

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, May 14, 2019

7:00 PM

**105 Coles Road
Cromwell, CT**

A Special Board of Commissioners' Meeting was held on Tuesday, May 14, 2019, at 7:00 PM, at 105 Coles Road, Cromwell, CT to consider and act upon Special Fire District business.

Commissioners Lee Brow, Roger Rukowicz, Jason Hinnners, David Colligan, Charles Epstein, Johnathon Hamlin and Allan Spotts attended. Also attending was Executive Director Julius Neto and Fire Chief Michael Terenzio.

CALL TO ORDER

The meeting was called to order at 7:00 PM by President Brow.

APPROVAL OF AGENDA

A motion was made by Commissioner Hinnners, seconded by Commissioner Rukowicz and unanimously approved to accept the agenda as submitted.

PUBLIC COMMENT

Curt Anderson, 15 Ridge Rd., commented about the staffing plan recently approved by the Commission. He discussed the on-call, part-time employee description. It is vaguely described. To be ineligible for any shift coverage and only being called in for incidents, it will be a rarity to be called in between the full-time career people, part-time people and volunteers that might be at the station. In his opinion, this process will be rarely if ever used. He does not see how these employees will be utilized enough unless they are allowed to do some shifts when required. With the new, improved plan these employees would not be eligible to work any shift or even part of a shift. Its crazy to think that if 80% of the calls are EMS, why would someone forbid EMS only employees to take care of those calls. He would also like to know if shifts can't be filled by career and scheduled part-time employees, is it the Commission's intent to forbid the on-call EMS employees from filling those shifts, thus leaving them empty or paying career staff for overtime call back.

His second point was to have the Commission consider changing the way Life Member eligibility is calculated, i.e., take into account Department participation, responses, hours, shifts, meetings, drills and civic involvement. It would be more equitable to do so given that you allow some

members to remain in good standing year after year accumulating years of service when they do not meet the minimum requirements set forth by the By-Laws.

Bill Clare, 2 Rosewood La., commented on research he has done on FLSA. He commented that it is a complicated piece of Federal legislation, enacted in 1938 and amended in 1974. Since it has not been amended for some time, it needs revision by the Federal government. The original enactment was to establish a minimum wage and overtime criteria to make it fair for people. It was enacted in 1938 which was at the end of the depression. In 1974 it was amended to include local and state Government organizations such as the Cromwell Fire District. There have been no changes of any kind to that law that has done anything to address the current changes in the situation of Fire Departments that have an EMS component.

He then proceeded to give a history of Cromwell. In 1974, Mr. Clare was a member of another Department. In that Department which was structured strictly as a fire suppression and rescue traditional kind of volunteer department, there were about 60 calls that happened that year. In 1988 when Mr. Clare came to the Cromwell Fire Department the total number of combined calls was approximately 180. In 2018 there were 2,466 calls, without very much of a change in the membership in the organization. In 2017 there were more calls than that. In 2017, 70% of all responses were EMS, in 2018 66% were EMS. Some calls may have included fire, but that is how many times an ambulance was called out. In 1988, the Cromwell Fire Department was totally volunteer, up to and including the Chief's office.

Shortly thereafter, the economic situation in the Country and the State of CT changed so that it became more difficult for people to volunteer for things. Sometime in the mid 90's, the Commissioners established a pension program as a first incentive to give the volunteers something to look forward to. Shortly after that, most of the municipalities that run fire departments and EMS divisions as well added an incentive of a small tax abatement on property tax. The Cromwell Fire District could not do that because the average for other towns was \$1,000 per year that they were removing from tax liability. The Fire District only taxes rolling properties, such as motor vehicles that are registered in Cromwell owned by Cromwell citizens. There was no way the Town could be equivalent to other towns. As time went on it became more difficult and more expensive for people to volunteer and more difficult for the Cromwell Fire Department to attract volunteers. It goes through cycles of too many volunteers to not enough volunteers. After that the stipend was introduced. To this day volunteering continues to be an expensive proposition for the volunteers with costs in fuel, time and energy.

