

**CITY OF NORWALK
BOARD OF FIRE COMMISSIONERS
*CONTINUATION OF SPECIAL MEETING OF MARCH 24, 2014
MARCH 25, 2014**

ATTENDANCE: Commissioners: Irene Dixon, Oscar Destruge, Mayor Harry Rilling.

STAFF: Denis McCarthy, Fire Chief; Assistant Chief Lawrence Riley;
Jeffrey Spahr, Deputy Corporation Counsel;

OTHER: Attorney B. Bowman, Jason Penna, Firefighter;
Lefty Petridis, President Local 830; Peter Brown, Local 830;
Pete Romano, Peter Brown, Fortunato Caporolla

CALL TO ORDER

Mayor Rilling called the meeting to order at 5:00 p.m. and stated that this meeting was a continuation of the Special Meeting of March 24, 2014.

Mayor Rilling stated that there was a recommendation for action from the Chief McCarthy and this has been reviewed by the Commissioners and put into the record. He stated that he feels it is appropriate to call for a motion for action on this recommendation.

Mayor Rilling called for a motion to go off the agenda to allow comments to be made.

**** COMMISSIONER DIXON MOVED TO SUSPEND THE RULES TO ACCEPT COMMENTS.**

**** COMMISSIONER DESTRUGE SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Attorney Spahr referred to documents as submitted to the Commissioners for review, and noted for the record that this meeting could be handled as a special meeting or an Executive Session.

Attorney Bowman asked to allow the submission of copy of certificate of distinguished service as a special accommodation into the record as supporting documentation of Firefighter Penna's record of service. Attorney Spahr noted that the record will contain documents submitted.

Attorney Bowman stated that there were letters of support that he wanted to submit and members of the public in attendance that wanted to address the commission

Mayor Rilling asked those who wished to speak to state their names for the record:

1. Peter Romano, resident of Westport, stated that he has known Jason Penna professionally and personally for over 25 years and can attest to his character as a decent man who supports community activities and is involved in many organizations and as an active member of the City that displays citizenship. He stated that he is a gentleman, a loyal friend and family man who is always helpful and dedicated to help those in need. He asked that whatever the outcome it will impact the family greatly. He asked that the appropriate discipline should be sufficient and action not be greater than necessary in terms of the severity of the action that took place. He stated that while he respects the Norwalk Fire Department's position, asked that his comments and the letter of support be taken into consideration with the decision by the Commission.
2. Fortunato Caporolla spoke in support of Jason Penna that he is a caring and compassionate individual, who is conscientious, always positive and willing to go above and beyond to get the job done. He stated that Jason Penna has helped him when he had difficulties with his home during storms and power outages, and he dropped what he was doing and came right over. He is always there to help others in need, he cares about people both on and off the job and he immediately responds to what is needed to help others.
3. Peter Brown stated that he wanted to speak in support of Fire-fighter Penna and that he started working with him 16 years ago. He knows him as a respectful man with a history of being a long-term stand-up guy and loyal person. He can count and rely on him and he has put trust in him both personally and professionally. He showed his true colors during 9-11 when he went to New York to be of assistance in any way needed.

Attorney Bowman stated that he wanted the record to note the comments he made yesterday, and whatever the outcome it will impact the family greatly. He stated that termination will be very, very severe and will have a drastic impact on Jason Penna and his family. He asked that appropriate disciplinary action should be sufficient and that consequences should not be greater than necessary in terms of the severity of the action that took place.

Mayor Rilling stated that there has been no discussion whatsoever with this matter, and the reason for the 24 hour period was to allow for the Commissioners to review the documents and to make a decision as to what they feel is the appropriate response. He added that in relative to the Chief's recommendation, there was a very lengthy review and recommendation.

Attorney Spahr asked Mayor Rilling to read the last part of Chief McCarthy's recommendation as follows:

It is my strong recommendation without reservation that the Jason Penna should be terminated from his employment in the Norwalk Fire Department immediately.

Attorney Spahr then asked if the wording of the determination stated was based on gross misconduct, and he asked Mayor Rilling to read the last paragraph of Chief McCarthy's recommendation as follows:

It is my finding that the actions represented countenance and gross misconduct that cannot be tolerated. It is my strong recommendation without reservation that the Jason Penna should be terminated from his employment in the Norwalk Fire Department immediately.

Mayor Rilling stated that this it is not an easy situation, it is very, very difficult and serving many years as Chief of Police he has had similar situations like this in role. He added that as difficult as it is, the decision has to be based on a thorough evaluation of the actions involved. He explained that the Board is challenged to do what they believe it is right under the evaluation of clear and convincing evidence, and this is the basis for his vote.

