

# Cromwell Fire District

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FIRE DISTRICT OFFICE  
WATER DIVISION

FIRE DEPARTMENT  
FIRE MARSHAL'S OFFICE

## **BOARD OF COMMISSIONERS** **Special Board of Commissioners' Meeting**

**Tuesday, July 11, 2023**

**6:00 PM**

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

A Special Board of Commissioners' meeting was held on Tuesday, July 11, 2023, at 6:00 PM, at the Coles Road Firehouse, 105 Coles Road, Cromwell, CT, to discuss and act upon Special Fire District business.

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

- I. Call to Order. The meeting was called to order at 6:00 PM, by Vice President Colligan.
- II. Approval of Agenda. A motion was made by Commissioner Darius, seconded by Commissioner Sokolowski and unanimously approved to accept the agenda as submitted.
- III. Public Comment. James Rude, 25 Highridge Rd., commented that he knew there was some discussion this evening that was going to continue relative to segregation of duties between the Commission and the employed staff. He would hope that the conversation today was going to be thoughtful. As an example, the Joint Chiefs of Staff at the US Government, the Chief of the Army, the Chief of the Navy, the Chief of the Marines are never out on the front lines shooting the guns or commanding the air craft carriers. Please keep that in mind as you have that discussion.

The other issue Mr. Rude wanted to discuss was the reconfiguration of committees and some of the other things that are going to be happening this evening. As you continue to empower paid staff to do their paid jobs, he supports the streamlining of the operation of committees of the Fire District. He thanked everyone for the opportunity to comment.

#### IV. New Business

- A. Discussion and Possible Decision on Cromwell Fire District Board of Commissioners' Bylaws and Rules of Procedure. Vice President Colligan turned the meeting over to the Chairman of the Bylaws' Committee, Commissioner Epstein, to explain where the Committee's work is at this point. Commissioner Epstein noted that Articles IV and XIII

need to be finished. Mr. Neto discussed Article IV, B.3. regarding Board member candidates being paid employees of the District. Also included was B.4. in that same Article. Mr. Neto noted that these two items were not voted on at the last meeting. The current Bylaws also state that Commissioners cannot be paid.

Commissioner Sokolowski discussed the points made at the last Committee meeting. It was proposed that Commissioners cannot be active members of the Fire Department or any other division of the Cromwell Fire District during the term of office effective with the Board elections in October 2024. This was the wording to be brought to the full Board for a vote. There was a long discussion about the wording. An agreement could not be reached. There were very strong feelings about the wording with Commissioners not being able to volunteer, etc. Commissioner Sokolowski is still of the opinion that Commissioners need to segregate themselves from the lot. They should not be in the operations end of the Fire Department because of not only perception, but also because of their position in the District. They are the governing body of the District. His suggested wording to that item that is considered "sunset" wording, or a sunset clause.

Item B. 5. Would read, notwithstanding the above, currently serving Commissioners immediately prior to the elections of October 2024 are not subject to the limitations of Article IV, B.4. Once a Commissioner decides not to run for re-election, or runs for re-election and is not re-elected, the Article is no longer applicable for such individual if they subsequently seek a term in a future election. This means this grandfathers the current Commissioners volunteering as volunteers until there is a break in their term of office.

Commissioner Darius' proposal is to delete B.3. and B.4. as they currently appear in the proposed changes, and add a new B.3. which says no Commissioner may be a paid hourly or salaried employee of the Cromwell Fire District nor be a paid hourly or salary employee of the Cromwell Fire Department. The Commissioner may be a volunteer member of the Cromwell Fire Department if he or she declines to accept any annual volunteer financial stipend which he or she becomes qualified for due to activity during his or her elected term as a Commissioner. During an elected term, a Commissioner may accept any volunteer financial stipend which he or she was qualified to receive due to activity prior to the election as a Commissioner.

Commissioner Epstein felt strongly that being elected, Commissioners should be allowed to volunteer their services especially since there is a shortage of volunteers. He feels the good outweighs the bad in terms of any potential liabilities. They are not showing up on scene as officers or anyone in a leadership capacity. They are not showing up as an authority figure, just showing up to help.

Commissioner Smith has concerns on the liability issues. If you are a Commissioner, you are always wearing that hat. If you go to a scene you are always considered a Commissioner under the law.

Commissioner McIntyre can see both sides of this issue. When he decided to run for election, he separated himself from the fire service because he thought it was the right thing to do for him. The way the item is worded now, it will not effect the 3 Commissioners who currently want to volunteer. This is an issue to correct with future Commissioners. This language will serve as notice to volunteers or others they may want to run for office as a Commissioner.

