

Cromwell Fire District

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FIRE DISTRICT OFFICE
WATER DIVISION

FIRE DEPARTMENT
FIRE MARSHAL'S OFFICE

BOARD OF COMMISSIONERS

Fire and Water Divisions

Tuesday, December 20, 2022, 6:00 PM

Coles Road Firehouse
105 Coles Road
Cromwell, CT

The Commissioners of the Cromwell Fire District held their monthly Board of Commissioners' meeting on Tuesday, December 20, 2022, at 6:00 PM, at the Coles Road Firehouse, 105 Coles Road, Cromwell, CT to discuss and act upon Fire and Water Division business.

Commissioners Roger Rukowicz (President), David Colligan, Charles Epstein, Robert McIntyre, Mertie Terry, John Sokolowski, Chip Darius, Donald Smith and Robert Donohue attended. Also attending were Executive Director Julius Neto, Finance Manager Michael Lupkas, Water Operations Manager Joe Palmieri, Fire Chief Jason Brade, Fire Marshal Harold Holmes and Communications Manager Justin Lonergan.

CALL TO ORDER

The meeting was called to order at 6:00 PM by President Rukowicz. The Pledge of Allegiance was led by President Rukowicz.

APPROVAL OF AGENDA

A motion was made by Commissioner Colligan, seconded by Commissioner Donohue and unanimously approved to accept the agenda with the following addition: Item III, under Public Comment, add Item A. Discussion of Interlocal Public Services Agreement.

PUBLIC COMMENT

There were no public comments to report.

- A. Discussion of Interlocal Public Services Agreement. The Executive Director introduced Attorney Eric Parker who represents one of the two property owners on North Road in Rocky Hill. His client is interested in building a house on his property on North Road.

The draft agreement distributed for review at this meeting is a result of ongoing discussions over the last few months with the Town of Cromwell, the Town of Rocky Hill and the Cromwell Fire District regarding fire coverage. The issue is about North Road which starts in Cromwell and has an extension that crosses the town line into Rocky Hill. The Town of Rocky Hill is requesting the Cromwell Fire Department to be

first responders to calls at that location because Cromwell has quicker access to that area. The first response from Cromwell would be until the Rocky Hill Fire Department arrives. Rocky Hill will be responsible for the scene. The Executive Director reviewed the agreement with the District's attorney. Attorney Rose was fine with the language of the agreement as written.

The other building lot on North Rd. is 145. The agreement includes the second property owner and is intended to include everyone in that area. When checking a map you would see North Road connecting to New Road in Rocky Hill. However, there is no road there. A road was never constructed, but it is part of the plan for that part of Rocky Hill. The building lots were cut off from Rocky Hill because that "paper road" was never built.

Attorney Parker's client purchased his lot, received a building permit from Rocky Hill and began construction. At some point after construction began, the Rocky Hill Fire Marshal flagged the construction and advised that if there was an emergency at this property, no one would be able to respond. At that point construction has ceased. Attorney Parker's client has a construction loan, and the bank is about to pull the financing if this issue cannot get resolved.

The two towns began talks about this issue. This is not an unprecedented situation. Rocky Hill has a similar agreement with Wethersfield for a couple of lots. The agreements are considered Interlocal Public Service Agreements. The only item on the draft that applies to the Fire District is Item #2. Attorney Parker has been negotiating with Attorney Rose and both Towns for approximately one month. Attorney Rose was clear that he wanted this agreement to apply to first responder services.

It was also noted Item #1 in the draft refers to police services. Cromwell Police can also get to this location faster than Rocky Hill Police. Rocky Hill would have to go all the way around into Cromwell to enter that street. It is just a lot easier for Cromwell to get to those locations first. However, Rocky Hill would remain responsible for the scene.

Attorney Rose was in agreement with Item #2 in terms of a contractual payment or mil rate. Because of the way the Fire District was set up by a Special Act of the Legislature, there is no inherent authority over those houses to impose a District tax as you would on someone within the municipality. Attorney Parker's client as well as 145 North Rd. would have no choice if they wish to build and will agree to have this document report as part of the land records. They will pay the same mil rate as Cromwell residents even if that rate goes up.

