

Board of Fire Commissioners
REGULAR MEETING MINUTES

September 5, 2024

Present: Commissioner Longo, Commissioner Bemer, Commissioner Cavanaugh, and Commissioner Nursick

Absent: Commissioner Cofiell

Others: Chief Michael Thurz, Deputy Chief Paul Cody, and Fire Marshal Michael Makuch

Commissioner Longo called the meeting to order at 6:30 PM

Public Comment: None

Approval of Minutes:

Commissioner Longo asked for a motion to approve the minutes from the August 1, 2024 meeting. Commissioner Bemer made a motion to approve, with a second from Commissioner Nursick. There was no discussion. The motion passed, with an abstention from Commissioner Cavanaugh.

Correspondence: None

Chief's Report:

Chief Thurz reported the following:

- New apparatus update:
 - The committees from both companies' have met with the dealer to review the placement of equipment on the new apparatus. Squad 33 was inspected by Vehicle Maintenance, but is still in Cheshire for the mounting of brackets. Squad 12 is nearing completion of the brackets being mounted and scheduled to be inspected by Vehicle Maintenance on September 10th. Once both vehicles are approved by Vehicle Maintenance and accepted they will go to Marcus Communication for the radio installation. Once the radios are installed each vehicle will go to their respective companies to continue installing equipment and associated training.
- A swearing in ceremony for those recently appointed as permanent members will be held on September 18th at the Riverfront Community Center, at 7 PM. Commission members are more than welcome to attend, if available.
- Operating expense overview:
 - Commissioner Longo inquired why Vehicle Maintenance is so far behind? Chief Thurz explained they maybe still closing out accounts from the previous fiscal year. Chief Thurz felt they should be up to date by the end of September.

Old Business:

a) Update on Utility Terrain Vehicle (UTV):

- The UTV that was initially delivered will be returned to Polaris Defense. When the unit was delivered it was missing some items and had some electrical issues. After going back and forth with Polaris Defense, and the fact that two-months have passed since taking delivery, Chief Thurz requested the unit be taken back by Polaris. Polaris has agreed, and will build a brand-new unit for the department. Polaris has agreed to pick up the current unit in Vernon and ship it back to Minnesota. While the department ordered a 2024 model, what was actually built was a 2025 model. Some of the internal components installed on the unit didn't work correctly, essentially 2024 technology installed in a 2025 unit.
- Commissioner Longo inquired if there was a proposed delivery date? Chief Thurz did not have a date, as the agreement to exchange for a new unit was just confirmed. However, the vendor stated that will move the production of a new unit to the front of the assembly line, and will make sure all the items ordered will be installed prior to leaving their facility. Chief Thurz had asked for photos to be sent of the unit being built before it left the assembly line, and to make sure it was test driven.
- Commissioner Longo asked if we were the one town that had the lemon or is it brand wise? Chief Thurz explained that within the unit there were 2024 components installed that were not compatible with the 2025 model's computer system. Initially the wiring harness had to be replaced. While it corrected some of the problems, there were other features not working appropriately. After going back and forth a request was made to completely replace the unit.
- Commissioner Nursick inquired about Chief Thurz saying new unit and the intense customization that goes into these machines, was he talking about a new unit from the ground up with all the customization that the fire department wanted? Chief Thurz responded yes, it will be what we wanted, a new 2025 unit.

b) Proposed Amendment to By-Laws

- Chief Thurz requested the Commission to approve and signed the amended By-Laws based on the changes presented and discussed at the previous Commission meeting.
- Commissioner Longo noted he did not have an issue with signing the By-Laws as amended. However, after reading The Glastonbury Citizen two or three weeks ago that the Charter Review Committee said they were concerned about the Board of Finance and the Board of Fire Commission, he was not sure specifically what the concerns were about. They said it's something about the communication with the Fire Chief, if he was interpreting it correctly.
- Commissioner Nursick commented it was about clarification in the relationship between the Fire Chief, Fire Commission and the Town Manager.
- Commissioner Longo replied that if they are going to make changes to the way the Commission operates, suggest changes, or change the charter I don't know if

