

Cromwell Fire District

1 West Street
Cromwell, CT 06416
Telephone 860-635-4420

FIRE DISTRICT OFFICE
WATER DIVISION

FIRE DEPARTMENT
FIRE MARSHAL'S OFFICE

BOARD OF COMMISSIONERS

Fire and Water Divisions

Tuesday, August 21, 2018

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, August 21, 2018, 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 Craig Murphy (President), Johnathon Hamlin, Charles Epstein, Roger Rukowicz, David Colligan, Jason Hinnars, Lee Brow and Robert Donohue attended. Also attending were Executive Director Michael Dagostino, Operations Director S. William Jarzavek, Fire Chief Michael Terenzio, Deputy Fire Chief Michael Salonia, Assistant Fire Chief EMS Robert McIntyre, Assistant Fire Chief Training DJ Zordan and Michael Alibrio from Premier Accounting. Commissioner Julius Neto was absent.

The meeting was called to order at 7:00 PM by President Murphy. The Pledge of Allegiance was led by President Murphy.

APPROVAL OF AGENDA

A motion was made by Commissioner Epstein, seconded by Commissioner Hamlin and unanimously approved to accept the agenda as submitted with the addition of Fire Chief Appointments under New Business as Item E. The President stated he would like to have a brief Executive Session at that time. It was agreed to have Executive Session as Item E. and the Fire Chief Appointments as Item F.

A motion was made by Commissioner Brow, seconded by Commissioner Hamlin and unanimously approved to accept the changes to the Agenda as stated.

PUBLIC COMMENT

Ashlynn Delbone-Cooke, 12 Grove Road, addressed the Board. She stated that she has been an EMT with the Cromwell Fire Department for 6 years. She stated that back in 2014, she was informed that her W-4 form was lost in the District Office. She went to the District Office and was shown by one of the employees an empty Personnel folder. She stated that the employee told her she had no paperwork on Ms. Delbone-Cooke and that it needed to be redone and refiled. Ms. Delbone-Cooke completed new paperwork at that time.

On July 11, 2018, she had to file new paperwork because she got married and had a name change. She gave it to the Chief's assistant who put it in a sealed folder. Ms. Delbone-Cooke stated her concerns to the Assistant because the paperwork had been lost in the past. The Assistant assured her that the sealed folder would be forwarded to West Street with the employee's name on it that was to receive it. On August 13, Ms. Delbone-Cooke received a phone call at work from the Chief's assistant who informed her that they had received a message from the West Street office that the paper work was not in the District Office. The District Office advised that they did not know who Ashlynn Cooke was and that new paperwork for a new employee needed to be filed. The Chief's Assistant informed the office that Ms. Cooke had been an employee of the District since 2012, and the paperwork had been filed on July 11, 2018, and was forwarded to the District Office. The Chief's assistant called the District Office the next day to ask them to look in Andrew Cooke's folder since that was her new husband and thought the paperwork may have been filed in his folder in error. The Chief's office was told that the paperwork was not in that folder either. The next day Ms. Cooke went to the District Office and introduced herself to the District staff in charge of personnel files. At that time she was asked to fill out another W-4. Ms. Cooke stated that she would not fill out another form because it would be the second time her W-4 had been lost, and she was not filling out another one because she knew her paperwork was in the District Office. Ms. Cooke gave some of the excuses she received from the District Office such as, "it's not here" multiple times, all paperwork is supposed to be filed at West Street, which is why it did not get there correctly. She was told that someone else's paperwork had been filed in her husband's folder even though Ms. Cooke saw the envelope get sealed at the desk of the Chief's assistant. Ms. Cooke responded that it was physically impossible.

At that point the District employee proceeded to knock on the Executive Director's door which was closed. The Executive Director came out to address the concerns. She told him this was the second time her paperwork had been lost and did not feel comfortable filling out more paperwork with her personal information on it. Ms. Cooke stated she was off from work that day and had all kinds of time to wait until her paperwork was found. The Executive Director responded that he "did not." Ms. Cooke proceeded to sit down, and waited 26 minutes (she timed her wait). Ms. Cooke stated both the Executive Director and the District employee proceeded to shuffle through paperwork on their desk. After waiting 26 minutes Ms. Cooke stated that she heard the Executive Director tell the District employee that, "This is all we have. Ask her if this is correct." The employee handed the W-4 to Ms. Cooke dated July 11, 2018. Ms. Cooke asked the employee if this was the paperwork she never had, and the employee replied that it was. She stated she did not receive an apology, and no one was held accountable for losing her paperwork twice that had her personal information on it. She was annoyed that staff at Court Street are blamed for mistakes even though they go above and beyond their job to get things accomplished. In this situation the Chief's Assistant got the blame when the paperwork was at West Street the entire time. It was established that the situation has been resolved although it was noted by Ms. Cooke that the paperwork had been sitting on the Executive Director's desk from July 11 until found on August 16.

