

Cromwell Fire District

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FIRE DISTRICT OFFICE
WATER DIVISION

FIRE DEPARTMENT
FIRE MARSHAL'S OFFICE

BOARD OF COMMISSIONERS

Fire and Water Divisions

Tuesday, March 19, 2019

7:00 PM

Coles Road Firehouse
105 Coles Road
Cromwell, CT

The Commissioners of the Cromwell Fire District held their monthly Board of Commissioners' Meeting on Tuesday, March 19, 2019, at 7:00 PM, at the Coles Road Firehouse, 105 Coles Road, Cromwell, CT to discuss and act upon Fire and Water Division business.

Commissioners Lee Brow (President), Roger Rukowicz, Jason Hinnners, David Colligan, Charles Epstein and Mertie Terry attended. Also attending were Executive Director Julius Neto, Operations Director S. William Jarzavek, Water Foreman Joseph Palmieri, Fire Chief Michael Terenzio, Assistant Fire Chief Jason Brade, Assistant Chief EMS Robert McIntyre and Michael Alibrio from BlumShapiro. Commissioners Johnathon Hamlin, Robert Donohue and Allan Spotts had excused absences.

The meeting was called to order at 7:05 PM, by President Brow. The Pledge of Allegiance was led by President Brow.

APPROVAL OF AGENDA

A motion was made by Commissioner Epstein, seconded by Commissioner Hinnners and unanimously approved to amend the Agenda as follows: under New Business, Item E. will be removed and replaced with Update on the Joint Meeting between the Town and the District, and the Independent Joint Study. Also under New Business, Item G. will be added and shall read: Seth Zepka, New Part-Time Dispatcher.

PUBLIC COMMENT

Mr. S. William Jarzavek gave his sincere thanks to everyone for his surprise retirement party held on March 8. It was held at the Coles Road Firehouse, and he had a great time. He appreciated all the trust the Board has given him through the years. The Board will be in good company in the 20th century under Joe Palmieri's leadership, and Mr. Jarzavek is confident the District will go far into the 21st Century. Mr. Jarzavek thanked everyone from the bottom of his heart. President Brow acknowledged Mr. Jarzavek's 47 years, 9 mos. & 29 days of service and noted that Mr. Jarzavek is part of the family and hopes he will visit the District often.

APPROVAL OF THE BOARD OF COMMISSIONERS' MEETING MINUTES OF
FEBRUARY 19, 2019

A motion was made by Commissioner Rukowicz, seconded by Commissioner Hinners and unanimously approved to accept the Board of Commissioners' Meeting Minutes of February 19, 2019, as submitted.

APPROVAL OF THE SPECIAL DISTRICT MEETING MINUTES OF
FEBRUARY 19, 2019

A motion was made by Commissioner Rukowicz, seconded by Commissioner Hinners and unanimously approved to accept the Special District Meeting minutes of February 19, 2019, as submitted.

APPROVAL OF THE SPECIAL BOARD OF COMMISSIONERS' MEETING MINUTES OF
FEBRUARY 26, 2019

A motion was made by Commissioner Rukowicz, seconded by Commissioner Hinners and unanimously approved to accept the Special Board of Commissioners' Meeting minutes of February 26, 2019, as submitted.

READING OF COMMUNICATIONS & WRITTEN APPEALS TO THE BOARD

There were no communications or appeals to report.

