that he wanted to send notifications to Commissioners to let them know what is going on with fire calls. Commissioner DiFalco indicated it was important to know about calls out of district.

Chairman Hofacker asked Auditor Weiss regarding P.O.'s from 2022. As long as the goods and services were ordered at or before December 31, 2022, use of P.O. is okay.

Past practices discussed by Auditor Weiss. Operating expenditures or things funded by both Township and Borough Districts, 75% would go back to Township District, 25% kept. Separate banking account for "budget overage." Pennington money goes into free surplus. Surplus is split into operating and capital. Money in appropriations not spent goes into operating expenditure. Discussion over change with November election. Anything that goes into capital has to go to voters, per Auditor Atwell. DCA cracking down on.

Deputy Chief spoke with Chairman regarding deferred maintenance on equipment. Auditor Weiss stated that would come from operations. Chairman Hofacker asked about significant repairs and whether that could be moved from capital reserves. Auditor stated that this could not be moved from that account. Auditor Atwell stated it would be on a case by case situation. If something was \$15000, it could be capital.

Commissioner DiFalco asked as to Pennington money returned and in operating budget. Deputy Chief asked about accounts. Unrestricted account is money put aside for next upcoming budget, per Auditor Atwell. Making up difference from revenues and expenditures.

Deputy Chief indicated that \$16,000 goes back to Hopewell. Chairman Hofacker discussed what is due under Services agreement with Hopewell Township District. Attorney Appleby discussed terms of Agreement and Hopewell does not have authority to interject in PBBFC's budget process.

Value of Hopewell's account? Chairman Hofacker does not know exact overage balance. Auditor Weiss will find out and get back. Less than \$125k? Replace and repair engine for \$25,000 was last time used. As of December 15, 2022, \$111,681.01 per Auditor Weiss.

Chairman asked Deputy Chief if needed P.O.'s for fire company.

Bob Ingram to send by spreadsheet also. Following P.O.'s approved:

- 2023-1 Somerset County Fire Academy \$200
- 2023-2 Witmer public safety \$1624
- 2023-3 American Trademark \$335
- 2023-4 Witmer for turnout gear \$415
- 2023-5 Amazon for Rack \$70 – operating supplies (to use credit card)
- 2023-6 Witmer \$400 Firefighting equipment repair
- 2023-7 Union Line Garage (Yukon) \$3655.28

Wishlist indicated from Bob Ingram. Need portable radios – 4 radios cost \$14,088  
Chairman has not heard back from Hopewell P.D. Can we reprogram until get radio grant.  
Chairman wanted to wait and discuss next month, especially with radio change at County level.  
Something may be coming down pike per Hopewell Township District.

Bob Ingram said need items for 2023 such as gas meter (\$4150).  
Commissioner Fraser stated have State Contract numbers ready to go and will streamline process.

## **Adjournment**

Motion to adjourn by Commissioner DiFalco and seconded and Commissioner Hofacker. All voted in favor. Meeting adjourned at 8:54 p.m.