The President stated that what may need to be looked at is the process, and that changes may need to be made. It may be an issue such as having all paperwork regarding personnel information completed at West Street. That would eliminate the issue of personal information going back and forth between two offices. Commissioner Brow asked if the original paperwork from 2014 was ever found. Ms. Cooke stated that it was never accounted for, and she was told at the time that it was more than likely in a box when personnel files were moved from Court Street to West Street. President Murphy noted that the locations at both offices are securely locked areas, although that is not an excuse.

APPROVAL OF THE BOARD OF COMMISSIONERS' MEETING MINUTES OF
JUNE 19, 2018

A motion was made by Commissioner Hamlin, seconded by Commissioner Hinners and unanimously approved to accept the Board of Commissioners' Meeting Minutes of June 19, 2018, as submitted.

APPROVAL OF THE SPECIAL BOARD OF COMMISSIONERS' MEETING MINUTES OF
JUNE 21, 2018

A motion was made by Commissioner Hamlin, seconded by Commissioner Rukowicz and unanimously approved to accept the Special Board of Commissioners' Meeting minutes of June 21, 2018, as submitted.

READING OF COMMUNICATIONS & WRITTEN APPEALS TO THE BOARD

The Board reviewed a request that was tabled from the last meeting. The request was re-read and reviewed. The request was to waive the ambulance bill of \$867.36 due to the financial circumstances of the patient.

A motion was made by Commissioner Brow, seconded by Commissioner Epstein and unanimously approved to waive the ambulance bill of \$867.36. A letter which includes the decision of the Board to Quick Med Claims will be forwarded.

REPORTS OF THE STAFF

- A. Executive Director. The Executive Director's Report for June and July had been previously submitted and reviewed. A copy is attached to the minutes on file in the Fire District Office. Mr. Dagostino gave a brief narrative of the report. He stated that regarding the Public Safety Tower, all the private tenants that are on it are requesting modifications, which is affecting the load factor. There is a lot of work to be done, and the District is working with its Attorney on all the requests. Local 4662's contract expired on July 1, 2018. Negotiation dates have been set to negotiate a new agreement. The audit is underway. The District is close to closing its fiscal year. The District's Attorney is trying to work with private land owners to secure spots for the new radio/voting system. The Attorney has also been working with the owner of 14 Alcap Ridge on the tax lien issue. There are some new policy proposals for the District that will come before the Board later at this meeting. They were distributed to the Commissioners earlier in the week for review.

A motion was made by Commissioner Hamlin, seconded by Commissioner Brow and unanimously approved to accept the Executive Director's Report for June and July as submitted.

- B. Financial Report. The Financial Reports for June and July had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. Mr. Alibrio added that the auditors were in the office last week for the preliminary start to the District's audit. It is the beginning of the fiscal year so the office is getting purchase orders in place. Commissioner Donohue had some concerns about the accounts and how they are spent. Mr. Alibrio explained how some of the accounts operate. Commissioner Epstein had concerns about ambulance billing and whether or not the District is where it should be with

collections. Mr. Alibrio commented that he believes the District is right where they should be with ambulance billing. Mr. Alibrio offered to forward to Commissioner Epstein a breakdown of the billing and what is being forwarded to collections. He had done this in the past and offered to update his data. Commissioner Epstein asked if there was a way to save money by renegotiating the contract with the vendor or looking for a new vendor. There was discussion regarding going out to bid for ambulance billing with at least three bids to consider. Commissioner Epstein will forward the names of interested vendors to the Executive Director to go out to bid and will discuss at next month's Board meeting.

A motion as made by Commissioner Brow, seconded by Commissioner Hamlin and unanimously approved to accept the Financial Report for June and July as submitted.

