

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 **Special Board of Commissioners' Meeting**

Thursday, June 8, 2023

6:00 PM

**Coles Road Firehouse
105 Coles Road
Cromwell, CT**

A Special Board of Commissioners' meeting was held on Thursday, June 8, 2023, at 6:00 PM, at the Coles Road Firehouse, 105 Coles Road, Cromwell, CT to consider and act upon Special Fire District business.

Commissioners Charles Epstein (Secretary/Acting Chair), John Sokolowski, Chip Darius, Robert McIntyre and Donald Smith attended. Also attending was Executive Director Julius Neto. Commissioners Roger Rukowicz (President), David Colligan and Mertie Terry were absent.

- I. Call to Order. The meeting was called to order at 6:01 PM, by Secretary Epstein.
- II. Approval of Agenda. A motion was made by Commissioner Smith, seconded by Commissioner Darius and unanimously approved to accept the agenda as submitted.
- III. Public Comment. James Rude, 25 Highridge Rd. Mr. Rude thanked the Bylaws Committee for all the time, energy, thoughtful consideration and discussion they have had at many meetings to get to this point where the document is presented to the full Board of Fire Commissioners. He personally supports the full document as it has been presented this evening. He believes it will help move the Cromwell Fire District forward on many fronts. The District has on the wall here a saying that says, "To achieve greatness, we must be brave enough to take the first step." He appreciates some of things they will be talking about this evening relative to the proposed changes to the Bylaws. He feels some of the changes are necessary. He asked that the Commissioners think about taking that first step. He suspects that one of the items that will garner some conversation today is whether or not folks that are on the Commission should also be active in the EMS or firefighting service. He supports the position that is presented in the Bylaw changes today. He thinks it is important today that Commissioners avoid the appearance of any personal interest or bias that might be created by the rank and file employees of the organization if the leadership people continue to act on a daily basis in either the Fire service or EMS service. He thanked everyone for their time this evening.

IV. New Business

- A. Discussion and Possible Decision on Cromwell Fire District Board of Commissioners' Bylaws and Rules of Procedure. Commissioner Epstein, Chair of the Bylaws Committee, explained the history of the Committee and the membership that participated. The Bylaws Committee the way it was set up was supposed to have four Commission members. There were some meetings where only 2 Committee members showed up, however, President Rukowicz attended those meetings since he is technically a voting member of all Committees. One Commissioner that was on the Committee had resigned from the Board. There was another Commissioner assigned to the Committee that never came to a meeting. There were basically two Commissioners and the President that made up the Bylaws Committee and did the work. That work was some of the changes that were made that are in the red-lined/colored packet or draft that was distributed.

The purpose of tonight's meeting was to go through the Bylaws and vote on each article or review each article to see if more work needs to be done. If so, it can be brought back to a full Commission meeting at a later date. Once the Bylaws are approved at a full Commission meeting, a public hearing can be scheduled to present the amended Bylaws to the public for approval. If they are not ready to be approved, the Committee will continue to work on them to see if they can get to that point. Commissioner Epstein went through each article asking for a vote or discussion. It is important to note that the draft of the Bylaws has been edited to reflect the correct outline format of lettering and numbering items.

- The **Mission Statement** was fine with no changes. A motion was made by Commissioner Darius, seconded by Commissioner McIntyre and unanimously approved to accept the Mission Statement as is with no changes.
- **Article I** had no changes. A motion was made by Commissioner Darius, seconded by Commissioner Smith and unanimously approved to accept Article I as is with no changes.
- **Article II** had no changes. A motion was made by Commissioner Smith, seconded by Commissioner Darius and unanimously approved to accept Article II as is with no changes.
- **Article III** had no changes. A motion was made by Commissioner Darius, seconded by Commissioner Smith and unanimously approved to accept Article III as is with no changes.
- **Article IV** had changes. The changes were in red ink on the draft copy. Commissioner Darius would like to see an amendment to Article IV, Items B. 3. and 4. adding the word, "paid." So that Item 3 reads, "Candidates cannot be **paid** employees of any kind of the Cromwell Fire District, and/or **paid** members of the Fire Department."