it is indirectly going to have any bearing on the By-Laws? Commissioner Longo stated that was his only concern, but didn't want to hesitate in signing the By-Laws. He wanted to bring this to the attention of the other Commissioners, as we didn't know what the proposals were, or how the By-Laws would be impacted. Commissioner Longo would like to know what the thoughts would be going forward before signing other documents. As far as the proposed changes, Commissioner Longo didn't want to impact any of the membership by not signing the amended By-Laws. Commissioner Longo further stated that he wanted to put his thoughts out there so everyone could opine. He was uncertain how the other commissioners felt, or why the Fire Commission was singled out, or not asked about it. He acknowledged that nothing had been finalized, he just wanted to point it out. Collectively, the Fire Commission does not have a problem signing the amended By-Laws as presented. Commissioner Longo asked if that was agreeable with the other commissioners?

- Commissioners Bemer and Cavanaugh both replied they were in favor.
- Commissioner Nursick replied that he was okay with the amendment. He recognizes Commissioner Longo's comments that the charter is something that is out there, and not sure what changes would be made. It is reasonable to be pondering what may happen, but I do not have any issues in signing the amended By-Laws. Commissioner Nursick did ask Chief Thurz if he was comfortable with the By-Laws as they currently stand and what there were about to sign? Chief Thurz responded he was, as the By-Laws went through an extensive review with the town's legal counsel, and a number of things had been changed to make them what they are today. Commissioner Nursick replied he just wanted to clarify that because if these are the By-Laws they are the guiding documents for the membership. Chief Thurz said the revisions made a few years ago were the result of a lawsuit.
- Commissioner Longo noted at the conclusion of the meeting Commission members would signed the signature page, and Chief Thurz would distribute copies at the next meeting. Chief Thurz would also replace the current By-Laws on the department's website for the membership.

c) Public Act 24-16 Line of Duty Death

- Commissioner Longo advised the other members of the Commission that he received a phone call about a week ago from the Town Manager. The Town Manager had asked if Commissioner Longo could stop by his office for a conversation about the Public Act. Commissioner Longo met with the Town Manager, in which he reiterated the Commission's unanimous position on the matter, and provided some examples of their reasons. Commissioner Longo stated the Town Manager understood the Commission's line of thinking. The Town Manager generally touched on a couple of other things, and eventually got around to the financial impact as the Commission discussed about his statement. The Town Manager basically said the fire department and Emergency Medical Services were a very simple fix. He did not get into particulars, just that it was pretty cut and dry based on the insurance policies in place. He then went on and

explained his statement of financial implications and how it impacts the Police Department. The Police Department is a completely different with full-time employees, that have sick time, accrued time, vacation time, various associations they belong to, and also the union aspect. The Town Manager stated he feels as though he can be very objective, and that he is not a cold-hearted person when it comes to these types of things. Commissioner Longo concluded his remarks by saying it was difficult for him not to have called all the Commissioner when he was asked to meet with the Town Manager. The request to meet was just prior to a holiday weekend, and he did not want to upset the other members of the Commission. The Town Manager also stated that prior to the next Commission meeting there would be a document that outlines the determination process, which was emailed. So, we were provided with the document prior to tonight's meeting. Commissioner Longo commented the other reason he didn't call anyone was to see if the additional information would be forthcoming, which was sent by email. When the Town Manager asked him to come for a meeting he did not have any instructions not to talk to the rest of the Commission, nor did he have instruction to talk to them. If anyone felt I was wrong in not calling you right away that is certainly your prerogative. The conversation was very generic.

- Chief Thurz noted that an email was sent to commission members on September 3rd, which outlined the proposed determining criteria of a line of duty death as it relates to Public Act 24-16. Prior to the start of the meeting, Chief Thurz also provided those present with a shorter version of the decision criteria, which incorporated Police, Fire and EMS. The document reflected that in addition to the Town Manager and Chief of Department, both the Human Resource Director and the town's labor legal counsel would be part of the process. Chief Thurz then directed commission members to the second paragraph, which stated the Chief of the Department, whether it be Police, Fire or EMS, would ultimately be investigating and making the determination whether a death of a member was a line of duty or not. A majority of the language was taken from the Department of Justice's Public Safety Officer Benefit and incorporated into the paragraph. The paragraph noted that as part of the investigation, the Chief of the Department would need to determine if the individual participated in some type of non-routine stressful or strenuous physical activity, or communicated they were not feeling well. The Chief of the Department would also investigate what that individual was doing after their shift or leaving an incident. The goal is to develop a time line of where they went, what they did, and who they were with. The process would also include obtaining authorization from the immediate family for medical records and autopsy results to verify the death was either the result of a cardiac, embolism, or stroke. Once the information was gathered, the Chief of the Department would present all the findings to the Human Resource, legal counsel and Town Manager, with the Town Manager making the determination based on the documentation submitted.
- Chief Thurz also provided the Commissioners with another summary of the benefits available to the membership.
- Commissioner Bemer stated he didn't like how the whole line of duty act was handled, and that the Fire Commission was never asked to be involved.

