

**Board of Fire Commissioners Regular Meeting
Commissioner's Conference Room at Fire Headquarters
72 New Haven Avenue, Milford, CT
Tuesday, May 21, 2013**

Call to Order: Chairman Riso called the meeting to order at 1900 hours. A quorum was present.

1. Roll Call

Commissioners Thomas Riso, Kevin McGrath, Richard Smith, Howard Stein, Joseph Weber, Aaron Sanner, and William A. Brennan. Also present were Acting Chief Robert Healey and Union President Michael Dunn.

2. Public Statements limited to the function of the Board of Fire Commissioners:

None.

3. Swearing In

Captain Chris Zak was sworn in as Battalion Chief.

Commissioners Stein and McGrath made and seconded a motion to table the second portion of Swearing In until later in the meeting when Firefighter Buch is available. Motion carried unanimously.

**4. Consideration of Minutes:
Regular Meeting - April 16, 2013**

Commissioners McGrath and Smith made and seconded a motion to accept the minutes of the April 16, 2013, Regular Meeting, as presented. Motion carried unanimously.

5. Communications:

- a. Letter from the Orange Volunteer Fire Department thanking the Milford Fire Department for sending apparatus on April 30th. They noted their agreement with the Milford Fire Department has proved an asset to Orange and its citizens. They encouraged the Milford Fire Department to contact Orange should any assistance be required.

Commissioners Stein and McGrath made and seconded a motion to return to Item 3, Swearing In. Motion carried unanimously.

Firefighter Robert Buch was sworn in.

Chairman Riso noted Thursday, May 23, Milford Fire Department has five recruits graduating from the Fire Academy.

6. Committee Reports

East Side Fire Station

Commissioner Brennan reported the Building Committee would be meeting on May 22nd for hopefully their last meeting. He informed the Commissioners there are several items

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to be completed on the punch list, but added the City has hired outside counsel to assist in any legal issues that may arise in the closeout process.

Chairman Riso inquired if the project is still on track to close out under budget; Commissioner Brennan said it is under budget.

Fire Chief Selection Committee Report

Commissioner McGrath stated there would be no formal report at this meeting, but the selection process as a whole is still on schedule. He asked the members of the Committee to discuss a date to have a meeting.

7. Chief's Report

Acting Chief Healey reported the Milford Fire Department has maintained their ISO Class I rating.

Marine 1 is out being painted; the Acting Chief explained the maintenance project for Marine 1 is a little behind schedule but is moving at an expedited pace.

Acting Chief Healey said the AOC Coordinator position has been taken out of the Department budget; he explained this represents a \$120,000 decrease in the Fire Department's budget.

The Acting Chief said the PSAP Center moved into the new center two weeks ago. He added some administrative issues still have to be worked out.

Commissioner Brennan inquired about the status of the Department's apparatus. Acting Chief Healey informed him the older Quint has a minor oil leak that is being repaired, and the Tower is in the shop but should be out by the end of the week.

Commissioner Brennan commented he received the seniority list, but the two lists he received do not match each other. Chairman Riso added he believed the Commissioners should have updated copies of the Department's seniority lists. Acting Chief Healey explained the two lists represent seniority by rank and by seniority within the Department, which is determined by promotion date.

Acting Chief Healey said he would provide the list of all Department apparatus to the Commissioners as soon as possible.

8. New Business

Grievance 13-001 Step 2

Firefighter Gavin O'Brien of the Grievance Committee explained Grievance 13-001 to the Commissioners. He said during the February blizzard, Firefighters Ricci and Rua were scheduled to work but both called in requesting the day off due to their inability to physically get to their duty stations. Firefighter O'Brien said both members were granted an excused day off, but later were charged vacation time; Firefighter Ricci was charged one vacation day and Firefighter Rua was charged half a vacation day, as he was able to hike to his duty station later in the day. Firefighter O'Brien said the vacation time should be reinstated to the members.

Commissioner Stein asked who gave the permission for the excused time off; Firefighter O'Brien said it was granted by Assistant Chief Edo. Acting Chief Healey explained it was his understanding in the past if a person was unable to make it into their shift, an emergency vacation day was granted. He added during the last hurricane, a firefighter

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was stuck in Florida and an emergency vacation day was granted to him. He said he is not aware of what his predecessor's past practice. He added the Mayor issued several emails during the blizzard stating any essential employees who had to take time off during the storm would be required to use personal time.

Commissioner McGrath inquired what Assistant Chief Edo's involvement was in this issue; Assistant Chief Edo explained he excused both men because they could not make it into their duty stations. He added that Firefighter Ricci lives in Hamden, but Firefighter Rua lives not far from his duty station and was able to make it in for half the day.

Commissioner Stein inquired if the Union is alleging a past practice violation. Acting Chief Healey explained the Chief has the authority to grant discretionary time off, but he is unaware of excused absences being granted in the past.

Commissioner Stein inquired of Assistant Chief Edo if when he made the decision to grant the excused time off if that decision was based on past practice; Assistant Chief Edo explained he granted the time off because the men could not make it into work.

Commissioner Weber inquired how many other firefighters were able to make it into work on the day of the blizzard; Assistant Chief Edo said it is hard to give an exact number as firefighters were held over from other shifts.