Commissioner Colligan asked Chief Brade if he has been in discussions with the Rocky Hill Fire Chief about a mutual aid agreement because he felt that this situation is something mutual aid would be used for. Chief Brade reached out to the Chief in Rocky Hill because he knew that the previous Fire Chief was trying to establish a mutual aid agreement, but that never happened. There is no agreement currently in place. Commissioner Colligan recommended that a written agreement be drafted that includes the Fire Marshal.

Mr. Neto added that this agreement will supersede a Mutual Aid agreement. Even though there is no mutual aid document with Rocky Hill, Cromwell does provide mutual aid services to Rocky Hill. If the District signs the agreement, it will require Cromwell Fire to respond. Emergency 911 calls will still go to Rocky Hill who will in turn contact

Cromwell as they do now for mutual aid. Commissioner Colligan is concerned that Cromwell will be liable for something at a scene when they shouldn't be.

It was noted that this agreement does not involve the Water Department of Cromwell. It only applies to Fire and Emergency services. At some point it may involve the Water Department because the closest fire hydrants to those locations are on Fawn Run which is 200 – 300 yards from where the building will reside. The ordinance is that the hydrant must be no more than 400 feet from the houses. There is no language in the agreement that addresses the water issue. Attorney Parker's client has a well.

There was concern regarding what type of access roads will be in place, and will they be able to accommodate fire apparatus. The road is the responsibility of the homeowners on the Rocky Hill side of the town line on that street. Attorney Parker thought that this should be addressed more specifically as the site plan moves forward. The Town of Cromwell is planning on plowing part of North Rd., enough to reach those properties.

Commissioner Sokolowski thought that before any decisions are made, the District will need to know what the infrastructure will be for Cromwell's access to the property. It means that Cromwell needs to see the site plan. The Rocky Hill Fire Marshal's Office should be advising Cromwell about the access road there. Attorney Parker thought that part of the intent was to keep Fire Marshal services in Rocky Hill such as inspections or investigations. The Fire Marshal in Rocky Hill will have to sign off on the changes.

President Rukowicz has been out to the site. He also has concerns about access to that property with fire or emergency apparatus. He suggested someone measure the width of that road. He accessed the road with his truck, and there was barely any room on either side of the truck.

Commissioner Darius noted that the agreement as written has no provision for a periodic review. It is a perpetual agreement. There is no criteria in the agreement where the Fire District can terminate the agreement. The only provision is by mutual agreement with the Town and the District. Commissioner Darius did not see a signature line for Rocky Hill ambulance on the draft. They hold the PSA for Rocky Hill.

Attorney Parker stated that he has put in at least 25 hours of negotiating with the Towns and the District's attorney. None of the questions brought up at this meeting were raised during any of the negotiating. They were told that the District's attorney had reviewed the agreement and they were fine with it.

Fire Marshal Holmes previously had meetings with former Chief Balletto and Rich Renstrom from the Rocky Hill Fire Marshal's Office. Chief Garrity would not sign a mutual aid agreement because of the Task Force in place. That type of situation would be a task force activation.

Mr. Holmes explained that Fire Marshals have nothing to do with single family homes. Those homes do not get inspected by the Fire Marshal. FMO's are more concerned about access and where water is. They make sure that access roads are 24 ft. wide. The Commissioners had concerns about the road requirements to accommodate fire apparatus. Attorney Parker did not think the draft agreement addressed road requirement issues. Commissioner Darius noted that even if infrastructure requirements are met, the State office of EMS still has to deal with the fact that it is Rocky Hill's PSA, and Cromwell is

responding out of their PSA to provide EMS in violation of the PSA. There are more moving parts in the agreement that have to be addressed than are in this agreement tonight. Other questions have to be answered.

Commissioner Smith thought that Cromwell probably should not care so much that the property owners are repairing and maintaining the road. There should be some type of certification from the Town of Rocky Hill that they will deliver a road that will meet all standards and continue to maintain it during the period of the agreement.

Justin Lonergan added that this type of agreement is not unprecedented in the State of CT. There are multiple towns that have these types of agreements with other agencies. When referring to first responder services, they are implying that Rocky Hill is still responsible for firefighting activities and ambulance transports out of that address. They are asking Cromwell to show up because Cromwell can get there faster. If Rocky Hill is responsible for services, their Building Dept. and Fire Marshal's office will maintain jurisdictional authority over that residence.

