

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 By-Laws Committee Meeting

Thursday, June 18, 2020

6:00 PM

**Via Conference Call
1 West Street
Cromwell, CT**

Present: Commissioners Charles Epstein (Chairman), Mertie Terry, Jason Hinners and Robert Donohue. Also attending were Commissioners Brow and Hamlin and Executive Director Julius Neto.

Per Executive Order No. 7B, Governor Lamont has ordered and directed that in-person open meeting requirements be suspended. Therefore, the Commissioners' Special By-Laws Committee meeting will be held via conference call. Members of the public may send questions or comments to meetings@cromwellfd.com on any agenda item.

- I. Call to Order. The meeting was called to order at 6:15 PM, by Chairman Epstein. He requested that the meeting length be kept to 1-1 ½ hours.
- II. Approval of the Agenda. A motion was made by Commissioner Hinners, seconded by Commissioner Donohue and unanimously approved to accept the Agenda as submitted.
- III. Public Comment. There was one item presented to the Chair by Commissioner John Hamlin. It was a letter and petition with 8 signatures. The letter was regarding Article XV, Item C, items a – f, from the District By-Laws dated May 21, 2019. That Article addresses the fact that candidates for Fire Department management positions need to be legal residents of the Town of Cromwell. Commissioner Hamlin understood that the By-Laws Committee wanted to remove Article XV, Item C., items a – f. Commissioner Hamlin is against changing this Article to allow non-taxpayers to be high level management in the Cromwell Fire Department.
- IV. New Business
 - A. Review/Discussion/Possible Decision on By-Law Revisions. The first Article to be discussed was Article VI, pg. 3. An item was omitted that needs to be added.

A motion was made by Commissioner Hinners, seconded by Commissioner Terry to amend Article VI, Sec. A. by adding Item h., the President shall receive a \$150 per month stipend. President Brow abstained. It was noted that the President has been receiving a

\$150 monthly stipend for quite some time. This has been a past practice, but the language was never put into the By-Laws.

The next Article to discuss was Article XII, regarding uniforms. President Brow had asked to hold this out because he thought that under Item A.c., it specifically spelled out a uniform part number which is no longer made, and that language was taken out, so President Brow no longer has an issue with it as it is written.

A motion was made by Commissioner Donohue, seconded by Commissioner Hinners and unanimously approved to leave Article XII, Item A.c. as written.

The next item was Article XIII, Item A., b., regarding the agenda, adding Item iii. Time limit for public comment. Commissioner Hinners explained at the last meeting it was discussed to discuss the time limit for public comment. It is currently 3 minutes, and it was thought that the Town has 5 minutes. He is looking for clarification, and is of the opinion that we should extend the time limit to 5 minutes so that the Board does not look unfair and follow the Town's practice. It is standard practice with the Town, and it is felt the Fire District should not be any different. The Executive Director added that if issues such as this are put into the By-Laws, they cannot be changed unless the By-Laws are changed. The footnote at the bottom of all agendas indicate that the President has the authority to lengthen or shorten public comments. The President suggested making it a policy within the Commission but not a By-Law. It would be a policy that would be voted on as appropriate.

Also within Article XIII, Item A., c. regarding Order of Business and having two public comments on the agenda. Commissioner Hinners liked the idea of keeping both public comment items on the agenda. It allows for more transparency. He does not think we should limit the public's ability to comment. Commissioner Donohue also liked the ability for the public to make comments twice. Commissioner Spotts added that this practice is consistent with the Town of Cromwell. Commissioner Terry also was in support of both public comment items in the interest of transparency.

A motion was made by Commissioner Brow, seconded by Commissioner Donohue and unanimously approved to leave Article XIII, Item A., item c. as is.

The next item was also under Article XIII, Item E. regarding conflict of interest. President Brow suggested we add language to a. or add an item b. It was suggested to add an item b. The verbiage should be used as follows: no member of the Board shall receive any compensation directly or indirectly for any tasks, assignments or otherwise work associated with the Fire District or its vendors and suppliers. Commissioner Terry would not vote for the change without seeing it in writing. The Executive Director suggested tabling the change and typing something up to share with the rest of the Commissioners for their input. He added that going back 2 ½ - 3 years ago there was some question about Commissioners receiving compensation directly from the District or the Fire Department. There was a legal opinion by one of the attorneys that identified it as a risk associated with an elected official receiving compensation directly or indirectly while serving as a Commissioner that creates policy and opportunity for the expenditures to be given. Chairman Epstein suggested that this item be tabled until all Commissioners receive the change in writing, and it can be discussed at the next meeting. Commissioner Hinners requested that all changes be printed in red in the working draft of the By-Laws

to identify that they are the changes. The changes will be shared with the other Commissioners so that they can see the changes in writing.

A motion was made by Commissioner Hinnners, seconded by Commissioner Donohue and unanimously approved to table Article XIII, Item E. for further discussion.

A motion was made by Commissioner Hinnners, seconded by Commissioner Donohue and unanimously approved to accept Article XIII, Item A., items b. and c. to stay as is.

The next item for discussion was Article XIV, Item A. b. and c. Commissioner Terry suggested that at the end of the sentence on item b. the wording be added as follows: unless recognized by the Committee Chair. It is understood that the Commissioner being recognized would not have the ability to make any motions or vote, but would be allowed to offer opinions or comments. The Executive Director added that once all of the By-Law changes are completed, the entire document will be vetted through the District's attorneys to make sure procedures are followed regarding Roberts Rules of Order.