- C. Fire Department Chief. The Chief's Report for June and July had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. Chief Terenzio referred to last month's report. He regretfully informed the Board that the sale of the rescue truck fell through. The party from South Carolina that was interested has decided that the apparatus is too large for their needs. They have an alternative. The Chief contacted the broker who explained that this time of year is the end of the fiscal year for everyone. Everyone is watching their spending. The broker advised that they have been getting some interest in it. The Chief also reported a roof leak at Court St. The staff has identified the leak and done some temporary patching to it. The Chief also reported there is a bird issue at Court St. It is getting to the point where it is becoming a health hazard. The birds are defecating on apparatus and gear. The Chief has gotten a couple of quotes, but there are not a lot of companies that remove birds. The Chief will bring his information to the next Safety/Building Committee meeting.

A motion was made by Commissioner Brow, seconded by Commissioner Hamlin and unanimously approved to accept the Chief's Report for June and July as submitted.

- D. Water Operations. The Operations Report for June and July had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. Mr. Jarzavek added that they pumped a lot of water in July. They won't pump as much this month. He also noted they are approximately 80% complete with flushing hydrants. They are still working on radio reads. Mr. Jarzavek and Mr. Palmieri met with Prime A/C on the conversion of the VFD's on Wells 3 & 4. They are waiting to hear back from a supplier. They may have to change out the cabinets because of the size of the components to go in it. Photos and measurements were taken.

REPORTS OF THE STANDING COMMITTEES

- A. District Operations. President Murphy reported that they did meet on August 2, 2018, and there were discussions but no notes, and no report.
- B. Executive Committee. There were no meetings and no report.
- C. Fire Operations. There was no quorum for a meeting in June or July.
1. Communications Subcommittee. Minutes/notes from the May 14, 2018, had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. Commissioner Colligan also noted the Committee met on August 7, 2018. Proposals were reviewed and options were discussed. Commissioner Colligan

emphasized that this system will become the District's core radio system. It is not Dispatch. Presently, the radios are still inadequate. A proposal was received from the State of CT. The Subcommittee met with them to review their proposal. No decisions have been made thus far. They are trying to find ways to save money. Commissioner Colligan stated that a meeting is being scheduled for next Thursday, August 30, 2018, at 5:30 PM, at 1 West St. The meeting will be to discuss what direction the Subcommittee will take.

A motion was made by Commissioner Brow, seconded by Commissioner Hamlin and unanimously approved to accept the report of the Communications Subcommittee.

- D. Pension Committee. There has been no meeting and no report.
- E. Personnel Committee. Meetings were held on July 23, 2018, and August 8, 2018. Minutes had been previously distributed and reviewed. Copies are attached to the minutes on file in the Fire District Office. Commissioner Hamlin noted that the July 23 meeting was regarding the interviews for the Fire Chief positions and was held in Executive Session. The meeting on August 8, 2018, was regarding a review of the candidates for the positions.
- A motion was made by Commissioner Brow, seconded by Commissioner Hamlin and unanimously approved to accept the minutes from the Personnel Committee meetings of July 23, 2018, and August 8, 2018, as submitted.
- F. Water Operations Committee. There has been no meeting and no report. The next meeting is scheduled for November 6, 2018.

BOARD APPOINTMENTS

There were no appointments to report.

CONSIDERATION OF OLD BUSINESS

- A. Report of the Town Council Liaison. Ms. Slade was not in attendance to give a report.
- B. Reports of the Special Committees
1. Public Safety Tower Committee. A meeting was held on June 8, 2018. Minutes were previously distributed for review. A copy is attached to the minutes on file in the Fire District Office. Commissioner Rukowicz attended the meeting, and stated the minutes were self-explanatory regarding what transpired.
- A motion was made by Commissioner Brow, seconded by Commissioner Hamlin and unanimously approved to accept the Public Safety Tower Committee meeting minutes of June 8, 2018, as submitted.
2. Safety/Building Committee. A meeting was held on July 12, 2018. Minutes had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. Chairman Hinnners reported that they discussed the progress made on the check lists for each building. The issue with the birds at Court Street is being looked into. The air conditioning issue at Court Street has been remedied. Chairman Hinnners

spoke with the Executive Director within the last couple of days regarding things that were on his list during his absence. They plan on meeting again to revisit the list.

A motion was made by Commissioner Brow, seconded by Commissioner Donohue and unanimously approved to accept the Safety/Building Committee meeting minutes as submitted.

