

# **Cromwell Fire District**

1 West Street  
Cromwell, CT 06416

COMMISSIONERS' OFFICE  
TELEPHONE 860-635-4420

FIRE DEPARTMENT  
WATER DIVISION

## **BOARD OF COMMISSIONERS' MEETING**

**Fire and Water Divisions**  
**Tuesday, January 19, 2016**  
**7:00 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, January 19, 2016, at 7:00 PM, at the Coles Road Firehouse, 105 Coles Road, Cromwell, CT to discuss and act upon Fire and Water Division business.

Commissioners Frank Seidl (President), Julius Neto, Donald Swanson, David Colligan, John Hamlin, James Bellamo Mark Langton and Charles Epstein attended. Also attending were Executive Director Michael Dagostino, Operations Director S. William Jarzavek, Fire Marshal Todd Gagnon, Acting Fire Chief Michael Salonia, Assistant Fire Chief Tom Duff, Assistant Chief EMS William Clare, Town Liaison Samantha Slade and Premier Accounting staff Michael Alibrio and Bob Davis. Commissioner Craig Murphy had an excused absence.

The meeting was called to order at 7:04 PM, by President Seidl. The Pledge of Allegiance was led by President Seidl.

### **APPROVAL OF AGENDA**

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

### **PUBLIC COMMENT**

Mr. Thomas Franklin addressed the Board to speak in support of former Fire Chief Stephen Pendl. He had heard that the Chief had left the Fire Department, but he does not know the reason why. He asked if the Commission could shed any light on what the reason was. The President responded by saying that he could only say that the Chief left the Department for personal reasons. Mr. Franklin also asked what it cost the District and the taxpayers for the Chief to leave. He further stated that there has been talk that an investigation was going on. He asked if there was an amount paid to the Chief to leave. Did he use vacation leave, was he paid anything extra? Also, what will it cost to replace Chief Pendl? Mr. Franklin added that Chief Pendl did a great job. He stated Chief Pendl loved his job, and Mr. Franklin cannot imagine why he would leave. President Seidl responded that some of the information regarding this issue with Chief Pendl is available by request through the Freedom of Information Act.

Mark Chadsey addressed the Board and asked if the public had a right to know anything about why a man of Chief Pendl's stature would leave. The Chief was dedicated to what he was doing. Mr. Chadsey stated it seemed kind of funny that the Commission could not provide more information as to why the Chief left or what forced him into leaving. As a resident of Cromwell he does not understand why he cannot get an explanation as to why the Chief would leave. He asked if it was something that bad that

the Commission forced him into making that choice. President Seidl responded by saying he could only say that the Fire Chief left for personal reasons.

Mertie Terry addressed the Board by saying that Chief Pendl will be sorely missed by this Town. He was a value to this Town. She did not know the reasons why the Chief left and had not heard any of the scuttlebutt. She told the story of her husband having a medical emergency at their home. Chief Pendl was the first one to respond to the call. When they got her husband to New Britain Hospital, they were told that if they arrived 5 minutes later, Mr. Terry would not have survived. She wanted the Commission to know that Chief Pendl was a great humanitarian, and was someone you could count on. She stated she was sorely disappointed that he felt he had to leave.

Jim Martin addressed the Board. He is a neighbor of Chief Pendl, five doors down on Oakwood Manor. He explained that he knows about political pressure. He does not believe that the Chief all of a sudden wanted to retire. Someone had to have put pressure on the Chief to leave. He was concerned that no one from the Commission would make a comment about what the Chief may have done. Mr. Martin stated that Chief Pendl is a good man. He would help anyone that needed it, day or night. He is a professional. Mr. Martin stated that if the Board is responsible for the Chief leaving, they should be held accountable for the damage done to him. He stated several times that Chief Pendl is a good man. He is very dedicated. Mr. Martin would like to see the Board give a reason why the Board would get rid of the Chief. There should have been ways to work things out with the Chief, but Mr. Martin now feels the Commission was out to hatchet someone, and that is what they have done. He feels that what the Board may have done to Chief Pendl is disgraceful.

Cheryl Chadsey addressed the Board. She is also a neighbor of Chief Pendl. She addressed the Board to comment on his honesty, he has always been ready to help the community he has always been there for the neighbors' emergencies and he is compassionate.

Stanley Stachura addressed the Board. He began by commending the Fire Department for the outstanding job they do in responding to emergencies. He had used their services twice last year. He has gotten to know Chief Pendl over the years on a professional level too when Mr. Stachura was on the Board of Selectmen and the Chamber. He stated that Chief Pendl has been both valuable to the Town and the community. Mr. Stachura did not know any details about why the Chief had left, but he stated that the Chief has always been forthright. If anything was happening he would always come forward and talk about it. Mr. Stachura described the situation as a disgrace and stated that the Town is losing a very valuable part of its community, Middlesex County and the State.