Chief Brade asked what Cromwell would be responsible for since Rocky Hill will be paying a 3 mil tax rate to Cromwell. Mr. Neto stated that if the District were to sign off on the agreement, they will not be receiving any financial compensation. Cromwell does not take any financial reimbursement for mutual aid calls. The Department would respond like they do for any emergency as mutual aid in the Town of Rocky Hill. Cromwell will do what they need to do at the scene until Rocky Hill gets there. It is the same practice as police services.

President Rukowicz noted that in viewing the property, the property owner should be redesigning the driveway so fire apparatus can get up to the house. They also need to know how far the house is from the street. There will need to be a specific procedure for the road regarding apparatus accessing the fire hydrant.

Chief Brade discussed his concerns. Commissioner Darius had some clarification from discussions with people at OEMS. The only way this agreement can happen is if there is an agreement between the two ambulance providers. There needs to be an inter-PSA agreement which does not need to go through OEMS review. Commissioner Darius did not see any provisions for Cromwell to threaten to withdraw or penalize the homeowner. There is no mechanism if the homeowner does not uphold their end of the bargain other than mutual agreements between the Towns and the District. Paragraph #11 gives a different role to the homeowner in that agreement.

Attorney Parker was hopeful to have an amendment tonight to the original agreement, but he is willing to go back to the Town of Rocky Hill to get some answers to the questions that were raised this evening.

Chief Brade noted they will respond at this location as they would anywhere else in Rocky Hill as a mutual aid call. Commissioner Darius apologized for Attorney Parker spending so much time on this without speaking to the right individuals to help with the agreement language.

A motion was made by Commissioner Epstein, seconded by Commissioner Sokolowski and approved to table this item for 2 weeks in order to have time to research all the questions that were raised. It was agreed that Cromwell's response would be as it is in

a mutual aid situation or reword item #2 of the agreement. A Special Board of Commissioners' meeting will be scheduled for Tuesday, January 3, 2022, at 5:30 PM, to reconvene on the issue.

It is important to get all the necessary information within two weeks so no additional time is wasted. The questions raised had to do with road access/driveway access and the PSA.

APPROVAL OF THE BOARD OF COMMISSIONERS' MEETING MINUTES OF NOVEMBER 15, 2022

A motion was made by Commissioner Sokolowski, seconded by Commissioner Terry and unanimously approved to accept the Board of Commissioners' meeting minutes of November 15, 2022, as submitted.

APPROVAL OF THE SPECIAL DISTRICT MEETING MINUTES OF NOVEMBER 17, 2022

A motion was made by Commissioner Epstein, seconded by Commissioner McIntyre and unanimously approved to accept the minutes of the Special District Meeting of November 17, 2022.

READING OF COMMUNICATIONS & WRITTEN APPEALS TO THE BOARD

There were no communications or appeals to report.

REPORTS OF THE STAFF

A. **Executive Director.** The Executive Director's Report for November had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. The Executive Director had nothing to add to his report. It was a busy month. The new roof will be completed at the West Street firehouse by tomorrow. Commissioner Donohue will be doing a professional assessment of the work. The District is in the formal stages of negotiating the Dispatcher's CBA. The next meeting is scheduled for some time next week. Commissioner Epstein also had noticed the work on the roof at West St. The work will be tested this weekend with all the rain that is expected.

A motion was made by Commissioner Donohue, seconded by Commissioner Darius and unanimously approved to accept the Executive Director's Report for November as submitted.

B. **Financial Report.** The Financial Report for November had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. Mr. Lupkas reported that collections for the Fire Department were approximately 58.6% of budget. The numbers should go up in January when the next billing cycle begins. For EMS receipts, both graphically and number-wise accounts have gone down the last couple of months compared to the prior year. They are approximately 5% over where there were last year. The audit is ongoing. The auditors have completed their field work. Some of the last few items are being done remotely. The Actuary has not provided their report yet. The auditors have recommended a request to the State for a one-month extension. The majority of the audit is waiting on the actuarial report.

Mr. Lupkas pointed out page 5 of his report. It was added to his report based on discussion at last month's meeting. It is a listing of any accounts over \$1,000 in the collection process. It was noted that so far Donna in the Water Department has collected \$524,000.