There used to be a brief orientation with on-the-job training. Now there are many training requirements that make it difficult for people to volunteer. Why would someone who is trying to support themselves and their families volunteer when they could be doing something else that would pay them to help support themselves and their families to survive in the current economy. Volumes of calls have increased by a significant amount, and it is extremely difficult to get the apparatus out the door on a timely basis. But that is the member's job 24/7, 365 days a year. It is difficult to respond and not turn calls over. Most of the time the first ambulance is out the door, and the first fire apparatus is out the door possibly depending on the time of day. During the day the Fire Department is staffed with full-time career personnel. That was done because the Department could not get the apparatus out the door. The surrounding towns for mutual aid had the same issue. Everyone began taking on full-time drivers for apparatus.

The FLSA has become a national problem. It is a huge problem that is discussed whenever groups of fire chiefs get together at local, county and state levels in CT and hopefully at the national level. There are many departments in the surrounding areas that have similar situations

to Cromwell. The Department of Labor is charged with enforcing those regulations. Hopefully there are groups of lobbyists for Fire Services that are working at the Federal level to try to get the FLSA legislation to meet the needs that exist today.

His concern with the proposed changes to the Fire Department By-Laws is that it is way outside the process as stated in the current Fire Department By-Laws in Article VII which outlines how the By-Laws get changed. In general, the Department would form a committee. The Committee will take the information that is given to them by the Department members, propose changes to the By-Laws and submit those changes back to the Committee for review. If agreed upon, they are forwarded to an attorney to do a final vetting. If the attorney agrees with the changes, they are forwarded to the Board of Commissioners to approve and sign off. Mr. Clare added at the presentation at the last District meeting, there was no mention of the Department By-Laws, yet the proposed changes significantly change the By-Laws without considering the current Fire Department members. Mr. Clare feels that due process must be served. The By-Laws clearly state the By-Laws in effect today shall remain that way until they are changed by process. Mr. Clare previously outlined the process. His concerns are that the Fire District is moving very quickly to make significant changes to the structure of the Department without due regard to the membership or the By-Laws of the Cromwell Fire Department. He made copies of Article VII available for the Commissioners' review.

Nicole LaTerra, 13 Hicksville Rd., has been a member for 16 years, and it has always been a member-run Department. It is just overseen by the Fire Chief and the Commission. She is concerned that a lot of changes that are major changes to the By-Laws and the whole system in general will be presented and approved without any input from the members themselves. It affects all of the members. Because of this process and the fact that the members do not have any say in it, she would like it to be reviewed through due process so that they can have some input. She further stated that the agenda for tonight would seem to suggest that an approval of what has been presented is needed. However, the membership has not had an opportunity to look it over or give their input. She has concerns about that process. She added that in order to get the information and be a part of the change process, the members have had to seek out trying to find the agenda on line. They could not find anything on line to say where the meeting was or its location and time. There are members that want to be a part of this process and are vested in its outcome. She had concerns that information and meeting minutes are not being published on line. She added that Cromwell is being looked at to set the example for other Towns in the same position. She would like to see the whole information process improved. President Brow confirmed that the agenda for this meeting was posted properly and within FOI guidelines. The Executive Director checked to see that all this information was posted on the website.

Roger Thompson, 16A Country Squire Dr., regarding the new staffing solutions he noted that we are all trying to do the right thing and not hide anything. He discussed how quickly the non-career staffing model submitted by the members to the Board of Commissioners at the March 4, 2019, Non-career Staffing Solution Subcommittee meeting was quickly knocked down, and he recognized the hard work the Subcommittee put forth to try to come up with a solution. He further stated keeping in mind everyone is trying to do the right thing, regarding the handbook that was given out, the word employee is continuously used. Mr. Anderson had stated that fact at the beginning of the Subcommittee's work. Mr. Anderson recommended that DOL come in and evaluate what has been done, the status of the Department and what the recommendations would be going forward. Also suggested and discussed was to have an attorney come in to discuss the issues. Mr. Thompson stated that none of that has happened. He repeated the meeting minutes that stated Mr. Neto was not comfortable with DOL coming in to evaluate what is or is not being done. He added that Commissioner Terry also agreed with the Executive Director. It would

allow DOL to come in to do their job which is to find issues. Having a government entity come in would give them an opportunity to report on their findings. Mr. Thompson stated that there are issues in the Fire Department, why is DOL not being contacted to come in and help Cromwell fix these issues. He asked why the Department is hiding things from State government.