Commissioner Terry discussed the changes to Article XIV, Item A. items b. & c. President Brow suggested the following verbiage: "They shall not speak on any item presented nor offer opinion during the subcommittee or committee meeting unless recognized by the Committee Chair, and they shall have no voting power." A motion was made by Commissioner Hinnners, seconded by Commissioner Donohue and unanimously approved to accept the verbiage presented by President Brow to clarify item b. and remove item c. from Article XIV, A. b. & c.

The next item to be discussed is Article XIV, Item C. regarding Standing Committees. Chairman Epstein had some comments regarding this item. His opinion is that the 5 Standing Committees are the most important committees within the Commission. He believes that no one individual Commissioner should be Chair of more than one standing committee at a time. President Brow felt that this would be "tying your hands" because there have been elections where seasoned, experienced Commissioners have been voted out of office, and junior type Commissioners that have not been on the Board that long may need to chair a standing committee that they are not as experienced to handle. Commissioner Epstein felt that if one person was chairing more than one of the standing committees, that person would have a lot of power. The President felt that there should be some flexibility in case there are Commissioners that are new to the process. Commissioner Hinnners felt that a change such as this should be handled by the President and not necessarily by a part of the By-Laws.

Commissioner Terry suggested that instead of putting something in the By-Laws, could it be incorporated into the policy statement something to the effect that it is recommended by the Commission that no one Commissioner chair more than one standing committee. She would like to see it more as a recommendation than a By-Law. President Brow stated there are checks and balances in place now with the District Operations Committee making the committee assignments.

A motion was made by Commissioner Donohue, seconded by Commissioner Hinnners and unanimously approved to keep Article XIV, Item C. as is.

The next item to review was Article XIV, Item D., d., i.; President Brow suggested removing the words "when practical" at the end of the sentence in that item.

Chairman Epstein went back to Article XIV, Item D., a. He discussed the fact that the Executive Committee has the power to review the budgets every budget cycle, however, the Chairs of the various committees are not invited into that review process, i.e., the Fire Operations Committee, Water Operations Committee. The Executive Director stated that the Executive Committee has the opportunity to work with staff to create the budget. If Commissioner Epstein is saying that the Water Department Chair needs to be engaged at the earliest possible time to deal with day-to-day business, that means Fire Operations needs to do the same. It was noted that the process is already complicated, and why would a Commissioner want to deal with the detailed level that involves. It would seem that the Water Division Manager, Fire Chief or Executive Director cannot be trusted to do their due diligence on budget items. Commissioners are policy and decision makers, and should not be controlling the day-to-day operations. If that is the opinion of the Commissioners, the District is wasting a lot of money on senior management. If it is agreed that Chairs need to be included in the budget process, the availability of the Commissioners starts to dictate when they meet, how they meet and what is added or subtracted. Mr. Neto felt that the Commissioners should either trust their division heads and directors or get rid of them. He feels it would bog down the system that has already slowed to some degree in the decision making process even though it is all with good intentions.

Chairman Epstein moved on to Article XIV, Item D., c. He thought that there was an issue with Pension because the Board may not need a Pension Committee anymore. Mr. Neto noted that as long as the pension stays as is, some oversight will be required. It will not be the same oversight that it was 2 years ago because it has stabilized because no more people will be added. The Board may want to decide if they want to keep the pension or evaluate cashing it out so that this does not continue to grow. It will be a cost of approximately \$15,000 a year to maintain it. There will be less resources available for the participants, but all the credit associated with each individual is there. The situation will not get better. If it gets worse, Mr. Neto will be advising that it needs to be funded. President Brow requested a list of participants that are in the pension plan and what the payout would be as a one lump sum payment. Mr. Neto stated that it could be done through the pension officials with a cost attached to it. This would be one of the documents required in addition to others. Mr. Neto reported that the whole pension system is a challenge at best. It has been in existence for the last 25 years and been passed on from the District's financial office to the pension company. There is different data that gets transferred. Mr. Neto suggested having a meeting with the full Commission to discuss and resolve some of the pending pension issues. Mr. Neto recommended leaving the pension as is for now. The Pension Committee shall have the responsibility to evaluate all options in regards to the pension plan under the State and Federal guidelines and statutes.

A motion was made by President Brow, seconded by Commissioner Hinnens and unanimously approved to add Under Article XIV, D., c. adding item iv. To read: the Pension Committee shall have the responsibility to evaluate all options in regards to the Pension plan and in adherence with all State and Federal guidelines.

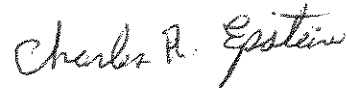
The next item is Article XIV, Item D., d. regarding the Personnel Committee. Chairman Epstein suggested not starting to discuss the Personnel Committee until their next meeting. Commissioner Terry agreed and felt that this item will need a lot of work.

The Committee agreed to schedule the next meeting for Thursday, July 2, 2020, at 5:30 PM. The meeting will be held at Coles Road.

V. Commissioners' Comments. There were no additional comments to report.

VI. Adjournment. There being no further business, a motion was made by President Brow, seconded by Commissioner Donohue and unanimously approved to adjourn the meeting at 7:32 PM.

Respectfully submitted,



Charles R. Epstein, Chairman

Nancy Deegan
Recording Secretary
7-9-20