A motion was made by Commissioner Darius, seconded by Commissioner Donohue and unanimously approved to accept the Financial Report for November as submitted.

- C. Fire Department Chief. The Chief's Report for November had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. The Chief reported they have been getting out into the community as they have in previous months. They have scheduled a couple of live burns to meet OSHA requirements.

The Chief wanted to discuss how the Fire Department has been operating. He feels the Chief's Office is like a sinking ship. However, there is a plan. The Chief has worked with the Executive Director to contract with a company and start the hiring process for two Assistant Chiefs. Job descriptions were drafted and forwarded to the company. The process will start during the Christmas break. The posting will be for about one month. This should provide enough time to get qualified applicants both internal and external. The company will be doing the posting process, the interviews and the written exam and will then forward the names of the eligible candidates. One position will be a Training & Safety Assistant Fire Chief and the other will be a Fire Operations Assistant Fire Chief. The District will be given the names of the top three to five candidates for each position. The final process will be interviews by a Chiefs' panel and the Personnel Committee.

The Board had given the Fire Chief permission to work with two Lieutenants to help facilitate operations during the search for assistant chiefs. He has been utilizing one of them quite a bit. Lt. McKnight has extremely stepped up and gone above and beyond what was asked of him. One of the issues with medical revenues being lower is that charts have been stacking up. There were approximately 150 charts that were back logged. Over the last 3 or 4 weeks with the assistance of Lt. McKnight and some assistance from EMT Webber, that backlog number has gone down to six. These were charts with billable amounts of \$90 to \$100,000. The outcome of that work should be seen over the next month or two.

The Department is also going over the apparatus and getting ready for the new Squad 1. A final inspection was done before this meeting. There were a couple of minor changes that will be done at Firematic in Rocky Hill.

Regarding fire training, the Chief does not have an Assistant Chief of Training. He has tasked some of the career firefighters with working on a training plan. Lt. McKnight has been working on the plan as well and come up with a training plan for 2023. They now have a tentative training plan for the coming year. It could be modified by anyone that comes in as Assistant Chief of Training. The plan in place should be sufficient to meet the appropriate requirements which includes an EMS training plan. They also have a Volunteer Plan in written format. It needs to be modified a bit. It will be forwarded to the Commissioners in the near future for review. The Chief reported they are moving forward with things although there is a lack of manpower. They are hopeful with the addition of two assistant chiefs, the workload will become more manageable. They are doing their best to get things done. President Rukowicz complimented the Chief's office for their work on the backlog of charts.

A motion was made by Commissioner Epstein, seconded by Commissioner Sokolowski and unanimously approved to accept the Chief's Report for November as presented.

1. Fire Marshal's Office. The Fire Marshal's Report for November had been previously submitted and reviewed. A copy is attached to the minutes on file in the Fire District Office. Mr. Holmes had nothing to add to the report. He was available to answer any questions. He did report he has been very busy, but expects to have Colin Whalen back in the beginning of the new year. They have interviewed for another part-time fire inspector. The candidate is Mr. Brian Mello. He is a retired Southington firefighter. He knows Mr. Holmes and Commissioner Epstein and had approached them when he saw the posting. Mr. Holmes also noted that his secretary has given her notice. Her last day will be Friday, Feb. 3, 2023. He will be discussing next steps with the Chief.

Mr. Neto added that there were not a lot of applicants for the fire inspector position. One of the applications was submitted after the deadline. He asked if the Board wanted to go through the process of posting it again or accept the candidate's application that was submitted late because it was a successful application, and they would be able to move the candidate to the position which is a budgeted position.

A motion was made by Commissioner Darius, seconded by Commissioner Sokolowski and approved 8 to 0 to waive the irregularity of the application deadline for Mr. Mello. Commissioner Epstein abstained.

A motion was made by Commissioner Darius, seconded by Commissioner Epstein and unanimously approved to accept the Fire Marshal's Report for November as submitted.

- D. Water Operations. The Operations Report for November had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. Mr. Palmieri distributed copies of information on the new job truck that the Water Department had ordered. The handout was a mockup of the lighting package and brackets package. He asked for input from the Commissioners. The vehicle is being worked on with both packages. Commissioner Colligan suggested adding an awning to the truck since it will be a universal truck for all uses. Mr. Palmieri will look for the funding to add that to the truck. He will also be adding a directional arrow onto the back of the truck. It is expected to be finished the first or second week in January.

