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January 9, 2024

*1977-2021

Mechelle

Opra+request-56512-84306bbf@requests.opramachine.com

RE: OPRA Request

Dear Mechelle:

The South Brunswick Board of Fire Commissioners for the South Brunswick Fire District No. 3 received your Open Public Records Act (OPRA) request on December 29, 2023. This response is being provided to you on January 9, 2024.

Your OPRA request sought access to the following documents: "When Commisioner Manabico was removed from Chairperson as per a conflict declared from the other Commisioners. In a public forum he cited multiple ethics violations and theft of monies. He contacted firefighters privately to say Jodi Ricanti and Jim Sternado violated law as he cited Jim Sternado was doing business with his girlfriend for district uniforms. Please produce all violations that he submitted to the Board, if any."

The South Brunswick Fire District No. 3 encloses the Minutes of its October 18, 2022 Public Meeting. (6 pages)

The South Brunswick Fire District No. 3 is conducting an investigation into the matter referenced in your OPRA request. Any records pertaining to an investigation in progress by a public agency are exempt from disclosure as detrimental to the public interest pursuant to N.J.S.A. 47:1A-3(a).

The South Brunswick Fire District No. 3 The Records Custodian represents and affirms to this office that the enclosed non-privileged documents are the entire documentation relative to your request. If you believe that your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision . At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at (866) 850-0511, by mail at P.O. Box 819, Trenton, New Jersey 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can

Mechelle

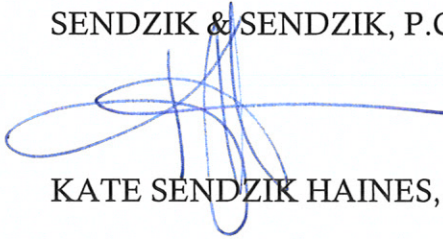
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January 9, 2024

also answer other questions about the law. All questions regarding complaints filed in the Superior Court should be directed to the Court Clerk in your county.

Very truly yours,

SENDZIK & SENDZIK, P.C.

A handwritten signature in blue ink, appearing to be "KATE SENDZIK HAINES", written over the printed name.

KATE SENDZIK HAINES, ESQ.

KSH:jj

Enclosure

cc: Alkesh Amin, Fire Commissioner

BOARD OF FIRE COMMISSIONERS SOUTH BRUNSWICK FIRE DISTRICT 3

Meeting Minutes of the Regular Meeting Held on October 18, 2022

1. The meeting was held at the Kingston Firehouse and called to order by Chairman James Stendardo at 19:00.
2. Chairman read the required statement of compliance with the public meetings act. The meeting is also held through the use of streaming services in accordance of NJSA 10:4-8 and NJ DCA pamphlet.
3. ROLL CALL
 - a. Chairman, James Stendardo:present
 - b. Vice Chairman, Alkesh Amin: present
 - c. Treasurer, Agostino Racanati:present
 - d. Clerk, Jane Eisenmann: present
 - e. Asst. Tres./Asst. Clerk, Steve Manobianco:present in protestBoard attorney present via phone
4. Chairman led the meeting for the flag salute.
5. Motion was made by Commissioner Racanati and seconded by Commissioner Amin to close the regular meeting to meet in executive session.
6. Motion was made by Commissioner Racanati and seconded by Commissioner Amin to reopen the regular meeting.
7. Chairman opened meeting to the public, George Luck 7 Laurel Ave. Deputy Chief thanked the public and District 4 for their support of Fire Prevention Open House, very disappointed in Fire District 3 Board for not showing up. Motion was made by Commissioner Racanati and seconded by Commissioner Amin to close the public portion.
8. Minutes for the Regular Meeting held 9/20/22 were reviewed. Motion to approve the minutes was made by Commissioner Racanati and seconded by Commissioner Amin. Commissioner Manobianco would like to make a correction to section 16i, would like to add that the board is in violation of the by-laws and the local finance board ethics law. He believes he said the reorganization was in violation of the by-laws, you need three meetings to change the by-laws and being treasurer of the fire co. is not a local ethics violation. Those are the facts. Commissioner Racanati said you cannot add to the minutes because you want to. Motion was made by Commissioner Racanati and seconded by Commissioner Amin to accept the minutes as written. Motion passed. Commissioner Manobianco opposed the motion, the minutes were erroneous and not factual.
9. CORRESPONDENCE
 - a. Copies of Audit