Item 4 reads, "Commissioners cannot be an active **paid** member of the Fire Department or any other division of the Cromwell Fire District during their term of office effective with the elections of October 2024." The word "paid" was inserted as noted in these minutes and on the draft. There was a lengthy discussion regarding the definition of volunteer and paid members.

Commissioner Darius amended his amendment to Article IV, Items B.3. and 4. to read, "Candidates cannot be paid, hourly or salaried employees of any kind of the

Cromwell Fire District and/or paid hourly or salary members of the Fire Department but may be volunteers who do or do not receive a stipend which is not tied to hourly support.”

Commissioner Sokolowski does not feel Commissioners should be volunteers. It is the perception of the membership of the Department that the Commissioners when they hold that position and when they volunteer they are seen in a different light if they are on the fire ground. This effects chain of command, because they are seen as Fire Commissioners. The Commissioners are the Board of Governors of this organization. If they are part of the operational end of the organization they are no longer impartial. They become biased in their opinions and their perception changes.

One of the reasons the Department lost a Fire Chief was because of the Commission's part in the operational end of the Fire Department. In order to make a change in the organization, the Commissioners need to separate themselves from anything that has to do with the operational part of the Fire Department otherwise they are seen as biased. Their intimate knowledge does not make them impartial.

Commissioner Epstein disagreed with Commissioner Sokolowski. He felt that the Commissioners are elected officials elected by the Town and that doesn't mean that they shouldn't be allowed to volunteer, especially when the Department needs the Commissioners. The Bylaws are attempting to prohibit members of the Commission from volunteering if they want to. If there is a conflict it is no different from a union firefighter working on issues of union firefighting. Commissioner Epstein thought that the language could be clarified.

Commissioner Sokolowski pointed out that Commissioners are already volunteering their time to be Commissioners. Another issue to be considered is the liability issue. Commissioner Smith pointed out that if something goes wrong at a scene, the Commissioners involved would be a liability.

Commissioner Darius thinks there is a middle ground. In an organization as large as Hartford or New Britain where there is a clear delineation of authority, it makes sense to have a separate Board. This organization has functioned since its inception with members of the Commission involved in the operations of the Fire Department. It gives them insight, awareness and knowledge to help guide this organization.

Commissioner Darius had a motion to make to insert language in the appropriate section of this document that says, “No Commissioner in his or her role as a Commissioner shall usurp the operational authority of the Fire Chief or designee at any emergency scene.” The purpose of this proposed motion is that there are a number of Commissioners who are and have been active members of the Fire Department. Things get complicated when there is hourly or salary income. There is agreement that there is a place for volunteers in the organization to serve as a Commissioner. He thinks there is plenty of precedent. He asked the Executive Director if there was a requirement by law to separate Commissioners from an active role in the Fire Department. The answer was no.

Commissioner Darius' original motion was to modify the language so if someone was getting paid, they cannot be a Commissioner. If they are not paid, they can be a member of the organization and be a Commissioner. Also inserting language making

it clear that someone who is a Commissioner has no fire ground authority unless that authority has been delegated to them in their operational role by the Fire Department.

Commissioner Sokolowski made the point that the Cromwell Fire Department is evolving. It is becoming more of a paid career department more than a volunteer department as it was 25 years ago. He feels the Board needs to change the perception of the Commission. If the change isn't made, the Board is not committing to the perception of the Commission. We are not committing to the future of the Department. Commissioner McIntyre felt that the issue needs to be further explored.

A motion was made by Commissioner McIntyre, seconded by Commissioner Darius and unanimously approved to table discussion and vote on Article IV, Items B.3. and 4. The motion was approved by the Chair.

