

# Cromwell Fire District

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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, March 30, 2017**  
**5:30 PM**  
**1 West Street**  
**Cromwell, CT**

A Special Board of Commissioners' Meeting was held on Thursday, March 30, 2017, at 5:30 PM, at 1 West Street, Cromwell, CT to consider and act upon Special Fire District business.

Commissioners Frank Seidl (President), Craig Murphy, Charles Epstein, Roger Rukowicz, Lee Brow, Jason Hinnens Julius Neto and David Colligan attended. Also attending was Executive Director Michael Dagostino. Commissioner Johnathon Hamlin had an excused absence.

The meeting was called to order at 5:38 PM by Vice President Craig Murphy. Commissioner Epstein stated that he had requested to call and chair this meeting as the Chair of the Bylaws Committee. The Committee has been having workshops to review the Bylaws and propose any amendments. This meeting was scheduled to discuss and review any proposed amendments with all Commissioners.

One item for review and possible change is voting for Commissioners. This would be Article IV, Item B. Section 2. of the Cromwell Fire District Bylaws. Commissioner Neto explained that the objective to change this item is to provide the electorate with the opportunity to understand who they are voting for. Historically, nominations have come from the floor on the day of the election, right before votes are cast. Commissioner Neto had received a lot of feedback from people who attended the election and wished to vote, but did not know some of the candidates that were nominated. Voters were asking Commissioners who to vote for. The Committee is suggesting that there be a window of time after nominations are made, but before votes are cast for candidates to introduce themselves and explain why they would like to be elected as a Commissioner for the Cromwell Fire District. The Committee has agreed that this amendment will make the election a more open process. He further added that perhaps a "Meet the Candidates" type of forum could be scheduled so that voters can get to know the candidates. The forum would not be something that needs to become part of the language of the Bylaws.

The **old** language for Article IV, Item B., Section 2. reads, "At the time of his/her nomination indicate his/her consent to be nominated and to serve as a Commissioner if elected. Such indication of consent may be made orally at the District Meeting at which such nomination is made, or may be made in writing delivered to the Secretary/District Clerk of the Board prior to or at such meeting."

The **new** language for Article IV, Item B., Section 2., as proposed should read, "The voters of the District must indicate in written form their intentions to seek elected office with the District, and include an accompanying notarized letter that will contain the signature and legal addresses of two (2) additional voters of the District which will function as: 1) nominating a voter and 2) the seconding of the nomination of the voter. This written notification must be provided to the Secretary/District Clerk of the Board no less than 30 calendar days prior to the Annual Meeting."

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Commissioner Neto explained that if a person is a new Commissioner, that person needs to put in written format that they are interested in becoming a candidate. They must get two additional signatures; one to nominate that person in written format and the second signature is to second the nomination in written format as well. It is no different than the process is today through the oral nominations at the Annual District meeting. The document needs to be notarized in order to make it an official document.

Commissioner Brow brought up the issue of having this language approved by the District's attorneys. At the time that Commissioner Brow was Chair of the Bylaws Committee, similar language had been proposed by the Committee. However, when it was forwarded to the attorneys for approval, they responded that this change in process could not be done, and the language cannot be added. It would be illegal. If someone wants to run for a Commissioner's position the night of the election, the District cannot prevent them from running as long as they are qualified in terms of being a resident and a tax payer.

Commissioner Neto stated that they did consult with the attorneys again on this issue. They responded that it is within the Town and District to change its Bylaws should they so desire. There are some Statues that are not as clear as they should be on these matters. There is another legal opinion that states the District is OK.

The Executive Director contacted Ms. Peggy Reeves, Assistant to the Secretary of State for Elections, Legislative and Intergovernmental Affairs. She replied that she appreciated the District inquiring with their office regarding a Fire Commission election. However, their office has no authority or jurisdiction with regard to Bylaws for Fire Districts or any other matters under Title VII of the General Statues. Their authority only applies to Title IX of the General Statutes. They do not issue advisory guidelines from time to time regarding municipal referenda under Title VII. That is the extent of their authority. She advised that Cromwell's Town attorney is the controlling authority.

Mr. Dagostino also contacted Mr. Ted Bromley who is Ms. Reeves' subordinate. He stated that his office has very little jurisdiction over special taxing districts. He recommended that the District follow the advice of their Counsel on this issue. Mr. Dagostino added that the District's counsel advised that the District can change the proposed Bylaws, and the amendment would be fine. This opinion countermines the views/opinions expressed at a Board meeting held several months ago. There was discussion regarding the two opinions.

