

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

AGENDA
PUBLIC PROTECTION & SAFETY
PUBLIC HEARING FOLLOWED BY SPECIAL MEETING
Tuesday July 21, 2020/5:30 P.M. - Waterford Town Hall
ZOOM Remote Access Only

Join Zoom Meeting
<https://us02web.zoom.us/j/3171180827>
Meeting ID: 317 118 0827
One tap mobile
+13126266799,,3171180827# US (Chicago)
+16465588656,,3171180827# US (New York)
Dial by your location
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
Meeting ID: 317 118 0827

PUBLIC HEARING

1. Call to Order
2. Roll Call
3. Public Hearing in regard to a proposed addition to the Waterford Code of Ordinances, Chapter 2.36 – VOLUNTEER FIREFIGHTERS INCENTIVE PROGRAM.
 - A. Open Public Hearing.
 - B. Close Public Hearing.
4. Adjournment

SPECIAL MEETING

1. Call to Order
2. Roll Call
3. To consider and act upon the July 7, 2020 Meeting Minutes.
4. Consideration and possible action on item referred to committee:
 - A. Review/Enactment of a Stipend Program for Volunteer Firefighters (RTC 10/07/19)
5. Adjournment

2020 JUL 14 PM 3:32
TOWN OF WATERFORD
CLERK OF TOWN

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



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MINUTES
PUBLIC PROTECTION & SAFETY STANDING COMMITTEE OF THE RTM
Special Meeting
Tuesday July 7, 2020
5:30 P.M. - Waterford Town Hall/Zoom Remote Access Only

The July 7, 2020 special meeting of the Public Protection & Safety Standing Committee of the RTM was called to order by Chairperson Timothy Condon at 6:00 P.M.

ROLL CALL

PRESENT: April Cairns, Timothy Condon, Susan Driscoll, Richard Muckle, Baird Welch-Collins.

ABSENT: None

ALSO PRESENT: Town Attorney Robert Avena, First Selectman Robert Brule, Town Clerk David L. Campo, Labor Attorney Eileen Duggan, Director of Fire Services Bruce Miller, Human Resources Director Joyce Sauchuk.

AGENDA ITEM 3: May 21, 2020 Minutes

MOTION by Driscoll, seconded by Cairns, to approve the minutes from the May 21, 2020 meeting.

VOTING IN FAVOR: Unanimous

AGENDA ITEM 4: Review/Enactment of a Stipend Program for Volunteer Firefighters (RTC 10/07/2019)

UPDATE was provided by Labor Attorney Eileen Duggan, Director of Human Resources Joyce Sauchuk, Director of Fire Services Bruce Miller, Town Attorney Robert Avena.

Discussion ensued in regards to draft ordinance, Chapter 2.36.80-VOLUNTEER FIREFIGHTERS INCENTIVE PROGRAM was reviewed and questions and suggestions were noted. (See Attachment) A full recording of the meeting is available from the Waterford Town Clerk.

MOTION by Welch-Collins, seconded by Driscoll to move the draft ordinance, Chapter 2.36.80 – VOLUNTEER FIREFIGHTERS INCENTIVE PROGRAM, to a public hearing on July 21, 2020 at 5:30 P.M.

VOTING IN FAVOR: Unanimous. (Cairns was unavailable to vote)

MOTION by Muckle, seconded by Driscoll, to adjourn at 7:02 P.M.

VOTING IN FAVOR: Unanimous

RECEIVED FOR RECORD
JUL 9 2020
PM 1:19
TOWN CLERK

Title 2 – ADMINISTRATION AND PERSONNEL

Chapter 2.36 – FIRE SERVICE

2.36.080 – Volunteer Firefighters and Fire Police Incentive Program.

A. Purpose

Pursuant to § 7-148(c)(4)(B) of the Connecticut General Statutes, the Town of Waterford may enact an ordinance to organize, maintain and regulate the persons providing fire protection. This Volunteer Firefighters and Fire Police Incentive Program is designed to provide monetary compensation to active, volunteer firefighters and fire police officers members in the Town of Waterford Fire Department, in an effort to assist in covering volunteers' expenses during the execution of their duties, while complying with the federal Fair Labor Standards Act of 1938 as amended, 29 U.S.C. §201 et seq., ("FLSA"). ~~which~~ The FLSA permits payments for reimbursement of expenses, reasonable benefits and nominal fees to volunteers without impairing their status as volunteers. This program is These benefits are in addition to the existing property tax abatement program for volunteer firefighters in Title 3, Chapter 3.12 of this Code of Ordinances. Town of Waterford Fire Department personnel employed by the Town of Waterford are not eligible for this Volunteer Firefighters and Fire Police Incentive Program.

