

Special District Meeting

DRAFT --Meeting Minutes – April 4, 2016
Thompsonville Fire Station, 35 N. Main Street

**The legal voters of the Thompsonville Fire District #2 are hereby WARNED and NOTIFIED that a Special Meeting of said District will be held at the Thompsonville Fire Station, 35 N. Main Street, Enfield CT on:
Monday, April 4, 2016 at 7:00pm**

1. Call to Order: by Chairperson Reidy at 7:08 pm.

2. Roll Call: present was Chairperson Reidy, Comm. Stone, Comm. Magistri, Comm. Brouillette, and Comm. Gaskell. Also present was District Attorney Joseph McQuade.

Atty. McQuade explained Connecticut General Statute §7-433c which is commonly known as the Heart & Hypertension Act.

The meeting was then turned over to the legal voters of Thompsonville Fire District #2

3. Appointment of Moderator to preside over the meeting:

MOTION to appoint *Mike Helechu as Moderator* made by Erline Provencher, seconded by a member of the public. Discussion: none. All in favor by voice vote. None opposed.

4. Discussion and action on the adoption of the following resolutions:

Steve Cogtella, 2 S. River St., asked about the significance of being hired prior to 1996. Atty. McQuade said that a qualifying fire fighter or police officer has to be hired before July 1, 1996 in order to be eligible. Mr. Cogtella asked if the statute pertains to volunteer firemen. Atty. McQuade said there is a separate statute that deals with volunteer firefighters. Mr. Cogtella said I don't know if there is anything preventing a fireman working for this district to volunteer at another district and bypass the 1996 loophole. Atty. McQuade said there are a number of open issues on this such as which district is responsible to pay. Mr. Cogtella said the law is the law but my concern is which district would be paying the benefits.

Paul Clifford, 182 Elm St., asked if there is a percentage based on the seriousness of the person's condition. Atty. McQuade said yes. The statute allows for a full range of workers' compensation benefits. Permanent partial disability benefits will depend on what a doctor says. Mr. Clifford asked what the percentage is in this case. Atty. McQuade said I'm hesitant to discuss the medical aspects of any particular individual.

This claim has been going on since 2001 so certain benefits have been paid. We are hoping to close the entire claim. Mr. Clifford asked so this is what the \$150,000 is for. Atty. McQuade said this is part of a plan to stop a lot of litigation with Mr. Alaimo and move forward from that. The statute allows for benefits to continue even after death. Mr. Clifford asked would a person receive more if something occurred while on the job. Atty. McQuade said I think if something happened while an individual was at work that person would file for workers' compensation benefits. Workers' compensation benefits are not taxable as income while H&H benefits are. Mr. Clifford asked so what happens if a person has a heart attack but recovers and returns to his job. Atty. McQuade said that person would file for benefits and not work. When the maximum medical improvement is reached, a rating is provided and the doctor will allow that person to come back to work. Mr. Clifford asked if that person could work in another town and receive H&H benefits from us. Atty. McQuade said that is theoretically possible.

Karen LaPlante, property owner of 19 & 21 Russell St., asked would the widow continue to receive the benefits if the person died during the 15 years. Atty. McQuade said the money would go to the estate. Ms. LaPlante asked would the estate receive \$15,000 a year. Atty. McQuade said yes.

Steve Cogtella, 2 S. River St., asked does getting hypertension as a fireman provide a benefit even though a person can still work after getting it under control. Atty. McQuade said yes. That has been a criticism of the law. Mr. Cogtella said there are people who are receiving benefits that are now working a more strenuous job.

Erline Provencher, 94 S. River St., said I am sure there are people here who take blood pressure medication that is not related to their job. This stipulation is taxable so he won't receive the full \$15,000 for the next 10 years.

Pat Crowley, 32 Alden Ave., asked if there is a penalty for paying off the settlement early. Atty. McQuade said I suppose there needs to be an agreement from the person. Because it is taxable some people don't want to receive a lump sum.

Mike Helechu, 31 Elm Meadows, said we have heard about these H&H agreements that are for longer than 15 years. Was the length of time and amount of money negotiated? Atty. McQuade said it was with the help of a federal magistrate judge. We tried to set a time limit and not specifically guarantee any health benefits.

Karen LaPlante, 19 & 21 Russell St., asked if there were any cases where a full and final settlement has been reopened. Atty. McQuade said there were several cases in Waterbury that were looked at. We are trying to have this case closed. Ms. LaPlante asked does the payment cover his medical costs. Atty. McQuade said yes. If a claim is accepted and is not a full and final agreement then the district is responsible for the treatment of the person's condition. This agreement is designed to stop that. He would have access to a benefit which provides healthcare for retirees until he reaches Medicare eligibility. Ms. LaPlante asked does this payment have to be made on a certain date. Atty. McQuade said that is still subject to agreement. I try to have the

payment due in January. That is when another settlement has a payment due so the district can take care of them at the same time. Ms. LaPlante suggested a payment date of December 31 so he still has to pay taxes on and doesn't get the benefit of having the money all year long.

Pat Crowley, 32 Alden Ave., asked are there any other firemen that have cases. Comm. Stone replied 8. Mr. Crowley asked would we have to come to a settlement similar to this with them. Comm. Stone said possibly.

Steve Cogtella, 2 S. River St., asked will we use the same procedure for any future claims. Atty. McQuade said this district is operating under the CT general statutes in which the public votes on a request for funds. The district will use the process stated in the Charter if it is passed.

Erlene Provencher, 94 S. River St., said I think about that police officer in Windsor Locks. The town did not want to give him the amount he requested. But they had to pay him to get him off the books.

Mike Helechu read the following resolution:

To approve pursuant to Connecticut General Statutes §7-324 et seq., and particularly §7-328, the Thompsonville Fire District will appropriate sufficient funds in the next ten years in order to enter into a Full and Final Stipulation of a claim filed by former Fire Chief Francis Alaimo pursuant to Connecticut General Statutes §7-433c. In particular, appropriation of fifteen thousand dollars (\$15,000) is needed in each of the next ten (10) fiscal years in order to effectuate a full and final settlement of such claim.

MOTION to approve said resolution made by Erlene Provencher, seconded by Marge Perry. Discussion: Mike Helechu asked the audience asked which method of voting they would prefer to use. Vote by show of hands: Motion passes 25-1.

Mike Helechu read the following resolution:

To authorize Colleen Ann Reidy as Chairman of the Board of Fire Commissioners to execute any and all documents necessary to consummate said transaction.

MOTION to approve said resolution by Marge Perry, seconded by Erlene Provencher. Discussion: none. Vote by show of hands: Motion passes 24-1 with 1 abstention.

3. Adjourn:

MOTION to adjourn made by Colleen Ann Reidy, seconded by Karen LaPlante. All in favor by ayes at 7:39 pm.

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