

EVESHAM TOWNSHIP FIRE DISTRICT NO.1
BOARD OF FIRE COMISSIONERS
Regular Meeting
April 16, 2024
MINUTES

President Behnke called the regular meeting of the Board of Fire Commissioners of Evesham Township Fire District No. 1 to order at 7:00 PM at Station 221. President Behnke welcomed all in attendance. He opened the meeting with a flag salute, Pledge of Allegiance and a traditional moment of silence for those that have gone before us. The following statement of compliance with the New Jersey Open Public Meetings Act was given by Business Administrator Maureen Mitchell: “This meeting is being held in compliance with the New Jersey Open Public Meetings Act. Notice of this meeting was transmitted to the Burlington County Times and Central Record on December 8, 2023, filed with the Township Clerk of the Township of Evesham, posted on the bulletin board in the Fire Administration Office that is customarily used for the posting of such notices and mailed to all persons requesting that they receive such notice.”

ROLL CALL - The following individuals were present at the roll call, Commissioners: Baugh, Behnke, Guerrini, Powers, and Rowe. Also, present: Chief Carl Bittenbender, DC Ryan Donnelly, DC Scott Freedman, Business Administrator Maureen Mitchell, and Solicitor Hodges. ABSENT: None

APPROVAL OF MINUTES FROM PRIOR MEETINGS

Commissioner Powers made a motion to approve the minutes from the March 12, 2024, Regular Meeting. Commissioner Baugh seconded the motion. A roll call vote on the motion produced the following result: AYES, Baugh, Behnke, Powers and Rowe; NAYS, none; ABSTAINED: Guerrini; ABSENT, None.

TREASURER’S REPORT

The following report for the month of March 2024 was read for acceptance:

Treasurer's Report for the period ended:
March 31, 2024

Beginning Cash Balance	\$10,121,175.45
Cash Receipts	3,131,029.46
Cash Disbursements	<u>(1,974,788.60)</u>
Ending Cash Balance	<u><u>\$11,277,416.31</u></u>

Commissioner Guerrini made a motion accepting the Treasurer’s Report as presented. Commissioner Baugh seconded the motion. A roll call vote on the motion produced the following result: AYES, Baugh, Behnke, Guerrini, Powers and Rowe; NAYS, none; ABSTAINED: None; ABSENT, None.

Evesham Township Fire District No. 1
Minutes – April 16, 2024

APPROVAL OF PAYMENT OF BILLS

BILL LIST
April 16, 2024

ELAN (P-CARD)	\$	358.02
M&T P-Card	\$	4,860.69
Heartland	\$	1,476.02
Payroll #6 & #7	\$	470,054.64
Payroll Deductions Payable	\$	33,155.28
NJ Pension & Benefits – SHBP	\$	69,301.08
NJ Pension & Benefits	\$	48,806.30
Utilities (paid 3/26/24)	\$	14,080.72
Treasurer State of NJ – License Renewal	\$	364.00
Bill List Dated: 4/16/24	\$	110,488.46

TOTAL PAYMENTS THIS PERIOD \$ 752,945.21

Commissioner Powers made a motion to approve the payment of bills as contained on the Bill List Report. Commissioner Baugh seconded the motion. A roll call vote on the motion produced the following result: AYES, Baugh, Behnke, Guerrini, and Powers; NAYS, none; ABSTAINED: Guerrini (Check 279), Rowe; ABSENT, None.

CHIEF’S REPORT

Chief Bittenbender gave a verbal summary of his report that was previously provided to the Board. He reviewed the calls for service information for the month. He mentioned that the application for employment is now open and will be until May 16th. He stated that in Old Business on tonight’s agenda are the updated job descriptions to be approved. In the facilities department, the project at 221 to prevent future flooding is ongoing and the bay door project at 223 is finishing up. The vendor is working with DC Freedman on a punch list of items left to do. DC Freedman commented that he will be looking into the capital budget for replacing the bay door openers at 221 and 225. Chief Bittenbender then went on to inform the board that the final ambulance remount is ongoing and thinking that it will be ready to roll out in July.

The Chief said that DC Freedman would be requesting mileage reimbursement for taking his own vehicle to the CFSI Symposium since the department does not have a vehicle large enough to transport all the members attending and their luggage.

