

April 27, 2011
Regular Meeting Board of Fire Commissioners

The regular meeting of the Board of Fire Commissioners was held on the above date.

President Rosenberg called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance to the Flag.

Present: President Rosenberg, Commissioners Doris G. Garcia, Klein, Rodriguez and Fire Chief Rooney

Commissioner Meszoros arrived at 6:20 p.m.

Absent: Vice President Ana Garcia and Commissioner Mary Lee

Commissioner Klein motioned to dispense with reading the minutes of the previous meeting; Commissioner Doris Garcia seconded and the Board passed it unanimously.

Old Business

1. None.

New Business

1. Communications:

- a. None.

2. Swearing in of Probationary Pumper Engineers Joaquin Silvia and Louis Santiago.

President Rosenberg swore in Joaquin Silvia and Louis Santiago as Pumper Engineers and they were congratulated by all.

3. Commissioner Klein motioned to table to next month a Widow's Line of Duty Disability Pension request to Antoinette Piantedosi, widow of Retired FF Anthony P. Piantedosi, effective March 6, 2011, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Doris Garcia seconded and the Board passed it unanimously.

Associate City Attorney Mitola represented that Mrs. Piantedosi's attorney called and informed him that the required medical documentation would be provided to him. Attorney Mitola requested the matter be tabled to next month.

4. Commissioner Klein motioned to remove Retired Superintendant of Alarms John Butterworth, deceased April 2, 2011, from the Firefighters' Pension list and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Rodriguez seconded and the Board passed it unanimously.

5. Commissioner Klein motioned to remove Retired Provisional Fire Lieutenant Ralph E. Barnstien, deceased April 16, 2011, from the Firefighters' Pension list and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Rodriguez seconded and the Board passed it unanimously.

6. Commissioner Klein motioned to grant a Regular Pension request to PE Ernest L. Fisher Sr., effective 2400 hours, March 18, 2011 and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Doris Garcia seconded and the Board passed it unanimously.

7. Commissioner Klein motioned to grant a Line of Duty Disability Pension request to A/C John E. Currivan, effective 2400 hours, April 1, 2011 and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Rodriguez seconded and the Board passed it unanimously.

8. Commissioner Klein motioned to grant a Line of Duty Disability Pension request to A/C Keith Wallace, effective 2400 hours, April 1, 2011 and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Doris Garcia seconded and the Board passed it unanimously.

9. Commissioner Klein motioned to grant a Line of Duty Disability Pension request to Provisional A/C Robert McLeod, Jr., effective 2400 hours, April 1, 2011 and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Rodriguez seconded and the Board passed it unanimously.

Commissioner Klein stated that the Disability Pension Form was missing from the packet of information attached to the Agenda and wanted to be sure that A/C McLeod's paperwork was in order. Deputy Chief Grace represented that he signed the necessary paperwork, but didn't know why it wasn't in the packet of information. Deputy Chief Petrucelli responded that he would follow up and file the paperwork with this month's agenda information.

10. Commissioner Klein motioned to grant a Line of Duty Disability Pension request to Captain Luis A. Rivera, Jr., effective 2400 hours, April 1, 2011 and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Rodriguez seconded and the Board passed it unanimously.

Luis Rivera stated that it was a privilege and honor to serve the City of Bridgeport and its citizens. He represented that he has one pending injury and waiting for a voluntary agreement and a final rating and was asking for permission to come before the Board when that is done. President Rosenberg responded that he could come back before the Board.

11. Commissioner Klein motioned to grant a Regular Pension request to PE Frank M. Modugno Jr., effective 2400 hours, April 1, 2011 and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Doris Garcia seconded and the Board passed it unanimously.

Union President Whitbread represented that he gave a letter to Deputy Chief Petrucelli asking for a regular pension and to be able to come back when the medical situation is straightened out. Deputy Chief Grace said that he spoke to Attorney Morrissey for PE Modugno.

12. Local 834 – Grievance 2011-9; FF Frank Perugini, Vacation Day.

Union President Whitbread represented that FF Perugini was working one evening at the firehouse during a storm this past winter and was on vacation the next day. He was told that he could not go home. Union President Whitbread was asking that FF Perugini be compensated. Chief Rooney responded that he was paid four hours overtime while he was there and he didn't take the vacation day and he didn't lose his vacation day. Union President Whitbread responded that FF Perugini should have been told he could go home just like everyone else. He requested that the grievance be tabled one more month to check the records.

Commissioner Klein motioned to table the grievance to next month; Commissioner Rodriguez seconded and the Board passed it unanimously.

