

Town of Montville Town Council
Public Hearing Minutes
Monday, December 9, 2019
6:45 p.m. – Montville Town Hall – Council Chambers

1. Call to Order
Chairman May called the meeting to order at 6:45 p.m.
2. Pledge of Allegiance followed by a moment of silence in honor of our military.
3. Roll Call
Present were Councilors Leonard Bunnell, Sr., Billy Caron, Joseph Jaskiewicz, Tim May, Kathleen Pollard, Colleen Rix, and Joseph Rogulski. Also present was Mayor Ronald McDaniel.
4. Public Hearing

TOWN OF MONTVILLE
NOTICE OF ORDINANCE HEARING

The following Ordinance, copies of which may be obtained at the office of the Town Clerk during office hours, was introduced at a regular meeting of the Town Council held November 13, 2019 and a public hearing thereon and for its consideration by the Town Council will be held at Town Hall Council Chambers, December 9, 2019 at 6:45 P.M.

**AN ORDINANCE TO AMEND “ORDINANCE 2006-003,
ESTABLISHING THE VOLUNTEER FIREFIGHTERS’ RELIEF PROGRAM OF
THE TOWN OF MONTVILLE”**

THE TOWN OF MONTVILLE HEREBY ORDAINS:

WHEREAS, the Town of Montville is served by four volunteer Fire Departments, and

WHEREAS, the volunteer Fire Departments are served by dedicated and loyal volunteers who selflessly provide their personal services and time to train and maintain their preparation to provide competent and prompt firefighting services within the Town of Montville, and

WHEREAS, the volunteer firefighters expend substantial amounts of personal time, resources, and funds to maintain their individual qualifications, and

WHEREAS, the volunteer firefighters receive no compensation for the time, resources and funds they expend in providing volunteer services and in maintaining the proper level of qualifications, and

WHEREAS, the federal Fair Labor Standards Act of 1938 as amended, 29 U.S.C. § 201 et seq., permits payments for reimbursement of expenses, reasonable benefits, and nominal fees to volunteers without impairing their status as volunteers, and

WHEREAS, the Montville Town Council pursuant to § 7-148(c)(4) of the Connecticut General Statutes desires to enact an ordinance to organize, maintain and regulate the persons providing fire protection and to provide benefits by way of an annual stipend to qualifying Town of Montville Volunteer Firefighters in recognition of their loyal and dedicated service,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montville that:

1. Article I-V is on file in the office of the Town Clerk and is available for public inspection.

Dated at Montville, Connecticut this 14th day of November 2019.
Katie Sandberg, Montville Town Clerk

VOLUNTEER FIREFIGHTERS' RELIEF PROGRAM

ARTICLE I DEFINITIONS

When used, the following terms have the meanings set forth below unless a different meaning is plainly required by the context:

- Section 1.01 "Effective Date" means ~~July 1, 2018~~ July 1, 2019.
- Section 1.02 "Junior Member" means any member under the age of 18 years who is qualified to be a Volunteer Firefighter under the laws of the State of Connecticut.
- Section 1.03 "Mandatory Paperwork" shall mean that list of documentation pertaining to training and responses to calls required by the Chief of each volunteer company, which documentation shall be published not less than once annually and shall be posted in a prominent location within each fire company.
- Section 1.04 "Member" means a Volunteer Firefighter who has met the criteria described in Article II, but unless specifically provided otherwise, shall not include a Retired Member, a Terminated Member, a Disabled Member, or a Member who has become ineligible for any reason.
- Section 1.05 "Program" shall mean the Volunteer Firefighters' Relief Program of the Town of Montville.
- Section 1.06 "Program Year" means any year commencing on July 1 and terminating on June 30.
- Section 1.07 "Program Quarter" means the three-month period beginning July 1, October 1, January 1 and April 1.
- Section 1.078 "Recognized Department" or "Department" means the following individual Volunteer Fire Departments:
- Montville Fire Company
Mohegan Fire Company
Chesterfield Fire Company
Oakdale Fire Company
- Section 1.089 "Relief Committee" or "Committee" means the Firefighter Relief Committee that shall review, administer and authorize ~~annual~~ quarterly stipend payments as more specifically set forth in Article IV.
- Section 1.0910 "Town" means the Town of Montville.
- Section 1.101 "Volunteer" or "Volunteer Firefighter" means any member of the four Volunteer Firefighters' Departments of the Town of Montville who performs services as a Volunteer Firefighter for the benefit of the Town. This term excludes those firefighters who are paid wages as firefighters for the Town of Montville and any part-time firefighters who are compensated on more than an occasional or sporadic basis. In any case no service points are counted for calls where the firefighter is paid compensation by the Town. A Volunteer must declare from which department he/she is going to be eligible to receive the benefit provided for herein.