Chief proudly announced that Lieutenant Sandy Lynch is the recipient of the Mark Virag Brotherhood Award from the NJ State FMBA. Lt Lynch is receiving this award for going above and beyond the call of duty with aiding and assisting brothers and sisters. She is receiving this award for her work with mental health awareness. He stated that Lt. Lynch was nominated by her peers and the award ceremony will be held in April. Unfortunately, Lt Lynch is unable to attend the ceremony.

The Chief reviewed some upcoming events. Bring Your Child to Work Day is April 25th and we will do that from about 8am-1pm. We changed the format a few years ago and the child must be 8 years or older with a parent or guardian. The career staff will do a

Evesham Township Fire District No. 1
Minutes – April 16, 2024

little kids safety camp, have lunch with the career staff and then leave with their parent or guardian.

Commissioner Rowe stated that it is great to hear about Lt. Lynch and asked if someone could accept the award on her behalf. The Chief informed Commissioner Rowe that he would need to check into the format and that he himself has some questions in to the FMBA about how the process works.

Commissioner Rowe then asked about the brush truck and if there was any idea on an ETA. The Chief deferred to DC Freedman. DC Freedman explained that the chassis coming from the manufacturing and that timing is around 24-28 months from order to completion. Commissioner Powers asked if that timeframe includes lead time on the chassis. To which, DC Freedman stated that it did and that he has asked multiple times for it to be expedited.

Commissioner Powers then asked about the bay doors and if they come with Q Smart software from the manufacturer. DC Freedman confirmed that it comes with the door and there will be an option to open or close the door from an iPad or phone and a way to set on a time delay for auto shut, but it hasn't been put into action yet. Commissioner Powers asked about the security of the software and DC Freedman stated that he would follow up with the IT department and get back to him.

President Behnke indicated that when he heard about the award for Lt. Lynch, he reached out to her, and she was humble and did not want any recognition.

President Behnke stated that regarding the hiring process opening the Chief touched on, he had emailed the Chief to find out the plan on where we are going. The Chief explained that beyond the 1 member set to retire, there is a potential for three (3) additional members to leave the department. After receiving the email from the Chief, President Behnke spoke with Commissioner Rowe, and they decided to move ahead with the hiring process. President Behnke apologized to the other Board members that they were not included in the decision to roll out the hiring process, but he felt that time was of the essence given recent developments.

SOLICITOR'S REPORT

Solicitor Hodges reported that mediation is scheduled for Monday, April 22.

BUSINESS ADMINISTRATOR REPORT

Administrator Mitchell gave a verbal summary of her report that was previously provided to the Board. Administrator Mitchell advised the Board that the Financial Disclosures that they received are due by April 30th. She also reminded the Board members that the MEL Annual Elected Official Seminar is available and has been assigned to them on the JIF platform. The JIF allows a credit of \$250 per commissioner and Administrator off our renewal annually for each member who completes the course. Mitchell also advised the Board that the JIF was offering online training on April 19th and 26th that is free if the Board wants to attend.

Evesham Township Fire District No. 1
Minutes – April 16, 2024

Commissioner Rowe asked about the JIF cyber security training assigned to all members and if we are going to adhere to the guidelines.

Administrator Mitchell indicated that we are Tier 1 certified currently and working to attain the next level.

Commissioner Rowe asked for a Project Plan for our compliance. Administrator Mitchell agreed to have one prepared by the IT director for hopefully the next Board meeting.

PUBLIC COMMENT ON AGENDA ITEMS ONLY –

1. Carl Bittenbender, Fire Chief, Resident, stood and addressed the Board regarding an agenda item and matters of public concern. On the agenda tonight under new business is an item titled “Personnel Matter”. He said that he believes that the Board President will be discussing his position, employment and he may mention a conversation that they had on March 12, 2024. During that phone call an operational issue was discussed and both fundamentally disagreed with each other. Bittenbender stated that what led to the disagreement during that conversation is what he views as a constant insertion of the Board and some Commissioners with the daily operations of the District. He explained that he has addressed these concerns with the Board President and several members of the Board, and his concerns are repeatedly dismissed. He went on to say that in 2019 the Board contracted with a 3rd party management consultant, it is his understanding that multiple recommendations were presented to the Board regarding control and the Board was informed that it should not be involved in day-to-day operations. It was also prior legal counsel’s opinion when asked about the Board’s rolls and responsibilities. Insertion of Board members and Commissioners in daily administration and tasks severely undermines the authority of the Fire Chief and staff, circumvents the chain of command, destroys morale and shows lack of respect.