APPROVAL OF THE BOARD OF COMMISSIONERS' MEETING MINUTES OF  
DECEMBER 15, 2015

A motion was made by Commissioner Hamlin, seconded by Commissioner Epstein and approved 7 to 0 to accept the Board of Commissioners' Meeting minutes of December 15, 2015, as submitted.

APPROVAL OF THE SPECIAL BOARD OF COMMISSIONERS' MEETING MINUTES OF  
JANUARY 6, 2016 & JANUARY 12, 2016

Minutes were not available for the Special Board of Commissioners' Meetings of January 6, 2016, and January 12, 2016. A motion was made by Commissioner Swanson, seconded by Commissioner Neto and unanimously approved to table the Special Board of Commissioners' Meeting minutes of January 6, 2016, and January 12, 2016, for the next meeting agenda.

READING OF COMMUNICATIONS & WRITTEN APPEALS TO THE BOARD

Commissioner Neto read a letter addressed to the Board of Fire Commissioners from Jeffrey Gilligan, 678 Main St., Cromwell, CT, dated December 23, 2015. It was a request for elimination of a requirement for a fire hydrant. A copy of the letter is attached to the minutes on file in the Fire District Office. Mr. Gilligan recently had a 3 lot subdivision approved by Planning and Zoning. The Fire Chief was requesting a new

fire hydrant be placed at the front of the property. He was requesting that the new hydrant be eliminated because there are already 3 existing fire hydrants in close proximity to the existing home on the site. President Seidl responded that the Board will be taking this up under New Business.

#### REPORTS OF THE STAFF

- A. Executive Director. The Executive Director's Report for December 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 Swanson, seconded by Commissioner Hamlin and unanimously approved to accept the Executive Director's Report for December as submitted.

- B. Financial Report/Treasurer's Report. The Financial Report/Treasurer's Report for December had been previously submitted and reviewed. A copy is attached to the minutes on file in the Fire District Office. Commissioner Bellamo asked about a line item for the fire fighter banquet. He asked if there was another account or line item that it would fall under. Mr. Albrio responded that he did not know what account that line item might be under. He explained that during the budget process everyone was involved in putting their budgets together. Mr. Albrio stated that he did not recall a specific line item for that event. It may be combined with another item. He did have a conversation with Deb Clare and Commissioner Colligan regarding who was responsible for that item. Commissioner Colligan reported that the funding is usually under Recruitment and Retention, but got spent on other things. Commissioner Colligan received a report which showed what that line item was spent on. Commissioner Langton asked what amount the account started the fiscal year with. Commissioner Colligan stated there was \$7,000 to start in that account. There is an account titled Commissioner Expenses. Mr. Albrio stated that is where the money will come from to pay for the expenses submitted by Deb Clare. Commissioner Neto reported it is the intent of the Commission to support half of the expenses of the banquet. The Fire Department pays the other half. The Commission will still sponsor and support the banquet.

A motion was made by Commissioner Neto, seconded by Commissioner Hamlin and unanimously approved to accept the Financial Report/Treasurer's Report for December as submitted.

- C. Fire Department Chief. The Chief's Report for December had been previously submitted and reviewed. A copy is attached to the minutes on file in the Fire District Office. Interim Chief Salonia added that he is getting the Department ready for the storm this weekend. He reported that Ladder 3 was out of service, but is now back in service.

A motion was made by Commissioner Colligan, seconded by Commissioner Swanson and unanimously approved to accept the Chief's Report for December as submitted.

- D. Fire Marshal. The Fire Marshal's Report for December 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 Neto, seconded by Commissioner Swanson and unanimously approved to accept the Fire Marshal's Report for December as submitted.

- E. Water Operations. The Operations Report for December 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 Neto, seconded by Commissioner Hamlin and unanimously approved to accept the Operations Report for December as submitted.

- F. Communications Report. The Communications Report for December 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 Neto, seconded by Commissioner Hamlin and unanimously approved to accept the Communications Report for December as submitted.

#### REPORTS OF STANDING COMMITTEES

- A. District Operations Committee. There was no report.
- B. Executive Committee. There was no report.
- C. Fire Operations Committee. There was no report.
- D. Pension Committee. There was no report.
- E. Personnel Committee
  - 1. Special Meeting of January 6, 2016. A Special Personnel Committee meeting was held on January 6, 2016. Minutes were distributed for the Commissioners to review. A copy is attached to the minutes on file in the Fire District Office. Commissioner Bellamo asked about the status of the appointment of an Acting Lieutenant. Mr. Dagostino reported that firefighter Michael Zadrick has been appointed Acting Lieutenant. The position has been posted. Mr. Zadrick has advised Mr. Dagostino that he is interested in applying for the permanent position.

