

March 21, 2012
Regular Meeting Board of Fire Commissioners

President Rosenberg called the meeting to order at 6:05 p.m. and led the Pledge of Allegiance to the Flag.

Present: President Rosenberg, Vice President Ana Garcia, Commissioners Klein, Meszoros, Rodriguez and Fire Chief Rooney

Absent: Commissioners Doris G. Garcia and Lee

Commissioner Klein motioned to dispense with reading the minutes of the previous meeting; Commissioner Meszoros 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 FF Benderoth has not made an appointment with Deputy Chief Grace to see his file and recommended that the grievance be taken off the Agenda and held in abeyance and it will be withdrawn.

2. Local 834-Grievance 2011-24; LT Marc Strickland, Retirement Benefits.

Union President Whitbread represented that he was waiting for information.

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

3. Entertain a motion to Grant a Line of Duty Disability Pension Request to former CAPT Nicholas Novia, (Terminated 07/29/08), effective July 29, 2008, and refer to the Board of Trustees, Pension Plan B, for implementation.

Deputy Chief Grace represented that former Captain Novia was sent for an IME and distributed the medical report. Former CAPT Novia was not present.

Commissioner Klein motioned to Grant a Line of Duty Disability Pension Request to former CAPT Nicholas Novia, (Terminated 07/29/08), effective July 29, 2008, and refer to the Board of Trustees, Pension Plan B, for implementation; Commissioner Meszoros seconded and the Board passed it unanimously.

4. Entertain a motion to grant a Pro rata Pension Request to Former FI Frank Gerardi, (Terminated 01/25/08), effective February 7, 2012, and refer to the Board of Trustees, Pension Plan B, for implementation.

Chief Rooney represented that former FI Gerardi was not present and based on the fact that he still has a case pending with the City to get his job back, it was like Alicea last month where he was suppose to come in this month and be informed by the Board that if he wants his pension, they would be willing to grant it, but if he was going to seek his job back, he can't do both.

Union President Whitbread stated that former FI Gerardi is not here, but he thought what the Chief said was not appropriate. Basically, you're telling him he can't exercise his rights under the pension plan without foregoing his rights under the contract.

President Rosenberg responded that he didn't think that was correct and it was based on what happened last month and the fact is that as long as there is a grievance going on where the man is trying to return to work, until the man comes forward and clarifies that as did Mr. Alicea last month, he didn't think they could move on this until he comes forward.

President Rosenberg stated that Gerardi is not here tonight and they don't know where he's going with this, so he thought a motion to table would be in order.

Attorney Bohannon represented that he was handling the litigation involving Mr. Gerardi on behalf of Bridgeport Fire Department. In no way, shape or form is the City trying to prevent Mr. Gerardi from exercising his rights to pursue his retirement; however, clarification is needed because that will have an effect on his pending grievance and the damages he is claiming. It benefits Mr. Gerardi to be here and have that clarification so that he understands his rights unless the Union is willing to state for the record that Mr. Gerardi is waiving any right to reinstatement in the aftermath of having the pension granted, I think the matter should be tabled so he can be fully informed.

Union President Whitbread disagreed with what Attorney Bohannon said.

Commissioner Klein motioned to table a Pro rata Pension Request to former FI Frank Gerardi, (Terminated 01/25/08), Commissioner Rodriguez seconded and the Board passed it unanimously.

New Business:

1. Communications:
 - a. None.
2. Swearing in of Probationary Deputy Fire Marshal Richard Balestrieri and Probationary Senior Inspectors Henry Polite and Leonard Bonaventura.

President Rosenberg swore in Probationary Deputy Fire Marshal Richard Balestrieri and Probationary Senior Inspectors Henry Polite and Leonard Bonaventura. They were congratulated by all.

3. Entertain a motion to change the status of Roberto Diaz's Pension from a Regular Pension to a Line of Duty Disability Pension and refer to the Board of Trustees, Pension Plan B, for implementation.

