

**Dennis Township Fire District No. 1**  
**Regularly Scheduled Monthly Meeting**  
**Board of Fire Commissioners**  
**July 17, 2014**

The regularly scheduled July 2014 meeting of the Board of Commissioners of the Dennis Township Fire District No. 1 was opened at 7:03 pm on the above date at Ocean View Fire Hall by Chairman Bryan Moran. Mr. Moran made a statement that we were in compliance with the Open Public Meetings Act (Sunshine Law); and, that notice of the meeting was posted in Township Hall and had been advertised in the Cape May County Herald.

Salute of Flag – Pledge of Allegiance

**Chief's Report**

Chief Michael Deluca handed the Fire Company Chief's report to Mr. Bryan Moran, who read it for the period of 06/01/2014 – 06/30/2014. The Fire Company responded to a total of thirteen (13) calls for the month, handling three (3) motor vehicle accidents, two (2) medical assists, one (1) good intent, three (3) false alarms, one (1) water & ice related rescue, one (1) building fire, one (1) accident; and, one (1) road freight or transport; all totaling 7.5 hours in service.

**Secretary's Report**

The minutes of the June 2014 regular monthly meeting, prepared by Mrs. Tammy Tozer, were read. A motion to accept the minutes as read was made by Mr. Paul Sutton and seconded by Mr. Mike Fry. The motion was adopted unanimously.

**Treasurer's Report**

Mr. Sutton began his report by saying that he sincerely appreciated the many cards, phone calls and visits from both two of the Commissioners and several members of the public during his recent recovery from unexpected emergency surgery at the end of May.

He then went on to say that, in response to a question from a vendor and passed along to him for research by Commissioner Moran; and, with subsequent assistance from our solicitor – Mr. Braslow – that he had researched, accessed and implemented the *Exempt Use Certificate* process, to be accompanied by a copy of a 2010 letter from the NJ Department of the Treasury, concerning New Jersey sales tax charged to us by vendors. Following a review of the 2013 and early 2014 payments of invoices by our former financial adviser; Mr. Sutton found that over that fifteen month period, that individual paid New Jersey sales tax charged by vendors on five occasions. Whether that was because of ignorance on his part of our *Tax-Exempt Use* status as validated by the 2010 letter from the NJ Department of the Treasury and New Jersey form ST-4 (directives for both are and have been listed on the NJ Department of Community Affairs website) or an *"I don't care attitude"*, Mr. Sutton could not determine. Most of the sales tax payments were small and not worth the effort to try to recoup them. Nevertheless, from now on, based on the two documents attached to this report, we will no longer pay New Jersey sales tax.

Mr. Sutton reported that the signature cards and corporate Resolutions have been completed, returned and accepted by both TDBank and the First Bank of Sea Isle City. The additional three cosigners (Mr. Wilshire, Mr. Carroll and Mr. Clayton) have been removed from the First Bank of Sea Isle City account because we provided copies of approved meeting minutes clearly indicating that they had either resigned (Mr. Carroll and Mr. Clayton) from the Dennis Township Fire District #1 or had not had a professional relationship renewed (Mr. Wilshire) with the Dennis Township Fire District #1. In keeping with past practice, three Commissioner's signatures are still required on each check written from our operating account with TD Bank; and the agreement with the First Bank of Sea Isle City was changed to require three Commissioner's signatures on each withdrawal slip from our savings account to be deposited in the operating account. Following a meeting Mr. Sutton had two weeks ago with the TD Bank Court House office branch manager, the more than \$95.00 in service charges charged to the TD Bank account in January, February and March of this year are being researched by TD Bank at his request and will likely be reversed (credited back) to our operating account. In order to avoid future charges, we must sustain a minimum balance of \$1,500. 00 in the account at all times.