A motion was made by Commissioner Brow, seconded by Commissioner Rukowicz and unanimously approved to amend Article IV, Item B., Section 2 of the Cromwell Fire District Bylaws as proposed.

Another item for review regarding the Cromwell Fire District Board of Commissioners Bylaws and Rules of Procedure was Article I, Item C, Section 1.b. regarding uniforms for Commissioners. Commissioner Brow had provided some suggestions regarding the uniforms. Commissioner Brow reviewed the uniform policy as drafted with his proposed suggestions. It reads as follows: "The Cromwell Fire District, Commissioners' Uniform Policy. The purpose of the policy is to identify the appropriate uniform to be worn during specified official events and the appropriate gear for emergency scene response." Commissioner Brow began by describing the Commissioner's Dress Uniform which consists of a dress hat, blouse, shirt, tie, pants, belt, socks shoes and an optional over coat. All items noted as part of this uniform were described in detail in a draft distributed and read by Commissioner Brow. A copy is attached to these minutes. Commissioner Brow noted that the items listed are "off the shelf" rather than custom made. In terms of cost, the items are at a lower cost than if they were custom.

Commissioner Brow suggested an additional uniform for Commissioners to have if they respond to the scene of an emergency (fire). Should a Commissioner decide to respond to the scene of an emergency (fire) in the Town of Cromwell at which the Cromwell Fire Department is operating,

the Commissioner shall be appropriately dressed in full NFPA approved bunker gear in accordance with NFPA 1851. The uniform would consist of a bunker coat, pants, boots, and a New Yorker/Sam Houston style helmet in white with the District-supplied shield. Gear will be purchased at the expense of the Commissioner. Other specifications were described by Commissioner Brow. A copy of those specifications is also attached to these minutes. It was noted that the items for the dress uniform are not custom, and can be purchased from Magson in CT for approximately \$575. Commissioner Colligan suggested drafting some policies and procedures for Commissioners that are on scene with appropriate identifying gear. There was discussion about what would be appropriate for Commissioners to wear at fire scenes.

There was a consensus on what the emergency scene uniforms should consist of. It was agreed that for emergency scene response, Commissioners should have a baseball cap with Commissioner identification (a summer and winter cap). A high vision lime green colored coat with a lining that is removable in the summer. The back of the jacket should have Cromwell Fire Commissioner on the back and a red badge or patch on the front. The other side of the front of the jacket should have the Commissioner's identification, i.e., name.

A motion was made by Commissioner Brow, seconded by Commissioner Hinners and unanimously approved to assign the ordering of emergency scene apparel for Commissioners to Commissioner Colligan.

There was a discussion regarding dress uniforms. It was noted that the expense of dress uniforms will be picked up by the Fire District. It was suggested that the Commissioners just have a navy blue blazer, and everyone will have the same color as well as identification. Commissioner Hinners has gotten some information from Magson. For \$139 each, the Commissioners can purchase a blazer, wool/polyester blend. The quality is better than a security officer type of style. He suggested a pocket insert be purchased which could include the Fire District patch with room for the Commissioner's badge. The pocket insert is removable for when the blazer needs to be laundered. It was agreed that the dress uniform consist of a navy blue blazer as discussed with a pocket insert with the District patch and Commissioner's badge included on it. The dress uniform blazer will be worn with grey pants. It was suggested that the Commissioners pay for the blazer and pants, and the District pay for the pocket insert. It was suggested a white shirt be worn with the blazer and grey pants. Commissioner Hinners offered to help with ordering those items.

A motion was made by Commissioner Colligan, seconded by Commissioner Brow and unanimously approved to have Commissioner Hinners coordinate the ordering of the Commissioners' dress uniform which consists of a navy blue blazer from Magson with a pocket insert. The blazer shall be worn with grey pants, a white shirt and pocket insert on the blazer which will include the Fire District patch and Commissioner's badge.

The third major issue to be discussed in the Bylaws has to do with Fire Officers that are Commissioners. The issue is whether those individuals can serve on Committees. The Committee did receive an opinion from the District's attorneys. Mr. Dagostino explained that the attorney's opinion is that if there is any form of compensation that the Commissioners receive as a member of the Fire Department, it would be considered a conflict of interest.

