

**Board of Fire Commissioners Special Meeting
Commissioner's Conference Room
At Fire Headquarters
72 New Haven Avenue, Milford, CT
Tuesday, July 23, 2019**

1. **Call to Order:** Chairman McGrath called the meeting to order at 19:16 hours. A quorum was present.

Roll Call: In addition to the Chairman, Commissioners Smith, Stein, Riso, Brennan, Stanford and Weber were present. Also, present was Chief Douglas Edo and Assistant Chiefs Gary Baker and Bernie Begley.

2. **a) Firefighter Raul Benavides-Espinal (Termination)**

The Chairman indicated that the Commission was going to continue with its hearing into the above-entitled matter in a public session. The Chairman noted that Firefighter Raul Benavides-Espinal was in attendance with his Attorney, Daniel Hunsberger.

Commission Stein requested that the Chairman inquire whether Firefighter Raul Benavides-Espinal wished to continue this matter in public session. Attorney Hunsberger indicated that his client wished to continue this matter in public session.

Attorney Hunsberger asked the Chairman if he could comment on the Minutes from the July 16, 2019 Fire Commission Meeting. He indicated to the Commission that he had an issue with the sentence in the minutes wherein it says, "Since that time, it was alleged that he has abused department sick leave." Attorney Hunsberger indicated to the Commissioners that "he is not charged" with that. Commissioner Stein indicated that the minutes are not verbatim nor are they a transcript. Chairman McGrath noted his comment for the record.

Chairman McGrath invited Asst. City Attorney Debra Kelly to continue with her presentation on this matter. Asst. City Attorney Debra Kelly presented additional information to the Commissioners which included questions directed to Chief Edo and Battalion Chief Anthony Fabrizi. Additionally, Asst. City Attorney Debra Kelly provided Commissioners with packets of documents some of which she identified as confidential in nature. A copy of the documents that were provided to the Commissioners were also provided to Attorney Hunsberger. Attorney Kelly continued to address the Commissioners explaining and referencing the provided documentation. Attorney Hunsberger also commented on some of the documents and asked questions of Battalion Chief Fabrizi and Chief Edo pertaining to the Department's EAP program and policies. Following the presentations of the attorneys, Chairman McGrath asked whether any Commissioners had any questions of the attorneys. Commissioner Stein asked Attorney Hunsberger to comment on several provisions from the Collective Bargaining Agreement pertaining to Injury Leave and Fitness for Duty. Commissioner Brennan asked Firefighter Raul Benavides-Espinal questions with regard to his military and his decision to become a Firefighter.

Following the questioning by Members of the Commission, Chairman McGrath recessed the meeting for a short break at 20:42.

At 20:48, Chairman McGrath reconvened the meeting.

b) Grievance - Firefighter Raul Benavides-Espinal (Pay)

Attorneys Kelly and Hunsberger were given an opportunity by Chairman McGrath to revisit, restate or review their respective positions with regard to Grievance 19-001 pertaining to the back pay which Firefighter Raul Benavides-Espinal claims he is due pursuant to the CBA. Each attorney made brief comments reiterating their respective positions with regard to this matter.

Following the comments of each of the Attorneys, the Chairman asked if any of the Commissioners had any questions with regard to this matter. No questions were asked.

Thereinafter, Chairman McGrath indicated that no further information would be provided with regard to Agenda Items 2 a) & b) and asked for discussion on the Agenda Items from the Commissioners.

Commissioner Stein reminded the Commissioners of their obligations pursuant to the CBA. That pursuant to Article 6, Section 1, Commissioners would have to find that just cause exists to terminate the employment of any non-probationary employee covered by the CBA. Commissioner Stein thereafter reviewed portions of the CBA with fellow Commissioners and commented on some of the testimony and documents provided by parties. Following his comments, Commissioner Stein invited any other Commissioners to comment on his summary of the CBA, testimony and documents. No additional comments were made by any Commissioners.

Commissioner Stein indicated to the Chairman that since there were no additional discussions, he was prepared to make a Motion.

Commissioners Stein and Stanford made and seconded a motion based upon the recommendation of Asst. City Attorney Debra Kelly, the testimony of Chief Douglas Edo, City HR Director Tania Barnes, Battalion Chief Anthony Fabrizi and the documents provided by the parties does establishing that Just Cause exists pursuant to Article 6 Section 1 of the CBA to terminate the employment of Firefighter Raul Benavides-Espinal.

Commissioner Stein requested a roll call vote.

Chairman McGrath thereafter conducted a roll call vote on the Motion.

Chairman McGrath voted in favor of the Motion
Commissioner Stein voted in favor of the Motion
Commissioner Riso voted in favor of the Motion
Commissioner Brennan voted in favor of the Motion
Commissioner Weber voted in favor of the Motion

Commissioner Smith voted in favor of the Motion
Commissioner Stanford voted in favor of the Motion

Chairman McGrath noted for the record the Motion was carried by a unanimous vote.

Motion carried unanimously.

Commissioners Stein and Riso made and seconded a motion to Deny Grievance 19-001 made by Firefighter Raul Benavides-Espinal with regard to pay.

Commissioner Stein requested a roll call vote.

Chairman McGrath thereafter conducted a roll call vote on the Motion.

Chairman McGrath voted in favor of the Motion
Commissioner Stein voted in favor of the Motion
Commissioner Riso voted in favor of the Motion
Commissioner Brennan voted in favor of the Motion
Commissioner Weber voted in favor of the Motion
Commissioner Smith voted in favor of the Motion
Commissioner Stanford voted in favor of the Motion

Chairman McGrath noted for the record the Motion was carried by a unanimous vote.

Motion carried unanimously.

3. Adjournment:

Commissioners Smith and Riso made and seconded a motion to adjourn at 21:15. Motion carried unanimously.

Recorded by Diane Stein