

# Atlantic County Firefighters' Association

"In Union For The Safety Of All"

President  
Amor "Skip" Portale  
Vice President  
Ellsworth Ott  
2<sup>nd</sup> Vice President  
Charles "Chick" Kisby



Secretary  
Robert A. Mellon  
Treasurer  
Jaime C. Mellon  
Asst. Sect./Treasurer  
Cindy L. Badger

November 20, 2013

## Call to Order

The regular meeting of the Atlantic County Firefighters' Association was called to order at 20:00 on November 20, 2013 at the Somers Point Vol. Fire Company No. 2 by President Amor "Skip" Portale. The meeting was opened with a flag salute followed by a moment of silence in remembrance of all fallen firefighters and military personnel. President Portale then pointed out the fire exits and asked that all electronic devices be silenced.

## Introduction of Host Chief

President Portale introduced Somers Point Vol. Fire Company No. 2 Chief, Frank Denan, Chief Denan welcomed all to Somers Point and then introduced Somers Point Fire Department Chief Michael Sweeney Sr. and the other line officers in attendance. Chief Denan then introduced Somers Point Mayor, Jack Glasser, Council President Maureen Kern, and Councilman Sean McGuigan. Mayor Glasser welcomed all to Somers Point and thanked everyone for their service to their respective communities.

## In Attendance

Roll call was taken by Secretary Robert A. Mellon who reported a quorum was present.

## Approval of Minutes

A motion was made, seconded, and carried to approve the minutes of the October 16, 2013 meeting, as sent to the member companies.

## Report of Treasurer

A motion was made, seconded, and carried to accept the report of the Treasurer, totaling \$145,537.06, as read by Treasurer Jaime C. Mellon.

Bank of America / Bank of America / Capital One 360 / Parke Bank  
Checking: \$96,634.00 / Savings: \$5,003.84 / Savings: \$20,289.52 / 13 Month CD: \$23,609.70  
/ 0.65% - Due 5/6/2014

## Special Presentation

A presentation was made by Joe Landy about the 50<sup>th</sup> anniversary of the April 20, 1963 forest fires in the New Jersey Pinelands that burned over 150,000 acres (65,000 acres in Atlantic County). Joe is working with the New Jersey Forest Fire Service to gather data and photographs of the fires. Joe will be conducting video interviews with firefighters that helped fight the fires. A meeting will be scheduled in January to start putting all of the data together. Joe is asking that anyone with stories, photographs, or firefighter willing to share their firsthand account of the fires to please contact him at joetmugs@comcast.net or (610)996-2631.

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## Committee Reports

**Executive Committee** – Chairman Howard Berchtold summarized the minutes of the Executive Committee meeting held on November 1, 2013. Howard explained the need to further change the bylaws and the NJ Articles of Incorporation to meet IRS 501(c)(3) requirements. Howard reported that the Executive Committee recommends that the proposed changes be adopted and explained that a majority representation of the member departments/companies at the December meeting would be ideal. Howard reported that the next meeting of the Executive Committee is scheduled for January 3, 2014 in Pomona at 19:30.

**Atlantic County Fire Training Advisory Board** – Howard Berchtold summarized the proceedings of the Advisory Board meeting held on November 18, 2013. The central dispatch proposals were discussed and how some of the proposals may affect the future expansion of the training center. Howard reported that all twenty-one doors in the burn building need to be replaced. Howard reminded all that when the training center is utilized for department/company training, all documentation must be correctly completed and submitted. The county has been looking at liability issues and any lack of following proper procedure may cause the county to require the use of two facility instructors to be onsite for all training.

**Fire Coordinator** – Fire Coordinator Ed Vincent reported that Tender Task Force Alpha held a drill in New Gretna on Oct. 20<sup>th</sup> and Tender Task Force Bravo held a drill in Dorothy/Estell Manor on Nov. 17<sup>th</sup>. Ed reported that the Large Diameter Hose Strike Team will hold their next drill in the Spring after the winter weather breaks. Ed reported on the status of the Homeland Security grants. Much equipment has recently been received for TTF-A and for the Foam Task Force. Ed reported that the Farmington Fire Company no longer has room to house a trailer with two totes of foam. A new host station is being sought on the eastern side of the county. Ed reported on the Oct. 29<sup>th</sup> Medevac informational update at the training center and the visit from the Lt. Governor, also on Oct. 29<sup>th</sup>, to commemorate the first responder effort during Superstorm Sandy one year earlier. Ed reported that there will be repair work on the Sugar Hill bridge in Mays Landing requiring it's closure from March until May of 2014. Detour routes are still being worked on by county officials. Ed reported that Egg Harbor Township has now signed the Mutual Aid Agreement and that Ventnor, Hammonton, Hamilton, and Brigantine are pending. Ed reported that he has been appointed to the CAD/RMS research committee for central dispatch. The committee will be looking at the available Computer Aided Dispatch and Record Management Systems available for the central dispatch center. Ed will be seeking assistance from the fire department/company chiefs about what they like, or do not like, about their current systems and what they would like to have in a new system.