Mayor Rilling called for a motion.

**** COMMISSIONER DESTRUGE MOVED TO APPROVE THE
RECOMMENDATION BY CHIEF MCCARTHY FOR TERMINATION OF
JASON PENA FROM THE NORWALK FIRE DEPARTMENT IMMEDIATELY.
** COMMISSIONER DIXON SECONDED THE MOTION.
** THE MOTION PASSED UNANIMOUSLY.**

Adjournment

**** COMMISSIONER DESTRUGE MOVED TO ADJOURN THE MEETING.
** COMMISSIONER DIXON SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 5:25 p.m.

Respectfully submitted,

Marilyn Knox,
Telesco Secretarial Services

**CITY OF NORWALK
BOARD OF FIRE COMMISSIONERS
MARCH 25, 2014**

ATTENDANCE: Commissioners: Irene Dixon, Oscar Destruge, Mayor Harry Rilling.

STAFF: Denis McCarthy, Fire Chief; Assistant Chief Lawrence Riley;
Deputy Captain Todd Smith, Michelle Deluca, Emergency Mgmt.;
Fire Marshall Hansen.
Union Representatives: Lefty Petridis, Peter Brown;

CALL TO ORDER

Mayor Rilling called the meeting to order at 5:30 p.m.

APPROVAL OF MINUTES: FEBRUARY 18, 2014 MEETING

Commissioner Destruge noted that on page 4, under notable incidents, sentence two should end after extinguishers, delete the word by.

**** MAYOR RILLING MOVED TO APPROVE THE MINUTES OF THE
FEBRUARY 18, 2014 MEETING AS SUBMITTED.
** MOTION PASSED UNANIMOUSLY.**

Action Items: None

FIRE CHIEF'S REPORT

Budget

Chief McCarthy stated that the budget reports in the packet were self-explanatory. He explained that there was one issue on the 2014 budget relative to overtime as a result of extended sick leave and long term absences for a few fire-fighters that has resulted in increased overtime. He added that they are working on this with the Finance Department to have an appropriation and required transfers. He added that there are wage increases and unfunded positions that need to be included in next year's budget.

Norwalk Fire Department Force Realignment

Mayor Rilling suggested that this item has been put off until the bids come in. Chief McCarthy stated that the Land Use and Building Management Committee has asked to have the recommendation for approval to be forwarded on to the Council for authorization prior to the bid awarding.

Assistant Chief Report

Assistant Chief Riley reported the death of a former fire-fighter Talercio and that the funeral services are held on Monday.

Assistant Chief Riley referred to the Operations Report of notable incidents for February and noted that it was a quiet month:

NOTABLE INCIDENTS:

- 2/04, 21:31, Van Buren & Bedford, MVA. FD arrived on scene with PD and found driver of one of the cars involved, slumped behind wheel, not breathing. FD removed driver and began CPR. PD later determined the driver was the victim of a gunshot wound. apparently self inflicted.
- 2/05, 18:29, 2 Windward Road, car fire. FD extinguished an engine compartment fire that had spread into the passenger compartment.
- 2/10, 13:13, 13 Winfield Street. gas leak. This was caused by a large piece of ice falling from a second story roof, hitting and breaking the natural gas service line into the building. Fire Department shut off the gas at the main and stood by for the gas company.
- 2/10, 16:46, 165 Water Street. EMS, cardiac arrest. FD arrived and took over CPR from two warehouse workers who were on scene. Firefighters continued CPR in the ambulance on the way to hospital.
- 2/12, 07:43, Flax Hill Road, EMS. unresponsive person. FD arrived and administered CPR and assisted paramedics enroute to the hospital.
- 2/15, 18:29, Glover Avenue, train vs. motor vehicle. A van stalled on the tracks for Danbury branch was hit by train. Occupants were out of the van and there were no injuries to them or the 100 passengers on the train.
- 2/19, 18:58, 14 North Seir Hill Road, roof fire. FD arrived to find a fire in a wooden enclosure encasing a metal chimney. Firefighter removed siding and extinguished the fire.
- 2/20, 04:37, Town of Westport, mutual aid. Westport Fire Department requested that Norwalk FD dispatch one engine company to cover their HQ station during a working fire.
- 2/20, 09:18, Oliver Street, EMS cardiac arrest. FD arrived and began CPR. FD continued CPR in ambulance enroute to the hospital.
- 2/20, 22:30, 597 Westport Avenue. EMS, cardiac arrest. FD arrived and began CPR and BLS.
- 2/21, 15:38, 99 Rowayton Avenue, EMC, cardiac arrest. FD arrived and began CPR and continued CPR enroute to the hospital.
- 2/21, 19:00.23 Platt Street. fuel leak. FD dispatched to an odor of solvent in the area. FD arrived to find that a 46' houseboat tied up to a dock had sunk and spilled approximately 30-50 gallons of fuel into the river. DEEP was contacted and a cleanup contractor put a boom around the vessel and began to vacuum the fuel out of the river and pump out any remaining fuel in the boat.
- 2/21, 19:00, 1 Selleck Street, fuel leak While at scene of previous incident, FD discovered that a portable generator on a trailer was leaking fuel or crankcase oil into a storm drain. FD contained the spill and DEEP responded from the scene of the previous incident.
- 2/22, 02:25, 1-95 Northbound, MVA. FD arrived to find a multi car accident with one occupant trapped. Firefighters extricated one victim and helped package four other patients for transport to the hospital.
- 2/24, 16:19, 761 Main Avenue, report of a partial building collapse. FD arrived to find that a 50' X 10' section of a brick façade had fallen off a second floor wall. Firefighters evacuated the building and remained on scene for the Building Inspector.
- 2/25, 08:33, Watson court. EMS, difficulty breathing. FD arrived and began CPR and assisted paramedics on their arrival.
- 2/25, 09:34, 34 Maple Street, EMS, cardiac arrest. A patient being dropped off at Norwalk Hospital ER went into cardiac arrest in the parking lot. Firefighters arriving at the hospital from the previous incident assisted EMS personnel with CPR.