A motion was made by Commissioner Colligan, seconded by Commissioner Hamlin and unanimously approved to accept the minutes of the Special Personnel Committee meeting of January 6, 2016, as submitted.

#### BOARD APPOINTMENTS

There were no appointments to report.

#### CONSIDERATION OF OLD BUSINESS

- A. Report of the Town Council Liaison. Ms. Samantha Slade reported that the Board of Selectmen has been visiting local businesses and has been since the election. This was something that started before the election and has been continued since. They will be visiting two businesses tomorrow. She announced that the Transfer Station is still accepting brush, recyclables, etc. for free. There has been some questions regarding a charge for a punch fee, but recycling materials are still free. Last night Mr. Alan Spotts was named Man of the Year by the Knights of Columbus. The Town's budget process has begun, and those talks will begin next month.
- B. Reports of the Special Committees
  - 1. Public Safety Tower Committee. A meeting was held December 4, 2015. Minutes had been previously distributed, reviewed and voted on at the last Board of Commissioners' meeting in December. This item was left on the agenda in error.
  - 2. Building Committee. There was no report.
  - 3. Safety Committee. There was no report.

#### NEW BUSINESS

- A. Commissioners' Comments. Commissioner Swanson commented to the public that the Board of Commissioners had received the reports for this meeting in the mail a few days ago. It might appear that the Board was going through each agenda item rather quickly, however, Commissioner Swanson

explained that each Commissioner has reviewed all the information presented ahead of time, and are prepared to discuss and vote on items as necessary.

Commissioner Langton thanked the members of the public that attended this meeting to speak in support of the Fire Chief. Commissioner Langton stated that he is a little torn with it, but what is done, is done. Regarding the resignation of Chief Pendl, Commissioner Langton is not sure the Commission accurately represented the citizens of the Town of Cromwell. The Chief served 18 years, 10 of them as Chief of the Fire Department. Commissioner Langton was not aware of anything in the Chief's personnel file regarding disciplinary action, yet suddenly the Chief resigns. Chief Pendl's 10 years as Chief of the Department brought about positive changes to the Department that no one else has accomplished. He stated he felt that was echoed with the Middletown Firefighters' Local who wrote, "Middletown Professional Firefighters wish Cromwell Fire Chief Steve Pendl the best in his future endeavors. Chief Pendl has been a pleasure to work with, and we wish him all the best in the next chapter of his career." Commissioner Langton stated that the Commissioners have heard from the public as well as other members of the Cromwell Fire Department who also feel their questions are not represented in the resignation of Chief Pendl. He stated we speak of fiduciary responsibilities acting in interest of the Cromwell Fire Department specifically the Cromwell Fire Department's towns people rather than members with a personal interest. He feels in that respect we failed them. He feels that between all the parties, the Commission has a responsibility as Commissioners and the Executive Director to report any anomaly that may have occurred. Commissioner Langton does not feel this was done.

Commissioner Hamlin stated regarding any information that the Commission does have, regarding any anomaly, he asked Commissioner Langton if he was trying to suggest that the Commissioners had information and did not tell anyone. Commissioner Langton stated that he felt the Commission had information that should have been handled internally. Commissioner Hamlin stated that if anyone wants to know why the Chief left, the Commission cannot say why the Chief left because it is a personnel matter. Commissioner Langton agreed. Commissioner Hamlin stated that any information that is available is FOI able. Any information the Commission has is public knowledge; any reports, notes, etc. The public needs to put a request in writing to the Commission to obtain that information. The request can also be done on line. The Executive Director, Michael Dagostino, will handle all requests for information. He again stated that the Board cannot address any personnel matters. Commissioner Hamlin stated that he found it offensive that one of their own team members helping to lead the District feels that there is a problem.

Commissioner Epstein stated that all Commissioners are aware that they have been advised by legal counsel not to say anything. If they do, the Commission is subject to legal action and costs for same. Commissioner Epstein felt that Commissioner Langton "took a shot across the bow that we don't deserve."

Commissioner Neto commented that he wanted to say the same as Commissioner Epstein. All the Commissioners understood the legal ground rules that were set up by both sides of this challenging situation. He stated we all signed up for it. He stated that the meeting is being recorded, and if there are any legal ramifications, this transcript could be provided to determine if there is any violation of the agreement. He further stated that this is a free country, and there are other Statutes prevailing that allow the public to gather as much information as possible. On the other hand, the agreement signed by this Commission, represented by the President that the whole Board agreed to hope that it was not violated by comments made a few minutes ago. He hopes the public understands that the Statutes allow them to gather all the data they are seeking. It cannot come from this governing body. He challenges anyone to exercise their right to get the information from the second floor at 1 West Street, by contacting the Executive Director.