ARTICLE II
MEMBERSHIP AND STIPEND REQUIREMENTS

- Section 2.01 Commencing with the Program Year of July 1, 2006 through June 30, 2007, a Member and/or a Junior Member who meets all of the requirements as stipulated herein shall receive a yearly stipend as hereinafter set forth.
- Commencing with the Program Year of July 1, 2019 through June 30, 2020, a Member and/or a Junior Member who meets all of the requirements as stipulated herein shall receive a yearly quarterly stipend as hereinafter set forth.
- Section 2.02 Each Volunteer Firefighter eligible for membership and/or Junior membership shall file an application for membership in this Program with the Relief Committee within such time as the Committee may prescribe. The Volunteer Chief of the appropriate Department shall certify to the Committee that the prospective Member or Junior Member as the case may be has fulfilled the requirements of a Volunteer Firefighter.
- Section 2.03 A Volunteer Firefighter shall be eligible for the benefit established in Article III Section 3.02 if the firefighter has completed the following requirements: has undergone Blood borne Pathogens, SCBA Fit Testing (excluding Junior Members), TB Testing and Physicals, is current in the completion of all required mandatory paperwork and has responded to the following percentage of calls for the previous Program year quarter:
- | | |
|---|-----------------|
| Department with annual calls exceeding 500: | 15% |
| Department with calls below 500: | 20% |
| Training: | 50% or 20 hours |
- Section 2.04 Maximum number of stipends per Fire Company is as follows:
- | | |
|--------------|----|
| Montville | 25 |
| Mohegan | 25 |
| Chesterfield | 25 |
| Oakdale | 25 |

ARTICLE III
PAYMENT OF STIPEND

- Section 3.01 Stipend payments for the prior Program year shall be made no later than two (2) months after the completion of said Program quarter. Fire Chiefs shall submit their lists of those eligible no later than one month after completion of the Program quarter.
- Section 3.02 The annual maximum stipend under Section 2.02 shall be based on certification as herein listed.
- | | |
|-----------------------|------------------------|
| EMR | \$700 |
| FF | \$700 |
| FF1 | \$900 |
| CERTIFIED FIRE POLICE | \$900 |
| EMT | \$900 |
| FF & EMR | \$900 |
| FF & EMT | \$1,200 |
| FF1 & EMR | \$1,200 |
| FF1 & EMT | <u>\$1,400 \$1,500</u> |

- Section 3.03 A Junior Member eligible to receive a stipend as described herein shall be paid the same jointly to his/her and to his/her parent or guardian.

ARTICLE IV FUNDING AND ADMINISTRATION

Section 4.01 Town's Contributions- To fund the stipends described herein the Town shall provide an annual appropriation of not less than \$50,000.

Section 4.02 The Relief Committee shall be made up of seven (7) persons as follows:

The Fire Chief from each Recognized Volunteer Fire Department or his alternate designee

The Mayor

One Member of the Town Council

One Member of the Public Safety Commission

Additionally, the Finance Director shall be a member of the Committee but shall not be entitled to vote.

Members of the Committee shall serve without compensation.

The Committee may construe this Program and its construction thereof and action taken thereon in good faith and such determination(s) shall be final and conclusive. It may correct any defect or supply any omission or reconcile any inconsistency in such manner and to such extent as it shall deem expedient to carry the same into effect.

The Committee shall provide rules, regulations, and forms not inconsistent with the terms and provisions hereof for the administration of the Program and from time to time may amend or supplement same.

Section 4.03 The general administration of the Program and determination of eligibility shall be determined by the Relief Committee. In this regard, the Finance Director and the Finance Department shall provide staff services for the Committee. All such determinations made by the Relief Committee shall be final and conclusive.

Section 4.04 Stipends shall be paid quarterly to eligible members provided they meet the same requirements as outlined in Section 2.03. Eligible members shall be paid one quarter of the annual maximum stipend each quarter they meet said requirements. All call responses shall be aggregated at the end of the program year in calculating final total stipend eligibility.

Section 4.045 The Committee shall establish rules as to what constitutes a quorum. The Committee shall meet at least once every year after completion of the program year for eligibility authorization. All authorizations shall be by majority of those members present as long as a quorum has attended such meeting.