- Commissioner Longo responded that the Commission's letter was never brought up in discussion, but the Town Manager said he was going to provide additional information before the next Fire Commission meeting, which we have. Commissioner Longo asked if this had to be approved by the Council or is this final?
- Chief Thurz replied the determination criteria still needed to go before the Town Council for approval.
- Commissioner Nursick stated the ordinance still needed to be drafted.
- Chief Thurz responded that he provided the procedure that would go with the ordinance.
- Commissioner Nursick stated the Town Council has to vote on the ordinance, but did not know how the procedure would be handled, or if the protocol is handled separately, as the Commission didn't have an ordinance to look at which is part of the problem, and will be unable to look at it prior to October 1st.
- Chief Thurz responded this will be part of the ordinance as the criteria given to the Town Council for the three agencies to utilize in how to handle this particular type of line of duty death.
- Commissioner Nursick responded he would assume some of this language will appear in the ordinance, but as for the letter of the law, the Commission doesn't know what the actual ordinance will look like. However, Chief Thurz has shared with us the criteria that will be assimilated into the ordinance.
- Chief Thurz responded that to be eligible for the benefits this will be the process to follow.
- Commissioner Longo responded that at the last meeting Chief Thurz talked about establishing criteria.
- Chief Thurz replied that the second paragraph provides the steps that the Department of Justice requires to qualify as a line of duty death for Police, Fire and EMS.
- Commissioner Longo inquired about the town's labor counsel. He was unaware the town had a labor attorney. Chief Thurz replied it was a third-party law firm.
- Commissioner Nursick stated that he appreciates all of the consideration and thoughtfulness that went into the second paragraph. It is hard to capture every scenario. He did like and supported what he saw in the paragraph. I still could not understand why the Fire Commission was never asked to be involved. This is clearly a jurisdiction with the Fire Commission, and didn't understand why it was not brought to the Commission's attention for consideration purposes. His opinion overall had not changed, and still believed that for the firefighters the determining authority should be with the Fire Chief. Some concerns he had were

in the first paragraph, why is the Director of Human Resources which is like the fourth branch of government going to be involved in the death determination, and labor counsel? Lawyers being involved in the objective determination process if one of our firefighters passes? Bottom line, he had concerns with who will be making the determination. His opinion had not changed, but appreciated the work that went into the second paragraph. He had no issues with the protocol. If we have 151 towns in this state, and assume 151, maybe more or less fire departments, how many other towns are pursuing a change to their Charter or an ordinance that would give the authority to someone other than the Chiefs? Do we have any understanding at this point?

- Chief Thurz responded he heard of a few, possibly New Canaan, Waterbury and Coventry. A number of smaller towns are looking at this further.
- Commissioner Nursick asked why Glastonbury had to be one of the few towns that decides they want to delegate the authority to someone other than the Fire Chief?
- Commissioner Longo asked if any of this was discussed with the previous Town Manager, and was he the person responsible in this role of a line of duty death?
- Chief Thurz replied this was never a consideration. However, there are other states that have something similar on their records. Unfortunately, the situation in North Haven is what brought this to the forefront. When the Fire Chief did his due diligence, and within 72 hours of his investigation felt it was a line of duty death, the town said no.
- Chief Thurz noted he failed to inform the Fire Commission about the proposed bill. However, going forward he will provide Commission members with weekly updates that comes from the fire service lobbyist. However, Chief Thurz did caution the Commission that things change throughout the legislative process. As for legal counsel involvement, that can come in hand, if there is a questionable situation. Human Resources involvement pertains to the individual's benefits. These are the second set of eyes, which could be helpful. It could also come in hand, if Chief Thurz had to recuse himself because it could be a family member.
- Commissioner Cavanaugh asked if the Town Manager will have the final say? Chief Thurz responded the Town Manager will be the one who signs off on it, but if the documentation supports the claim of a line of duty death, the hope is he would sign it. If I was to sign off that it wasn't a line of duty death, I'm sure the family would be coming back challenging the Fire Chief's decision. This is why there is a comfort level in having other eyes look at this. It all comes down to good documentation and good investigation.
- Commissioner Cavanaugh asked if the Fire Marshals were also covered under this? Chief Thurz replied they were, and that the department pays for all three of the Fire Marshals separately.