**Training** – Director of Training Mike Corbo reported that Firefighter I still has thirty-one students and Firefighter II will finish Sat. Nov. 23<sup>rd</sup> with the NJ DFS certification test. Mike reviewed the remaining classes of the semester including Hybrid Vehicles on Dec. 7<sup>th</sup>, Elevator Rescue on Dec. 8<sup>th</sup>, Fire Officer II starting on January 6, 2014. Mike reported that, effective in November 2013, NJ is now ProBoard accredited for all NJ DFS certified courses. All those receiving future NJ DFS certifications will also receive ProBoard accreditation. ProBoard does not grandfather prior certified personnel. Those wishing for ProBoard accreditation for a prior NJ DFS certification will need to take a challenge test. The NJ DFS has also applied for IFSAC accreditation. IFSAC may allow those NJ DFS certified within the past five years to receive IFSAC accreditation. Mike reminded all that they need to submit a copy of their HazMat Awareness, HazMat Operations, and Firefighter I certificates when applying for a Fire Officer I certificate and also noted that Fire Officer I is not a NJ DFS requirement for anyone holding a fire officer title at this time. Mike reported that he is looking into putting together a Ventilation Operations class and a Big Rig Stabilization/Extrication class that would be jointly offered with the Gloucester County Fire Academy. Mike would like anyone that has a recommendation for a class to contact him. Mike reported that the forcible entry mock-up is available for department/company drills, just contact Mike to schedule and confirm lumber will be available. Mike reported that the Ocean County Fire Academy is currently shut down. There are apparently issues with

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potential liability and the possible need to convert from volunteer instructors to paid instructors although no funding sources have been identified.

**Library** – Ron Bird reported that if anyone needs library access, contact him at tower452002@yahoo.com.

**Atl. Co. Fire Chief's Association** – Chick Kisby reported that the next meeting of the Atl. Co. Fire Chief's Association will be on November 26, 2013 at the Linwood Fire Department.

**Legislative** – John Wagner reported on the school drill requirements and how the school security drill differs from a fire drill.

**NJ Firemen's Home** – Oscar Dutch reported that the home and residents are doing well. Oscar reported that fire departments in the area of the home are holding an occasional meeting at the home. They usually have food and invite residents to join them. They also have been taking tours of the home. At least three new residents have resulted due to more departments/companies learning about the home this way. Oscar reported that the Dorm C renovation has been completed and turned out very nice. Oscar reported that he recently sat for an interview for "New Jersey Fire" magazine and it should be in the December issue.

**Atlantic County Fire Radio Policy Committee / Central Dispatch** – Oscar Dutch reported that he is the one that volunteered Ed Vincent for the CAD/RMS committee. Oscar reported that the Board of Chosen Freeholders inquired about permits to expand the training center for the addition of central dispatch and they were informed that they will need to complete the entire Pinelands application process which could take years. Oscar reported that two appraisals for the AK Pharma property were received and that discussions with Stockton College have resumed. Oscar noted that the plan is to finalize a location for central dispatch by December.

**ACFFA Dinner** – Wayne Dilks reported that the dinner can be scheduled for 18:30 on Friday, April 11, 2013 at Careme's, Atlantic Cape Community College if the association would like to move forward. All agreed that a motion was in order to approve having the dinner and put down a \$100.00 deposit. RSVPs will be due by April 1, 2014.

## Communications

There were no communications to report.

## Old Business

The final reading of the proposed By-laws addition, Article XIII Conflict of Interest Policy, was accepted as read.

## New Business

Motion was made, seconded, and carried that the association amend the By-laws with the addition of, Article XIII Conflict of Interest Policy.

The first reading of the proposed By-laws revision and addition to Article XII was accepted as read.

The reading of the proposed amendment and addition to the NJ Certificate of Incorporation was accepted as read.

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Motion was made, seconded, and carried to schedule the annual ACFFA dinner at Careme's, Atlantic Cape Community College for 18:30 on Friday, April 11, 2014 and make payment of the \$100.00 deposit.

Motion was made, seconded, and carried to follow the recommendation of the Executive Committee and adopt the Administrative budget for 2014 as submitted to the Executive Committee.

## **Bills**

The bills, totaling \$5,160.51, were read by Treasurer Jaime C. Mellon. A motion was made, seconded, and carried to pay the bills from the proper funds.

