

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
11 RYE STREET
BROAD BROOK, CT 06016
First Selectman's Office - (860) 623-8122**

Amended Regular Meeting Minutes

Tuesday, February 17, 2015 at 7:00 p.m.

BOARD MEMBERS

Denise Menard – First Selectman
Jason E. Bowsza – Deputy First Selectman
Steve Dearborn – Selectman

Dale A. Nelson – Selectman
James C. Richards – Selectman

These minutes are not official until approved at a subsequent meeting.

1. CALL TO ORDER

First Selectman Denise Menard called the Regular Meeting to Order at 7:07 p.m. at Town Hall.

2. ATTENDANCE

Present:

Denise Menard, First Selectman
Jason E. Bowsza, Deputy First Selectman
Steve Dearborn, Selectman
Dale A. Nelson, Selectman
James C. Richards, Selectman

3. ADDED AGENDA ITEMS

MOTION was made (Bowsza) and **SECONDED** (Richards) to add C. Discussion of updated part-time paid firefighters, under Section 9. Unfinished Business.

4. APPROVAL OF MINUTES

Regular Meeting Minutes of February 3, 2015

MOTION was made (Nelson) and **SECONDED** (Richards) that the Board of Selectmen approve the Meeting Minutes of February 3, 2015 with the following added suggested change to the Board and Commissions Appointments, the correct term expiring for Nancy Thurston to serve on the Elderly Commission will be changed to 12/31/2016.

In Favor: Dearborn, Nelson, and Richards. Opposed: None. Abstained: Bowsza.

5. COMMUNICATIONS

First Selectman Menard read the letter from Kahan Kerensky & Capossela, LLP regarding the Planning and Zoning Department hereto attached as Attachment A.

MOTION was made (Bowsza) and **SECONDED** (Nelson) to take Item 7 out of order. In Favor: Bowsza, Dearborn, Nelson, and Richards. Opposed – None.

7. PUBLIC PARTICIPATION

Mary Kay Kittredge, 84 Windsorville Road – She stated that she is at the Board of Selectmen meeting to show her support for the modular classrooms at Broad Brook Elementary School to be completed as soon as possible.

Cindy Ward, 136 South Water Street – She stated that she is at the Board of Selectmen meeting to show her support for the modular classrooms at Broad Brook Elementary School to be completed as soon as possible.

Marianne Misluk, 7 Joseph Farm Road – She has two children at the Broad Brook Elementary School and she is showing her support for the modular classrooms to be completed as soon as possible.

Tanya Unsworth, 9 Matthew Lane – She stated that she is at the Board of Selectmen meeting to show her support for the modular classrooms at Broad Brook Elementary School to be completed as soon as possible.

Ken Goldstein, 33 Perri Lane – Supportive of the completion of the modular project and to request a public hearing.

Lynn Obomalayat, 10 Matthew Lane – Supportive of the completion of the modular project.

Joyce Feeney, 19 Treetop Lane – Supportive of having a public hearing regarding the modular classrooms.

Brian Feeney, 19 Treetop Lane – Supportive of having a public hearing regarding the modular classrooms.

Joseph Blachuta, 5 Pierce Lane – Supportive of having a public hearing regarding the modular classrooms.

Christina Posniak, 4 Hayfield Lane – Supportive of having a public hearing regarding the modular classrooms.

Debbie Williams, 5 Hayfield Lane – Supportive of having a public hearing regarding the modular classrooms.

Jessica Melendez, 28 Elaine Drive – Supportive of having a public hearing regarding the modular classrooms.

Kate Carey-Trull, 28A Folkstone Road – Supportive of having a public hearing regarding the modular classrooms. It is important to re-educate the public about where we are in the modular project. She believes that it is important to have a public hearing to discuss what money was approved by the state to let everyone know where we are on this.

Sophie McConnell, 92 Barber Hill Road – Supportive of having a public hearing regarding the modular classrooms.

Jack Mannette, 13 Old Ellington Road – Mr. Mannette read his comments hereto attached as Attachment B.

MOTION made (Richards) and SECONDED (Nelson) to go out of order to Item 10A.

In Favor: Bowsza, Dearborn, Nelson, and Richards. Opposed – None.