Mr. Sutton noted that we **have all** of the approved Commission meeting minutes, paid invoices, bank statements and approved (by the NJ Department of Community Affairs) budget documents (previous and current year) for 2013 and early 2014 on file. All of the bank reconciliations for both accounts have been completed as of the end of June 2014. We **do not have** the “QuickBooks” files maintained by Mr. Wilshire for 2013 or early 2014 while he was our financial adviser (for which he was paid \$1,000 per year through 31 December 2013) in our possession. He submitted an invoice for his “services” through 31 March 2014, which we are holding, pending further advice from Mr. Braslow. Mr. Wilshire has refused *Certified Mail, Return Receipt Requested* mailings on two occasions sent to him concerning those records. Mr. Braslow has been instructed to pursue whatever legal means are at our disposal to obtain those records for the annual, statutorily-required audit. Once Mr. Wilshire turns over the long-delayed records, we can then convey those records to Mr. Harvey Coccozza of Ford-Scott for the audit’s completion. But, in light of the fact that it could be months before we get any kind of response from Mr. Wilshire through the courts; Mr. Sutton shared with Mr. Coccozza how the 2014 financial records are being kept and reported to the Commissioners; he has asked Mr. Sutton to prepare similar spreadsheets covering the income and disbursement transactions for 2013 which would replace the “QuickBooks” data that Mr. Wilshire should have turned over, had he been acting in an ethical, professional manner. That re-creation of the 2013 income and disbursement transactions was expected to take at least a week’ worth of work; but, it was finalized in three days in order to meet the statutorily-mandated deadline. The 2013 financial information necessary for the 2013 audit will be delivered to Ford-Scott’s in Ocean City on Monday, 21 July 2014. The Division of Local Government Services (DLGS) of the NJ Department of Community Affairs is aware of and has acknowledged the delay and the reasons for it, concerning the audit’s completion.

Mr. Sutton noted that the unaudited 2014 income and expense report, as well as the unaudited statement of financial condition, plus a listing of invoices needing approval for payment tonight is attached to his report.

Also attached to the report, is a copy of the latest LOSAP report indicating that a total of \$186,303.78 is held in trust separately by Lincoln Financial Group representing payments by the Dennis Township Fire District #1 on behalf of thirty-one (31) firefighter members of the Ocean View Volunteer Fire Company. Mr. Sutton emphasized that those funds are controlled by those thirty-one (31) firefighter members of the Ocean View Volunteer Fire Company and not the Dennis Township Fire District #1.

Finally, Mr. Sutton reported that he had researched interest rates paid by local financial institutions of certificates of deposit. Given the fact that we currently have in excess of \$620,000 in the savings account, he wanted to determine what a certificate of deposit for \$450,000 would earn us. Currently, the First Bank of Sea Isle City pays us 3.09% interest on our monthly savings account balance. After examining the certificates of deposit rates paid by *Bank of America, Sturdy Savings Bank, TD Bank, Cape Bank* and the First Bank of Sea Isle City; he determined that the best available rate (**8.0%**) is with the First Bank of Sea Isle City; and plans to propose under New Business a motion to invest \$450,000 for eighteen (18) months in a certificate of deposit in the name of the Dennis Township Fire District #1 at **8.0%** with the First Bank of Sea Isle City, before the end of July, which would earn the Dennis Township Fire District #1 **substantially more in interest than if the money remained in the savings account**. The rate is projected to drop one-quarter of a percent to 7<sup>3</sup>/<sub>4</sub>% on 1 August 2014. That would leave us currently \$170,000 in the savings account, with approximately \$183,000 in expected revenue through the end of 2014, giving us a total of \$353,000 in the savings account, to more than meet the financial needs of the Dennis Township Fire District #1 for the balance of 2014 and well into 2015. Mr. Malantonio questioned why that action would be taken, saying, “*how are we supposed to buy another truck. If the money’s all tied up?*” Mr. Moran responded that he has heard nothing of plans by the Ocean View Volunteer Fire Company to start the process to ask the fire district to purchase a new truck. Mr. Fry noted that, even if the voters approve a ballot question to purchase a new truck in February 2015; that that money cannot be spent until at least February 2016 and the certificate of deposit would mature in January 2016, so, “what’s the issue?” Mr. Sutton responded that, given the cost of fire apparatus in today’s economy, the Dennis Township Fire District #1 is investigating the process and cost of bonding between \$500,000 and \$600,000 of the cost of a new truck. In the past, the Dennis Township Fire District #1 has “paid cash” for new trucks. To do so in today’s economy would (even if there were no certificate of deposit outstanding) would effectively drain the Dennis Township Fire District #1’s coffers, which is not good business practice. Purchasing a certificate of deposit would earn \$54,000 vs. the cost of bonding, projected to be about \$21,000. Mr. Sutton ended his report by repeating the four invoices needing approval and payment.