REPORTS OF THE STAFF

A. Executive Director. The Executive Director's Report for February had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. Mr. Neto gave some highlights from his report stating that he is still doing some legwork on the insurance coverage issue. He had planned on giving a full presentation, but does not have all the data. He is planning to go to the Personnel Committee first and then the Board. His work and research is ongoing and involves every aspect of insurance. He will be looking for approvals to modify the District's insurance company/coverage to make sure all casualty and liability as well as medical insurances are covered in the new fiscal year. The preliminary budget numbers are done. Mr. Neto and Mr. Alibrio met with Brown & Brown today to solidify some numbers. He will be working with the Chair of the Executive Committee to set up some time with the Committee for some pre-work and then set up some times for the committee to meet to start the budget process. He has been working with the Tower Manager and had met with representatives from Middletown to evaluate equipment at the Tower. Mr. Bartolotta is looking to remove all the equipment by early to mid-summer. Prior to that activity, Marcus Communications will be removing equipment and clearing space. Firefighter interviews were conducted to fill a career firefighter vacancy. Mr. Neto has presented the final decision to the Personnel Committee which will be discussed later on at this meeting.

A motion was made by Commissioner Terry, seconded by Commissioner Hinners and unanimously approved to accept the Executive Director's report for February as presented.

B. Financial Report. The Financial Report for February arch had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. Mr.

Alibrio reported there were no items to be addressed in the report, but as requested by Commissioner Epstein at last month's meeting, Mr. Alibrio has highlighted all the line items in the detailed report on pages 6 through 9 and again on page 13. These are identified as any line items that have a variance of over 5% versus what it should be at this time of the year. These items are items that are over budget.

A motion was made by Commissioner Rukowicz, seconded by Commissioner Epstein and unanimously approved to accept the Financial Report for February as submitted.

- C. Fire Department Chief. The Chief's Report for February had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. Chief Terenzio added some highlights stating that over the past month he has begun to meet with different area fire chiefs to discuss different issues. It was started because of the tanker fire in Rocky Hill that occurred recently. The Chief was pleased with Cromwell's support that day. Training at Covenant Village will be concluding soon. It started a couple of months ago under Assistant Chief Brade's direction and coordination. It has been reported that it has been meaningful. Chief Terenzio will be sending a letter to Covenant Village thanking them for the use of the buildings. He is finishing up on a Safer Grant submission. Submission is due on Friday, March 22. He also reached out to the FEMA grant division to find out about the two submissions from Cromwell.

A motion was made by Commissioner Rukowicz, seconded by Commissioner Hinnners and unanimously approved to accept the Chief's Report for February as submitted.

- D. Water Operations. The Operations Report for February had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. Mr. Palmieri highlighted the report. There were no additions or questions.

A motion was made by Commissioner Epstein, seconded by Commissioner Hinnners and unanimously approved to accept the Water Operations Report for February as submitted.

REPORTS OF THE STANDING COMMITTEES

- A. District Operations. There was no meeting.
- B. Executive Committee. There was no meeting.
- C. Fire Operations Committee. A meeting was held on February 19, 2019. Minutes were previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. Commissioner Colligan reviewed the minutes regarding the current updates on communication issues and issues within the Fire Department. A meeting was also held before this Board meeting tonight. It was regarding updates on communication issues. He announced that a Communications Subcommittee meeting will be held on March 28, 2019, at 5:30 PM, at 1 West Street. They will be discussing how to proceed with the communications project at that meeting.

A motion was made by Commissioner Rukowicz, seconded by Commissioner Hinnners and unanimously approved to accept the Fire Operations Committee meeting minutes of February 19, 2019, as submitted.

1. Communications Subcommittee. Communication issues were discussed under the Fire Operations Committee report previously at this meeting.
- D. Pension Committee. President Brow stated that a meeting was scheduled for tomorrow evening, but has been canceled because there will not be a quorum.
- E. Personnel Committee. Commissioner Epstein stated there was a meeting last night on March 18, 2019. The proposal from the Subcommittee on Non-Career Staffing Solutions was presented to the Personnel Committee at their meeting on March 14, 2019. After some time to review and discuss the proposal, a meeting was held last night so the Personnel Committee could vote on that proposal. The recommendation of the Committee was to not accept the proposal as it stood, and refer it to the full Board of Commissioners. Minutes of the March 18, 2019 Personnel Committee meeting were distributed to the Commissioners for review at this meeting.