B. Definitions

1. Program:
The term Program means the Volunteer Firefighters and Fire Police Incentive Program.
2. Program Year:
Program Year is the fiscal year, i.e., July 1-June 30.
3. Effective Implementation Date:
The Effective Implementation Date of the Program is July 1, 2020¹.
4. Volunteer Member in Good Standing in the Waterford Fire Department:
A Volunteer Member in Good Standing is defined as:
 - a. A certified firefighter (i.e., State of Connecticut Firefighter I or higher) who has participated in the minimum training sessions designated by the Director of Fire Services, and including, but not limited to Required Training (as set forth in paragraph B8), by June 30 of the year preceding the year of eligibility (e.g., complete training by June 30, 2020 to be eligible for incentive the Program for the fiscal year July 1, 2020-June 30, 2021, absent a modification of the June 30 date by the Director of Fire Services on an individual basis pursuant to paragraph B8); and/or

¹ Depending on the date of enactment of this Ordinance, the Implementation Date may be retroactive to July 1, 2020.

- b. A member of the Fire Police who has participated in the minimum training sessions designated by the Director of Fire Services and, including but not limited to, Required Training (as set forth in Paragraph B8 d), by June 30 of the year preceding the year of eligibility (e.g., complete training by June 30, 2020 to be eligible for the Program for the fiscal year July 1, 2020-June 30, 2021, absent a modification of the June 30 date by the Director of Fire Services on an individual basis pursuant to paragraph B8); and who has been sworn in by the Town Clerk

A Volunteer Member in Good Standing does not include any member terminated from volunteer service by the Town of Waterford or otherwise separating from volunteer service for any reason, voluntary or involuntary.

5. **Active Volunteer Firefighter in the Waterford Fire Department:**
An Active Volunteer Firefighter is a certified firefighter and Member in Good Standing who, during the year of eligibility, has participated in a minimum number of approved training drills and maintains the minimum training requirements as set forth by the Director of Fire Services.
6. **Active Volunteer Fire Police Member in the Waterford Fire Department:**
An Active Volunteer Fire Police member is a Fire Police Member in Good Standing who has been sworn in by the Town Clerk and who maintains the minimum training requirements as set forth by the Director of Fire Services.
7. **Approved Training Drill:**
An Approved Training Drill is a Waterford Fire Department level drill that is approved in advance by the Director of Fire Services and will result in credit towards the Town's Insurance Service Organization, Fire Protection Classification Rating.
8. **Required Training:**
Required Training is State and Federal minimum requirements to function at emergency scenes. These requirements ~~may~~ shall include, but are not limited to, the yearly certifications and re-certifications along with the approved training drills. The Director of Fire Services maintains the discretion, upon a showing of good cause by the volunteer, to excuse temporarily and/or until a date certain, the absence of any such certifications, re-certifications and/or approved training drills.

Training ~~may~~ shall include, but is not limited to, the following titles and substantive content (training titles and reference numbers may change from time to time):

- a. **Minimum Certifications:**
State of Connecticut Firefighter I
Hazardous Materials - Operational Level
IS-700: National Incident Management System
ICS-100: Introduction to the Incident Command System

ICS-200: ICS for Single Resources and Initial Action Incidents

- b. **Mandatory Training:**
Attend routine training drills (Monthly)
OSHA Mandates
 - Haz-Mat Operational Refresher
 - Incident Command System Refresher
 - Live Fire Training (Annual)
 - Blood-borne Pathogens
 - SCBA refresher
 - Routine Fit Testing
 - CPR Certification
- c. **Certified Fire Officer Requirements (Additional):**
State of Connecticut Fire Officer I
IS-800: National Response Framework
ICS-300: Intermediate ICS for Expanding Incidents
ICS-400: Advanced ICS for Command and General Staff
- d. **Fire Police Requirements:**
Hazardous Materials – Awareness Level
IS-700: National Incident Management System
ICS-100: Introduction to the Incident Command System

