



The Command Post

The Bergen County Fire Chiefs Association eNewsletter



www.bergenfirechiefs.com

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Editor: Jack J. Murphy

PRESIDENT'S MESSAGE

THE ELOQUENCE OF SIMPLICITY

In 1936 the world's best airplane engineer was listening to his best test pilot confess that he felt technically inadequate for his job.

The best test pilot admitted that, when he asked a question of one of the other engineers, he couldn't understand the reply. The best airplane engineer's, R. J. Mitchell (1895—1937) was the designer of the Supermarine Spitfire, his answer was simple and direct, "If anyone tries to tell you something about an aeroplane which is so damn complicated that you can't understand it, you can take it from me, it's all crap." The British Supermarine Spitfire was the only Allied fighter aircraft of the Second World War to fight in front line service from the beginnings of the conflict, in September 1939, through to the end in August 1945. R.J. Mitchell's reply is timeless and speaks of the environmental many of us are operating in today.

Albert Einstein, the renowned physicist and a New Jersey resident for the last twenty years of his life said, "Everything in life should be as simple as possible, but not more simple." While he was not speaking about the critical systems of the fire service, his advice is something that we all should take to heart.

Critical systems by their nature are complex. They are designed by technical people who are trying to make the item as reliable and dare I say, marketable as possible, given (or in spite of) our ability to meet their outrageous price points. It's the rare member among our service that has the proven analytical skills, academic standing and actual command experience to deliver the kind of world-class solutions we so desperately need and possess the eloquence to describe it to us and other stakeholders.

Bergen County's 9-1-1 and Communications Center has official formed an Advisory Board, something long championed by this Association. At last month's regular meeting former Chief Justin Lahullier delivered a simple but eloquent description of a new hand held radios that will provide his department with leading-edge connectivity across both broadband and 700/800 MHz, VHF and UHF-H bands while exceeding the IP68 and MIL-STD-810G standards. Because of his unique abilities to describe the most complex in the most eloquent terms Chief Lahullier has been tasked with the significant responsibility to represent this Association at the County's Advisory Board.

Chief Lahullier and all members of the Advisory Board need to resist the siren call to add just one more redundant component, circuit, or another backup to the backup to the backup. The Advisory Board needs to guide all of us to a communications solution that will provide all of the emergency services with a solution that

works across manufactures hardware platforms and gives us all a long lasting solution and the ability to talk to everyone we need to—and no one we don't.

Be safe
Peter Hodge, President

HOT BOX

1. The Afterlife of Electric Vehicle Batteries *(article link active on the Association website)*

Electric vehicle batteries still have a storage capacity of around 80 percent after they're removed from their vehicles, and can be reclaimed for a "second life" as stationary power sources, reducing the need for additional power production and helping to shrink landfill waste. Read more at.....

http://www.ul.com/inside-ul/the-afterlife-of-electric-vehicle-batter-ies/?mkt_tok=eyJpIjoiWmpabE5UZGpNakF5WIRRDylsInQiOiJiZjFpcFdrYitvcXREWXZMQWttNnpWY3F5dHhUTDND RGNNeHYyUEaS-aS-GIYZE5sbTFRSk5iRmFcL3JCNUphNGHlamVacTZaU0NsXC94QIYwOFp6UmtVVUh0OWxNUE5tT2VnUk52SOVINWJO NHcwPSJ9

"What will soon be impacting the fire ground, recycled electric vehicle batteries once they are no good for the vehicle (e.g. home battery system as alternative/secondary power source, etc.)? The question we need to ask is, what is the 'second life' timespan for its reusable application? There are no clear answers yet, however, we will be seeing more and more new technologies running ahead of the code and standard cycles as we go forward"

Editorial Opinion – Jack Murphy

2. Running a Volunteer Fire Department

A book to read for today's volunteer fire chief is [Running a Volunteer Fire Department](#) which is written by Harry E. Carter. Chief Carter has served both as a volunteer fire chief with Howell Fire District No.2 and a battalion chief with the Newark Fire Dept. Some topics covered are: financial matter, leadership issues, communications and decision making, organizational behavior, management skill & styles, training, ethical behavior, mentoring, etc.

To purchase the book go to: <http://www.lulu.com/shop/dr-harry-r-carter/running-a-volunteer-fire-department/paperback/product-22544383.html>

3. Solar PV Safety for Firefighters

A free, self-paced, interactive, online training course designed to give firefighters the knowledge necessarywhen responding to fires on PV powered equipment....



Go to: <http://client.prod.iaff.org/#page=SolarPVHome>

Discipline - Suspended Without a Hearing – Ignored a Direct Order

Did the imposed discipline violate the applicable civil service laws? Was the suspended volunteer firefighter entitled to a hearing before the suspension was awarded? Does it make a difference if the discipline awarded was suspension rather than permanent removal?

Suspended without a hearing – ignored a direct order

Issues: Did the imposed discipline violate the applicable civil service laws? Was the suspended volunteer firefighter entitled to a hearing before the suspension was awarded? Does it make a difference if the discipline awarded was suspension rather than permanent removal?

Robert McEvoy (“Petitioner”) a volunteer firefighter for the Oyster Bay Fire Company No. 1 (“Fire Company”), was suspended for a period of one year after a decision was made by the Chief Officers of the Fire Company. There was no hearing wherein Petitioner would have been allowed to plead his case.