Commissioner Stein suggested discussing Grievance 13-002 contemporaneously as it also deals with the day of the blizzard.

Grievance 13-002 Step 2

Firefighter O'Brien explained Firefighters Staiger, Buch, and Manginelli had swap time set up for the day of the blizzard. He said their respective swap partners were forced into other positions and the three named firefighters were charged vacation days.

Commissioner Stein inquired if the Union realizes this grievance is basically highlighting the faults in the swap time system. He confirmed this grievance is alleging a violation of special leave practices.

Acting Chief Healey commented swap time can cost the City money down the road. He stated this specific situation could have been handled better, but the Department was working under an "all hands on deck" situation. Assistant Chief Edo explained some firefighters were already working in stations and could not physically get to other stations where they were scheduled to be on-duty.

Commissioner Stein inquired if the three grieving members were informed their swap partners were not being allowed to fulfill their swap time agreements. Firefighter O'Brien said they were not informed.

Commissioner Stein referred to the Collective Bargaining Agreement, Article B, Section F, special leave; he inquired if any additional costs were imposed on the City in this specific instance. Acting Chief Healey said there were not. He added all criteria for good-faith swap time was met, but in this emergency situation, the swap time was canceled.

Commissioner Stein clarified the difference between Grievances 13-001 and 13-002 by explaining in 13-001, other members were able to make it into work but the grieving members were granted permission for an excused day off, which was then rescinded.

Commissioner Brennan commented that the claimed past practice is in the past and

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should remain in the past. Acting Chief Healey reiterated he has not been aware of the past practice of granting excused days off.

Assistant Chief Edo explained Former Chief LaVecchia's practice was to grant excused days off.

Commissioners Stein and McGrath made and seconded a motion to sustain Grievance 13-001, Step 2, and Grievance 13-002, Step 2; 13-001 based on past practice and the indication from Assistant Chief Edo that the time off was excused; 13-002 based on the indication that the affected firefighters were never notified of the cancelation of the swap time; and further moved that the Commissioners grant the requested relief of the return of vacation time. Motion carried unanimously.

Grievance 13-004 Step 2

Union President Dunn explained this is a complicated grievance pertaining to the accumulation and charging of comp time. He said members have been able to accumulate comp time up to 60 hours. Comp time has been charged so that members are losing time and not being paid the time-and-a-half that is required to make up for the comp time. He quoted the CBA, Article X, Sections D and E.

Acting Chief Healey said he has spoken with Assistant City Attorney Debra Kelly about this issue, and her understanding of the quoted article is as has been charged.

Commissioners Stein and McGrath made and seconded a motion to deny Grievance 13-004, Step 2, based upon the representation made by Acting Chief Healey that he had discussed the claims made in the grievance with the City of Milford Legal Department, where it was advised the grievance does not have legal merit. Motion carried unanimously.

9. Unfinished Business:

None.

10. Comments and Concerns of the Commissioners:

Commissioner Smith extended his thanks to Battalion Chiefs Baker and Bagley for playing the bagpipes at his son's memorial on the prior Saturday. Commissioner Weber commented he met Battalion Chief Baker on a call recently, and said he was a gentleman and it was a pleasure to meet him.

Union President Dunn asked if Item 2 on the Agenda could be reopened.

Commissioners Stein and McGrath made and seconded a motion to return to Item 2, Public statements limited to the function of the Board of Fire Commissioners. Motion carried unanimously.

Public statements limited to the function of the Board of Fire Commissioners

Union President Dunn made a request on behalf of Firefighter Mark Ruggerio for an excused day off on Thursday, May 23, to present the Michael C. Reilly Heart Charger Award at the Fire Academy. He explained it is tradition for the recipient of the award to

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present the award to the next recipient. Firefighter Ruggerio received the award last year; Milford has received the award three times since the inception of the award in 2006.

Union President Dunn said he just received notice of this request.

Commissioner Stein said this issue is not properly on the agenda and was not noticed to the public.

Commissioner Brennan inquired if someone can be hired to replace Firefighter Ruggerio for the time needed for him to present the award. Acting Chief Healey said Firefighter Ruggerio is on duty on Thursday and no outside hires are allowed, per the Mayor.

Commissioner Brennan suggested Chairman Riso talk with the Mayor about this issue.

Commissioner Stein stated no further action is required as this item is not properly on the agenda; he moved to return to Item 10 on the Agenda.

Comments and concerns of the Commissioners

Chairman Riso said he is concerned the Commissioners are no longer receiving monthly reports from Dispatch regarding the number of calls received. Acting Chief Healey stated the position taking care of those reports has been eliminated, but Police Chief Mello has stated the Police Supervisor can generate such reports. Commissioner Brennan suggested composing a letter to Police Chief Mello requesting the monthly dispatch report. Chairman Riso commented the reports are very helpful.

Commissioner Weber commented he would like to see Firefighter Ruggerio present the award at the Fire Academy on Thursday, as it is important to him, the Fire Department, and his family. Chairman Riso stated he would make a call to the Mayor in the morning regarding this issue.

11. Adjournment

Commissioners Smith and McGrath made and seconded a motion to adjourn at 1959 hours. Motion carried unanimously.

Recorded by C. Birney