A motion was made by Commissioner Rukowicz, seconded by Commissioner Hinnens and unanimously approved to accept the Personnel Committee meeting minutes of March 18, 2019, as submitted.

A motion was made by Commissioner Rukowicz, seconded by Commissioner Hinnens and unanimously approved to accept the recommendation of the Personnel Committee to reject the proposal presented to them by the Subcommittee on Non-Career Staffing Solutions.

- F. Water Operations Committee. Commissioner Rukowicz reported that the next quarterly meeting will be in May.

BOARD APPOINTMENTS

President Brow announced that since the Board of Commissioners voted to not accept the staffing solution as submitted by the Personnel Committee, this is an issue that needs to be rectified as soon as possible. It cannot continue to fester and needs to move forward. Therefore, it is the directive of the President of the Board of Commissioners that the Chairman of the Fire Operations Committee and the Chairman of the Personnel Committee discuss and appoint one Commissioner from their Committees to serve on a work group to come to some resolution on this issue. The Fire Chief and the Executive Director will sit Ad Hoc on this work group as directed by the President of the Board of Commissioners. The President would like to see something presented at the next Board of Commissioners meeting. If a Special meeting is needed to be called in order to implement something before that time, the President will do so unless there is something that can be presented at next month's Board meeting. The President stated that this issue needs to move forward as soon as possible.

CONSIDERATION OF OLD BUSINESS

- A. Report of the Town Council Liaison. The Town Liaison was not present.
- B. Reports of the Special Committees
 1. Public Safety Tower Committee. There was no meeting. The next meeting will be May 17, 2019.
 2. Safety/Building Committee. The next meeting will be in April.
 3. Bylaws Committee. The next meeting has been scheduled for April 23, 2019.

NEW BUSINESS

- A. Commissioners' Comments. Commissioner Epstein commented that the Special Personnel Committee meeting that was held last evening was not an easy meeting. The decision was not an easy decision to make, but the Committee will provide two people to the work group that will work hard to have another proposal for the next meeting. President Brow commented that going forward, the Fire Chief would know better specifics on NFPA and ISO standards that would tie into what is expected for a Fire Department the size of Cromwell regarding how many individuals should be on scene. There are safety issues with those situations, and documents should be able to be provided for reference. This would keep Cromwell in compliance not only with FLSA and CT Wage and Hour laws, but also be in compliance with ISO and their recommendations as well as NFPA and their recommendations for coverage. The President asked that the information be included in the work group's proposal. Commissioner Colligan asked that the Chief and the Executive Director electronically forward the NFPA and the ISO information to the work group participants. Commissioner Colligan asked that the information also be forwarded to all Board members for their information so that they can be prepared when it comes time to vote on the proposal.
- B. Budgetary Adjustments – Water Capital Fund. A resolution was read by the Secretary of the Board and a motion was made by Commissioner Colligan, seconded by Commissioner Rukowicz and unanimously approved to be it resolved that the Board of Commissioners of the Cromwell Fire District consider and act upon a resolution to approve budgetary adjustments to the Water Capital Fund budget for fiscal year ending June 30, 2019, as reflected in the worksheet provided by Blum Shapiro at the Board of Commissioners' Meeting of March 19, 2019. A copy is attached to the minutes on file in the Fire District Office, to re-allocate available funds for purchase of additional meters; \$4,000 from Water Capital – Hydrants (35929-5722) to Water Capital – Meters (35904-5720).
- C. Approval of Contracts/Contractors. President Brow stated that a couple of months ago he made a motion to approve Rose Kallor, LLP, as the District's legal counsel; specifically counsel for the Commissioners and the Commission as a whole. It was approved, but it was approved with the stipulation that every year the law firm submit an RFP and the process be repeated annually. The President asked that the process be revisited because if the Board has someone representing them at that level that has spent a year or two already associated with the District, they should not have to go through RFP's and look for other counsel instead of using someone that has already put the time in. Rose Kallor, LLP, is already familiar with the District and its operations. He felt it would be a disservice to the people of the District whether it's the same people on the Board or different people in the future. The law firm knows the District and its activities. He would like to have them approved as a contractor and have the requirement of an annual RFP be removed.