10. CHIEF'S REPORT

- a. Report given for Oct. 2022
- b. Monthly report not completed and will be forwarded
- c. Chief met with Captain Pisano to discuss new equipment
- d. Fire Co. attended National Fallen Firefighter Memorial in Emmetsburg and thanked the district for vehicle use
- e. Open House for Fire Prevention was October 13
- f. Chief attended Diwali celebration given by the Hindu American Society
- g. Attended procession for moving antique truck to new location by Herman Services, invited to their new facility
- h. Engine 3 out of service

11. SUPERVISOR'S REPORT

- a. Report given. Copy attached.

12. TREASURER'S REPORT

- a. Report given.
- b. Treasurer reviewed vouchers
- c. Commissioner Manobianco asked for the total for the legal settlement for OPRA request over \$9,000, Mr. Braslow \$3,000, Reimbursed by insurance

13. OLD BUSINESS

- a. Mr. Braslow reminded the Board that they must have a compensation resolution setting forth Commissioner compensation. He mentioned a DCA webinar on a DCA ethics ruling by the Local Finance Board of them possibility coming out with an opinion that Fire Commissioners cannot be in any officer position either administrative or fire Matic. Another opinion they may come out with concerns the cost of new trucks, the DCA may request how many hours are on the old truck and may request maintenance and repair records. He also discussed setting a date for meeting with the Fire Co. Commissioner Manobianco asked him a question about the current law. The question the local finance board addressed was Can you be a fireman and a commissioner? Mr. Braslow responded that the DCA discussion and compromise resulted in an advisory opinion that you cannot be Chief, Deputy Chief, President, Vice President of a Fire Co. within that district everything else would be reviewed on a case-by-case basis. The current law would probably rule that there would be a conflict. Mr. Braslow discussed several cases concerning this issue. The initial opinion of the DCA has not been modified but will take every other scenario on a case-by-case basis. Commissioner Manobianco stated that there might be a potential violation of the Sunshine Law, members of the board acted either as a committee or on their own in talking to our attorney. Also, what the board voted on last month, they made an ethics decision about someone who held a role, who was elected and as Treasurer has recused himself in public on numerous occasions in the Fire Co. from all business.

Claiming this board voted making personal and false accusations of conflict of interest when the ruling clearly states that it's not. Commissioner Manobianco asked when did the captain situation occur. Mr. Braslow thought it was several years ago. Commissioner Manobianco wanted to know why it wasn't brought up to the board when a previous Chair was Captain. Mr. Braslow answered that he would not have any reason to bring it up, it was an isolated determination based on those facts. Commissioner Manobianco responded that someone must have contacted you tonight. Mr. Braslow wanted to clarify that he was at a meeting the other night and the same issue was brought up. The topics were brought up on his own volition. Commissioner Manobianco replied that someone called Mr. Braslow and asked him to speak. Mr. Braslow asked not to be called a liar, there is no reason for him to not be truthful. The Chairman asked him to participate in the meeting in case issues came up that he needed to address. And takes great offense to any other implication. He brought up issues he wanted the board to be aware of.

