

**January 18, 2012**  
**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 Lee, Meszoros, Rodriguez and Fire Chief Rooney

Absent: Vice President Ana Garcia, Commissioners Doris G. Garcia and Klein

Commissioner Meszoros motioned to dispense with reading the minutes of the previous meeting; Commissioner Rodriguez seconded and the Board passed it unanimously.

Old Business

1. Local 834-Grievance 2011-23; FF Josh Benderoth, Article 5, Disciplinary Action.

Union President Whitbread represented that he spoke with Deputy Chief Grace and thinks there is a resolution to this grievance and requested that it be tabled.

Commissioner Meszoros motioned to table the grievance; Commissioner Lee seconded and the Board passed it unanimously.

2. Local 834-Grievance 2011-24; LT Marc Strickland, Retirement Benefits. (Tabled until January).

Union President Whitbread represented that he sent letters to Labor Relations and he has not had any meetings and requested that it be tabled.

Commissioner Lee motioned to table the grievance to the February meeting; Commissioner Meszoros seconded and the Board passed it unanimously.

3. Legal Opinion from City Attorney's Office regarding Fire Chief Brian Rooney's request for a Line of Duty Disability Pension retroactive to May 25, 2011.

Associate City Attorney Mitola stated that at last month's meeting the Board requested a legal opinion from the City Attorney's Office on this issue which he handed out to everyone and stated for the record that the Agenda indicates a Line of Duty Disability Pension, however, as indicated at the last meeting, the Chief was requesting a Regular Pension and that is what was granted by this Commission. Attorney Mitola offered to go over the letter with the Commission, but President Rosenberg responded that it wasn't necessary. He said that they voted on it last month contingent on the legal opinion and now the opinion supports it, he didn't think it was necessary to vote on it again. Attorney Mitola responded that it was not and if there were any questions he was happy to answer them.

**New Business:**

1. Communications:
  - a. None.
2. Commissioner Meszoros motioned to remove Jean O'Malley McKenna, deceased December 22, 2011, from the Widow's Pension list, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Lee seconded and the Board passed it unanimously.
3. Commissioner Lee motioned to remove Retired PE Edward T. Sullivan, deceased December 31, 2011, from the Firefighter's Pension list, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Rodriguez seconded and the Board passed it unanimously.
4. Commissioner Rodriguez motioned to remove Retired A/C James Frederick Naveken, Sr., deceased January 7, 2012, from the Firefighter's Pension list, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Lee seconded and the Board passed it unanimously.
5. Commissioner Rodriguez motioned to grant a Widow's Pension Request to Rose Anne Iancale, widow of Retired P/PE Leonard Iancale, effective December 15, 2011, and refer to the Board of Trustees, Pension Plan A, for implementation; Commissioner Lee seconded and the Board passed it unanimously.
6. Local 834-Grievance 2011-28; FF Scott Michlewski, Article 5, Disciplinary Action.

Union President Whitbread represented that FF Michlewski was unable to attend tonight and that he spoke to the Chief and proposed that the grievance be moved to the State Labor Board.

7. Local 834-Grievance 2012-2; LT Timothy Bottone, Article 5, Disciplinary Action.

Union President Whitbread represented that the grievance was filed on behalf of Lt Bottone. He was suspended for one day and they didn't think the discipline was for just cause.

President Rosenberg responded that according to the information in the packet, Lt Bottone moved a Ladder Truck and the assigned driver told him not to move it.

Chief Rooney distributed the following: Driver Training Operational Procedure Guideline that the Department follows in order to be allowed to drive a fire truck, an Acting Approval Form when they approve someone to drive and the disciplinary letter that went to Lieutenant Bottone dated December 29.

Chief Rooney went over the facts of the case. The Department's Operational Procedures #19 is the Driver Training and it states among other things that a member must train on an engine or ladder until the officer in charge determines that the member can fully operate the vehicle. In order for them to be checked out on one of these vehicles, they have to do some driver training. The officer has to take them out and document the fact that they took them and usually when they start out they go to a safe

area to learn how to drive a truck and from there they learn how to back it up, learn how to park it, learn how to use the pump, and how to use the aerial device. Once an officer determines that the member of the Department can function and can drive one of these fire trucks, he also will then call the Training Division and asks the Training Division to go over and check this particular member out. The Training Division goes over all the safety features of the vehicle, starts to ask questions and then actually goes on the road with the member to see if they can handle the truck. Those are the procedures that they follow and they are in Operational Procedure Guideline #19.