A motion was made by Commissioner Hinners, seconded by Commissioner Rukowicz and unanimously approved to allow Rose Kallor, LLP, to continue without an RFP.

- D. Personnel Committee Update/Discussion/Possible Decision on Staffing Model. This issue was discussed earlier on the agenda.
- E. Update on the Joint Meeting Between the Town and the District and the Independent Joint Study. Mr. Neto reported that a second meeting was held between the Town Manager, the Mayor, Mr. Neto, the Vice President of the Board and the President. The focus was on what

opportunities are available based on statewide discussions on regionalization and new Bills being brought forward in Hartford . The discussions were professional, and it was a positive environment. It is important that both the Town and the District be educated on each other's different needs. There also needs to be an understanding of the function of the Communications Center. There is a lot of diluting of tasks that are performed by the Cromwell Fire Department every day that is not fully recognized for its role in protecting and serving the community. There have been some poor historical perspectives that have been passed on. People have not been given the facts so that they can formulate their own opinion. The Town representatives are on the same page regarding the misperceptions or misconceptions about roles. That is the reasoning behind the joint study. To determine what each other's roles are, and if there are ways to come together.

The other issue discussed at that meeting was the Nike site tower. It is another opportunity for the District and the Town. Years ago The Town worked with the District owning the tower at Shunpike and the Town owning the PSAP. Now is the District's opportunity to work with the Town again. The Town has two acres at the second highest point in the Town. Mr. Neto feels it is another opportunity for the District to construct a tower on that site and enjoy the financial benefits. The Town Manager and the Mayor are in agreement. Mr. Neto has requested the coordinates for the tower on that site so that he can contact Attorney Dineen to move forward. There was an extended discussion regarding regionalization of PSAP's.

President Brow discussed the reason for the Town's correspondence to the District regarding insurance coverage. There was a process that was initiated by the District at some level to modify certain aspects of the insurance coverage separate from the Town's coverage and for the District to get better rates. It was not feasible to pick certain aspects of insurance coverage to benefit the District. Commissioner Colligan added that the joint study regarding regionalization was done by Police Chiefs and not any Fire service representation. He added that a fantastic demonstration was done this evening at the Fire Operations Committee meeting by the Communications Center personnel to help understand how they operate and why that operation is so important. Commissioner Colligan thinks it is important to get this information out in a joint meeting with the Town. At this point the President asked to revisit and join with the Town to have an independent study done to determine where the Town and the District can or can't share cost or save cost for the tax payers of Cromwell.

A motion was made by Commissioner Rukowicz, seconded by Commissioner Hinnens and approved 4 to 0 to approve a joint study between the District and the Town as it would be beneficial to all. Commissioner Terry was opposed.

- F. Approval of Full-Time Career Firefighter Replacement. A motion was made by Commissioner Colligan, seconded by Commissioner Epstein and unanimously approved to accept the recommendation of the Fire Chief and the Personnel Committee to hire Mr. Francesco Marotta as a full-time career Firefighter.
- G. Seth Zepka – New Part-Time Dispatcher. Mr. Neto explained that Mr. Zepka was a full-time career firefighter in Cromwell. He does not have to be rehired, but rather a transfer of title and status from full-time to part-time. He comes well recommended by the Communication center staff, management staff, President of the Union and the Fire Chief. President Brow asked for clarification as to why a full-time firefighter in Cromwell would go to a full-time firefighter position at South Fire District and still be recommended for a part-time dispatcher position in Cromwell. Mr. Neto had done an exit interview with Mr. Zepka. He stated that

he left the Cromwell Fire Department because he can't afford it financially and also the schedule. He did love the Town, his colleagues and the people.