- b. Update on Engine 3, Captain Pisano was in contact with the service director of Campbell, they found a faulty ground in wiring. He will follow up with him, asked to have ladder and pump tested for E3, Chairman asked who was on the committee, Chief, Deputy Chief, Commissioner Manobianco and Commissioner Stendardo.
- c. No update on training compliance
- d. New policy for physicals, former policy to require a physical to get LOSAP was a violation of LOSAP. Motion to accept the new policy was made by Commissioner Racanati and seconded by Commissioner Amin. Captain Pisano asked about the parameters for drug testing now that marijuana is legal, if they test positive, they are not breaking any law, will there be a follow up after they are hired. Chief responded the problem the attorney is having with the handbook is that there is no policy yet, which is why he recommends not signing off on the handbook. The township has a policy, but it does not include marijuana. Physical policy stays the same still take the drug test. Stick with Access Health for new hires and volunteers, will come up with what gets tested. Policy stands as is, Commissioner Amin asked if the insurance policy addresses the issue, will ask insurance about workmen's comp. Roll call Chairman-yes, Vice Chairman-yes, Tres. -yes, Clerk-yes Asst. Tres./Asst. Clerk-yes in protest
- e. KVFC Agreement Mr. Braslow would like to coordinate a date, will coordinate by email with Jim, Rich, Pres. Luck, Chairman Stendardo. President will trust his attorney. Will coordinate with Attorneys, will move forward.
- f. Motion was made by Commissioner Racanati and seconded by Commissioner Amin to approve the resolution for the 2021 Annual Audit. Motion passed by Roll Call vote Chairman-yes, Vice Chairman-yes, Treasurer-yes, Clerk-yes, Asst. Tres./Clerk-yes in protest. Motion passed. Need affidavit and post synopsis in newspaper
- g. Motion was made by Commissioner Racanati and seconded by Commissioner Amin to table the Manpower Study for another month.

- h. Board reviewed 2023 Budget Preparation- Commissioner Manobianco asked who was on the salary Committee, Board did not make a committee, email in July, discussion in August no formal committee.

14. NEW BUSINESS

- a. Formal committee for salary, Commissioner Racanati, Commissioner Manobianco and Captain Pisano.
- b. Chairman presented Hiring and Separation Procedure, table to next month for review. Discussion on who will screen candidates. Commissioner Manobianco and Captain or Chief and Captain. It was recommended to delete item #4 . Chief recommended that it needs to cover everything in the Handbook. Exit interviews should be done independent of Supervisors, need to be consistent. Chairman and one other Commissioner. Captain Pisano added the exit interview should be with someone they are comfortable with. Commissioner Racanati recommends tabling the procedure, Captain Pisano does not recommend tabling. Decision to remove item #4 of the hiring procedure and move forward with hiring.
- c. IAM Responding subscription renewal \$800.00 1 year, \$725.00 3 years, \$650.00 5-year, Captain Pisano recommends the 5 year subscription. Motion was made by Commissioner Racanati and seconded by Commissioner Amin to authorize Commissioner Racanati to sign off on the 5-year subscription renewal for IAM responding. Motion passed.
- d. ESO software -ProPhoenix software \$13,125.00, ESO software \$9,980.00, Captain Pisano talked to the salesman and got the price to \$3680.00. Talks with the township going with ProPhoenix fell through. He recommends 3 staff; 3 volunteers and 2 Chiefs be trained includes personnel management. \$2790.00 one-time fee. Will get prorated from firehouse about 689.21 if sign up tomorrow. Information not being supported after Dec. 31st. Additional training session \$595.00, Captain Pisano will talk to ESO about paying next year. Captain Pisano recommends moving forward with ESO software for 2023. Chairman gave 5-minute recess. ESO software net 90 payment with renewal date 10/19/23. Motion was made by Commissioner Racanati and seconded by Commissioner Amin to authorize Commissioner Racanati to review that the contract for \$3680.00 with ESO contains net 90 terms and if agreeable to sign off. Motion passed. Captain Pisano added that we may be able to use penalty money for this. Chairman thanked Captain Pisano for all his work in getting the contract.
- e. Commissioner Manobianco asked to speak. He thanked people for coming. He believes the reorganization was against the district by laws and Sunshine laws. As Chairman he worked to end fighting between the Fire Co. and the Board. Board believes that not to be true. He believes this is retribution.1) He discovered fiscal impropriety on four purchases awarded to a board members girl-friend. 2) District put #3 on the helmet shield to put together a District 3 Fire Co. no reply when asked who did it and why it was done, violation of the Sunshine Law.3) Concerning changes to staffing there was no public discussion, no committee, no board discussion, violation of the by-laws and how the board operates.4) Board tried to give an employee a bonus outside of his contract. Attorney said it was not allowed. Not within the HR laws. 5) Concerning the lawsuit for