- **Article IV**, Item C. stayed the same and Item D. stayed the same.
- **Article IV**, Item E. had a change in the first sentence. Commissioner Darius had suggested removing the words, "in relevant part." It was noted that the Executive Director did check with the District's attorney to make sure the language was ok. Commissioner Darius was very surprised that this language has been put in the Bylaws. Up to this point, political party representation was never a factor in Commission elections.

Mr. Neto explained that this item is relatively new. Historically this governing body never dealt with political parties being represented on the Board. However, there is a statute that requires the District to look at the political makeup of the Board and not have the majority be one party. Going forward the District was ready at the last election to undo the voting if there was any question about political party representation. Commissioner Darius had concerns about how this will all play out and what the Board's next steps would be. There are all new circumstances that need to be addressed. In future elections, political affiliations will have to be reported by candidates. Based on these discussions, the Executive Director will follow up with the District's attorney.

A motion was made by Commissioner Darius, seconded by Commissioner Smith and unanimously approved to amend Article IV, Item E. to read as the following with the added language in bold print: The District will follow in relevant part, Connecticut General Statute 9-167(a) minority political party representation. The maximum number of the 9 Commissioners of the same political party **as registered with the Town of Cromwell at the time of submitting a letter of intent**, will be 6, representing 2/3 of the total number of Commissioners.

- **Article V**, Items A. through F. have no changes. Items G. and H. were eliminated. Item I. will become the new Item G. Item i. under Item G. will become 1. At the end of Item 1. the words "**move to full Commission.**" was added at the end of that. Item ii. will become 2. At the beginning of the first sentence, "**the Personnel Committee and**" was removed. At the end of item 2. (**Full Commission**) was added at the end of that item. The next item will be 3. The wording, (**Full Commission**) was added at the end of that item. The next item will be Item 4., under Item I.

A motion was made by Commissioner Darius, seconded by Commissioner Sokolowski and unanimously approved to accept Article V as modified.

- **Article VI, Item A.**, the word, “Chairman” will be replaced with “President.” In Article VI, Item A.,1., the words “be the Chief Executive Officer of the District” will be removed. “If available” will be added at the end of the sentence. In Article VI, Item A.5., “District Operations” will be removed and “Executive” will be added before the word committee.

A motion was made by Commissioner Darius, seconded by Commissioner Smith and unanimously approved to accept the changes to Article VI as written.

- **Article VII**, there were no changes to discuss.

A motion was made by Commissioner Darius, seconded by Commissioner Sokolowski and unanimously approved to accept Article VII as written with no changes.

- **Article VIII**, there was discussion about the Annual meeting and the Organizational meeting. Some Commissioners feel there should be some time in between the Annual meeting which is the election of Commissioners and the Organizational meeting which is the election of Commission officers. It was felt that some time should be given so that people can get to know each other in order to be a little more informed to vote for officers.

Commissioner Darius proposed to make the following changes to letter A.: take out the words, “and Commission officers.” Add an item 2. Under A. “The District shall hold an organizational meeting within 14 days following the Annual meeting for the purpose of electing officers.”

A motion was made by Commissioner Darius, seconded by Commissioner Sokolowski and unanimously approved to make the changes to Article VIII, item A. and adding an Item 2. under A. as noted in the above paragraph.

- The group returned to **Article V, item B.** In the first sentence Commissioner Darius proposed to delete the words, “directly following the Annual Meeting of the District,” and insert the words, “as specified in Article VIII A.2.”

A motion was made by Commissioner Darius, seconded by Commissioner Smith and unanimously approved to delete the wording in Article V.B. as noted above inserting the new wording as noted in the above paragraph.

- The group returned to **Article VI, Item C.** adding an Item 7. Which will read: “shall have all the authority, powers and duties of the President whenever the President and Vice President are unable to perform the duties of the President.”