A motion was made by Commissioner Colligan, seconded by Commissioner Rukowicz and unanimously approved to transfer Seth Zepka from a full-time career firefighter position in Cromwell to a part-time Dispatcher in the Communications Center in Cromwell.

PUBLIC COMMENT

Roger Thompson addressed the Board regarding the Subcommittee for Non-Career Staffing Solutions. The Subcommittee worked very diligently for three months with members of the Department, the Chief's office and the Commission. It seems wrong that because the Board did not like the solution that was proposed to remove the Department members from the Committee.

The President reviewed the objectives of the forming of the Subcommittee. It does not seem wise to start over again. He commended those involved and the presentation that was given. However, there are still issues with FLSA and categorizing members as volunteers with the monetary compensation they are given. Pay per call violates the minimum wage law. Although it is true there are other Departments in the State that do pay per call, they are breaking the law. They are getting away with it because the authorities overseeing it, that is DOL and/or Federal DOL are turning a blind eye to it for certain reasons. Volunteerism is dwindling throughout the country and it is expensive to Departments. The solution for some has been to compensate monetarily. The Executive Director has done extensive research, and even if a person is paid \$1, they are considered an employee. The only thing the District can provide that does not violate FLSA, DOL minimum wage standards is a pension. That will be collected at age 65 once a person retires. The IRS will collect what is owed them but it will be when a person retires. If a stipend is given, a person is considered an employee. The President cannot subject the taxpayers to pay more in taxes to replenish the money spent by the District paying fines to the State and the federal government. It would be against his fiduciary responsibilities as an elected official to do that to the taxpayers. The Per Diem was a good idea, but people would not get a pension or a stipend because the people are contractors at will. The issue is per diem employees sign up for what they want when they want. The responsibility of the Commissioners is to guarantee consistent, well-trained, the best trained predictable services to the people that call 9-1-1. The District also needs to comply with NFPA, ISO and DOL FLSA. There cannot be another committee that would recommend a similar solution as the original one proposed. A part of the solution was moving an individual from a volunteer to a per diem employee when they are getting to their maximum earning cap. That is also a fineable offense because it is a circumvention of FLSA. Commissioner Epstein stated the work group will work hard to develop a workable solution.

The President also stated that the rumors that management wants a full career department are false. Commissioner Epstein added there is no attempt to get rid of anyone in any capacity. The President made clear that it is not the intent at all to remove anyone from any positions within the Cromwell Fire Department. There is no grooming taking place for the paid positions. The only ones who have the authority to hire and fire is the Board of Commissioners through the Personnel Committee.

Jennifer Anderson wanted to thank the Commissioners for their efforts in trying to make things work. It is appreciated by the members. She also stated that the subcommittee had requested to have the proposal vetted by an attorney and were told they could not do that. She also had

concerns about not having representation of the membership on the new committee. They have done a lot of research and have a lot of knowledge.

Nicole LaTerra requested that a Public Comment agenda item be added to all agendas including committees and subcommittees, and the Commission being more diligent about having meeting minutes on line. Mr. Neto noted that in checking with the FOI Commission, even if a meeting is a special meeting, Public Comment can be added because it is in the interest of getting information to the public and not withholding information from the public.

EXECUTIVE SESSION

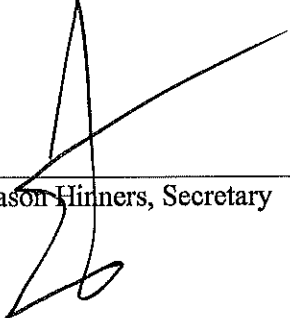
There were no Executive Session items for this meeting.

ADJOURNMENT

There being no further business, a motion was made by Commissioner Epstein, seconded by Commissioner Hinnners and unanimously approved to adjourn the meeting at 8:15 PM.

ATTEST:

Nancy Deegan
Recording Secretary
4-4-19



Jason Hinnners, Secretary