The invoices to be approved and paid were:	
Township of Dennis (Balance of JIF Ins. Due)	\$6,000.00
Ocean View Volunteer Fire Company (July 2014)	\$4,083.00
Richard Braslow, Esquire(Professional Services)	\$1,560.00
Paul Sutton (Paper, Postage, Printer Supplies)	<u>\$255.52</u>
Total Invoices to be approved and paid:	\$11,898.52

Mr. Sutton, seconded by Mr. Fry, made a motion to approve and pay the four invoices. The motion was approved unanimously.

**Old Business**

Contract with Ocean View Volunteer Fire Company. Mr. Moran noted that he had heard nothing from the fire company and asked if any other Commissioner had heard anything? The response was “No”

**New Business**

Mr. Sutton, seconded by Mr. Fry, proposed a motion to invest \$450,000 for eighteen (18) months in a certificate of deposit in the name of the Dennis Township Fire District #1 at 8.0% with the First Bank of Sea Isle City, before the end of July. The motion was approved unanimously.

Mr. Sutton, seconded by Mrs. Tozer, proposed a motion to spend up to \$1,500.00 to produce a fire district-wide mailing for postage and labels to each taxpayer/voter household updating the voters on the status of several important Dennis Township Fire District #1 topics. The motion was approved unanimously.

There was a discussion concerning the safe deposit box rented by the Dennis Township Fire District #1 and concerning who has possession of the keys for it. The box is in the Seaville branch of First Bank of Sea Isle City. Mr. Sutton said that if we wished to retain the box, we will be charged another \$26.75 in August for the ensuing year. The primary issue is – who has the keys? Even if we renew the box rental, we need those two keys. It is believed that Mr. Wilshire has one key and that Mr. Gansert may have had the other. Without the keys, we face a \$75.00 charge to “drill” the lock and have new keys made, plus the annual box rental. The last note about the safe deposit box appeared in the 17 April 2013 Commission minutes, when it was noted that then-Secretary Tom Carroll had one of the keys. If we cannot locate or get at least one of the keys returned, we face a \$75.00 charge plus the annual box rental fee. Mr. Sutton made a motion, seconded by Mrs. Tozer, to commit the funds (\$75.00 if necessary plus \$27.75) for the safe deposit box. The motion was approved unanimously.

**Public Comment**

Mr. Tom Rock of Oceanview asked if any lead way had been made on raising the Losap for the Fireman. He would like to see that happen. Mr. Sutton explained to everyone exactly what has to be done to raise Losap and how it has to be done and approved. We are going to talk more about raising Losap when the 2015 Budget starts getting put together for DCA Approval.

Mr. Al Izzi of Ocean View asked the question of the commission if we found out why it took over 40 minutes for OVFC Tanker to arrive at the Tamberlane Campground Fire on June 2<sup>nd</sup>, but it took less than 20 minutes to deliver two tankers full of water to a pool by his house. To which OVFF Bryan Adams then said because there was no traffic and he wasn't working.

Mr. Adam Dotts questioned the Commission on why Mr. Bryan Moran was requesting the Dispatch Tapes from Belleplain, Chairman Moran explained that the times on the time sheet don't make sense, so he wants to check the time records with the audio tape, Adam Dotts then asked the Commission “How fast do you want us to respond?” To which Mr. Bryan Moran answered “as fast as possible” and Adam Dotts asked again “but how fast do you want us to respond?”

Mrs. Judy LaPortia of Kings Hwy. asked if we were any closer to a contract being signed because she was concerned that the fire company was going to run out of funds to operate.

Mrs. Izzi of Ocean View asked what the outcome was with asking Mr. Braslow about the Building Maintenance money from the District money that they have been using for Years to pay for Maintenance for the buildings. Mr. Moran stated that is all going to fall under access to the FC assets.

A motion was made to adjourn the meeting at 8:10 PM by Mr. Mike Fry, seconded by Mr. Paul Sutton. The motion was adopted unanimously.

The next regular meeting of the Board of Commissioners of the Dennis Township Fire District No. 1 shall convene at 7:00 p.m. on Wednesday, August 20, 2014 in the Ocean View Fire Company Hall.

Respectfully submitted,

Tammy Tozer  
Secretary  
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