3. Bylaws Committee. Commissioner Epstein reported that the Bylaws Committee has been meeting through the summer. The last two meetings were July 31, 2018, and August 7, 2018. Minutes had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. The last meeting was to review the proposed changes of the two Bylaw documents, with consideration being given to combine both into one document. Chairman Epstein stated that the Committee is prepared to review the changes tonight at this meeting. These changes were reviewed by all the Commissioners at the last Committee meeting with the exception of one Commissioner who provided input electronically. Commissioner Brow has reviewed all proposed changes with the District's Attorney who has reviewed and approved all proposals. President Murphy asked if the Bylaws Committee needed to approve the changes made from their last meeting. Commissioner Brow responded that the Committee approved the changes that were made at their last meeting, and the changes were noted on the document at that meeting. The intention of the Committee at this meeting was to receive a vote of approval of the full Board of Commissioners' so that a public meeting can be scheduled for approval by the Town. The President stated that the intention of the Committee is not on the agenda for this meeting. It should have been noted on the Agenda under New Business. The President stated that as a point of order the approval of Bylaws should have been added as a separate agenda item. Commissioner Epstein proposed scheduling a Special Board of Commissioners' Meeting for next Monday night, August 27, 2018, for the purpose of reviewing the Bylaws for approval. If approved at that meeting, a Special District meeting can be scheduled for public review and approval where a vote can be taken.

A motion was made by Commissioner Brow, seconded by Commissioner Epstein and unanimously approved to schedule a Special Board of Commissioners' meeting for next Monday night, August 27, 2018, at 5:30 PM, at the Coles Road Firehouse for the purpose of reviewing the revised Bylaws for approval by the Board so that they can be presented to the public at a hearing for approval.

Commissioner Brow brought up two issues under the Bylaws Report for tonight. He added that both issues need to stop. The first issue is that some of the members of the Fire Department have been erroneously told that the Bylaws are changing, and giving the president power to override and veto any vote that the Commission has. This is absolutely false. The second issue is that Commissioner Brow has been accused of lying. He has been accused of lying about meeting with the Attorney on the Bylaws. It was stated from one Commissioner to another that Commissioner Brow never met with the Attorney or discussed the Bylaws. Commissioner Brow stated that at the last Bylaws Committee Meeting, an email from the Attorney was put on the overhead screen for everyone to see. The questions and concerns the Attorney had were addressed that night. They removed language that the Attorney said needed to come out. They complied with the Attorney's recommendations.

NEW BUSINESS

- A. Commissioners' Comments. Commissioner Brow commented on the issue brought up by Ashlynn Cooke. He stated that the District needs to do its due diligence when it is regarding personal information and identity theft. He added the District needs to do its due diligence to find the missing document and make sure this never happens again. President Murphy stated earlier that the action will be that the forms need to be filled out at West Street. There needs to be a conversation with the Chief and Executive Director that any paperwork to be filled out having to do with employment needs to be filled out at West Street. This needs to take effect immediately. Commissioner Epstein asked that a search be conducted attempting to find the missing document. Ms. Cooke noted that she had a string of emails with the Executive Director in 2014. She stated he was aware of it, nothing ever came of it, and a search was never done. That was the original document that was missing. Ms. Cooke feels that documents may have gone missing in 2014 when Personnel files were transferred to West Street from Court Street. The missing paperwork was from her start of employment with the Fire Department in 2012.
- B. Budgetary Adjustments – Water Capital Fund. A motion was made by Commissioner Hamlin, seconded by Commissioner Rukowicz and approved 7 to 2 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, to re-allocate available funds for purchase of one Husqvarna walksaw taking \$3,000 from Water Capital – Vehicles (Whelen light bar) (35925-5710) and \$1,025 from Water Capital – Hydrants (35929-5722) to Water Capital – Equipment (Husqvarna walksaw) (35935-5740). Commissioner Colligan abstained. Commissioner Neto was absent.
- C. Approval of Contracts/Contractors. There were no contracts or contractors to be approved.
- D. Proposed Policies. Attorney Kevin Deneen was present to discuss the documents proposed for approval. The first document was regarding a HIPAA Privacy and Security Policy and Procedures. This document had been sent to the Commissioners under separate cover for review. Attorney Deneen stated that back in February 2016, the Infoshred Company had come in to purge and shred some old documents that had been in a secured area in the basement of West St. At the same time there was a consolidation of documents at the Court Street and West Street firehouses. When Infoshred came in they left a door in the basement area propped open with a door stop. In that room was information regarding ambulance runs and other material that is considered protected health information. Attorney Deneen and the Executive Director went through the policies and procedures regarding this type of information. There did not appear to be a likely breach because of the location of the documents. Nothing had been disturbed, and no one else had been in that room during the week. Although nothing had appeared to be disturbed, they did reach out to the Department of Health Services for their guidance on the situation. Attorney Deneen had contacted their compliance department. They did work with the Office of Civil Rights in Boston, and they agreed that no breach had occurred. As they worked through the issue, they realized the Cromwell Fire District had never formulated any policies regarding compliance HIPAA reporting. Over the course of the last year Attorney Deneen and the Executive Director in working with Attorney Wilendez from the Office of Civil rights developed a series of policies and procedures which are compliant with the requirements for a HIPAA Privacy and Security Policy. Attorney Deneen stated that it is not unusual for smaller Fire and Ambulance services to be brought up to speed as that has been the focus of the Federal Government. He added that it is important and a good idea to adopt. The policies include how HIPAA information is