Chief Bittenbender then brought up an item that he felt was a conflict of interest with one Commissioner also serving as a member of the Fire District in a volunteer firefighting capacity. He stated that he has brought up this concern since 2019 and as recently as April 11, 2024. He continued that on each occurrence he has brought up his concern, the Board President has dismissed them. It is his understanding that the Board has been made aware of the conflict in 2019, when it was highlighted in a management study. No action has been taken to avoid such conflict of interest. The Chief asked the Board to check with the solicitor and the DCA for a ruling on this conflict.

On a more specific matter, is the Chief’s belief that there is a conflict of interest if Commissioner Powers can discuss his employment, performance and vote on matters affecting his employment as he was involved in a disciplinary matter. The Chief indicated that after this issue Mr. Powers appeared before the Board in March of 2022 and accused the Chief and others of harassment, retaliation, creating a hostile work environment and character assassination. The Chief feels that there is significant bias from Commissioner Powers towards the Chief.

Evesham Township Fire District No. 1
Minutes – April 16, 2024

2. Greg Huber, member of IAFF local, resident, read a prepared statement with concerns for the Employee Engagement study proposed for approval tonight. Since 2016 \$140,170.85 has been spent by the Board getting third party opinions on how Evesham Fire should run. Huber stated that there have been several studies done and they were not all bad. In 2018, the District contracted with an engineering firm, who collaborated with command staff of the District to put together a facilities management plan, that is still being utilized today. The Standard of Cover was a “free” document prepared by the Chief and has been used to expand coverage and grow the organization. The fleet management plan was put together by the Chief Officers with input from the career and volunteer members, approved by the Board and still followed today.

What is interesting is that the studies that mattered and made a difference mostly came from people who know the organization. Not some third party the District briefed on what we do.

Mr. Huber stated that he read the proposal from Korn Ferry and looked at their references and did not feel that gave any real comparison to Evesham Fire. The proposal is a lot of fluff and buzzwords.

I feel you are wasting our tax dollars and diverting operation funds to pay for this study, all while fighting with the 35 members of IAFF for well over three years.

You don't need another study, another waste of taxpayer's money to tell you what the issues are. Instead, you need to invest in the health of your members to ensure they are happy, and their needs are met. Mr. Huber recommended using the funds on additional cancer screenings and a second set of gear for the members. Mr. Huber thanked the Board for their time.

President Behnke thanked Mr. Huber for his comments and seeing no other members of the public wishing to comment on the agenda items he closed the Public Comment.

RESOLUTIONS

Resolution No. 2024 – 17 Resolution Authorizing Cooperative Purchasing

Administrator Mitchell advised the Board that this resolution was to replace the expired State Contract for EMS supplies. Commissioner Powers asked for explanations in the packet for the future. Administrator Mitchell agreed to include it in her report.

Commissioner Rowe made a motion to approve Resolution Number 2024 – 17. Commissioner Guerrini seconded the motion. A roll call vote on the foregoing motion produced the following result: AYES: Baugh, Behnke, Guerrini, Powers, and Rowe; NAYS: None; ABSTAINED: None; ABSENT: None

Resolution No. 2024 – 18 Resolution with Virtua for ALS service

Evesham Township Fire District No. 1
Minutes – April 16, 2024

Commissioner Rowe commented that in the future we may want to title this resolution “joint” to avoid confusion as there were some comments he received from the people who saw the agenda asking if Virtua was taking over all EMS services.

Commissioner Rowe made a motion to approve Resolution Number 2024 – 18.
Commissioner Powers seconded the motion. A roll call vote on the foregoing motion produced the following result: AYES: Baugh, Behnke, Guerrini, Powers, and Rowe;
NAYS: None; ABSTAINED: None; ABSENT: None

Resolution No. 2024 – 19 Sale of Surplus Property

DC Donnelly advised that as discussed in the past this was not all inclusive of the surplus items at Station 225 as the command staff was holding some supplies for possible utilization on replacement apparatus.

Commissioner Rowe asked where the fund of this sale go. Administrator Mitchell indicated that it is MRNA (Miscellaneous Revenue Not Anticipated) and goes into the Fund Balance at year end to be used in future budgets.