13. Local 834 – Grievance 2011-11; FF Ronald Reed, Sick Leave 7/5/10 to 1/10/11.

Union President Whitbread represented that at the June meeting FF Reed presented a letter from Dr. Kwok saying that he was ready and able to return to work on July 5. He also stated that at that meeting the Chief said that he wanted him to go for a Functional Capacity Test and did not return him to work. He wasn't sick because his Doctor said he was fit for duty. The question was on the City side whether he was fit for duty. In August or September of last year, the City brought in Kim Estes and she provided documentation in her report that he was unable to do the work of a fire fighter. After a lot of questioning from Attorney Bohannon and Attorney Bucci and questions from the Board, he was told that he had to go for another evaluation.

President Rosenberg represented that there was one opinion that he wasn't fit for duty and one opinion stating that he was fit for duty and on that basis the Board decided to order an Independent Medical Exam and go by the basis of that. President Rosenberg stated that he was receiving his salary while he was out all that time and asked what was being grieved. Union President Whitbread responded that his benefits were lost in terms of overtime, holidays, vacation, etc. He was available to go to work on July 5, 2010 and by keeping him out it affected his benefits on the job. Deputy Chief Grace stated that Dr. Kwok requested that an FCE be done which the Department did with Kim Estes and she said he could not do the job.

Associate City Attorney Mitola represented that part of the confusion was that Dr. Kwok stated that FF Reed needed to go for an FCE and also remembered that there was an agreement between Attorney Bucci and the City to send FF Reed for a third IME.

Associate City Attorney Mitola stated that Dr. Kwok was more confused than anybody because he said he could go back to work and then a week later there was a letter stating he should go for an FCE.

President Rosenberg responded that they couldn't do anything with conflicting opinions.

Commissioner Klein's recollection was with the conflicting evidence that they had. They couldn't safely put him back on the job until they got to the bottom of it, which they didn't get to the bottom of until December. Dr. Kwok was conflicting himself.

Commissioner Klein motioned to deny the Grievance; Commissioner Meszoros seconded and the Board passed it unanimously.

14. Executive Session for attendance review of the following individuals:

- a. LT Marc Strickland (B) On Light Duty
- b. LT Frank Mercaldi (B) (Tabled until May)
- c. P/FI Robert McNelis (B) Executive Session was waived

P/FI McNelis reported that he wasn't making a lot of improvement. He was going for surgical intervention on Friday and was told that they could relieve 50% of his pain. He went to two surgeons and Pain Management Specialist.

President Rosenberg responded that based on the Doctor's letter and what P/FI McNelis described it would appear that in his own best interest and obviously the people working with him and certainly they didn't want him to get hurt anymore than he has, it would be the appropriate time to put his papers in. P/FI McNelis responded yes. President Rosenberg stated that P/FI McNelis would put his papers in and come back before the Board and the disability could be updated. The papers are to be put in and he would retire in two weeks which would be May 14, 2011. A Notice Regarding Disability Retirement was signed by President Rosenberg and given to P/FI McNelis. President Rosenberg thanked him for his years of service.

d. FF Mark Bigard (B) – Deputy Chief Grace represented that FF Bigard was receiving treatment and placed in isolation and unable to attend the meeting.

Commissioner Klein motioned to table the matter to the May meeting; Commissioner Doris Garcia seconded and the Board passed it unanimously.

- e. FF Autumn Waggoner (B) – Executive Session was waived.

FF Waggoner represented that she did light duty and was anticipating being put back on duty in the next few weeks, but on Easter her knee that was repaired buckled on her cellar stairs. Right now her Doctor thinks it is sprained and she will be seeing him in another week.

Commissioner Meszoros spoke about the incident at Seaside Park wherein FF Waggoner and her crew from Ladder 11 were in the water trying to save two men. He wanted her to get credit for a great job.

FF Waggoner represented that the last two times that she was pregnant she did not go on maternity leave and she didn't go on sick leave until she lost the babies. Deputy Chief Grace stated that FF Waggoner is totally disabled until her recheck for the knee on May 3. After she gets cleared for the knee physically to come back on duty, then the issue is with her maternity care.

President Rosenberg suggested that it be tabled until next month and maybe it's possible that she could do some light duty and not to jeopardize the baby or her knee.

Commissioner Klein motioned to table the matter to the May meeting; Commissioner Meszoros seconded and the Board passed it unanimously.

15. Commissioner Meszoros motioned to accept the Report of Sick and Injury; Commissioner Klein seconded and the Board passed it unanimously.

16. Commissioner Klein motioned to accept the Payroll Register; Commissioner Meszoros seconded and the Board passed it unanimously.

17. Policy and Procedure review. None.

18. There being nothing further to come before the Board, Commissioner Klein motioned to adjourn the meeting; Commissioner Meszoros seconded and the Board passed it unanimously.

The meeting was adjourned at 6:45 p.m.