

# TOWN OF WINDSOR, CONNECTICUT

## Special Meeting Notice



### Zoom Instructions

#### Dialing in by Phone Only:

Please call: **305 224 1968** or **309 205 3325**

1. When prompted for participant or meeting ID enter: **837 6924 1889** then press #
2. You will then enter the meeting muted. During Public Comment if you wish to speak press \*9 to raise your hand.

#### Joining in by Computer:

Please go to the following link: <https://us02web.zoom.us/j/83769241889>

1. When prompted for participant or meeting ID enter: **837 6924 1889**
2. Only if your computer has a microphone for two way communication, then during Public Comment if you wish to speak press **Raise Hand** in the webinar control. If you do not have a microphone you will need to call in on a phone in order to speak.
3. During Public Comment if you do not wish to speak you may type your comments into the Q&A feature.

**AGENCY:** Town Council

**DATE:** September 30, 2024

**PLACE:** Hybrid Meeting – in person in Council Chambers and via Zoom

**TIME:** 6:30 PM

### AGENDA

1. Call to order
2. Public Comment
3. \*Consider approval of ordinance entitled, "AUTHORITY TO DECLARE THAT A FIREFIGHTER, POLICE OFFICER OR EMERGENCY MEDICAL SERVICE PERSONNEL DIED IN THE LINE OF DUTY."
4. Adjournment

\*Backup materials attached


Public Act 75-312 requires notice of special meetings to be posted in the Town Clerk's Office no less than 24 hours prior to the time of such meetings. No other business shall be considered at this meeting other than that listed on this Agenda.

## Agenda Item Summary

Date: September 30, 2024

To: Honorable Mayor and Members of the Town Council

Prepared by: Scott W. Colby, Jr., Assistant Town Manager

Reviewed by: Peter Souza, Town Manager 

Subject: Authority to Declare a Line of Duty Death

### Background

The State of Connecticut recently adopted a new law which now gives a fire chief, police chief, or EMS chief the authority to declare/determine whether the death of a firefighter, police officer, or EMS personnel was caused by a pulmonary embolism or cerebrovascular incident (e.g. stroke, heart attack) within the line of duty, even if the event occurred 24 hours after their shift or training.

A town may by ordinance designate an alternative individual or group of individuals to declare a line of duty death caused by a pulmonary embolism or cerebrovascular incident (e.g. stroke, heart attack). Municipalities have until October 1, 2024, to enact such an ordinance.

The Town Council held a public hearing on September 16, 2024. After initial discussions, the Town Council elected to table the item until September 30, 2024.

### Discussion/Analysis

The proposed ordinance as introduced states the Town Manager be the designated authority after consulting with the appropriate department or agency chief depending on the individual's department as well as other professional resources such as the Risk Manager and Human Resources Director. The goal of the proposed ordinance has been to provide a consistent and uniform decision-making approach across the three public safety agencies.

At the public hearing and in subsequent communications, the public and members of the fire and police service have expressed questions and comments relative to the proposed ordinance. The themes of comments have included:

- do not adopt the ordinance and leave the respective public safety chief as the designating authority
- amend the proposed ordinance to require that relevant medical experts be consulted
- amend the proposed ordinance to create a committee made up of the public safety chiefs, town manager, risk managers, and a department representative
- amend the proposed ordinance to having the respective public safety chief be the designated authority and they would need to consult with medical experts and other town officials including the Town Manager, Risk Manager and Human Resources Director.

The Town Council has the option of:

- 1) approving the ordinance as proposed
- 2) approving an amended ordinance

- 3) voting not to approve the ordinance which would leave the designated authority with the respective public safety department chief

Please note, under the recently adopted statute, making such a determination cannot be used to establish a presumption for workers compensation benefits.

There are a variety of benefits currently in place for public safety personnel families in case of a death that occurs within the line of duty some of these include:

- Town of Windsor Benefits
  - Workers Compensation
  - Accidental Death & Dismemberment
  - Life Insurance
- State/Federal Benefits
  - Department of Justice – Public Safety Officer Benefit
- Other
  - Various non-profit organizations that assist in providing benefits to assist families (i.e. The Hundred Club of Connecticut)

Financial Impact

None

Other Board Action

None

Recommendations

Based on the comments received to date there are two recommended options to consider:

- amend the proposed ordinance to have the respective public safety chief be the designated authority and with the requirement they consult with medical experts, Town Manager, and other professionals including the town's Risk Manager and Human Resources Director