Chief Rooney further stated that Lieutenant Bottone was never qualified or trained to drive a Fire Department apparatus. They have no documentation whatsoever. The Department doesn't have an Acting Approval Form to state that Lt Bottone could drive a fire truck, a pumper or a ladder truck. He never trained on the vehicle before regardless even if he has a CDL license, they have no documentation of that and he wasn't supposed to be driving it. In fact it is not his job, he's an officer, he's not a driver.

Chief Rooney stated that the regular driver of the truck with years of experience told him that the truck had to be backed out due to the tight road conditions. He was also told by an engineer that was further up the road, it's going to be a tight spot, you better not drive through here. Lieutenant Bottone failed to use good judgment and hit a parked car causing significant damage that the taxpayers of this City have to pay for. Lieutenant Bottone violated five Department Rules, City Work Rules and Chief's Order #8-2003. This thoughtless behavior coming from a Bridgeport Fire Lieutenant is outrageous. His past discipline record indicates a verbal warning for not wearing a seat belt, a written warning for insubordination and now this one day suspension.

Chief Rooney asked the Commission to uphold the discipline that was given to Lt Bottone. Chief Rooney thought it was appropriate, he thought it was progressive discipline, and thought it should be upheld.

Commissioner Lee asked if there was a reason why Lt Bottone drove the truck instead of the designated driver if the designated driver was on hand.

Lt Bottone stated that it was not true that he said they couldn't back through. He asked the Chief to repeat what Walter said. Chief Rooney responded that the 2326, he stated that it was a tight spot and they'd have to back it out, too tight to move it down the street.

Union President Whitbread read from Walter Medina's 2326, it says that FF Medina told him I'll drive it through, he doesn't see how that gets to I'll back it out, drive it thru to him means going forward.

Commissioner Lee asked why the designated driver didn't drive the truck.

Lieutenant Bottone responded that first of all he didn't say they should back it up. He never said that. What they decided to do was a three point turn in order not to back up because they are told backing up is a last resort. So they decided to go forward, back up just a little and then go straight down the street driving forward. His goal was not to hit anything and to keep everyone safe. He didn't want anyone to get in trouble.

President Rosenberg asked why the designated driver didn't drive it.

Lt Bottone responded that he didn't want him to get into trouble; there was no way somebody was doing this without getting in an accident. There were cars all over the place, and they're parked illegally.

Commissioner Lee responded that that didn't make any sense to her. The Chief said that Lt Bottone was not trained to drive that truck. Lt Bottone responded that that was not true.

Union President Whitbread also responded to that. The Acting Form that was given, that's basically a form that you go through to operate the vehicle, in other words, driving a vehicle, they all get licenses, they are all trained to drive vehicles, that's how you get a Q license or CDL, that's how he got his driving a fire apparatus through the test to get a CDL through the State. The Acting Form is so you can operate it because if you can't operate it when you get there, you can't do your job. The Acting Form is about whether you can operate either an aerial or a pump.

President Rosenberg responded the question was still not answered. He had a driver that was qualified. Union President Whitbread responded that he just said that he wanted to take it because he didn't think the guy could get through.

Lt Bottone stated that he too had experience driving these rigs and it was incorrect what the Chief said.

Commissioner Lee responded that even if it was incorrect what the Chief said, the fact of the matter is that the designated driver was there and whether Lt Bottone was trained or not, he was not the designated driver. The designated driver was there and had experience and if he thought that he couldn't get through, then what made Lt Bottone think that he could get through. Commissioner Lee stated that Lt Bottone said he didn't want him to get in trouble so he did it himself. If he got in trouble they might be looking at it in a different way. Lt Bottone responded that he was responsible for the men on the vehicle and so he made the decision because there was no way to get in without an accident.

Union President Whitbread stated that nowhere in FF Medina's 2326 does it say that he didn't think he could get through there. He says he got out to discuss the strategy.

President Rosenberg responded that it was FF Medina's job to drive the truck. He was told to get out of the seat. Lt Bottone responded that they all got out of the rig to assess the situation and discussing what they wanted to do as a plan to get out of there. In his mind, he didn't think that it was going to be easy for anybody, and he said he was trained to drive that truck.

Chief Rooney asked Lt Bottone where he got the training. The Department doesn't have any documentation. Lt Bottone responded he was trained on this job just like everybody else. Chief Rooney responded that there is no documentation whatsoever of him ever being trained on the truck and if he could show it to him, he would like to see it. Union President Whitbread stated that the Acting Form doesn't have to do with training on the truck. Chief Rooney responded yes it does. Union President Whitbread answered that when he went and practiced driving engines and aerial ladders they didn't write down anywhere on an official form, they would say jump in the rig and drive it back. Chief Rooney asked how long ago that was. Union President Whitbread's response was probably 10, 15 years. Lt Bottone said it was the same when he came on the job. Chief Rooney said the Training Division gets involved and checks a person out and it's been

there all the time and that form is supposed to be filled out and didn't know what they did for Union President Whitbread.