A motion was made by Commissioner Darius, seconded by Commissioner Smith and unanimously approved to add Item 7. Under Article VI.C. which will read as noted in the above paragraph.

The group returned to Article VI, Item D. adding Item 8. which will read: “shall have all the authority, powers and duties of the President whenever the President, Vice President and Secretary are unable to perform the duties of the President.”

A motion was made by Commissioner Darius, seconded by Commissioner Smith and unanimously approved to add Item 8. Under Article VI.D. which will read as noted in the above paragraph.

The next Article was **Article IX**. There were no changes to that Article.

A motion was made by Commissioner Darius, seconded by Commissioner Smith and unanimously approved to accept Article IX as written.

The next two Articles were **Articles X and XI**. There were no changes to either of them.

A motion was made by Commissioner Darius, seconded by Commissioner Smith and unanimously approved to accept Articles X and XI with no changes.

It was then noted that **Article XII** was eliminated which makes Article XIII the new Article XII.

A motion was made by Commissioner Darius, seconded by Commissioner Sokolowski and unanimously approved to eliminate Article XII making Article XIII the new Article XII.

The next to discuss was the new **Article XII**. Commissioner Darius had comments on Article XII, Item A.2.b. He suggested adding the word “Commissioners” after the beginning of the first sentence that starts with “By two-thirds vote of those,” adding the word **Commissioners** after the word “those.”

A motion was made by Commissioner Darius, seconded by Commissioner Sokolowski and unanimously approved to accept Article XII, Item A.2.b. adding the word “Commissioners” after the beginning of the sentence that reads “by two-thirds vote of those.”

It was noted that all draft copies should have Article XIV changed to **Article XIII**. This Article was all about committees. Commissioner Epstein reported that the Committee did a lot of work on committees. Some issues remain controversial. This work was started last year under the previous commission administration. After the elections, this did not get presented so it was continued under this new administration. There were a lot of changes that were made regarding committees. It was agreed to skip the work on Article XIII because there was not enough time to cover this at this meeting.

In new Article XIV, above Item B. the subtitle, “Cromwell Fire District Division of Fire and EMS Services” was removed. Under Article XIV, Item C., for the Assistant Fire Chief positions, one position is the Assistant Fire Chief of Operations and the other is Assistant Fire Chief of Training and Safety.

A motion was made by Commissioner Darius, seconded by Commissioner Sokolowski and unanimously approved that Article XIV, Item C. the Assistant Fire Chief position of Training/Safety should be Assistant Fire Chief of Training & Safety, removing the slash and adding an ampersand.

The rest of Article XIV was not reviewed. It will be part of the next meeting.

A motion was made by Commissioner Darius, seconded by Commissioner Smith and unanimously approved to accept the new Article XV as is.

Articles IV and XIII will be taken up at the next meeting along with anything that was missed at this meeting.

A motion was made by Commissioner Darius, seconded by Commissioner Smith and unanimously approved that the agenda for the next Special Commissioners' meeting to consider the Bylaws be limited to considering Articles IV, XII and XIV.

- V. Commissioners' Comments. Commissioner Darius thanked everyone for all the hard work they put into making these changes.

Commissioner Epstein noted that if possible, there will need to be another Special Commissioners' meeting. The Commissioners present agreed on **Tuesday, July 11, 2023, at 6:00 PM.** The Executive Director asked whether or not the group was going to allow additional discussion on items already voted on at this meeting. He explained the process of the special meeting.

Commissioner Epstein discussed the difficulties there have been with Commissioners committing to their Committee assignments. It has been difficult to work on Committee business. For the record though, there was never an illegal meeting in the process of the Bylaws.

- VI. Adjournment. There being no further business, a motion was made by Commissioner Sokolowski, seconded by Commissioner McIntyre and unanimously approved to adjourn the meeting at 8:10 PM.

ATTEST:

Charles R. Epstein, Secretary

Nancy Deegan
Recording Secretary

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