He read parts of the communication from the attorney. He stated that, "CGS Section 7-421 allows an employee of a municipality to serve on a legislative body of a political subdivision including a Fire District even if that legislative body has the authority of a Board of Finance. Section 7-421(a) overrides any Special Act or Charter provision prohibiting such employees from serving on the Board of Commissioners. The Statue prohibits employees from serving on Boards of Finance but not on legislative bodies who also serve as the function of a Board of Finance. As the attorney understands it, some Commissioners are also volunteers with the EMS service and/or Fire Dept. These volunteers are also compensated on a pay per call basis in the same manner as all other volunteers. Volunteer members of the District who serve as Chiefs are also

compensated with a monthly stipend. Currently pursuant to Article III., Section B, there are 4 standing committees of the Commission. By the Commission's current Bylaws, no District employee, Fire Department Chief Officer, Fire Department Captain or Fire Department Lieutenant shall be appointed to or serve on any standing committee as an elected member of the Board. The Commission has inquired, should the Commission choose to eliminate this restriction, whether such an officer or employee would face a conflict of interest serving on any of these Committees.

Conflicts of interest are addressed in two sections of the Bylaws. Article II, Section D.2.d. provides, a member who has a conflict of interest shall assert this fact and the details of such conflict for the record and shall abstain from voting on any questions where such a conflict of interest exists. Article II, Section G. Conflict of Interest provides no member of the Board shall participate in the Board's consideration of or action on any matter in which such member has a financial interest directly or indirectly as a principal surety officer or otherwise except as a minority stockholder of a corporation. While there is no blanket ethical constraint that would prohibit the individuals who hold the position set forth in Article III.B. from serving on those committees, caution should be exercised in appointing those individuals to those subcommittees and for those Commissioners serving on those committees. Should the Commission choose to eliminate those prohibitions, the Commissioners would still be subject to the conflict of interest provisions of the Bylaws. It appears that in the past the Commission has adopted this prohibition to eliminate even the appearance of a conflict of interest that may arise from service on these committees by those who are compensated by the Commission. That would include any disclosure of direct and indirect financial interest in matters coming before the committees including changes to the stipends or other compensation, benefits or other conditions of employment including any pension changes which would affect the individual Commission members. The Commission members should not participate in any consideration of any matters which might affect those conditions.

If a Commission/employee member is also a member of a collective bargaining unit, he or she should also recuse themselves from all discussions related to their conditions of employment whether inside or outside the scope of the collective bargaining agreement. While in general there is no absolute prohibition on those individuals serving on the main subcommittees, given the myriad of issues which may be raised in those committees, particular situations and specific topics, facts and unforeseen issues may warrant further guidance, and the attorneys would be willing to discuss those issues with the Commission. Consistent with the guidance their office has given to other public sector bodies in similar situations, it is important to contemplate how others may reasonably view particular situations and take appropriate steps to avoid the actual or perceived conflicts of interest."

Mr. Dagostino stated that what the letter seems to say is that the District needs to be careful because of actual conflict of interest and perceived conflict of interest. The way the Bylaws read now protects the Commission and Commissioners from those conflicts of interest. He felt that the attorneys were trying to say not to eliminate that. The way the District Commission is currently operating is fine. Commissioner Colligan suggested having a separate Committee to make financial decisions regarding volunteer stipends, etc. The committee would be made up of Commissioners who are not actively involved with volunteer service. It was also noted that if a Commissioner were to give his stipend back to the District to benefit the District, it would alleviate a conflict of interest, i.e., scholarship fund. It was agreed that as a Commission each member should be aware of each other to make sure no one is put in a conflict of interest situation.

A motion was made by Commissioner Murphy, seconded by Commissioner Brow and unanimously approved to leave the language as is for Article III, Section B., Item 1. of the Board of Commissioners Bylaws and Rules of Procedure. Also, the Water Division Operations Committee will be added as a Standing Committee. However, the language for Item 1 of Section B, of Article III will not apply.

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A motion was made by Commissioner Neto, seconded by Commissioner Brow and unanimously approved that there shall be five Standing Committees of the Board: Executive, Fire Operations, Pension, Personnel and Water Operations. No District employee, Fire Department Chief Officer, Fire Department Captain or Fire Department Lieutenant shall be appointed to serve on any standing committee as an elected member of the Board.

A motion was made by Commissioner Murphy, seconded by Commissioner Brow and unanimously approved that all other edits previously discussed for the Board and Commission Bylaw drafts be incorporated into the final documents.

These changes will be added as an agenda item at the next Board of Commissioners' meeting. Once approved at the next board meeting, the District Bylaw changes will be forwarded to the Town for a public hearing for approval.

ATTEST:

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Charles Epstein, Chairman  
Board of Commissioners Bylaws Committee

Nancy Deegan  
Recording Secretary  
4-5-17