10. NEW BUSINESS

A. Proclamation, Statement of Support for the Guard and Reserve

Mr. Ted Graziani of Employer Support of the Guard and Reserve gave a brief explanation about the importance of the proclamation titled, "Statement of Support for the Guard and Reserve" that he sent to East Windsor. The proclamation is to recognize and support the hiring of veterans who have served and are currently serving our country. He thanked First Selectman Menard and the Board of Selectmen for agreeing to sign the Statement of Support. He presented the Town with a plaque of the proclamation, hereto attached as Attachment C.

MOTION made (Bowsza) and **SECONDED** (Nelson) to take up Agenda Item 6A, report of the First Selectman.

6. SELECTMEN'S REPORTS

A. Denise Menard

First Selectman Menard read her report hereto attached as Attachment D.

B. Jason Bowsza

Selectman Bowsza read his report hereto attached as Attachment E.

C. Steve Dearborn

Selectman Dearborn reported that he had been busy plowing the snow in town. He also stated that Public Works did a good job with snow removal, as usual.

D. Dale A. Nelson

Selectman Nelson reported on the following:

- On 2/11 she was at the Board of Selectmen Budget meeting so she could not make it to the Police Commission Meeting.
- On 2/16 she was unable to attend the Warehouse Point Fire Department meeting. She strongly recommends that members of the Board of Selectmen attend these meetings because they offer a lot of information.

E. James C. Richards

Selectman Richards attended the 2/5 Charter Revision Commission meeting. He reported that they were unorganized and started late. It appeared to Selectman Richards that the Charter Revision Commission had incorrect or insufficient information. He stated that he was confused about why the Charter Revision did not have the all the paperwork they needed to continue the meeting.

8. BOARD AND COMMISSIONS APPOINTMENTS

Resignations:

None.

Re-Appointments:

MOTION was made (Nelson) and **SECONDED** (Richards) to reappoint Lori Titus (U) to serve until February 1, 2019 on the Veterans Commission as an alternate member.

In Favor: Bowsza, Dearborn, Nelson, and Richards. Opposed – None.

MOTION was made (Nelson) and **SECONDED** (Richards) to reappoint Rick Webster (R) to serve until December 1, 2019 on the Veterans Commission as a regular member.

In Favor: Bowsza, Dearborn, Nelson, and Richards. Opposed – None.

New Appointments:

MOTION was made (Nelson) and **SECONDED** (Richards) to appoint Steve Smith (R) to serve until June 1, 2017 on the Inland Wetland Watercourses Agency as an alternate member.

In Favor: Bowsza, Dearborn, Nelson, and Richards. Opposed – None.

9. **UNFINISHED BUSINESS**

***A. Discussion of Senior Property Tax Relief**

Not discussed at this meeting but remains on the agenda pending receipt of additional information.

B. Ordinance re-election of Board of Education Members (C.G.S. 9-204b)

During discussion of this ordinance, Selectman Bowsza explained that this would ultimately give voters more of a choice of people to vote on. Vice Chairman of the Board of Education Cathy Simonelli added that this would be a good thing to look into for other Boards and Commissions as well. It was decided by the Board of Selectmen to pass this onto the political party chairs and the Board of Education for their input.

C. Discussion of Paid Part-Time Firefighters

Chief Tom Arcari, Assistant Chief Jerry Bancroft, Chief Jim Barton and Fire Commissioner Mike Balf were in attendance. First Selectman Menard read and discussed her email from Town Attorney Joshua Hawks-Ladd hereto attached as Attachment F. There was discussion of the increasing need for part-time paid firefighters because the calls received by the Fire Department are becoming more frequent. Chairman Mike Balf was comfortable with Town Attorney Joshua-Hawks Ladd's suggestions and input. He asked what the next step would be in this process. First Selectman Menard indicated that a meeting with Town Treasurer Kim Lord to determine how the Town will pay the part-time firefighters and a discussion with the Town and District Attorneys are the next steps.

MOTION was made (Nelson) and **SECONDED** (Bowsza) to move this forward with the Town Attorney and with the District Attorney to get the Warehouse Point Fire District part-time Firefighter/Maintainer up and running.