NEW BUSINESS

- A. Discussion and Approval of CFD Board of Commissioners' By-Law Changes. President Brow noted that the Proposed Board of Commissioners' By-Law changes had been distributed to each Commissioner for review prior to this meeting.

A motion was made by Commissioner Hamlin, seconded by Commissioner Hinners and unanimously approved to accept the Board of Commissioners' By-Law revisions as submitted.

- B. Establish and Discuss Hourly Rates for New Part-Time Employees and Possible Pension Changes. President Brow noted that all Commissioners should have received a copy of the proposed hourly rates for new part-time employees. Mr. Neto explained the proposed hourly rate chart based on the budgeted dollars in the 2019/2020 budget. There has been a lot of discussion on the state level regarding the minimum wage over the next 3 years. If it is passed in one more legislative body, it will be \$15. Whatever is approved tonight, a year from today, the numbers will have to be re-evaluated and also determine the success or failure of retention as well as compliance with the minimum wage at minimum. The District should also keep tabs on neighboring towns that have a similar part-time environment to do an assessment and comparison to determine if it meets the needs of this body. The numbers are reflective of what is in the budget. Mr. Neto does not know what the ideal number is. It is known that the District has a budget and this will work with some assumptions being made. Those assumptions would be we don't know what the unknowns will be. It is the best information they have. He added with this in place there will be no tax increase.

Commissioner Hamlin asked about the pension information and rates. Mr. Neto explained there has been some discussion and a decision was made to draw a line and stop our present volunteer pension program. The Board needs to determine if it wants to freeze the pension. If that decision is made, all eligible folks currently in the system will not be impacted. There are some non-vested individuals today that have one month, two months, six months to 9 yrs and some odd months that if the line is drawn at 10 yrs., they will not be eligible. However, those are the pension documents that were presented when it was originated. The Board will try to move that line to soften the impact. Because the new model will have some predictability of hours on a regular basis, there will be part-time employees that will be consistently scheduled, and they will be averaging more than 20 hours a week. After some research and to try to mitigate some of the pension freeze, Mr. Neto researched the information and learned that District employees are eligible to buy into and participate in the Town pension as long as they are working an average of 20 hours a week or more. The individuals moving forward with an average of 20 hours a week or more, can buy into it at 2 ½% of their hourly rate. The District will reimburse or add to it, 7% of the person's hourly rate. Depending on the number of years 5 or 10, they will be vested. Monies will be prorated to that individual's name. If there are individuals vested today, they will remain vested and will collect whenever they decide to depending on the pension requirements. If a person leaves prior to being vested, they will be able to collect all monies that have been accumulated. It is a better plan than what there is currently.

A motion was made by Commissioner Hamlin, seconded by Commissioner Rukowicz and unanimously approved to accept the part-time hourly rates as submitted.

A motion was made by Town pension plan for part-time employees. President Brow's recommendation for the pension program is those that have 8 years or more are grandfathered in.

A motion was made by Commissioner Hanners, seconded by Commissioner Rukowicz and unanimously approved to allow part-time employees to participate in the Town of Cromwell Retirement plan, and any current member with 7 years or more to be grandfathered to the ten year mark for vestment in the Cromwell Volunteer Pension Plan. It is estimated there are 12 individuals that will be affected. That would potentially be \$12,000 for the District.