Commissioner Powers made a motion to approve Resolution Number 2024 – 19.
Commissioner Guerrini seconded the motion. A roll call vote on the foregoing motion produced the following result: AYES: Baugh, Behnke, Guerrini, Powers, and Rowe;
NAYS: None; ABSTAINED: None; ABSENT: None

Resolution No. 2024 – 20 Resolution Requesting Approval of Items of Revenue and Appropriations NJSA 40A:4-87

Administrator Mitchell indicated that this is the 200 Club Training Award we received which will allow us to amend the Budget to realize the Revenue and set up the appropriation so we have legal authority to spend the funds we received. The District will take similar action in the future when we receive the official grant and award for the \$75,000 PPE grant from DCA.

Commissioner Guerrini made a motion to approve Resolution Number 2024 – 20.
Commissioner Powers seconded the motion. A roll call vote on the foregoing motion produced the following result: AYES: Baugh, Behnke, Guerrini, Powers, and Rowe;
NAYS: None; ABSTAINED: None; ABSENT: None

NEW BUSINESS –

1. Personnel Matter – President Behnke indicated that the Chief was offered the opportunity for the Board to discuss this matter in executive session, but the Chief chose to have it discussed in the public, which is his right. President Behnke then read a prepared statement to the Board detailing a recent interaction he had with Chief Bittenbender. President Behnke indicated that on March 12th he contacted the Chief and questioned why the District was paying for an employee’s membership on the International Association of Arson Investigators as the employee is no longer assigned to the Prevention Division. President Behnke indicated that the Chief told him he questions too much. The Chief

Evesham Township Fire District No. 1
Minutes – April 16, 2024

appeared agitated, and he continued to berate the President and ended the conversation with “why don’t you just resign” and hung up.

President Behnke did not feel that the Chief’s response was warranted and was rather disrespectful. It undermines the principles of accountability and cooperation that are essential for effective governance. I am worried that these are red flags with how he also treats his subordinates. I would like to address this with the help of the solicitor.

Commissioner Powers brought up an incident with 2235 changing lights at the hockey rinks which he learned of from the public. He also received a complaint that the Chief was doing MRC work on District time. Powers questioned the character of the Chief now and in the past. In 2018 he lied during an investigation. In 2020 he lied regarding the status of the roadblocks on the Per Diem Fire Program. In 2023 he stated that the Chief said that all 5 Chiefs were on board with a tiller purchase which was not true. The Chief in the past was provided with a mentor and it does not seem to have helped.

Commissioner Powers asked President Behnke if Chief Bittenbender referred to the mentor as a babysitter. President Behnke responded yes, unfortunately.

President Behnke stated that he would like to see the organization rise to be a premier organization. There are a lot of great people in this organization and there is some concern among members which is why I felt we needed to address it here.

Commissioner Guerrini asked the President if this was the only matter, he want to address, and President Behnke indicated it was.

Commissioner Powers believes the entire Board should meet with the solicitor. Powers indicated that the President was the voice of the Board, but any vote must be amongst the five members as no one person has more power than the others.

Commissioner Guerrini disagreed with how the Board is operating currently. He questioned how the Board made a motion to start the hiring process at a prior meeting but then it was held by certain members and then all of the sudden it was released today. President Behnke again apologized for authorizing the posting without noticing the rest of the Board but given the new information and at the request of the Chief he thought it was prudent.

Solicitor Hodges indicated that a discussion of a legal issue can be done in public, but discussion of a person cannot be done in public unless the effected individual requests it to be done in public.

OLD BUSINESS

1. EMS Billing renewal

Evesham Township Fire District No. 1
Minutes – April 16, 2024

Ms. Mitchell informed the Board that Commissioner Rowe and she have yet to meet. They hope to, prior to the next meeting which will still allow for renewal or another option if needed. Commissioner Rowe is concerned with extending the agreement with our current company. President Behnke asked Mitchell, Rowe and Baugh to meet to discuss next steps.

2. Job Descriptions – There were general questions about the changes which the Chief reviewed.

Commissioner Guerrini made a motion to approve the job descriptions for Lieutenant and Volunteers. Commissioner Powers seconded the motion. A roll call vote on the foregoing motion produced the following result: AYES: Baugh, Behnke, Guerrini, Powers, and Rowe; NAYS: None; ABSTAINED: None; ABSENT: None

3. Employee Engagement Study –
Commissioner Rowe indicated that this proposal is not just a survey but a program that will take the pulse of the organization and provide areas for improvement with recommendations. Commissioner Rowe stated that he was not an HR professional and that the district does not have one, while the Township has three (3) on staff.