Attorney David Morrissey representing Roberto Diaz stated he was asking that his pension be changed to a service connected disability pension from a non service disability which was granted previously. They always applied for a service connected disability, one of the issues they had was to get a letter from his treating physician linking his injury which has caused him blindness. Referred to December 13, 2011 letter from Dr. Zimmerman, Waterbury Retina, Eye Specialist. He indicated that on December 29

he hit his eye on a fire truck getting ready for an alarm and as a result of that injury he suffered a detached retina. Unfortunately, his other eye was already blinded prior to this so this made him completely blind at this point. This will cause no financial impact on the City or the Pension for the amount he would receive is exactly the same, it would only be designated as service connected disability pension as opposed to non service.

Attorney Morrissey also represented that Workers Comp has not yet ruled on this, it is still pending.

President Rosenberg responded that based on past practices they would have to be guided by Workers' Compensation Ruling. Attorney Morrissey asked that it be tabled.

Commissioner Klein motioned to table the request to change the status of Roberto Diaz's Pension from a Regular Pension to a Line of Duty Disability Pension until Workers' Compensation has made a decision in the case; Commissioner Ana Garcia seconded and the Board passed it unanimously.

4. Entertain a motion to grant a Widow's Pension Request to Arlene M. Domkowski, widow of Retired Provisional Fire Equipment Mechanic David Domkowski, effective October 8, 2011, and refer to the Board of Trustees, Pension Plan A, for implementation.

Associate City Attorney Mitola recommended that the Board deny the request for a Widow's Pension because they have some information that Ms. Domkowski and David Domkowski were legally separated. The Pension Plan has language that in order for the wife to be entitled to the benefits, they have to be living together as husband and wife. It looks like the information they have is they were not living together. They were legally separated; they had two separate addresses at the time of his death. If Miss Domkowski wants to appear before the Board and present different evidence, he recommended they deny it at this time. Commissioner Klein asked what the exact wording was and Attorney Mitola responded that he would email it to him. Commissioner Klein was not comfortable denying the request without seeing the language.

Commissioner Klein motioned to table the request for a Widow's Pension Request to Arlene M. Domkowski, widow of Retired Provisional Fire Equipment Mechanic David Domkowski; Commissioner Meszoros seconded and the Board passed it unanimously.

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

a. P/CAPT Armando Cora (B) – Executive Session Waived.

P/Captain Cora represented he saw his doctor on March 6 and has an appointment on April 13 to be re-evaluated. Currently, he is doing his physical therapy twice a week. His injury is as a result of playing soccer.

President Rosenberg asked he have his doctor answer the questions asked of him and to be more specific.

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

President Rosenberg requested that Brian Walker be added to the Agenda for attendance review.

Commissioner Klein motioned to add Brian Walker to the Agenda; Commissioner Meszoros seconded and the Board passed it unanimously.

b. FF Brian Walker (B)

Commissioner Meszoros motioned to go into Executive Session at 6:30 p.m.; Commissioner Rodriguez seconded and the Board passed it unanimously.

Commissioner Meszoros motioned to come out of Executive Session at 6:35 p.m.; Commissioner Klein seconded and the Board passed it unanimously.

Commissioner Klein motioned to table until next month with the provision he obtain a non-contradictory report from his physician and that he get answers to the questions from the form letter that Chief Grace will provide; Commissioner Meszoros seconded and the Board passed it unanimously.

6. Commissioner Ana Garcia motioned to accept the Report of Sick and Injury; Commissioner Meszoros seconded and the Board passed it unanimously.

7. Commissioner Meszoros motioned to accept the Payroll Register; Commissioner Ana Garcia seconded and the Board passed it unanimously.

8. Policy and Procedure review:

a. Entertain a motion to approve the revised Radio Communications SOP.

Commissioner Klein said it seemed to him there was going to be a lot of re-training that will be necessary. Chief Rooney responded it has already been done and they do the radio communication every week, it is all being done now. Commissioner Rodriguez asked if there was any discipline action if they make a mistake. Chief Rooney responded that they get reprimanded if it does happen. There is on-going training.

Chief Rooney stated that if anyone wanted to go to FCC to call his office and they would be happy to have someone show them.

Commissioner Klein motioned to approve the revised Radio Communications SOP; Commissioner Meszoros seconded and the Board passed it unanimously.

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

The meeting was adjourned at 6:36 p.m.