- 9. **Stipend:**
A Stipend is an amount of money awarded to any Active Volunteer Firefighter or Active Fire Police member who meets the point criteria set forth below and as may be modified, from time to time, by the Director of Fire Services.
- 10. **Point:**
A Point represents participation by an Active Volunteer Firefighter or Active Fire Police member in an emergency fire response or Approved Training Drills as described in paragraph B7. To receive a Point, an Active Volunteer Firefighter or Active Fire Police member must actually attend an incident and/or respond to and arrive at an activated station before the Incident Commander dismisses the assignment and/or attend and complete Approved Training Drills.
- 11. **Incident Commander:**
The Incident Commander sets priorities and defines the Incident Command System organization for the particular response and is responsible for the safety, accountability, and welfare of personnel through an incident.

C. **Program Components**

- 1. **Stipend Schedule:**
Active Volunteer Firefighters and Fire Police members who meet the point criteria set forth below are eligible for quarterly Stipends. ~~Stipends shall be divided into four periods and~~ Issued on a quarterly basis as follows:

First Quarter	=	July through September (Issued in October)
Second Quarter	=	October through December (Issued in January)
Third Quarter	=	January through March (Issued in April)
Fourth Quarter	=	April through June (Issued in July)

2. Reporting Requirements:

- a. An incident report shall be generated and completed for every dispatched incident.
- b. All Active Volunteer Firefighters and Active Volunteer Fire Police members must sign the report within 15 minutes of the last vehicle returning to the station at the termination of the event.
- c. If an Active Volunteer Firefighter or Active Volunteer Fire Police member is not able to sign the report within the allotted time set forth in subparagraph b, he or she must file a report with 24 hours of the incident.
- d. Anyone documenting another member's name on the report shall initial next to that entry for validation purposes.
- e. Attendance records shall be recorded and maintained on the Town's approved records management software.
- f. ~~The Office Coordinator~~ Director of Fire Services or his/her designee shall prepare the quarterly reports for payment.
- g. All quarterly reports will be reviewed and approved by the Director of Fire Services prior to the approval of issuance of quarterly Stipend.

3. Stipend Eligibility and Amount:

An Active Volunteer Firefighter or Active Volunteer Fire Police member shall not receive any Stipend until receiving a minimum of fifty (50) Points during that fiscal year. The Active Volunteer Firefighter or Active Volunteer Fire Police member will then be provided a Stipend at the rate of \$7 for each prior and subsequent Point ~~for the remainder of earned during~~ that fiscal year (e.g., an Active Volunteer Firefighter who has 55 Points will receive \$385; an Active Volunteer Firefighter with 20 Points will receive \$0). The Director of Fire Services may propose changes to the mandatory/minimum eligibility criteria, Point value (increase or decrease), Stipend rate or amount (increase or decrease) to the RTM, which may act on such proposed changes by majority vote. As part of its determination, the RTM must evaluate continued compliance with the federal Fair Labor Standards Act.

4. Discretionary Decisions on Awarding of Points:

The Director of Fire Services, in the exercise of his/her discretion, will decide any disputes regarding the awarding of Points under paragraph B 10. The Director of Fire Services, in the exercise of his/her discretion, also may have the ability to make discretionary decisions regarding the awarding of award Points for

reasons other than those expressly set forth in paragraph B 10. These decisions shall be documented in the quarterly report.

5. **Higher Level of Training Stipend:**

An Active Volunteer Firefighter who receives at least 50 Points during a fiscal year and who is also a Certified Fire Officer and meets all the additional requirements outlined above (i.e., State of Connecticut Fire Officer I; IS-800: National Response Framework; ICS-300: Intermediate ICS for Expanding Incidents; ICS-400: Advanced ICS for Command and General Staff), will receive an additional \$150 on an annual basis in recognition of his/her high level of training. This \$150 stipend will be issued at the same time as the stipend for the initial 50 Points. The Director of Fire Services may propose changes to the Higher Level of Training Stipend amount (increase or decrease) to the RTM, which may act on such proposed changes by majority vote.

