

**Board of Fire Commissioners Regular Meeting
At Eastside Station
980 New Haven Avenue, Milford, CT
Tuesday, December 15, 2020**

1. **Call to Order:** Chairman McGrath called the meeting to order at 19:17 hours. A quorum was present.

Roll Call: In addition to the Chairman, Commissioners Smith, Stein, Weber, Brennan and Riso were present. Also, present were Chief Edo, Assistant Chief Begley, Assistant Chief Fabrizi and Assistant City Attorney Debra Kelly.

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

None

3. **Consideration of Minutes:**

Regular Meeting – November 17, 2020

Commissioners Weber and Brennan made and second a motion to accept the minutes of the November 17, 2020 Regular Meeting as presented. Motions carried unanimously.

4. **Communications:**

Commissioner Smith reported that the Department received the following communications:

i. Thank you letter to the department from the family of retired Asst. Chief Lawrence Mitchell expressing their appreciation to all who took part in their father's funeral.

ii. Thank you letter to Chief Edo from Douglas and Libera Nosal expressing their thanks to the department with a \$100 donation.

Commissioners Smith and Riso made and seconded a motion to donate the \$100 check into the Good and Welfare Fund. Motion carried unanimously.

5. **Chairman's Report:**

Chairman McGrath thanked everyone in the department from the top to the bottom for all their efforts during this very difficult year. He wished the Commissioners, the Chiefs and the department a happy, healthy and safe holiday.

6. **Committees Reports:**

- a) Personnel Committee: Commissioner Stein reported that he is anticipating the Committee getting together sometime after the New Year once the new board is in place.
- b) Maintenance & Equipment None

7. **Chief's Report:**

Budget Meeting with Mayor - The Chief believes it went well and will present the results to the board at the next meeting.

Retirement Dinner – The Chief informed the Commission that the retirement dinner was cancelled due to COVID.

New Engine 7 – The Chief reported that the new engine has arrived and is getting outfitted. It should be in service in the next two weeks. The Mayor approved a new Engine truck to replace Engine 4 with a bid waiver to hold the price.

Recruit Test – The Chief thanked the personnel committee. He realizes that the testing cannot happen during COVID, however, he would like things to continue to move forward so that when the academy is accepting students physically back at the academy the department is ready. He does not want to have a class attend virtually.

COVID Update – The Chief reported that the medical calls are as high as or higher than they were in April/May at the beginning of the COVID pandemic. Further, overall medical calls are taking longer to get ambulances back in service due to back-up at the hospitals. It is not unusual for an ambulance to be out of service for 90 minutes due to patient care, transport time, hospital delays and post call decontamination. The department needed the 3rd medic back in service due to the increased calls. Medic 3 is back in service.

Commissioners Stein and Riso made and seconded a motion to reorder the Agenda to move Item 8 New Business to the end of the Agenda. Motions carried unanimously.

9. **Unfinished Business:**

None.

10. **New Equipment:**

None.

8. **New Business:**

- a) Executive Session (Separation Firefighter Logan)

Commissioner Stein and Riso made and seconded a motion to enter executive session at 19:27 to discuss a personnel issue. Motion carried unanimously.

Chairman McGrath while still in public session asked if Firefighter Logan or any Representatives were present. There was no response.

Commissioner Stein requested that the Chief, Assistant Chiefs and Asst. City Attorney Debra Kelly remain in attendance in the event that the Commission requires testimony or opinion.

Thereafter the Commission entered into executive session at 19:28.

The Commission invited the Chief, Assistant Chiefs and the Asst. City Attorney into executive session at 19:32 p.m.

The Chief, Assistant Chiefs and the Asst. City Attorney exited executive session at 20:15 p.m.

Commissioner Smith and Weber made and seconded a motion to exit executive session at 20:38 p.m. Motion carried unanimously.

Commissioner Stein noted that no votes were taken in executive session.

Commissioner Stein noted that the following facts were found by the Commission based upon the testimony received from the Chief, Asst. Chiefs and from the legal opinions provided by the Asst. City Attorney:

The Chief of the Department has recommended to the Board that the Board terminate Probationary Firefighter ("PFF") Nicholas Logan.

PFF Logan received a letter dated December 10, 2020 from the Chief indicating that he would be making this recommendation to this Board at this meeting. Commissioner Stein requested that a copy of the letter be made a part of the minutes of this meeting. Commissioner Stein noted that PFF Logan nor any representatives were present at this meeting.

PFF Logan successfully completed the Connecticut Fire Academy Recruit Training program on or about June 28, 2020.

Pursuant to Article XVII of the Collective Bargaining Agreement ("CBA"), PFF Logan began his 12 month probationary period of employment on or about June 28, 2020.

Shortly after completing his Connecticut Fire Academy Recruit Training, line supervisors noted that PFF Logan was deficient in aspects of his training and skills.

On October 21, 2020 the Department was notified that PFF Logan was medically cleared for duty following an extended period wherein PFF claimed that he was medically unfit for duty. PFF was ordered to report to work on October 22, 2020.

On October 22, 2020, PFF Logan reported for duty and claimed to be unwell and unfit for duty. He was sent home. He has failed to report for duty since that date.

Pursuant to Article XVII of the CBA, "during the probationary period, an Employee may be terminated by the Board of Fire Commissioners, upon recommendation of the Chief, with or without cause..." This identical provision is also contained in Article VI, Section 2 of the CBA.

Based upon the foregoing and pursuant to the recommendation of the Chief of the Department and upon the legal opinions provided by the Asst. City Attorney...

Commissioner Stein and Riso made and seconded a motion to terminate Probationary Firefighter Nicholas Logan. Motion carried unanimously.

11. **Comments and Concerns of the Commissioners:**

None.

12. **Adjournment:**

Commissioners Smith and Riso made and seconded a motion to adjourn at 20:43 Motion carried unanimously.

Recorded by Diane Stein



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Douglas A. Edo
Chief

December 10, 2020

Mr. Nicholas Logan

Dear Mr. Logan:

This letter shall serve to inform you that it is my intent to recommend the termination of your employment before the Board of Fire Commissioners at its meeting on December 15th, 2020.

As you know, the City's Human Resources Director, Tania Barnes, has written/mailed to you on three separate occasions, on or about, (October 5, 2020, November 6, 2020 and December 1, 2020) in an effort to advise you that you need to sign a HIPPA Medical Release form. You were provided paperwork for your treating physician to complete for the City to obtain clarification from Dr. Patterson's diagnosis.

You have been out of work for several months and you have failed to provide sufficient documentation for your absence. Additionally, you have demonstrated a lack of cooperation and lack of proper communication as well as an abandonment of your employment. For these reasons, it is my intention to recommend your termination before the Board of Fire Commissioners at its meeting on December 15, 2020. I am also copying your Union president, Jeff Luciano, on this correspondence.

In the meantime, if you wish to submit a letter of resignation, effective immediately, it is your option to do so. Thereafter, Ms. Barnes will send you separate correspondence regarding your separation.

If you have any questions or need any additional information, please do not hesitate to reach out to me or Human Resources Director Tania Barnes.

Very truly yours,

Douglas A. Edo, Fire Chief

cc: Chairman, Board of Fire Commission: Kevin McGrath
City Attorney: Jonathan Berchem
Human Resource Director: Tania Barnes
Local 944