President Behnke stated that he was concerned with the level of resistance. This is their (members) organization as well as the Board's and the Board is interested in learning from its members. The goal is to provide the Command staff with the tools. While I was with the District as an employee, I was able to attend a Dale Carnegie course which opened up my eyes to some things. President Behnke commented on a recent email from The Dale Carnegie Program that stated "you cannot afford to not measure employee engagement".

Commissioner Powers stated that Mr. Huber and he spoke at the last meeting and the prior report was never published and that is not going to happen with this one. He wants to let everyone see what the results are.

Commissioner Baugh stated she sees the benefit of an Employee Engagement Program, but she is apprehensive about the price tag. She asked why we couldn't conduct the survey and provide for our members needs.

Resolution No. 2024 – 21 Resolution to Award Employee Engagement Study

Commissioner Rowe made a motion to approve Resolution Number 2024 – 21. Commissioner Powers seconded the motion. A roll call vote on the foregoing motion produced the following result: AYES: Baugh, Behnke, Powers, and Rowe; NAYS: Guerrini; ABSTAINED: None; ABSENT: None

MEMBERSHIP

1. New members: Gregory Cappello & Prabhleen Kaur, Vol EMTs
Joseph Fuhs, Paul Guercio, & Maya Skare, Vol FFs

Evesham Township Fire District No. 1
Minutes – April 16, 2024

Commissioner Powers made a motion to approve membership actions. Commissioner Guerrini seconded the motion. A roll call vote on the foregoing motion produced the following result: AYES: Baugh, Behnke, Guerrini, Powers, and Rowe; NAYS: None; ABSTAINED: None; ABSENT: None

The Board recognized Mr. Guercio who was a member 23 years ago and welcomed him back with this recent approval.

GOOD & WELFARE

Commissioner Powers stated that he wanted to, again, bring up Lt. Lynch and acknowledge her. He also informed the room that Tom Conkey passed and, life member, Joe “Chevy” Chiaravalloti. He requested that we keep those families in our thoughts.

President Behnke state that he had heard the no services would be for some time for Chevy because he donated his body to science.

ACTION ITEMS

The Board documented the follow Action Items:

1. Projected Plan on Cyber Security compliance
2. EMS Billing
3. Job descriptions – Captain and Battalion Chief

PUBLIC COMMENT

1. **Greg Huber**, 10-year member, 8-year union executive board member, addressed the Board and said that anytime there has been an issue, Chief Bittenbender has assisted. He also said that never once has he felt that the Chief didn’t support the department. Mr. Huber made a complaint against President Behnke for calling him in to meet with the President about a legal OPRA request he filed on his own time with the School District of Maple Shade for President Behnke and his wife’s contracts. Mr. Huber accused President Behnke of official misconduct and suggested he resign and step down from the Board.
2. **Bruce Albright**, resident, asked the Board if the accusations brought against the Chief were adjudicated or just documented. Commissioner Powers replied that they were documented. Mr. Albright then said that he has nothing but praise for the Chief. He continued to explain that anytime he needed it, the Chief helped him understand something he may have misinterpreted. He said that he finds the phone calls “He said/She said” kind of thing but that he “witnessed Mr. Powers’ temper tantrum in November”, and that he thinks it’s, “absolutely a conflict of interest for a volunteer to be on the board” and he thinks it should go to the State level.

ADJOURNMENT TO EXECUTIVE SESSION

Resolution No. 2024 – 22 Executive Session – Contract Negotiations

Evesham Township Fire District No. 1
Minutes – April 16, 2024

President Behnke indicated that the Board anticipates going into executive session for approximately 30 minutes. The board will not take action when we reconvene in public session.

Commissioner Guerrini made a motion to approve Resolution Number 2024 – 22. Commissioner Powers seconded the motion. A roll call vote on the foregoing motion produced the following result: AYES: Baugh, Behnke, Guerrini, Powers, and Rowe; NAYS: None; ABSTAINED: None; ABSENT: None.

President Behnke adjourned the public portion of the meeting at 8:48pm.

Commissioner Guerrini exited at 8:58pm.

RETURN TO PUBLIC – President Behnke reconvened the public portion of the meeting at 10:05pm.

There being no further business to come before the Board, Commissioner Powers made a motion to adjourn. Commissioner Baugh seconded the motion. The motion was approved on a unanimous roll call vote of the members present.

President Behnke adjourned the meeting at 10:06pm.

Respectfully submitted,

Maureen Mitchell
Business Administrator