Vice President Colligan announced he is not running for re-election in the fall. He will have no conflict of interest if he continues to volunteer. He also commented that the Fire Department is having difficulty getting people. If these Bylaws are going to prevent people from volunteering or running for election, he is not in favor of changing them. He feels that there should be some ethical guidelines drawn up identifying chain of command. Commissioners should not be allowed to approach the Fire Chiefs at a fire ground.

Commissioner Darius commented that Article G. was proposed in consideration of Commissioner Colligan's comments. This clarifies that a Commissioner has no tactical authority on the fire ground. Commissioners are not to interfere with tactical authority on the fire ground. Article H. states that Commissioners are not to respond closer than the general public at an emergency scene unless they are invited in by the incident commander. Also adding Article J. that the Commissioners get rid of anything that has 5 bugles or 4 stripes on it.

There are people all over the country that serve on boards, etc. and also serve or volunteer in operational roles from small towns. There are no state laws or policies that prohibit service in two roles. There was a lengthy discussion on the various perspectives of the issue of Commissioners being volunteers. It was noted that the Commissioners also need to look at the future of the organization. There needs to be some institutional strength. Commissioner Colligan strongly felt that rules need to be in place for Commissioners. When Commissioners overstep their bounds, there needs to be consequences.

***A motion was made by Commissioner Darius, seconded by Commissioner Epstein and approved 3 to 2 to table Article IV. Commissioners Sokolowski and Smith voted nay. Commissioner Sokolowski added that the focus should be how the Commissioners behaving ethically and separate themselves from volunteerism.***

The next Article to discuss was Article XIII. Commissioner Darius was asked to list the duties of the Health, Safety and Facilities Committee. The Executive Director added that the Health and Safety Committee needs to remain as part of OSHA requirements and contract obligations. It is a way to improve the work environment.

Commissioner Sokolowski discussed the four Special Committees that the Bylaw Committee agreed should remain which are: Budget & Oversight Committee, Pension Committee, Water Operations Committee and Health, Safety & Facilities Committee. Commissioner Colligan asked about eliminating the Personnel Committee. The Committee felt that the Executive Director can assist with personnel issues being brought before him and forwarded to the Board of Commissioners. The Personnel Committee does not need to be involved when the Executive Director can be the point of contact and reference to the Board. Commissioner Darius noted that none of the functions of certain committees are being eliminated, just transferred to the attention of the Board. Everything is still happening, it's just not happening at the Committee level, but rather the Board level.

There was discussion about the Tower Committee. That Committee has members from both the District and the Police Department. The Tower is co-owned by both entities. The Standing Committees were discussed. The Standing Committees are: Executive, Water Ops. and Tower. Commissioner Epstein explained that in previous meetings it was decided to keep the Tower and Safety Committee. The Executive and Personnel

Committees were eliminated. The District Operations Committee became the Executive Committee. On the Special Committees they eliminated the Communications subcommittee because its work was finished. The Apparatus Committee was also eliminated. The Fire Operations Committee was also eliminated.

Special Committees are Budget & Oversight, Pension, Water Operations and Health, Safety & Facilities.

*A motion was made by Commissioner Darius, seconded by Commissioner Sokolowski and unanimously approved to define the duties of the Health, Safety & Facilities Committee as proposed in the document Commissioner Darius submitted for this meeting identified as Article XIII, Item E.4.*

*A motion was made by Commissioner Darius, seconded by Commissioner Sokolowski and unanimously approved to amend Article XIII as discussed.*

Commissioner Darius asked that everyone review his notes regarding requirements to be a Commissioner and whether or not they need to be included in the Bylaws.

- V. Commissioners' Comments. Commissioner Epstein thanked everyone for coming to this meeting. It is an important issue, and he would like to see all Commissioners participating to settle these issues. The approval process was reviewed meaning that once a vote is taken by the full Board of Commissioners, the outcome will need to be presented for a Town vote.

Commissioner Epstein wanted to schedule one more meeting to see if they could come to more of a consensus on Article IV. Commissioner Sokolowski felt that once a resolution is agreed upon for Article IV, that would be the time to review rules and operating procedures of Commissioners. It was agreed to schedule the next meeting on Monday, September 18, 2023, at 6:00 PM, at Coles Rd.

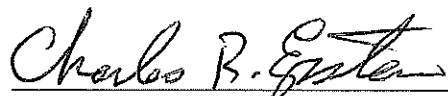
Commissioner Darius thanked Commissioner Sokolowski for proposing the Sunset clause. He appreciated the gesture in the spirit of compromise.

Commissioner Colligan discussed the financial challenges facing the Fire District.

- VI. Adjournment. There being no further business a motion was made by Commissioner Epstein, seconded by Commissioner Smith and unanimously approved to adjourn the meeting at 7:35 PM.

ATTEST:

Nancy Deegan  
Recording Secretary

  
Charles R. Epstein, Secretary