Bills --- South Jersey Welding - \$13.46 (training maintenance) / NJ Form NJ 927 - \$889.66 (quarterly taxes) / Walt's Primo Pizza - \$19.53 (lunch for shed building volunteers) / ESI Equipment - \$1,750.00 (vehicle extrication equipment) / Atlantic Cape Community College - \$100.00 (deposit for ACFFA dinner) / Mike Corbo - \$51.33 (forklift propane & shed vents) / Staples - \$148.71 (office supplies & print I300 course materials) / Home Depot - \$337.30 (equip. maintenance, training supplies, & shed materials) / Lowes - \$1,850.52 (training lumber & extrication shed)

## **Nomination of Officers**

The second of two rounds of nominations was held. Only the seats on the Executive Committee are contested. Those nominated are as follows:

President (1)	Amor "Skip" Portale
1 <sup>st</sup> Vice President (1)	Ellsworth Ott
2 <sup>nd</sup> Vice President (1)	Charles "Chick" Kisby
Secretary (1)	Robert A. Mellon
Treasurer (1)	Jaime C. Mellon
Asst. Sec./Trea. (1)	Cindy L. Badger
Chaplain (1)	Rev. Thomas Sweeny
Sgt.-at-Arms (3)	Charles Harlan, Wayne Dilks, William Donath
Executive Comm. (9)	Howard Berchtold Jr., David G. Buzby, Levon "Lefty" Clayton, Rick Coraluzzo Sr., Don DaGrossa, Oscar Dutch Jr., James Garth Sr., Charles J. Guenther, R. Thomas Hunter Jr., C. Robert Winkler III

## **Applications for Membership**

Martin Walley of the Linwood Fire Department was accepted into membership.

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## Good of the Order

Thank you to the Somers Point Vol. Fire Company No. 2 for hosting the evening and providing the refreshments.

## Adjournment

There being no further business at hand, the meeting was adjourned at 21:20. The next regular meeting is scheduled to be held at 20:00 on December 18, 2013 at the Farmington firehouse and hosted by the West Atlantic City Vol. Fire Company. Elections will be conducted and delegates are reminded to bring their delegate cards.

Attested:

Robert A. Mellon, Secretary

**Date Clearing**      [http://www.atlanticcountyfireassoc.org/ACFFA\\_Date\\_Clearing.htm](http://www.atlanticcountyfireassoc.org/ACFFA_Date_Clearing.htm)

## Fire Department/Company/Association Events

Sat. Nov. 23, 2013	11:00	Minotola VFC	Annual Hot Roast Beef Sale 11:00-15:00
Tues. Nov. 26, 2013	07:30	Greater Egg Harbor of Chamber Commerce	Community Thanksgiving Breakfast @ Renault Winery (Port Republic VFC to be honored)
Sat. Dec. 7, 2013	08:00	Pomona VFC	Pomona VFC Ladies Aux. Bus Trip to New York City
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Sat. Apr. 12, 2014	16:00	Oceanville VFC	Baked Ham & Fried Oyster Dinner
Sat. May. 3, 2014	16:00	Germania VFC	Turkey Dinner
Tues. May 6, 2014	08:30	Neschanic Valley Golf Club	New Jersey Firemen's Home 2014 Golf Outing
Sat. Nov. 8, 2014	16:00	Oceanville VFC	Baked Ham & Fried Oyster Dinner

## ACFFA Meetings

### Atlantic County Firefighters' Association

Wed. Dec. 18, 2013	20:00	West Atlantic City VFC (@ Farmington firehouse)	Hosting ACFFA Monthly Meeting
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Wed. Jan. 15, 2014	20:00	Egg Harbor City VFD	Hosting ACFFA Annual Reorganization Meeting and Annual Memorial Service
Wed. Feb. 19, 2014	20:00	Longport VFD	Hosting ACFFA Monthly Meeting

### Atlantic County Firefighters' Association - Executive Committee

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Fri. Jan. 3, 2014	19:30	Pomona VFC	Hosting ACFFA Executive Committee Meeting (Annual Reorganization)

## Other Atlantic County Organization Meetings

### Atlantic County Fire Training Advisory Board

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Mon. Jan. 13, 2014	19:00	Anthony "Tony" Canale Training Center	Meeting of Atlantic County Fire Training Advisory Board

### Atlantic County Fire Chief's Association

Tues. Nov. 26, 2013	20:00	Linwood VFD	Hosting Meeting of Atlantic County Fire Chief's Assoc.
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Tues. Jan. 28, 2014	20:00	Absecon VFD	Hosting Meeting of Atlantic County Fire Chief's Assoc.

### Atl. Co. Firefighters' Death Benefit Fund Association

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Thurs. Jan. 23, 2014	19:30	Linwood VFD	Hosting Meeting of Atl. Co. Firefighters' Death Benefit Fund Assoc.