6. **Ineligibility Due to Misconduct or Separation from Waterford Fire Department:**

~~Any Active Volunteer Firefighter or Active Volunteer Fire Police member tampering or falsifying run reports, attendance data, etc. shall be suspended from the Program and will not receive any Stipend for at least the current quarter.~~

~~Any Active Volunteer Firefighter or Active Volunteer Fire Police member tampering or falsifying run reports, attendance data, etc. for the second offense, will be expelled from the Program and will not receive any Stipend for the current quarter and remainder of the current year.~~

In the event that the Director of Fire Services decides to impose disciplinary action short of termination against any Active Volunteer Firefighter or Active Volunteer Fire Police member is necessary, the Director of Fire Services retains the discretion to suspend any Active Volunteer Firefighter or Active Volunteer Fire Police member from the Program as either the discipline or as a component of the discipline. The Director of Fire Services retains the discretion to determine the status of any existing Points (e.g., forfeited, retained) at the time of suspension.

Any Active Volunteer Firefighter or Active Volunteer Fire Police member who is terminated from volunteer service by the Town of Waterford immediately forfeits all Points and is not eligible for any Stipend as of the end of a quarter is not eligible for a Stipend for that the quarter in which terminated. The Director of Fire Services and the Human Resources Director shall evaluate and determine, in their discretion, the eligibility for a Stipend of an Active Volunteer Firefighter or Active Volunteer Fire Police member who voluntarily separated from volunteer service as of the end of a quarter.

D. **Funding and Administration**

1. **Funding:**

Through its normal, annual budget process, the Town shall determine whether or not to fund the Program and, if so, in what amount.

Any portion of the annual appropriation not expended during a fiscal year does not carry over to the next fiscal year.

Should the total appropriation-authorized expenses for the Program exceed the annual appropriation, then the quarterly Stipends for the then-current quarter will be prorated to reflect the total amount available for distribution for that quarter. If the Program exceeds the annual appropriation in a quarter other than the last quarter of the fiscal year, the Program may be unfunded for quarters following the pro-rated quarter.

2. Modifications:

Any modifications allowed under this Ordinance without an Ordinance amendment (e.g., change in the Stipend rate) will be recorded in an annual Program update each July and maintained on file in the office of the Director of Fire Services.

2.3. Termination:

The Town shall have the right through the Representative Town Meeting to terminate the Program at any time through the ordinance process.

3. Applicable Law:

~~The validity of the provisions of this Program shall be determined under said provisions and shall be construed according to the laws of the State of Connecticut.~~

Title 2 – ADMINISTRATION AND PERSONNEL

Chapter 2.36 – FIRE SERVICE

2.36.080 – Volunteer Firefighters and Fire Police Incentive Program

A. Purpose

Pursuant to § 7-148(c)(4)(B) of the Connecticut General Statutes, the Town of Waterford may enact an ordinance to organize, maintain and regulate the persons providing fire protection. This Volunteer Firefighters and Fire Police Incentive Program is designed to provide monetary compensation to active, volunteer firefighters and fire police members in the Town of Waterford Fire Department, in an effort to assist in covering volunteers' expenses during the execution of their duties, while complying with the federal Fair Labor Standards Act of 1938 as amended, 29 U.S.C. §201 et seq. ("FLSA"). The FLSA permits payments for reimbursement of expenses, reasonable benefits and nominal fees to volunteers without impairing their status as volunteers. These benefits are in addition to the existing property tax abatement program for volunteer firefighters in Title 3, Chapter 3.12 of this Code of Ordinances. Town of Waterford Fire Department personnel employed by the Town of Waterford are not eligible for this Volunteer Firefighters and Fire Police Incentive Program.

B. Definitions

1. **Program:**
The term "Program" means the Volunteer Firefighters and Fire Police Incentive Program.
2. **Program Year:**
Program Year is the fiscal year, i.e., July 1-June 30.
3. **Implementation Date:**
The Implementation Date of the Program is July 1, 2020¹.
4. **Volunteer Member In Good Standing in the Waterford Fire Department:**
A Volunteer Member In Good Standing is defined as:
 - a. A certified firefighter (i.e., State of Connecticut Firefighter I or higher) who has participated in the minimum training sessions designated by the Director of Fire Services and including, but not limited to Required Training (as set forth in paragraph B8), by June 30 of the year preceding the year of eligibility (e.g., complete training by June 30, 2020 to be eligible for the Program for the fiscal year July 1, 2020-June 30, 2021, absent a modification of the June 30 date by the Director of Fire Services on an individual basis pursuant to paragraph B8); and/or

¹ Depending on the date of enactment of this Ordinance, the Implementation Date may be retroactive to July 1, 2020.