B. Budgetary Adjustments. There were no adjustments to report.

C. Approval of Contracts/Contractors

1. Garage Generator Quote. Mr. Dagostino stated that in the 2015/2016 Water Division budget it was approved to purchase a new generator to be located at the Water Garage as backup power. The budget was \$24,000. He directed the Operations Director to solicit some bids. Bids were received from Kinsley. Newington Electric decided not to bid on the generator because it would also need a compatible transfer switch to complete the job. Mr. Dagostino stated that the garage already has a transfer switch. It is not part of the scope of work. Kinsley Power was the low bidder, but still coming in at \$100 over what had been budgeted. The bid came in at \$24,100. He knows this has already been approved through the budget process, but wanted to make everyone aware that it is \$100 over. The overage can be recovered from within the Water Division's budget. Mr. Dagostino will check with Kinsley to see if they can waive the extra \$100.

A motion was made by Commissioner Hamlin, seconded by Commissioner Colligan and unanimously approved to authorize the Executive Director to contract with Kinsley for the new backup generator to be located at the Water Garage at Coles Road. The Executive Director is also authorized to negotiate with Kinsley to reduce the bid by \$100.

- D. Taxpayer Request – Fire Hydrant. Jeffrey Gilligan, 678 Main Street, had submitted a request to the Board of Commissioners to have a proposed fire hydrant site on his property removed. He hired Kevin Johnson to subdivide his property into two building lots from the house. It was approved by Planning and Zoning on October 20 providing the owner have a discussion with the Cromwell Fire District regarding the hydrants. He received an email from Chief Pendl requesting a fire hydrant be placed either north or south of his driveway to satisfy the rear lot. The rear lot is where Mr. Gilligan's house is located. At the Zoning meeting, Mr. Gilligan did not have an opportunity to question Chief Pendl's request. They pointed out the fire hydrant locations on a map they provided. Mr. Gilligan's request and documents are also enclosed with these minutes. Also, it was noted that a turnaround was created at the end of Mr. Gilligan's driveway for fire apparatus. The Commissioners discussed other options suggesting an upgrade to the existing hydrant in close proximity to the proposed hydrant. Mr. Jarzavek noted that the Water Division would cover the cost from the water main to the curb stop. Commissioner Neto suggested that the Fire Marshal and Acting Fire Chief do a site survey. A site survey has been done by the Fire Marshal and Acting Fire Chief. The cost of the options were discussed. There was some concern about closing down the road with the new location of the hydrant when there is a fire there. It was noted that the road would still have to be closed if the existing hydrant is upgraded and used. Mr. Jarzavek estimated the cost of the new hydrant to be between \$10,000 and \$15,000. Acting Chief Salonia gave his input concurring with the Fire Marshal and Operations Director. Mr. Jarzavek stated that it would cost approximately \$2,100 to \$2,200 for an upgrade to the existing hydrant with a 5 inch pipe down the driveway.

A motion was made by Commissioner Hamlin, seconded by Commissioner Colligan and unanimously approved to approve the subdivision at 678 Main Street with a modification to the owner's request by upgrading the existing hydrant across the street with a combination hydrant with the steamer connection and two 2 ½'s at the expense of the land owner. Mr. Jarzavek asked when the property owner wished to begin this project. He added that this time of year is not the best time to begin this type of work. It was agreed by the property owner that the Spring would be a better time to begin this project.

A letter will need to be drafted to the Planning and Zoning Commission releasing the requirement that would put the hydrant across the street. Part of the agreement is to upgrade the hydrant that is currently there.

- E. Discuss Special Board Meeting for Approval of the Annual Report of the Treasurer. The audit reports have been received. All information that was pending from the State has been received.

A motion was made by Commissioner Neto, seconded by Commissioner Hamlin and unanimously approved to schedule a Special Board of Commissioners' Meeting on Tuesday, February 9, 2016, at 7:00 PM, at the Coles Road Firehouse, 105 Coles Road, Cromwell, CT, to approve the Annual Report of the Treasurer.

PUBLIC COMMENT

There were no public comments to report.

ADJOURNMENT

There being no further business, a motion was made by Commissioner Neto, seconded by Commissioner Colligan and unanimously approved to adjourn the meeting at 7:58 PM.

ATTEST:

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Julius Neto, Secretary

Nancy Deegan  
Recording Secretary  
1-24-16