In Favor: Bowsza, Dearborn, Nelson, and Richards. Opposed – None.

10. **NEW BUSINESS**

B. Discussion of Charter Revision Commission Recommendations

Chairman Rick LeBorious and Charter Revision Commission member Richard Pippin were present. Chairman LeBorious informed the Board of Selectmen that the Charter they currently presented the Board with, is the same Charter reviewed by the Board of Selectmen in October of 2014, just with grammatical and formatting changes. The Charter Revision commission reviewed and took into consideration the suggestions and recommendations from the Board of Selectmen.

Chairman Rick LeBorious indicated that the terms of the members of the Charter Revision Commission expire in April. If we move this process along as soon as possible, the Charter can be finalized by then. If we wait until terms expire, a new Charter Revision Commission will have to be formed and the process will have to start again. The Board of Selectmen agreed that the next step is to forward this to a public hearing.

MOTION made (Bowsza) and **SECONDED** (Nelson) to schedule a public hearing to hear the recommendations of the Charter Revision Commission's revisions to the Charter at the earliest possible convenience.

In favor: Bowsza, Dearborn, Nelson, and Richards. Opposed – None.

C. Discussion of Economic Development Consultant Proposal

Town Planner Laurie Whitten, Economic Development Commission Chairman Eric Moffett, Andrew Hoffman, and Selectman Jim Richards were present with the Economic Development Consultant candidate, Roger O'Brien. Selectmen Bowsza, Nelson, and Richards stated that they thought Mr. O'Brien's application and resume were impressive. First Selectman Menard indicated that Mr. O'Brien would be suitable for the job. Selectman Bowsza asked Mr. O'Brien, "If you do come on with the Town what is the first thing you will do?" Mr. O'Brien responded, "I view myself as an agent of the Town to move the Town forward and in order for me to do the job over the next 4-5 months, I've got to start with listening to all of you as I've sat and listened tonight". Next, Selectman Bowsza asked the question, "In your experience in communities of similar demographics to ours what would be a short term, mid-term, and long-term goal for economic development?" Mr. O'Brien responded, "Short-term, I think we need to jump in and determine and update materials you have all put together over the years in terms of what are your strengths, weaknesses, opportunities, and your threats". Mr. O'Brien stated that many people do things online now and he wanted to look at our Town's website and see what people are getting from it. Andrew Hoffman asked Mr. O'Brien what his long-term availability was. Mr. O'Brien responded that he sees this as something he would like to do and he is available on a continuing basis. Town Planner Laurie Whitten was impressed with Mr. O'Brien's contacts with CROG, the Metro-Hartford Alliance, and his familiarity with the Bradley Enterprise zone. She felt that he would be a great fit. First Selectman Menard felt that Mr. O'Brien's contacts would be a big advantage to the Town.

MOTION made (Richards) and **SECONDED** (Nelson) to authorize First Selectman Denise Menard to sign the contract between O'Brien and Marmo Associates for the Town of East Windsor Consulting agreement after reviewed by the Town Attorney through June 30, 2015.

In favor: Bowsza, Dearborn, Nelson, and Richards. Opposed – None.

D. Discussion of setting a public hearing to receive public comment regarding Broad Brook School Modular Classroom Project

Town Attorney Joshua Hawks-Ladd suggested that the Town have a public hearing to clarify what is being proposed now and if it is what the voters still envision their money going towards. The Board feels that this would be great way to get the opinion of the public and a way to get the public input without having to have a referendum. Superintendent Theresa Kane asked the Board if we have a window of what we were looking at for time. First Selectman Menard responded that the public hearing would likely be in the first or second week of March. Superintendent Theresa Kane and the Board of Selectmen agreed that it was important to make sure that we can inform the residents at the public hearing of what the next steps are in the project.

MOTION made (Bowsza) and **SECONDED** (Richards) to authorize the First Selectman to schedule a public hearing pertaining to the modular project and prospective next steps at the earliest convenience.

In Favor: Bowsza, Dearborn, Nelson, and Richards. Opposed – None.

E. Approval of ATM Contract

First Selectman Menard explained that an Automated Teller Machine (ATM) would be convenient to have in the Town Hall for taxpayers to access their money without having to make a trip to the bank or another location.