Union President Whitbread stated that the Acting Form has to do with your ability to operate the rig. Chief Rooney said no it doesn't. Union President Whitbread responded that he already has a license through the State, a Q license that says he could drive. Chief Rooney responded but they are going to make sure that they are checked out on it and that they can see that they can drive it. That form has to be filled out.

Deputy Chief Petrucelli stated that they have an OPG, an Operational Procedure Guideline that was implemented in 1996 and it was revised in 1998 and it was revised again in 03. Union President Whitbread stated that what they were reading now is not necessarily what was there in 1996 or 2003. Chief Rooney responded that's correct.

Deputy Chief Petrucelli stated that it was last updated in 03, it's the OPG for driver training and on the last page it says when the officer is satisfied the member can fully operate the vehicle, the officer will contact the training division. The training division will then have the member explain the operation of the vehicle, discuss any safety features that must be considered and then operate the vehicle and when it says operate the vehicle that includes driving it. It even says in parenthesis i.e. drive apparatus, operate the pump or raise the aerial ladder.

Union President Whitbread asked if he violated that. Chief Rooney responded yes. Union President Whitbread responded that in the charge letter he wasn't charged with violating 19. Chief Rooney stated that he wasn't checked out by the Department at all.

Lt Bottone asked when the training division checks you out to operate these vehicles, what criteria do they use. Chief Rooney responded they have their criteria. It comes from the Training Division. They have their own standard. Lt Bottone wanted to mention that he is qualified by the State as an aerial operator and that he was checked off by the State and that he has driven on this Department and have driven these rigs to an extent. Chief Rooney asked where. Lt Bottone responded Ladder 6, Ladder 5, Ladder 10. Chief Rooney responded that there was not any documentation on that, is there any. Lt Bottone responded that he never got checked off to operate it, but he has driven them in training. Chief Rooney responded that he never got checked out. Lt Bottone responded, yes that's correct and he was asking what the criteria are. Chief Rooney responded that he has to get checked out on this form over here by the Training Division to make sure that he could operate and drive it safely.

Chief Rooney asked if he drove the apparatus. Lt Bottone answered yes, it was part of the State training being checked off to operate and that was being done here by this Department. Chief Rooney asked if those guys ended up backing that truck out. Lt Bottone, yes they did, backing it this way on a 3 point turn. No, they drove it forward the exact way he said he wanted to do it. They drove it forward on that quarter mile route, instead of backing it a quarter mile, all they did was back it up say about 50 feet.

Chief Rooney responded anyhow, he can't just get in there driving because he's not the driver and he wasn't checked out. Lt Bottone responded that he didn't see that written anywhere.

Commissioner Meszoros asked that he was saying it was difficult for him and possibly you. Lt Bottone responded that it would have been difficult for anybody. Commissioner Meszoros asked why he didn't call the Battalion Chief to oversee the area just for a backup. Lt Bottone responded that he didn't call the Chief because he thought they would possibly get out of there without hitting a car. He didn't think that it was going to happen, it might have, he thought it might have. He should have called the Chief, he would admit that. That would have been a better plan. He would agree with that. Commissioner Meszoros also stated that if he did it himself, how long had Medina been operator for Ladder 11. How long has he been the driver. Union President Whitbread didn't know the answer. Commissioner Meszoros stated that maybe the driver was a 15 year veteran, driving that long apparatus, he thought he could have made his own judgment.

Chief Rooney represented that Deputy Chief Petrucelli interviewed everyone involved.

President Rosenberg stated that on FF Medina's interview he states that he said he would drive the truck, and he is the designated driver, he is the man that has been checked out and he is the man with the experience. He might have had an accident also, but that being the case, if he did, he would not have the problems that Lt Bottone has because they understand that accidents happen, the point was that FF Medina said that he would take the truck through, he did not say that he would not. The point here is not whether they went forward or backed up, the point here is that a person who is not qualified got behind the wheel of a fire apparatus, a person who had not been checked out and there was a qualified person who was designated to drive that truck and who was willing to drive that truck whether it was through or backing out. That's the question. We still have somebody that was not qualified, who is not experienced and had no business driving that truck.

Union President Whitbread represented that he also took the aerial operator's course for the State and that is much more intensive and meticulous in teaching what you have to do from what is on this Department and he knows that because he took it.