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Proposal for Addition

"By-Laws, Atlantic County Firefighters' Association of the State of New Jersey".

## NEW ARTICLE

### **ARTICLE XIII CONFLICT OF INTEREST POLICY**

#### SECTION 1: PURPOSE

*The purpose of this conflict of interest policy is to protect this tax-exempt organization's interest when it is contemplating entering in to a transaction or arrangement that might benefit the private interest of an officer of the Organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.*

#### SECTION 2: DEFINITIONS

##### 1. Interested Person

*Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.*

##### 2. Financial Interest

*A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:*

- a. An ownership or investment interest in any entity with which the Organization has a transaction or arrangement.*
- b. A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or*
- c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or arrangement.*

*Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.*

*A financial interest is not necessarily a conflict of interest. Under Section 3, Subsection 2, a person who has a financial interest may have a conflict of interest only if the appropriate board or committee decides that a conflict of interest exists.*

#### SECTION 3: PROCEDURES

##### 1. Duty to Disclose

*In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.*

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## 2. Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

## 3. Procedures for Addressing the Conflict of Interest

a. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.

b. The chairperson or the governing board or committee shall, if appropriate, adopt a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

c. After exercising due diligence, the governing board or committee shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

## 4. Violations of the Conflicts of Interest Policy

a. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

## SECTION 4: RECORDS OF PROCEEDINGS

The minutes of the governing board and all committees with board delegated powers shall contain;

a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.

b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

## SECTION 5: COMPENSATION

a. A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.

b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters

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*pertaining to that member's compensation.*

*c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation.*

## SECTION 6: ANNUAL STATEMENTS

*Each director, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:*

- a. Has received a copy of the conflicts of interest policy.*
- b. Has read and understands the policy*
- c. Has agreed to comply with the policy, and*
- d. Understands the Organization is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax exempt purposes.*

## SECTION 7: PERIODIC REVIEWS

*To ensure the Organization operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:*

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information and the result of arm's length bargaining.*
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Organization's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in excess benefit transaction.*

## SECTION 8: USE OF OUTSIDE EXPERTS

*When conducting the periodic reviews as provided for in Section 7, the Organization may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.*

Respectfully submitted;

By-laws Committee  
Friday, September 6, 2013

First Reading  
Wednesday, September 18, 2013

Second Reading  
Wednesday, October 16, 2013

Voted ,Adopted, and Effective  
Wednesday, November 20, 2013

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Proposal for Revision and Addition

"By-Laws, Atlantic County Firefighters' Association of the State of New Jersey".

## **REVISION**

### **ARTICLE XII**

#### **Current:**

SECTION 3: DISSOLUTION Upon dissolution of the association, the association's assets shall be disposed of exclusively for the purposes of the association or distributed to such organizations, or departments of local government, organized and operated exclusively for fire and emergency services within Atlantic County, New Jersey. Dissolution must be approved by a majority vote of the member fire companies' delegates at two consecutive monthly meetings.

#### **Proposed:**

SECTION 3: DISSOLUTION "Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes."

## **ADDITION**

### **ARTICLE XII**

#### **New:**

SECTION 4: PURPOSE "Said corporation is organized exclusively for charitable, religious, educational, and/or scientific purposes, included, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code."

SECTION 5: NET EARNINGS "No part of the net earnings of the corporations shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth."

SECTION 6: POLITICAL ACTIVITY "No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code."

Respectfully submitted;

By-laws Committee  
Friday, November 1, 2013

First Reading  
Wednesday, November 20, 2013

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Proposal for Amendment and Addition to Certificate of Incorporation

"Certificate of Incorporation of the Atlantic County Firemen's Association of New Jersey".

## **AMEND FOLLOWING ARTICLES:**

### **FIRST:**

Replace "ATLANTIC COUNTY FIREMEN'S ASSOCIATION OF NEW JERSEY, INC." with "ATLANTIC COUNTY FIREFIGHTERS' ASSOCIATION OF THE STATE OF NEW JERSEY, INC."

### **SECOND:**

Add "Said corporation is organized exclusively for charitable, religious, educational, and/or scientific purposes, included, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code."

### **FIFTH:**

Replace "318 Buffalo Avenue, in the City of Egg Harbor, County of Atlantic, State of New Jersey," with "5033 English Creek Avenue, in Egg Harbor Township, County of Atlantic, State of New Jersey,"

Replace "Henry F. Heitz." with "Robert A. Mellon."

## **ADD FOLLOWING ARTICLES:**

**SIXTH:** No part of the net earnings of the corporations shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth.

**SEVENTH:** No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

**EIGHTH:** Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

Respectfully submitted;

Corporate Committee  
Friday, November 1, 2013

Introduced  
Wednesday, November 20, 2013