- C. Discussion and Possible Action on Cromwell Fire Department By-Laws. The Executive Director explained that this item is on the agenda, and he appreciated everyone's feedback. Mr. Neto did read Article VII. The Board of Commissioners has ultimate responsibility for the By-Laws even though the process of changing them resides with the membership. The challenge going forward with the new model is the By-Laws, because they are driven by the Department. The By-Laws will potentially be in conflict as the Department moves into the new model. Cannot run under the constraints of the By-Laws as they are written today and then move to the new model without possible conflict or challenges. A new process is needed. Feedback is needed from the membership as well as a new process. He suggested a 90 day moratorium of the By-Laws with a single focus of changing the document to a document that could be identified as more of an association environment with the same common goals as these By-Laws have been supporting the Department, community and membership all of these years. That could be the mission statement. There would be a lot of work to be done to change this document to an Association. It should be done by the membership with possibly one or two Commissioners on the committee. It needs to be reviewed by an attorney and vetted through the IRS because of the fundraising events they do every year. All auditing and accounting processes that the State mandates are fully followed. Mr. Neto is not sure what oversight was done when the document was drafted. Can the District reconstitute with a mission statement or a different mission statement that the membership and the Board can feel comfortable with while still supporting and educating the community through fire prevention and financial resources.

Mr. Neto suggested keeping the resources with the association. The Association can be a service to reinvest/reinvent and to do whatever the association wants to do. It can be a great community service and support service. It needs to be focused on the Fire Department and Fire District and how it relates to the original authors of the document. Commissioner Colligan stated in 1998, when he was Chief the Bylaws were suspended because they found it very difficult to operate the Department. A committee of the membership was formed to come up with a solution. It took longer than 90 days to come up with a report. The Board needs to be responsible to be actively involved and manage all funds. All federal, state and local laws must be complied with.

A motion was made by Commissioner Epstein, seconded by Commissioner Hamlin and unanimously approved to table the Cromwell Fire Department By-Laws discussion or possible action until the next Board of Commissioners' meeting next week. If the decision is to time out for 90 days, and if there are emergency needs of the funds associated with the Fire Department, a process needs to be established to forward any member's issue as an agenda item so that funds are not frozen for the 90 days.

COMMISSIONERS' COMMENTS

Commissioner Epstein thanked the Commissioners for their help with the District By-Laws. It took a while to get to this point. He appreciates everyone's time and effort.

PUBLIC COMMENT

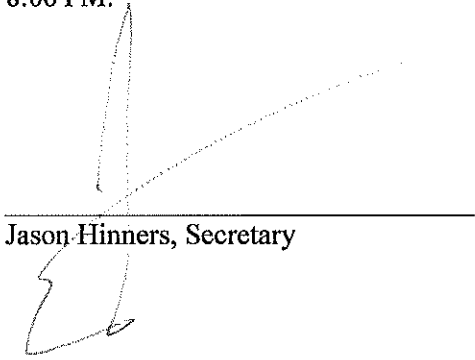
Nick Schenarts, 154 Woodland Dr., commented on the issues of volunteers becoming part-time employees. He discussed the concept of part-time employees with no benefits. He worked as an EMT for Middlesex Hospital part-time and received no benefits. It was a rate of \$18 per hour with no benefits. The Town of Madison starts their staff at \$16 per hour plus. He thinks the hourly wages for part-time employees as proposed is a joke. Soon employees at McDonald's would be making more per hour than a firefighter or firefighter/EMT. The rate proposed is \$13. If the positions are posted to the outside, most people would be looking for a higher dollar amount for the type of skills that are required. Regarding the pensions, he feels all current existing members should be grandfathered in so they can be on the floor and do shift coverage like they are doing. There needs to be an ambulance on scene no matter what. He doesn't understand what makes someone different than a career firefighter if they have the same training yet they are paid less.

ADJOURNMENT

A motion was made by Commissioner Hamlin, seconded by Commissioner Spotts and unanimously approved to adjourn the meeting at 8:06 PM.

ATTEST:

Nancy Deegan
Recording Secretary
5-21-19



Jason Hinners, Secretary