mishandling the OPRA request he found correspondence between the Board and Fire Co. editing and trying to rewrite the fire Co. by-laws.6) At a Live burn drill a Board member showed up and tried to participate. Not a member of the Fire Co. would have put the Fire Co. and Board at risk. 7) The Manpower Survey found that the previous Manpower study omitted data which shined a very disparaging light on the Fire Co. 8) He believes another member of the Board who is also a member of the Fire Co. an officer lost a contentious election bid and ever since that time has led a charge to grind an axe between members of the board and members of the Fire Co, which has been nothing but a disaster when you look at the cost of the OPRA event and the cost of a simple legal contract. It's a joke Commissioner Manobianco is requesting that the Chairman and Vice Chairman resign their positions, not resign as board members to avoid further embarrassment and legal ramifications.

15. APPROVAL OF VOUCHERS AND PAYMENTS

- a. Motion was made by Commissioner Amin and seconded by Commissioner Eisenmann to accept the Treasurer's Report and pay all properly vouchered bills. Motion passed.

16. Chairman opened meeting to the public. David Luck 58c Fairfield Lane, Monroe Twp. volunteer for over 55 years, after hearing the Treasurer's reading of the different line items he is shocked and dismayed that he recommends keeping members life insurance flat. He has been asking for the last 2 years for the same level of support as Kendall Park and Monmouth Jct. which receive the state maximum. Fire Co. gets Less than ½ of the state limit. Board has no respect for the volunteers which is shown in the lack of response to Commissioner Manobianco's message. He asked to go to arbitration 2 mos. ago, but attorneys asked to give it one more chance. Board takes hard line responses. Chairman Stendardo asked if he is requesting Life insurance. President Luck responded the original committee kicked it back and made their position very clear. The community appreciates the Fire Co. but the district has not for the past 5 years. Chairman hears his request. George Luck Deputy Chief, in listening to the approval of the minutes he concurs with Commissioner Manobianco on the issues of the by-laws being brought up. Three reasons for change of officers, death, resignation done something illegal. If illegality is involved, it should be brought to the attention of the public. A lot of ethical violations which he may pursue. Jeremy Pollock Mr. Manobiancos points should be addressed point by point, troubled by angst. Fire Co. is the glue that is holding the community together. It is distressing, he sees a need for everyone to work together. He is terrifically disturbed by this and expresses his concern that the Board needs to address Mr. Manobiancos points one by one and done in public forum. Harry Lemmerling 1011 Ridge Road this is a circus it is ridiculous, it is embarrassing the way you fight against each other, accomplishing nothing. If anything Steve said was true you need to find out if is ethically or criminally wrong, needs to be addressed and handled, can't just blow it off, embarrassment. Hire an attorney if you need to. Need to work together, you guys are a mess, and you need to work it out.

17. ROLL CALL

- a. Chairman, James Stendardo:present

- b. Vice Chairman, Alkesh Amin: present
- c. Treasurer, Agostino Racanati: present
- d. Clerk, Jane Eisenmann: present
- e. Asst. Tres./Asst. Clerk, Stevfe Manobianco: present in protest

18. Motion to adjourn at 21:28 was made by Commissioner Racanati and seconded by Commissioner Amin.

James Stendardo, Chairman

Jane Eisenmann, Clerk