A motion was made by Commissioner Donohue, seconded by Commissioner Darius and unanimously approved to accept the Operations Report for November as presented.

- E. Communication Center Report. The Communication Center Report for November had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District office. He added that Dispatcher Ferone has cleared his training period. He is now a Dispatcher. There is another part-time Dispatcher that will be starting shortly. Mr. Lonergan has been working on updating the training program. They have also been moving forward with some emergency repairs to some of the alarm systems due to FCC changes with radios, etc. He is moving forward with other projects such as the phone system replacement.

A motion was made by Commissioner Donohue, seconded by Commissioner Darius and unanimously approved to accept the Communication Center Report as submitted.

REPORTS OF THE STANDING COMMITTEES

- A. District Operations. There was no meeting.

B. Executive. There was no meeting.

C. Fire Operations. There was no meeting in November.

1. Communications Committee. Mr. Lonergan reported that he has a meeting with the State regarding reprogramming tomorrow morning at 10 AM.
2. Apparatus Committee. A meeting was held on November 29, 2022. Minutes had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office. The Committee was going to suggest some changes that needed to go through the Fire Operations Committee. However, the issues will need to be vetted through the Bylaws Committee. A meeting of the Bylaws Committee is scheduled for January.

A motion was made by Commissioner Sokolowski, seconded by Commissioner Donohue and unanimously approved to accept the Apparatus Committee meeting minutes of November 29, 2022, as submitted.

D. Pension. Commissioner Colligan reported that a meeting has been scheduled for Weds., Jan. 4, 2023.

E. Personnel. A meeting was held on December 13, 2022. Minutes had been previously distributed and reviewed. A copy is attached to the minutes on file in the Fire District Office.

A motion was made by Commissioner Colligan, seconded by Commissioner Darius and unanimously approved to accept the Personnel Committee meeting minutes of December 13, 2022, as submitted.

F. Water Operations. There was no meeting.

BOARD APPOINTMENTS

There were no appointments to report.

CONSIDERATION OF OLD BUSINESS

- A. Report of the Town Council Liaison. There was no one present from the Town. Commissioner Donohue had a report for next month. The Executive Director has reached out to the Mayor to inquire about a representative to attend the Board meetings. The Mayor is more than happy to provide information at the Board meetings. He has suggested forwarding a written report. The Mayor wants to know if the District is going to reciprocate. Mr. Neto informed him that he would be advising the Commissioners at this meeting. They will need to decide what will work. President Rukowicz suggested forwarding a Board meeting packet to the Mayor, and if there are any questions, he can contact the President or Executive Director. Commissioner Donohue suggested reaching out to the Mayor. The Board members can highlight things in the Board packets that the Town would be interested in.

B. Reports of the Special Committees

1. Public Safety Tower Committee. The meeting scheduled for December 2, 2022, had been canceled. The next meeting is scheduled for Fri., March 3, 2023, 10 AM, West St.
2. Health & Safety/Bldg. Committee. There was no meeting.
3. Bylaws Committee. A meeting has been scheduled for January 12, 2023.
4. Public Relations/Community Outreach Committee. Commissioner Darius reported that the January newsletter is in process. He had sent out a request for article input. People have been dealing with other issues so response for articles is taking some time. The Cromwell Chronicle continues to be non-responsive. They will be forwarding a statistical report to the Chronicle.
5. Discussion and Approval of 2023 Holiday Schedule. Copies of the proposed holiday schedule were distributed and reviewed. There was a previous discussion at the last meeting about Juneteenth. Commissioner Darius thought that Juneteenth should be celebrated but there is no budgetary support to celebrate it as a paid holiday. Commissioner Sokolowski wanted to know if there have been any discussions with the local unions on this issue. The Executive Director noted that it is one of the items to be discussed during the contract negotiations for the Dispatchers. He discussed this with the Union president after the last Board meeting, and he did not have any objection to adding a new holiday. They would not be in favor of replacing an existing holiday for Juneteenth. If the Board approves this addition, it would have to be negotiated formally. Commissioner McIntyre suggested added this to the next budget cycle. He understood that the District usually follows the Town's holiday schedule. He did not recommend it for this year because the budget is already tight. President Rukowicz noted that the Executive Committee will be working on the next budget soon. Anyone on the Committee should make a note of this as an agenda item.