President Rosenberg stated that may all be true but the fact of the matter is they have regulations here in this Department, this isn't the State of Connecticut, this is the Bridgeport Fire Department and they have regulations here and those regulations were broken and as a result of that there was an accident. Union President Whitbread said that he is not charged with that OPG, it's not on his charge letter. Chief Rooney stated that he was charged with jumping in that truck, not being qualified and getting into an accident. He's not the qualified driver, he's not the designated driver, he had no business getting in there, they had a driver there who could have driven it, and he got in an accident, he shouldn't have done that, poor judgment and it cost the City and taxpayers money to have that car fixed.

Union President Whitbread wanted to know how Lt Bottone violated the rules.

Deputy Chief Petrucelli read the violations: Chapter 12, Section 12.7 Rules and Regulations, They shall at all times adhere to their prescribed job description, Fire Lieutenants. Chief Rooney stated that it wasn't his job description to drive the fire truck.

Chief Rooney read violation of Section 14.2: They shall not be assigned by their respective Officers unless and until they have received practical instruction in driving from an Officer and then approved by the Training Division. That was Chapter Fourteen, Drivers.

Deputy Chief Petrucelli read Section 17.41: Any conduct of a Department member of a disorderly nature, or neglect of duty which is prejudicial to the good order and discipline within the Department, or any conduct which tends to bring discredit to the Department or violation of these Rules shall constitute an offense which shall subject the offending member to such disciplinary action as the Fire Chief shall deem appropriate.

Deputy Chief Petrucelli read Section 17.44: All members of the Department are required to adhere to the requirements of their job description.

Deputy Chief Petrucelli read Section 17.48: All members of the Department are subject to the Fire Chief's Orders whether written or oral and will respectfully comply.

Deputy Chief Petrucelli read Chief's Order #08/2003:

Chief's Order #08/2003  
November 19, 2003

Subject: Discipline For Damage Or Loss Of City Property.

Effective immediately, any member who damages, destroys, or loses city property, including city provided personal protective equipment, shall be subject to discipline, which may include a fine equal to the replacement value of the property, suspension without pay and/or termination.

Examples include, but are not limited to:

Loss of city provided personal protective equipment.  
Willful or negligent damage to City property / equipment.  
At fault motor vehicle accidents.

Deputy Chief Petrucelli read City of Bridgeport Work Rules Nos. 8 and 12:

8. Disregard of safety rules or unsafe work habits.
12. Inability to properly perform job functions as outlined on job description.

Chief Rooney stated that is what he is being charged with, those are the rules he violated.

Lt Bottone asked if he violated those rules. Union President Whitbread responded that he thought what Lt Bottone was asking is in one place it says being unsafe, what particular act did he take to violate these things.

Chief Rooney responded that they are all self explanatory, he violated those rules, he got in an accident, and he wasn't supposed to be driving an apparatus.

Commissioner Lee stated that sometimes the good intention is not the best intention. He should have left Medina to drive the truck.

Lt Bottone responded that he would appreciate being explained how he broke these rules.

Commissioner Lee asked if he thought he should have driven that truck with Medina there. Lt Bottone answered that at the time; he thought he made the best decision he could.

Commissioner Meszoros asked when they do training from the Training Division, do they give a certificate. Lt Bottone said right now he doesn't have anything with him, but the Training Division does have a copy that he has training through the State. He asked if that was what the Commissioner was asking. Commissioner Meszoros said no, from the Bridgeport Fire Department. Lt Bottone responded no.

Commissioner Lee motioned that the suspension stand; Commissioner Meszoros seconded and the Board passed it unanimously.

Union President Whitbread thanked the Commissioners for their attention and patience.

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

- a. FF Brian Walker (B) – Light Duty on January 19, 2012.
- b. P/CAPT Armando Cora (B) – Executive Session waived.

P/Captain Cora reported that he is scheduled for surgery on January 24, 2012. The doctor told him that he starts physical therapy approximately 4 weeks after surgery and anywhere between 5 and 6 weeks after that he should be ready to go to work. To be contacted after surgery.

- c. CAPT John Mazza (B) – Executive Session waived.

Captain Mazza reported that he did his light duty and is in the strengthening phase of physical therapy and the month of his strengthening phase will be up shortly and goes to the doctor next Friday and should be back on duty soon.

Commissioner Rodriguez motioned to table to the February meeting; Commissioner Meszoros seconded and the Board passed it unanimously.

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

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

11. Policy and Procedure review.  
a. None.

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

The meeting was adjourned at 7:05 p.m.