MOTION was made (Bowsza) and **SECONDED** (Nelson) to authorize First Selectman Menard to enter into an agreement with Enhanced Management Services for the installation of an Automatic Teller Machine into Town Hall contingent with Tax Collector checking with banks to make sure there are better offer than this one.

In Favor: Bowsza, Dearborn, Nelson, and Richards. Opposed – None.

F. Approval of Tax Refunds

MOTION was made (Bowsza) and **SECONDED** (Richards) to approve the total refund in the amount of \$1,748.53.

In Favor: Bowsza, Dearborn, Nelson, and Richards. Opposed – None.

11. EXECUTIVE SESSION

No Executive Session.

12. ADJOURNMENT

MOTION to adjourn made (Bowsza) and **SECONDED** (Nelson). Unanimous.
The meeting was adjourned at 9:21 p.m.

Respectfully submitted,



Amanda Schroll
Recording Secretary

FEB - 9 2015

FIRST SELECTMANS OFFICE

Stephen M. Bacon
Michael A. Bars
Christopher T. Bowen
William E. Breslau
Joseph P. Capossela
William J. Dakin
Dorian Reiser Famiglietti
Solomon Kerensky
Michael J. Kopsick
Douglas K. Manion
Kevin McCann
Justin L. Murphy
Allison Poirier
Stephen F. Sutton
Matthew E. Willis
Jeffrey M. Winnick*

Of Counsel
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Denise Menard, First Selectwoman
Town of East Windsor
11 Rye Street
Broad Brook, CT 06016

February 6, 2015

Re: Planning & Zoning Staff

Dear Ms. Menard:

I recently read in the local newspaper negative comments by a member of your Board relating to the Zoning department which cause me to offer these comments.

I have practiced law in this area for 45 years, with a concentration in real estate and land use/ zoning matters. A large portion of my practice involves presenting applications to, and appearances in front of local zoning commissions and other land use agencies. Pursuit of those land use applications requires dealing with Town Planners, Town Engineers, Wetlands Officers, and other Town staff, as well as all of their assistants, secretaries, etc. Clearly, I have had the opportunity to observe many of these public servants in most, if not all, of the communities surrounding my Vernon office.

For the record, I do not know or represent any of the parties involved in the SportsWorld/Wagner matter which the newspaper accounts indicate is the cause of the recent "fireworks". Quite frankly, the newspaper stories do not give me enough information to understand the zoning issue involved and I have not taken the time to investigate further because that has nothing to do with the comments made in this letter.

With that background, I would like to comment on the issues being discussed by your Board of Selectmen.

1. With regard to the current members of the East Windsor P&ZC, I feel it would be inappropriate for me to comment. Over the years I have

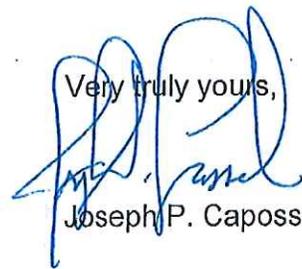
received approvals and denials from many land use agencies and I don't maintain a scorecard for my dealings with East Windsor. All I will say is that I have not observed any of my East Windsor matters being treated better or worse than they would have been treated in other surrounding communities.

2. With regard to your Town Planner and the "zoning department", I find them to be quite capable, competent and cooperative. Obviously, my practice requires me to come in contact with many such departments on a regular basis and there are substantial differences in what I have come to anticipate when I walk into the zoning office of any particular town. I would like you and the Board of Selectmen to know that, in my opinion, you have one of the most competent and cooperative "teams" I have had the opportunity to work with. Ms. Laurie Whitten is a well qualified Planner and, in my opinion, performs her job well by overseeing the zoning regulations while also being someone who is a pleasure to work with. When I use the word "team" I include the Planning Dept. secretary, Marlene Bauer. It seems she has been there forever, or at least as long as I have been around. She, also, is accommodating and performs her job well.