- Commissioner Nursick responded he appreciated Chief Thurz “blame me” scenario for not notifying the Fire Commission, but there were other folks involved too, that could of, and should have known to run this by the Fire Commission. As to other eyes, he did not have an issue with that, whoever you need to bring in to accomplish a decision and come up with an accurate determination, I support one hundred percent. The whole human resource kind of struck me in the process. I will still go back to the fact that I think it should be the Fire Chief who has the final determining authority, obviously that is likely not going to happen, but I still think that is the righteous and correct way for this to be done for our firefighters.
- Commissioner Nursick asked if he could speak on behalf of Commissioner Cofiell and what he asked be expressed at the meeting. Commissioner Cofiell mentioned expedience in making the determination, particularly from the stand point of passing within the 24-hour time frame, and getting the determination back from Town Hall could take days or weeks. Commissioner Cofiell felt it was important for the individual to be afforded the certain benefits that go along with the ceremonial burial for a line of duty death. If the deceased is buried, and it takes three weeks to make the determination, they are not going to be afforded the ceremony they deserved.
- Chief Thurz replied that is what happened with the North Haven firefighter, because of the time it took to make the determination.
- Commissioner Cavanaugh commented that there are a lot of moving parts during an investigation, which is out of one’s control.
- Chief Thurz replied anybody who dies in the line of duty deserves everything they should get. However, this is a unique situation because it did not happen on the fire ground.
- Commissioner Bemer mentioned that this is a public hearing so there may be questions from the public. I am not sure how that works, and the Council may ask questions, so will the Town Manager answer the questions or does he want the Fire Chief to answer those questions? Chief Thurz responded that it will depend on what questions are asked, but he would be attending the meeting. Commissioner Bemer said he feels the Fire Commission needs to educate the Town Manger and the Town Council about the volunteer fire department. It’s the best asset they have in the town, and I am not sure they even know that. I’ll do what I can do, but not alone.
- Commissioner Longo said he agreed and felt it was well done, and likes the second paragraph. So now we will wait and see what the Town Council does and where it goes from here, but are we all good with this now?
- Commissioner Nursick responded his comments are on the record, along with last month’s minutes, and still thinks it should be with the Fire Chief. I appreciate the thoughtful consideration within the second paragraph.

- Commissioner Longo asked if the other members were done with the discussion for the time being? The other Commissioners agreed they were done with any further comments on the matter.

New Business:

a) Budget – Fiscal Year 2025-26

- Commissioner Longo indicated there were some commission members that had questions pertaining to the upcoming budget. He noted that Commissioner Cavanaugh and himself plan on meeting with Chief Thurz for a preliminary budget discussion. Those budget discussions would be brought back to the entire commission for feedback and suggestions. Commissioner Longo wanted the other members to understand that discussion would start in September with no final decisions made until February or March. There would be ample time to discuss and revise, if needed.

Commissioner Bemer inquired if the council has decided if they wanted to bond or purchase fire trucks? He felt the Commission needed to know what direction that would be heading. Commissioner Cavanaugh responded that was a Board of Finance decision.