- b. A member of the Fire Police who has participated in the minimum training sessions designated by the Director of Fire Services and, including but not limited to, Required Training (as set forth in Paragraph B8 d), by June 30 of the year preceding the year of eligibility (e.g., complete training by June 30, 2020 to be eligible for the Program for the fiscal year July 1, 2020-June 30, 2021, absent a modification of the June 30 date by the Director of Fire Services on an individual basis pursuant to paragraph B8); and who has been sworn in by the Town Clerk.

A Volunteer Member in Good Standing does not include any member terminated from volunteer service by the Town of Waterford or otherwise separating from volunteer service for any reason, voluntary or involuntary.

5. **Active Volunteer Firefighter in the Waterford Fire Department:**
An Active Volunteer Firefighter is a certified firefighter and Member in Good Standing who, during the year of eligibility, has participated in a minimum number of approved training drills and maintains the minimum training requirements as set forth by the Director of Fire Services.
6. **Active Volunteer Fire Police Member in the Waterford Fire Department:**
An Active Volunteer Fire Police member is a Member in Good Standing who has been sworn in by the Town Clerk and who maintains the minimum training requirements as set forth by the Director of Fire Services.
7. **Approved Training Drill:**
An Approved Training Drill is a Waterford Fire Department level drill that is approved in advance by the Director of Fire Services and will result in credit towards the Town's Insurance Service Organization, Fire Protection Classification Rating.
8. **Required Training:**
Required Training is State and Federal minimum requirements to function at emergency scenes. These requirements shall include, but are not limited to, the yearly certifications and re-certifications along with the approved training drills. The Director of Fire Services maintains the discretion, upon a showing of good cause by the volunteer, to excuse temporarily and/or until a date certain, the absence of any such certifications, re-certifications and/or approved training drills.

Training shall include, but is not limited to, the following titles and substantive content (training titles and reference numbers may change from time to time):

- a. **Minimum Certifications:**
State of Connecticut Firefighter I
Hazardous Materials - Operational Level
IS-700: National Incident Management System
ICS-100: Introduction to the Incident Command System
ICS-200: ICS for Single Resources and Initial Action Incidents
- b. **Mandatory Training:**
Attend routine training drills (Monthly).

OSHA Mandates

- Haz-Mat Operational Refresher
- Incident Command System Refresher
- Live Fire Training (Annual)
- Blood-borne Pathogens
- SCBA refresher
- Routine Fit Testing
- CPR Certification

c. *Certified Fire Officer Requirements (Additional):*

State of Connecticut Fire Officer I
IS-800: National Response Framework
ICS-300: Intermediate ICS for Expanding Incidents
ICS-400: Advanced ICS for Command and General Staff

d. *Fire Police Requirements:*

Hazardous Materials - Awareness Level
IS-700: National Incident Management System
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9. **Stipend:**

A Stipend is an amount of money awarded to any Active Volunteer Firefighter or Active Fire Police member who meets the criteria set forth below and as may be modified, from time to time, by the Director of Fire Services.

10. **Point:**

A Point represents participation by an Active Volunteer Firefighter or Active Fire Police member in an emergency fire response or Approved Training Drills as described in paragraph B7. To receive a Point, an Active Volunteer Firefighter or Active Fire Police member must actually attend an incident and/or respond to and arrive at an activated station before the Incident Commander dismisses the assignment and/or attend and complete Approved Training Drills.

11. **Incident Commander:**

The Incident Commander sets priorities and defines the Incident Command System organization for the particular response and is responsible for the safety, accountability, and welfare of personnel through an incident.