For whatever it may be worth I would like to share with you comments I made to your P&ZC the last time I appeared in front of them (which was before I learned about your recent "fireworks"). I can't recall my exact words but my comments went something like this: "You folks here in East Windsor have been truly blessed with a long line of very good planners. I recall working with Jose' Giner and finding him very good at his job. I felt the same way about Don Polland. And your Planning Office remains in very good hands today with Laurie Whitten as your Town Planner".

As you consider the fate of the P&ZC and Town Staff, I hope these comments will be helpful.

Very truly yours,



Joseph P. Capossela

Thursday, February 05, 2015 and February 17, 2015

Town of East Windsor

Charter Revision Commission and Board of Selectmen

Comments made by Jack Mannette to Charter Revision Commission and Board of Selectmen Meetings.

October 1, 2013 Board of Selectmen Meeting minutes.

X. New Business

B. Establishment of a 2013-2015 Charter Review Commission

"The Board of Selectmen discussed establishing the Charter Review Commission and the number of members who should be appointed to the Committee. Priority based on BOS review would be Finance, Chapter 8. Selectmen Menard suggested a transfer of \$10 to fund a line in the budget for the Charter Revision Commission. Motion was made to establish a Charter Revision Commission consisting of five (5) regular members and two (2) alternate non-voting members to include one (1) Town Official. The Commission will be charged with review of the East Windsor Town Charter with recommended revisions to be presented to the Board of Selectmmen no later than July 15, 2014 and acted upon as prescribed by Connecticut General Statues."

By virtue of the above the Charter Review Commission was established on October 1, 2013 by the above motion.

Section 7-190 sub-section (b) and (c)

(b) The appointing authority shall direct the commission to consider those recommendations included in the petition and may make other recommendations to the commission. The commission may also consider other items for inclusion in the proposed charter, other changes to the charter or home rule ordinance and such other items as it deems desirable or necessary. The commission shall in its reports comment on each recommendation which it has been directed to consider, if any, and on such other changes or items. **The appointing authority shall specify by resolution when the commission shall submit its draft report, which shall be not be later than sixteen months from the date of its appointment.**

(c) The commission shall terminate upon acceptance or rejection of its final report by the appointing authority.

- May 28, 2014

•Town Clerk receives draft Charter Revision version 1.3 dated May 15, 2014. The Town Clerk was required to transmit this draft to the Board of Selectmen.

•The BOS was required to hold at least one (1) public hearing on the draft Charter no later than forty-five (45) days. The Board of Selectmen failed to do this. Note: The CRC did hold a Public Hearing on May 27th, 2014 which was before the May 28th Draft submitted to the Town Clerk.

•No later than fifteen (15) days after such Public Hearing, The BOS was to make any recommendations to the CRC. As no BOS Public Hearing took place so the BOS failed to do this.

•Per CSG, if no recommendations are made by the BOS for changes within that fifteen (15) DAYS, the Charter Revision Draft report shall be final and the appointing authority shall act on such report.

As no recommendation was made within the time limits the Draft Charter Revision dated May 28th 2014 became Final.

Section 7-191 subsections (b) and (c).

(b) The commission shall submit its draft report, including the proposed charter, charter amendments or home rule ordinance amendments, to the clerk of the municipality, who shall transmit such report to the appointing authority. The appointing authority shall hold at least one public hearing on the draft report and shall hold its last hearing not later than forty-five days after the submission of the draft report to such clerk. Not later than fifteen days after its last hearing, the appointing authority shall make recommendations to the commission for such changes in the draft report as it deems desirable.

(c) If the appointing authority makes no recommendations for changes in the draft report to the commission within such fifteen days, the report of the commission shall be final and the appointing authority shall act on such report. If the appointing authority makes recommendations for changes in the draft report to the commission, the commission shall confer with the appointing authority concerning any such recommendations and may amend any provisions of the proposed charter, charter amendments or home rule ordinance amendments, in accordance with such recommendations, or the commission may reject such

recommendations. In either case the commission shall make its final report to the appointing authority not later than thirty days after receiving such recommendations.

October 21, 2014 Board of Selectmen Special Meeting.

Chairman LeBorious acknowledged that they exceeded the Commissions required timeframe and a new process needed to begin. Town Attorney Hawks-Ladds stated that the proposed changes would not be a working document until a new Charter Revision Committee is formed.