Section 4.056 Upon recommendation of the Relief Committee, the Town shall have the right to amend by resolution, annually in January for the upcoming program year the mandatory eligibility requirements or stipend amounts provided that no amendment shall decrease the annual appropriation below a total of \$50,000.

Section 4.067 Any portion of the annual appropriation not needed to fund stipend payments in any given year shall be transferred to the Volunteer Firefighter Stipend Sinking Fund. Said fund shall be used to augment annual stipend payments when they exceed the annual appropriation; provided, however, should the total of stipends authorized exceed the annual appropriation and the funds available in the sinking fund in any given year, individual stipends will be prorated to reflect the total amount available for distribution.

ARTICLE V
MISCELLANEOUS AND TERMINATION

- Section 5.01 Separation- Should a Member or Junior Member be expelled from a Recognized Volunteer Fire Department during the program year, he/she shall receive no benefits of the plan for said year. However, should a Member leave of his/her own accord, the Relief Committee shall determine, in its sole discretion, whether said Member shall be entitled to any benefits.
- Section 5.02 Termination- the Town shall have the right by action of the Town Council to terminate the Plan at any time through the ordinance process.
- Section 5.03 Separability of Provisions- If any provisions of this Plan shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining parts of the Plan but the Plan shall be construed and endorsed as if said illegal or invalid provisions had never been inserted herein.
- Section 5.04 Applicable Law - The validity of the provisions of this Plan shall be determined under said provisions shall be construed according to the laws of the State of Connecticut.

This ordinance shall become effective 30 days after adoption.

Dated at Montville Connecticut this 12th day of October 2006.

Lisa Terry, Montville Town Clerk

Mayor McDaniel stated that amendments were made to the stipend payments of the volunteers from annual to quarterly and a previous error regarding the stipend for the Firefighter I and EMT positions was corrected. Councilor Jaskiewicz added that the revisions were also reviewed and approved by the Town Administration/Rules & Procedures (TARP) Standing Committee.

5. Remarks from the Public with a three-minute limit

Chairman May opened the public hearing and asked if there was anyone from the public who would like to speak regarding the Ordinance.

Former Chief of the Chesterfield Fire Company and member of the Public Safety Commission Steve Stewart, 55 Glendale Road, Oakdale, highly encouraged the Town Council to approve the amendments to the Ordinance. He stated that there is a definite immediate need for additional staffing and volunteers and reported that a Subcommittee under the Public Safety Commission has been formed to devise, discuss, and review additional actions they could take to maintain and recruit more volunteers.

Vic Lenda, 128 Kitemaug Road, a member of the Public Safety Commission, also highly recommended the approval of the Ordinance, stating that the revisions are needed for both the volunteers and fire departments. The aforementioned Subcommittee is currently reviewing and discussing the ways in which the Town might be able to improve its fire and emergency services for both its volunteers and paid career staff members. The amendment is a positive step for the volunteers.

Chairman May asked three times if there were any other members of the public who would like to speak regarding the Ordinance.

6. Remarks from the Councilors and the Mayor

Councilor Caron, who formerly served as the Liaison to the Volunteer Firefighters Relief

Fund, stated that both the Mayor and Finance Director worked closely with the Fire Chiefs on the amendment and echoed the comments made by the members of the public. He felt that this is a positive step as they strive to do more for the volunteers and welcomed any additional suggestions as he posed the question, “without our first responders, where would we be?”

Councilor Jaskiewicz reiterated that the members of the TARP Standing Committee reviewed and discussed the amendments and agreed with the previous comments. He felt that the amendment is a step in the right direction and expressed his hope that additional positive steps will be taken in the near future. He thanked the then-members of the Standing Committee for their hard work.

Councilor Bunnell agreed with the previous comments, stating that the revisions are definitely a step in the right direction. He expressed his hope that it will allow the four departments to capitalize on the Ordinance and help staff them with additional volunteers.

Chairman May echoed all of the comments, stating that it is a positive step forward. He felt that breaking up their stipends into quarterly payments will prove beneficial.

Mayor McDaniel felt that it is a good bill that should receive the approval of the Town Council.

7. Adjournment

Motion made by Councilor Jaskiewicz, seconded by Councilor Rix, to close the Public Hearing. Discussion: None. Voice vote, 7-0, all in favor. Motion carried.

The meeting adjourned at 6:57 p.m.

Respectfully Submitted by:

Agnes T. Miyuki, Recording Secretary for the Town of Montville

AN AUDIO RECORD OF THE MEETING CAN BE FOUND ON THE TOWN’S WEBSITE LOCATED UNDER RESOURCES – FORM REPOSITORY – MEETING RECORDINGS