C. **Program Components**

1. **Stipend Schedule:**

Active Volunteer Firefighters and Fire Police members who meet the criteria set forth below are eligible for Stipends issued on a quarterly basis as follows:

First Quarter	=	July through September (Issued in October)
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2. **Reporting Requirements:**

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 - c. If an Active Volunteer Firefighter or Active Volunteer Fire Police member is not able to sign the report within the allotted time set forth in subparagraph b, he or she must file a report within 24 hours of the incident.
 - d. Anyone documenting another member's name on the report shall initial next to that entry for validation purposes.
 - e. Attendance records shall be recorded and maintained on the Town's approved records management software.
 - f. The Director of Fire Services or his/her designee shall prepare the quarterly reports for payment.
 - g. All quarterly reports will be reviewed and approved by the Director of Fire Services prior to the approval of issuance of quarterly Stipend.
3. **Stipend Eligibility and Amount:**
An Active Volunteer Firefighter or Active Volunteer Fire Police member shall not receive any Stipend until receiving a minimum of fifty (50) Points during that fiscal year. The Active Volunteer Firefighter or Active Volunteer Fire Police member will then be provided a Stipend at the rate of \$7 for each prior and subsequent Point earned during that fiscal year (e.g., an Active Volunteer Firefighter who has 55 Points will receive \$385; an Active Volunteer Firefighter with 20 Points will receive \$140). The Director of Fire Services may propose changes to the mandatory/minimum eligibility criteria, Point value (increase or decrease), Stipend rate or amount (increase or decrease) to the RTM, which may act on such proposed changes by majority vote. As part of its determination, the RTM must evaluate continued compliance with the federal Fair Labor Standards Act.
4. **Discretionary Decisions on Awarding of Points:**
The Director of Fire Services, in the exercise of his/her discretion, will decide any disputes regarding the awarding of Points under paragraph B 10. The Director of Fire Services, in the exercise of his/her discretion, also may award Points for reasons other than those expressly set forth in paragraph B 10. These decisions shall be documented in the quarterly report.
5. **Higher Level of Training Stipend:**
An Active Volunteer Firefighter who receives at least 50 Points during a fiscal year and who is also a Certified Fire Officer and meets all the additional requirements outlined above (i.e., State of Connecticut Fire Officer I; IS-800; National Response Framework; ICS-300: Intermediate ICS for Expanding Incidents; ICS-400: Advanced ICS for Command and General Staff), will receive an additional \$150 on

an annual basis in recognition of his/her high level of training. This \$150 stipend will be issued at the same time as the stipend for the initial 50 Points. The Director of Fire Services may propose changes to the Higher Level of Training Stipend amount (Increase or decrease) to the RTM, which may act on such proposed changes by majority vote.

6. **Ineligibility Due to Misconduct or Separation from Waterford Fire Department:**

In the event that the Director of Fire Services decides to impose disciplinary action short of termination against any Active Volunteer Firefighter or Active Volunteer Fire Police member is necessary, the Director of Fire Services retains the discretion to suspend any Active Volunteer Firefighter or Active Volunteer Fire Police member from the Program, as either the discipline or as a component of the discipline. The Director of Fire Services retains the discretion to determine the status of any existing Points (e.g., forfeited, retained) at the time of suspension.

Any Active Volunteer Firefighter or Active Volunteer Fire Police member who is terminated from volunteer service by the Town of Waterford immediately forfeits all Points and is not eligible for any Stipend. The Director of Fire Services and the Human Resources Director shall evaluate and determine, in their discretion, the eligibility for a Stipend of an Active Volunteer Firefighter or Active Volunteer Fire Police member who voluntarily separated from volunteer service as of the end of a quarter.

D. **Funding and Administration**

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Should the total expenses for the Program exceed the annual appropriation, then the quarterly Stipends for the then-current quarter will be prorated to reflect the total amount available for distribution for that quarter. If the Program exceeds the annual appropriation in a quarter other than the last quarter of the fiscal year, the Program may be unfunded for quarters following the pro-rated quarter.

2. **Modifications:**

Any modifications allowed under this Ordinance without an Ordinance amendment (e.g., change in the Stipend rate) will be recorded in an annual Program update each July and maintained on file in the office of the Director of Fire Services.

3. **Termination:**

The Town shall have the right through the Representative Town Meeting to terminate the Program at any time through the ordinance process.