Based upon the above. supported by the comments made by the Town Attorney, at a Special Meeting dated October 21st 2014, The Board of Selectmen and the Charter Review Commission failed to act within the required time periods stated in the State Statues 7-190 and 7-191, the Charter Revision Commission ended in 2014.

The Board of Selectmen needs to appoint a new Charter Revision Commission in order to move forward on a Charter Revision

A Attachment C



STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE



We recognize the Guard and Reserve are essential to the strength of our nation and the well-being of our communities.

In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

If these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security.

Therefore, we join other employers in pledging that:

- We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- We will provide our managers and supervisors with the tools they need to effectively manage those employees who serve in the Guard and Reserve.
- We appreciate the values, leadership and unique skills Service members bring to the workforce and will encourage opportunities to employ Guardsmen, Reservists, and Veterans.
- We will continually recognize and support our country's Service members and their families in peace, in crisis, and in war.

Denise Monard

Employer

Paul E. Mock

Paul E. Mock
National Chair, ESGR

Chuck Hagel

Chuck Hagel
Secretary of Defense

February 18, 2015

Date



February 17, 2015

My report to the Board of Selectmen

We are all dealing with the snow in our own ways however, it certainly pales in comparison with the levels of snow removal our Public Works employees are handling. I want to express many people in Town's appreciation of their hard work and the great job they do. What a great crew we have!

After investigation into a grant for the Town to become a part of the Nutmeg Network, a network that provides fiber optics for Town Hall and with consultation with our IT consultant, it was decided that a State grant would actually commit us to paying more for an external fiber connection that would not increase our internet speed or capabilities. While our ceilings are down we are, however, planning to clean up the wiring within the building and will be running fiber connections internally to provide cleaner, faster internal connections to our servers and to our cable connection. Sometimes grant money isn't always the bargain we think it is.

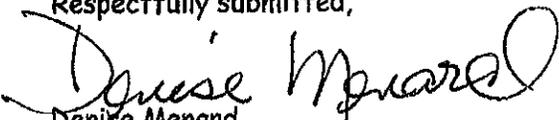
I have been working closely with Housing Authority Director Linda Collins to assist with a Small Cities Block Grant for upgrade of Park Hill's sidewalks, fire alarm system and handicapped access to the buildings' laundry areas. I should know more about the amount of the grant request within the next few weeks.

A member of the American Heritage River Commission worked with the State on an Archeological Survey of a portion of the Scantic Trail the Commission is working on. The State provided him with a copy of the extremely interesting survey. I can forward it to anyone interested in reading the survey.

As a reminder, in addition to the Budget Workshop we had this evening, we have the following workshops at Town Hall:

- ❖ February 19 at 5:30 - Assessor, Planning, Tax Collector, Treasurer, Social Services and Parks and Recreation
- ❖ February 21 at from 9 a.m. to noon - Public Works and discussion of budget
- ❖ February 25 at 6 p.m. - the condominium associations are coming to speak to the Selectmen about their request to be added to the 2015-2016 budget followed by general budget discussion

Respectfully submitted,


Denise Menard

Amanda Schroll

From: Jason Bowsza <jason.bowsza@icloud.com>
Sent: Wednesday, February 18, 2015 10:45 AM
To: Amanda Schroll
Cc: Denise Menard
Subject: Selectmens report

Selectmens report - February 17, 2015

On Tuesday, February 10, the Planning and Zoning Commission met to continue their work on the Plan of Conservation and Development, the town's 10-year master plan. At this point, the commission is focusing on commercial development strategies along Route 5. This process has been extremely open and collaborative, and I appreciate the hard work of Town Planner Laurie Whitten and the members of the PZC.

On Wednesday, the 11th, the Board of Selectmen held our first budget public hearing of the year. Usually these hearings are not well attended, so it was very encouraging to see such great attendance and participation at this hearing. Hopefully that will continue throughout the budget process this year.

Also last week, we experienced a bomb scare at the East Windsor Middle School. While this was just a prank, it is a good opportunity to remind people that they can get very regular updates from the police department by downloading the "MyPD" app on their smart phones. The app is regularly updated by members of the police department and a great way to stay informed.

