STAMFORD FIRE COMMISSION

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Draft Minutes -Regular Meeting of the Fire Commission held Thursday, December 19, 2013

Roll Call: Commissioner's Freccia, Melzer, Mirkin, and Perry present. Commissioner Tungathurty absent. Additional attendees: Provisional Fire Chief Brown, AC Roach, Dir. Jankowski, Acting Corporation Counsel Emmet; Chief's Fahan, Teitelbaum, and Jacobellis; FM Tony Olive; Attny Mark Kovak.

Public Comment: None

Minutes: Discussion took place regarding the approval of minutes. Acting Corporation Counsel Emmett stated that she believes the Commission may approve the minutes with the presence of a quorum. By motion duly made the minutes of the March 26, 2013; May 6, 2013; October 8, 2013 meetings were approved.

Chief's Report: Chief Brown was welcomed by the Commission. Chief Brown gave a briefing on the 831 incidents that occurred during the month. Chief Brown stated that the smoke/carbon monoxide alarm program is doing well and that the department is attempting to reinvigorate it by promotional materials and press releases. Personnel, when responding to calls, are also trying to be aware if resident dwellings have them. Additionally, if requested, personnel will install smoke/detectors with the kits they have available. Chief Brown stated that there are currently 7 firefighter vacancies, and some officer vacancies. Commissioner Mirkin asked about the previous meetings comment in the Chief's report regarding Westhill HS and if that situation has been resolved. Chief Jacobellis stated that it has.

Personnel: N/a

Budget: Chief Brown stated that the budget is not in the best shape but operating. Overtime is going to be short but it is on target based on the staffing levels. Discussion took place.

Good & Welfare: Commissioner Mirkin asked for a status update of the Court case anything to enlighten the public. This item was held until further in the agenda.

New Business:

1. Fire Chief Directives- Fire Chief Directives were withdrawn from the agenda.
2. Consent order authorization - re: Status of Volunteer Fire Marshals

Acting Corporation Counsel Emmet gave a briefing on the outcome of the Judges ruling of the two lawsuits.

- The Charter Revision was found to be constitutional
- There is significant content in the Judges ruling about the authority of the Volunteer Fire Houses to operate, as well as the authority of the Chief and Assistant Chief's to direct the entire City department.
- The volunteer Fire Marshals did not have the authority under State or Local authorization.

Ms. Emmet stated that she and Ms. Cooper and Mr. Kovak discussed a mechanism to operate in the immediate future so that everybody is protected until they all had the oportunity to digest the decision and make a conserted effort to try and get everything worked out.What was agreed was to continue operating under the iterium consent order and, in addition, to make an addendum to that consent order. The addendum states that all will continue to operate under the interium consent order until the end of January (2014) and that it will end at that point. Specifically to the problem with the volunteer Fire Marshall(s) the addendum will resolve this

insomuchas the Volunteer Fire Marshals, to date, have responsibilities within their districts and have been working on projects in the districts and responding to situations in their districts. It would not be beneficial to the City or the residents to terminate their responsibilities immediately. In an effort to continue working for the residents and the City, it was agreed was that the City Fire Marshal, Fire Marshal Spaulding, could authorize the Volunteer Fire Marshals to continue operating during the interium period of the consent agreement. Specifically, to carry on with their current projects and any additional projects that Fire Marshal Spaulding indicates that they should be doing and that they will be operating under FM Spaulding's control and supervision. This will authorize them to finish what they were working on pursuant to what Fire Marshal Spaulding authorizes them to do and to protect them in terms that they would be under indemnity of the State Statutes which provides for indemity for Fire Marshals who are operating under the specific authorizaiton under the State statutes. Discussion took place. Mr. Freccia asked about payments to paid volunteer Fire Marshals. Attorney Kovak stated that the Fire Marshal for Turn of River is an unpaid position and the Long Ridge Fire Marshal is a paid position pursuant to Long Ridge Fire Department's CBA and tecnically Long Ridge Fire Departments obligation for paying for the Fire Marshall and to do so pursuant to the funding they obtain from the City under the terms of that collective bagaining agreement. Discussion continued. Mr. Melzer asked if there are only two Fire Marshals. Mr. Olive stated that there were two Fire Marshals and 4 deputy Fire Marshals. Mr. Melzer asked why the interium consent order speaks to only two names. Mr. Kovak stated that the lawsuits dealt with the two main Fire Marshals for the Volunteer districts. Mr. Melzer asked what do you do with the others? Mr. Kovak stated that it is not expressly addressed and his position would be that if Fire Marshal Spaulding wants to authorize Mr. Bernstein to do somehting and use his [Mr. Bernstein's] deputy's, who have also been certified, to follow through that they agree to defer to that.

Discussion took place as to how authorization of Fire Marshal Spaulding, to Volunteer Fire Mashals, be done. It was stated that it should be in writing although the interium consent order and its addendum does not request that it is. Mr Kovak asked, after reviewing the addedum, that language be added to the addendum where it speaks to the expiration of the agreement to automatically expire on January 31, 2014, and suggested the language "unless extended by mutual agreement of the parties and so apporved by the Fire Commission" be added. Ms. Emmet agreed to adding the language. The language discussed was added and the addendum was then signed by Attorneys Kovak & Emmett. The addendum to Interim Consent order was presented to the Commission.

Motion: Mr. Mirkin made motion to appove the addendum to the interim consent order as ammended by parties present. Mr. Perry seconded the motion and approved by a unanimous vote. (4 in favor, 0 against, 1 absent)

3. Joint Arson Investigation Procedures: Chief Brown stated Director Jankowski would speak to the Join Arson Investigation Procedures and that this was a previously approved document but is now being revised with two minor changes. Director Jankowski presented the document to the Commission. After presentation of the changes, discussion took place.

Motion: Mr. Melzer made motion to appove the "Joint Arson Investigation Procedures as presented. Mr. Mirkin seconded the motion and approved by a unanimous vote. (4 in favor, 0 against, 1 absent)

New Business: Mr. Melzer offered praises to Commissioner Freccia for his acting as Chairman of the Commission. Mr. Freccia thanked Mr. Melzer and the Fire Department and the Volunteer departments and wished all the best of luck and congratulated the Commission on their efforts and time of service. He went on to congratualte Chief Brown, Ms. Emmett and Mr. Jankowski. Mr. Mirkin stated that he would like to encourage the new Commission to continue to push to the limits what the Charter is for this Commission. Mr. Mirkin thanked all. Mr. Freccia wished the new Chairmen much luck and success and asks that he request reports of the departments from the Chief and Volunteer Chiefs.

Adjournment: By motion duly made the meeting was adjourned at 5:44 pm