The suspension was awarded when the Chief Officers agreed that Petitioner “potentially endangered the safety of other firefighters responding to an emergency, ignored a direct order of a Chief Officer, and acted in a disorderly fashion and in a manner unbecoming of a member of the Oyster Bay Fire Department (“OBFD”).”

Upon appeal, the Disciplinary Review Board (“Review Board”) reduced the penalty to a suspension from active duty for a period of six months and suspension from social functions for another period of six months.

Petitioner brought this action against the Fire Company, the OBFD, and the Review Board and named individuals (“Appellants”) to review the discipline awarded and to compel the Fire Company to retroactively reinstate him to his position with the Fire Company on the grounds that the disciplinary proceeding failed to comply with the requirements with Civil Service Law §75.

The Supreme Court remitted the case to the Fire Company to conduct a hearing in accordance with Civil Service Law § 75 and ordered a new hearing thereafter. The court also ordered that the hearing be conducted pursuant to General Municipal Law § 209-I rather than Civil Service Law §75, which provides the statutory predicate for the Supreme Court’s determination to direct a hearing on the disciplinary charges preferred against the Petitioner.

The appeal followed. Appellants argued that they were not required to comply with the hearing requirements of General Municipal Law §209-I because this matter did not involve Petitioner’s removal from the Fire Company.

Mission Statement

Our intention is to report legal matters and the outcomes of lawsuits in order that YOU learn from the experiences of your colleagues. We do not give legal or any other professional advice, nor do we guarantee the accuracy of our content. Rather, we strongly urge you to have access to competent, experienced attorneys. We hope that this information will help you avoid needless litigation; successfully defend against legal claims that are unavoidable; and use the law to protect your community.

Laws and court decisions are frequently changed, and what you may read in this and other legal publications might not pertain to all jurisdictions and may have been superseded by new laws, a more current decision, or a different interpretation of the law. Thus, you should not rely on this or other services without first seeking advice from your attorney. The cases we report are complex with many issues. We urge that you and your attorney

ney refer to the citation we provide with each article and read the entire case before making decisions with legal implications

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You are under no obligation to take any action on any of these or regular renewal notices. We intend to earn your business and hope your renewal will indicate your satisfaction. For that reason, we ask that you not renew beyond two years. Thus, if a renewal comes in that will exceed two years, our database program will hopefully catch it and we will call you.

Your Privacy Will Be Protected

We respect your privacy. Your email address and fax number will not be given out to any third party. If you do not want your name used for future mailings by us or third parties, please inform us of all variations of your name and title and we will make every effort to remove them from our lists.

We send out renewal notices several months before expiration. Most local governments must process orders through a purchase order system. If you want only one notice at expiration, please so advise.

Decision: Affirmed.

There is no merit to Appellants' reason for appealing the lower court decision. Subsection (3) of General Municipal Law § 209-1 provides, in part: "... removals on the ground of incompetence or misconduct, except for absenteeism at fires or meetings, shall be made only after a hearing upon due notice and upon stated charges and with the right to such officer or member to a review pursuant to Article 75 of the Civil Practice Law and Rules. Such charges shall be in writing and may be made by any such authority. The burden of proving incompetency or misconduct shall be upon the person alleging the same."

"A volunteer firefighter must be afforded due process in disciplinary proceedings." Matter of Greene v. Medford Fire Department, 6 AD3d 705. The court reasoned that the penalty that is ultimately imposed entails the firefighter's permanent removal from his or her position, or a suspension from that position.

The court examined the wording of the applicable statute and concluded that a volunteer firefighter may only be temporarily suspended, without a hearing, from the time the charges are filed until the ultimate disposition of the charges, but that a hearing must be conducted at any time between the time the charges are filed until the ultimate disposition of the charges. It follows that Appellants were required to comply with the procedures set forth in General Municipal Law § 209-1. Matter of Bigando v. Quick, 97 AD2d 609.

Citation: McEvoy v. Oyster Bay Fire Company, et al., Supreme Court of the State of New York, Appellate Division, Second Judicial Department 2012-05377,18049/11 (2014).

SOG's & SAFETY ALERTS

NEW TAB: To assist county fire chief officers and company officers, a new section has been added to enhance a Department's SOG's along with SAFETY ALERTS. You may find the SOG/Safety Alert Tabs on the Association website. See below



200 CLUB OF BERGEN COUNTY



Valor Awards Reminder: For the 2016 / 200 Club of Bergen County Valor Awards Ceremony, we remind the Departments that this is an opportunity to recognize the men and women that have given of themselves above and beyond the call of duty in the fire service. If you have such a person who meets the criteria for a Valor Award, Meritorious Service Award, Distinguished Service Award or the John J. Rinaldi Special Recognition Award, go to the website at: www.200club.org

2ND ANNUAL "HARVEY" TRAINING SYMPOSIUM

TBA

MESSAGE BOARD

DUES ARE IN ORDER

Renewal Membership form attached

Command Post Update: Commencing this year the Association eNewsletter will be published 3 times for the periods of: Jan/Apr., May/Aug, and Sept/Dec.

NEXT COUNTY CHIEFS MEETING

Date: Monday Feb. 13th
Time: 7:30 PM
Location: Westwood Fire Headquarters
93 Center Avenue