A motion was made by Commissioner Darius, seconded by Commissioner Colligan and unanimously approved to accept the 2023 Holiday schedule for non-bargaining unit employees as drafted.

NEW BUSINESS

- A. Commissioners' Comments. There were no Commissioners' comments.
- B. Budgetary Adjustments. There were no budgetary adjustments to report.
- C. Approval of Contract/Contractors. There were no contracts/contractors to report.
- D. Hiring of New Part-Time Dispatcher. President Rukowicz noted that approval for the Communications Manager to hire a new part-time dispatcher was granted by the Personnel Committee meeting at their last meeting. Mr. Lonergan explained that this was a position that they kept open. They had recently hired a full-time person and were waiting to see how that would work out. They are incurring some overtime, so Mr. Lonergan went to the Personnel Committee to request to fill the open part-time position. They interviewed four people for the position. The person chosen was Mr. Andrew Turenne who will be starting in the near future.

A motion was made by Commissioner Colligan, seconded by Commissioner Darius and unanimously approved to accept the recommendation of the Communications Manager and Personnel Committee to hire part-time Dispatcher Andrew Turenne.

PUBLIC COMMENT

Mr. James Rude, 25 Highridge Rd., Cromwell: He understood the reason why the roof had to be fixed at the West St. firehouse, but he continues to be disappointed that this is the second year in a row there have been some major capital items to come up outside of the budget cycle. There is a capital budget this year of \$169,000, and a \$65,000 incremental expenditure is a sizeable over-expenditure of the original capital budget that was identified. He encouraged the Commission to seriously consider doing some long-range financial modeling so that they can be sure to replace their facilities, fire trucks and ambulances in a normal and recurring cycle rather than having to be approved in an emergency in an off-budget manner.

He thanked the Board for beginning to show some aging of accounts receivable. It is interesting to see what happens when you start to shine the light on things that haven't been looked at in a long time. He commended the Commission for beginning to look at the aging of receivables. It is something almost every business does because there are a lot of dollars that hide out in old accounts receivable. It is good to hear that the Board is beginning to think and address how to keep those receivables current and how to take action on those people that are not paying and potentially causing the utility bills of other folks to be higher than they should be. It is part of the ongoing process of financial reporting and the concept of shining the light on things that don't get seen very often.

He also encouraged the Commission to seriously consider expanding the periodic financial reporting. Every month there is a profit loss statement vs. the budget. Currently you only see the other three financial statements; the balance sheet, the change in the equity and the cash flow statements on an annual basis as part of the audit process. Almost six months have passed in this fiscal year, and the information for June 30, 2022 is still not available as of today's meeting. He strongly encouraged the Commission to request that the other 3 financial statements; balance sheet, change in fund balance or equity and the cash flow statement be reviewed on a quarterly basis to make sure there aren't other things that the Commission should be talking about that people don't know about.

On behalf of the Commission, Commissioner Epstein wished everyone a safe and happy holiday season.

EXECUTIVE SESSION

- A. Update on Pending Personnel Matters, the Disclosure of Which Would Constitute an Invasion of Personal Privacy, and/or Strategy with Respect to Pending Claims. *A motion was made by Commissioner Colligan, seconded by Commissioner Epstein and unanimously approved to enter into Executive Session at 7:53 PM, inviting the Fire Chief and the Executive Director.*

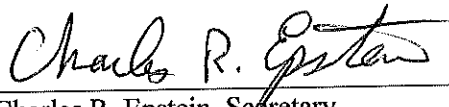
A motion was made by Commissioner Darius, seconded by Commissioner Donohue and unanimously approved to adjourn Executive Session at 8:16 PM. No action taken.

CFD Bd. Of Cmsr.'s mtg. 12-20-22

ADJOURNMENT

There being no further business, a motion was made by Commissioner Epstein, seconded by Commissioner Darius and unanimously approved to adjourn the meeting at 8:17 PM.

ATTEST:



Charles R. Epstein, Secretary

Nancy Deegan
Recording Secretary