- Commissioner Longo echoed Commissioner Cavanaugh's comment, and he doesn't have any insight either. Commissioner Longo stated that if its two separate bonding questions, he didn't feel it would be successful. However, if all the bonding issues were lumped together with the Board of Education, he felt the chances of passing would increase.
- Commissioner Bemer asked if there was an update on new radios? Chief Thurz replied that Purchasing was waiting for the Police Department to make their determination in order to take advantage of the economy of scale by putting the two projects together. Deputy Chief Cody and the committee have developed a plan to pursue a version of a Kenwood radio. Kenwood has a newer radio which is being manufactured now. The goal is to replace all portables first, and whatever funds are left over to go towards the purchase of mobile radios. The hope is to incorporate a second mobile radio in all the apparatus so when responding mutual aid one radio will be on a Glastonbury channel and the other on the mutual aid department's frequency. Deputy Chief Cody reported that eventually given the number of mobiles each apparatus will have a new radio, with the existing radio remaining in the apparatus. The new radios will have the bands required to communication with any mutual aid town. Chief Thurz stated the number one priority is to replace portable radios first. Then we will replace the mobile radios. Deputy Chief Cody commented whatever we are unable to purchase will have to be considered in future years.

Committee Reports:

- Commissioner Longo commented there was no budget committee report, but will have one for next month's meeting.
- The Strategic Planning Committee resumes its meetings on Monday, September 16th at Company 3.

Fire Marshals Update:

- Fire Marshal Makuch asked if the Commission had any questions regarding last month's update? Fire Marshal Makuch went on to state that funding has been appropriate for two additional inspectors. The Fire Marshal's Office is behind where it should be in inspections. There are about 3,000 inspectable occupancies, some of which have to be done yearly, and some which are on a four-year cycle. Fire Marshal Makuch is hoping there will be two new part-time inspectors by October 1st. Fire Marshal Makuch also noted he will be shuffling employees around with the current part-time inspector and the two new inspectors. One of the three part-time inspectors will also cover investigations, and will be on-call. Currently only Fire Marshal Makuch and Deputy Fire Marshal Giantonio are the only ones on call. So, one of the new part-time inspectors will be responsible for inspections only, along with our current part-time inspector. The other new hire will have both inspection and investigation responsibilities, and will be part of the one-call schedule.
- Fire Marshal Makuch stated he is close in having funds to replace one of the older vehicles in the fleet, the Fire Chief's former black SUV, which has become very unreliable. Two of the three vehicles have over 130,000 miles.
- Fire Marshal Makuch reported there has been media attention with enforcement efforts at Bemer's Petroleum. The potential hazards at such a facility within any town is not only a risk to the community, but also to firefighters. Fire Marshal Makuch has been working at length with the Fire Chief throughout the process. It has been nine months since the last large-scale inspection, which included local, state and federal agencies being involved. This week Bemer's signed an administrative order of consent with the Environmental Protection Agency, which lays out a plan based on the violations that are there, and how everything will be remediated in one year. Approximately 14 agencies are involved, so it is a complex situation administratively. The consent order with the Environmental Protection Agency is significant milestone in the process. The order effects 184 and 210 Commerce Street, as well as 95 Oakwood Drive.
- Commissioner Longo inquired about the two part-time employees, and could they possibly become full-time employees? Fire Marshal Makuch responded he hopes based on the number of inspected occupancies last year and hours required. He estimated that the Fire Marshal's Office would need somewhere around one and a half employees to get caught up, maybe two employees. At the beginning of the budget session he initially asked for one full-time and one-part-time, which resulted in three part-time employees. Ultimately it ended up being two part time employees starting on July 1st and it is now September. Fire Marshal Makuch hopes with the savings, and the two new people proving to be successful, particularly using the new First Due software, he will be able to track what they are doing and show a lot of productivity. Initially, it is going to show a lot of non-compliance because there are places we could never get to or get to enough. We will find businesses who haven't tested their sprinklers lately or serviced their fire extinguishers. It will look like a big safety issue just because of what we are finding. It will also be slow because they will need to go back and reinspect. But then as we get over the hump, we change the culture of the community, knowing we will be coming they will start getting more productive and realize a lot of people are very good people that just didn't know they need to do these things. Hopefully over the next few months into next fiscal year we can prove the value of these employees and get some full-time staff.

Adjournment:

- Commissioner Bemer made a motion to adjourn, seconded by Commissioner Cavanaugh. The motion passed unanimously.
- The meeting adjourned at 7:32 PM. The next regular meeting will be held on October 3, 2024, at Company 1, 2825 Main Street, at 6:30 PM.



Deborah M. Heald
Recording Secretary

- c: Fire Commission (5)
Fire Chiefs (4)
Fire Captains (4)
Jonathan Luiz, Town Manager
Michael Makuch, Fire Marshal
Gina Consiglio, Purchasing Agent