Commissioner Destruge noted that there was a good job with the clean up of the sunken boat.

TRAINING REPORT

Deputy Captain Smith presented his report as follows:

- a. Fire Officer 1 Certification Training / EOC Room almost completed
- b. Hazardous Material Operational Refresher Training Started March 3, 2014 for all shifts. This is a three days class provided paid for with Grant funding. Currently 1/3 completed
- c. Firefighter Safety and Survival Training in progress
- d. RIT (Rapid Intervention Team) training paid for with grant funding in progress
- e. Deputy Chief Promotion Testing completed as follow:
 1. Captain Albert Bassett
 2. Captain Michael McCallum
 3. Captain Joseph Coppola
 4. Captain Christopher Roos
- f. Annual Physical exams starting next month

Deputy Captain Smith stated that the A.D. has failed to operate, and the cost to repair it exceeds the value of a replacement of the unit. There was discussion on when and how many were used and replaced, and Chief clarified that there were two approved in the budget on the request of four.

It was noted that the unit was used 34 times and 14 times since January, and they are working on this with the Board of Education finance department for school units and at the Maritime Aquarium.

Fire Marshall's Report

Fire Marshall Hansen noted that the report was included in the packet summarized 343 units and total 227.5 hours, representing routine inspections. He added that the year to date track of fees collected is over \$55,000. He stated that activity has been focused on a new 95-7 Building on Frost Avenue. Also at Washington Village a \$15,000 grant for smoke detectors has been secured by Kathryn in the Grants Office to include overtime for installations and brochures.

Fire Marshall Hansen then spoke about new technology using aerial photography using a drone device to locate and detect air duct leaks in smoke stacks. He added that they are working on building data on call statistics.

Emergency Management

Ms. Deluca stated that there three areas that they are working on:

- Local Table-Top Exercise on April 10 at Brien McMahon CGS Community room from 11am to 3pm to include 120 participants including schools and covering exercises such as active shooter drills.
- Emergency Response Leadership - Harvard Training Program in Fairfield on April 16.
- The National Texas A&M Training in Texas sponsored by CT DOT and Metro North.

Union President Report – There was no report. Mr. Petridis asked to have an agenda packet sent to him on a routine basis so that he can review it prior to the meeting.

Mr. Petridis asked relative to the Penna incident, he wanted to know the status of retrieval of the equipment. He noted that with regard to the Rescue Company, this equipment is essential rescue apparatus. He added that if it is being held as evidence until the case is resolved, it needs to be returned or replaced.

Chief McCarthy stated that he will notify the Police Department to have it returned. Mayor Rilling added he will also make a call with regard to having the equipment returned.

Personnel – No report.

New Business/Old Business – None

Adjournment

**** COMMISSIONER DESTRUGE MOVED TO ADJOURN.**
**** COMMISSIONER DIXON SECONDED THE MOTION.**
**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Marilyn Knox,
Telesco Secretarial Services