handled and how complaints are processed if someone wishes to file a complaint. There are procedures in place of how to do that. These policies have been approved by the Boston Office of the Office of Civil Rights. These policies document what employees are taught about HIPAA laws when they are first employed by the District.

A motion was made by Commissioner Hamlin, seconded by Commissioner Epstein and unanimously approved to adopt the Policies and Procedures regarding HIPAA notifications and procedures as presented.

- E. Executive Session. A motion was made by Commissioner Brow, seconded by Commissioner Epstein and unanimously approved to enter into Executive Session at 7:52 PM for the purpose of discussing personnel matters regarding the Fire Chief appointments and a discussion regarding a settlement agreement between the Cromwell Fire District and the owner of 14 Alcap Ridge.

A motion was made by Commissioner Brow, seconded by Commissioner Epstein and unanimously approved to adjourn Executive Session at 8:12 PM and reconvene the Board of Commissioners' meeting.

A motion was made by Commissioner Brow, seconded by Commissioner Epstein and unanimously approved to accept the recommendations from the Personnel Committee at their last meeting regarding Fire Chief appointments, which was read into the record and voted to approve.

A motion was made by Commissioner Brow, seconded by Commissioner Hamlin and unanimously approved to accept the draft document Settlement Agreement between the Cromwell Fire District and the owner of 14 Alcap Ridge as presented to the Commissioners by Attorney Kevin Deneen. This draft document will be finalized and prepared for signature by both parties.

- F. Chief's Appointments. Commissioner Hamlin, Chairperson of the Personnel Committee, announced the Fire Chief appointments as voted on by the Personnel Committee and approved by the Board of Commissioners. They are: Michael Salonia was reappointed as Deputy Fire Chief; Jason Brade was appointed Assistant Fire Chief of Training and Robert McIntyre was reappointed Assistant Chief of EMS.

PUBLIC COMMENT

The Bylaws Committee discussed the acceptance and ratification of the new Bylaws drafted by the Committee. As a point of order, President Murphy stated that because the ratification/acceptance was not added to the Agenda at the beginning of the meeting, this issue would need to be carried over to an agenda of a Special Board of Commissioners' meeting. It was agreed to schedule a Special Board of Commissioners' Meeting for next Monday, August 27, 2018, at 5:30 PM, at the Coles Road Firehouse to review, discuss and ratify the proposed Bylaw changes as presented by the Bylaws Committee. The public will be allowed to attend and comment.

Town Liaison Samantha Slade arrived later in the meeting, and was allowed to give her report under this item on the agenda. She began by stating that the Town has purchased the parking lot across from Mitchell's restaurant, but not the car dealership. There are plans to construct another hotel on Rte. 372. There are also plans to put in a new coffee shop behind Baci Grill on Rte. 372.

There are plans to put in 60 apartments at the Nike Site. Ms. Slade thanked Assistant Chief Zordan for his service and hard work as Assistant Chief—Training.

ADJOURNMENT

There being no further business, a motion was made by Commissioner Brow, seconded by Commissioner Hinnens and unanimously approved to adjourn the meeting at 8:20 PM.

ATTEST:

Charles R. Epstein, Secretary

Nancy Deegan
Recording Secretary
9-12-18