Sent from my iPhone

Denise Menard

From: Hawks-Ladds, Joshua <jhawks-ladds@pullcom.com>
Sent: Thursday, February 05, 2015 10:59 AM
To: Denise Menard
Subject: RE: EW Part-time Firefighters

Thanks. I am familiar with this booklet which was written by the firefighters industry and therefore takes a very liberal interpretation of the laws. All of the information in the booklet comports with what we have discussed and my previous legal opinion. The issue here one of degree and control.

It is true that

A bona fide volunteer may perform, without compensation:

- Different work for the same agency
- Same or similar work for a separate and independent agency • Different work for a separate and independent agency

29 U.S.C. § 203(e)(4)(A) (2006).

The issue is how will the Town control/monitor this position to ensure that the volunteer/department is complying with the regulations. The risk is that the volunteer is deemed a paid employee because he/she performs some of the same work as the paid maintainer.

That is why I thought we came up with a foolproof solution by creating the paid position within the Warehouse Point Fire District, so that any town employee/volunteer can perform the job.

If the Town wants to take the risk that any volunteer firefighter can also serve as the maintainer because the firefighter NEVER performs the same time of work, then that is fine; however, I think it is too risky a position to take when we have come up with a clear solution. But this is less a legal question than an administrative one -- can the department guarantee that the position will never overlap? Will the work be so tightly scrutinized to make that guarantee? I doubt it, but if management feels that they can make such a guarantee, then go ahead and take the risk. But all it will take is one rogue volunteer to cause thousands of dollars in wages to the Town.

Feel free to contact me to discuss.

Joshua A. Hawks-Ladds
Attorney

PULLMAN
&COMLEY LLC
ATTORNEYS

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V-card • Bio • Directions

Please visit our labor and employment blog, Working Together

BRIDGEPORT HARTFORD STAMFORD WATERBURY WHITE PLAINS

THIS MESSAGE AND ANY OF ITS ATTACHMENTS ARE INTENDED ONLY FOR THE USE OF THE DESIGNATED RECIPIENT, OR THE RECIPIENT'S DESIGNEE, AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL OR PRIVILEGED. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE (1) IMMEDIATELY NOTIFY PULLMAN & COMLEY ABOUT THE RECEIPT BY TELEPHONING (203) 330-2000; (2) DELETE ALL COPIES OF THE MESSAGE AND ANY ATTACHMENTS; AND (3) DO NOT DISSEMINATE OR MAKE ANY USE OF ANY OF THEIR CONTENTS.

-----Original Message-----

From: Denise Menard [mailto:DMenard@eastwindsorct.com]
Sent: Thursday, February 05, 2015 10:23 AM
To: Hawks-Ladds, Joshua
Subject: EW Part-time Firefighters

Forgot to tell you, the chapter they found relevant is Chapter 3 Mechanic/Firefighter. Looks like it applies to me if the position they are proposing would fit a "mechanic" position. Tried briefly looking at the DOL online maze for a job description but gave up quickly. Talk with you soon.

Denise Menard
Town of East Windsor
First Selectman
11 Rye Street
Broad Brook CT 06016
860.623.8122 (p)
www.eastwindsorct.com

PPPlease consider the environment before printing this message.

-----Original Message-----

From: Denise Menard
Sent: Thursday, February 05, 2015 10:04 AM
To: Atty Joshua Hawks-Ladds - Town Attorney & Labor (jhawks-ladds@pullcom.com)
Subject: FW: Favorites

Hi Josh - the firefighters found this new document that they think gives them a way to stay within the law and hire their volunteers. They are looking for your take on this latest find. Let me know.

Sorry I've been out of touch, I have been out sick so just doing enough to keep the immediate needs going.

Denise Menard
Town of East Windsor
First Selectman
11 Rye Street
Broad Brook CT 06016
860.623.8122 (p)
www.eastwindsorct.com

PPPlease consider the environment before printing this message.

-----Original Message-----

From: Gerald Bancroft [mailto:gcbfire@gmail.com]
Sent: Tuesday, February 03, 2015 6:55 PM
To: Denise Menard
Subject: Favorites

<http://www.iafc.org/files/1VCOS/FLSAManual%5FSmall.pdf>