**OR**

- elect not to approve the proposed ordinance which would leave the designated authority with the respective public safety department chief

To initiate discussion the following motions are suggested:

- 1) Waiving of the reading of the minutes

**“RESOLVED, that the reading into the minutes of the text of the ordinance entitled, “AUTHORITY TO DECLARE THAT A FIREFIGHTER, POLICE OFFICER OR EMERGENCY MEDICAL SERVICE PERSONNEL DIED IN THE LINE OF DUTY” is hereby waived, the full text of the ordinance having been distributed to each member of the**

**Council and copies being made available to those persons attending this meeting; and that the full text of the ordinance be recorded with the minutes of this meeting.”**

2) Approve an Ordinance

**“MOVE to approve an ordinance entitled, “AUTHORITY TO DECLARE THAT A FIREFIGHTER, POLICE OFFICER OR EMERGENCY MEDICAL SERVICE PERSONNEL DIED IN THE LINE OF DUTY.”**

Attachments

Proposed Ordinance

Exhibit B - Alternative Language

Original

Language for LODD  
ordinance

CHAPTER 2  
ARTICLE VIII

AN ORDINANCE AMENDING CHAPTER 2, TO ADOPT ARTICLE VIII, AUTHORITY  
TO DECLARE THAT A FIREFIGHTER, POLICE OFFICER OR EMERGENCY  
MEDICAL SERVICE PERSONNEL DIED IN THE LINE OF DUTY.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF WINDSOR:

Chapter 2, of the *Windsor Code* is amended as follows:

Article VIII:

**Section 1.**

Pursuant to Connecticut Public Act 24-16, the Town of Windsor designates the Town Manager to determine whether an employee died in the line of duty, as defined in Public Act 24-16.

In those circumstances where the determination, under Public Act 24-16, must be made, the Town Manager shall make the determination after consulting with either the police chief, fire chief, or EMS chief depending upon the employee's department, along with other professional resources such as the Risk Manager and Human Resources Director.

In accordance with Public At 24-16, the determination shall not be used as evidence for a worker's compensation claim.

**Section 2. Savings Clause.** The enactment of this Ordinance shall not operate as an abatement of any action or proceeding previously taken, now pending, or taken prior to the effective date of this Ordinance. All said actions and proceedings are hereby ratified to be continued.

**Section 3. Severability.** All provisions of the *Town Code* in conflict herewith are hereby repealed and that if for any reason, any word, clause, paragraph, or section of this Ordinance shall be held to make the same unconstitutional, this Ordinance shall not hereby be invalidated and the remainder of the Ordinance shall continue in effect. Any provision herein which is in conflict with the *Connecticut General Statutes* is hereby repealed, it being understood that said statute shall take precedence over this Ordinance.

**Section 4. Effective Date.** This Ordinance shall become effective ten (10) days after publication in a newspaper having a circulation in Windsor.

APPROVED AS TO FORM:

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Town Attorney

ATTEST:

\_\_\_\_\_  
Town Clerk

Distributed to Town Council

\_\_\_\_\_  
9/3/24

Public Hearing Advertised

\_\_\_\_\_  
9/6/24

Public Hearing

\_\_\_\_\_  
9/16/24

Adopted

Advertised

Effective Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Alternative  
Language for LODD  
ordinance



**ATTACHMENT B - ALTERNATIVE LANGUAGE**

**CHAPTER 2  
ARTICLE VIII**

**AN ORDINANCE AMENDING CHAPTER 2, TO ADOPT ARTICLE VIII, AUTHORITY  
TO DECLARE THAT A FIREFIGHTER, POLICE OFFICER OR EMERGENCY  
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Article VIII:

**Section 1.**

Pursuant to Connecticut Public Act 24-16, the Town of Windsor designates **the Police Chief, Fire Chief, or EMS Chief depending upon the employee's or volunteer's department** to determine whether an employee died in the line of duty, as defined in Public Act 24-16.

In those circumstances where the determination, under Public Act 24-16, must be made, **the applicable department chief shall make the determination after consulting with appropriate outside medical expert(s), the Town Manager** and other professional resources including the town's Risk Manager and Human Resources Director.

In accordance with Public Act 24-16, the determination shall not be used as evidence for a worker's compensation claim.

**Section 2. Savings Clause.** The enactment of this Ordinance shall not operate as an abatement of any action or proceeding previously taken, now pending, or taken prior to the effective date of this Ordinance. All said actions and proceedings are hereby ratified to be continued.

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\_\_\_\_\_  
Town Attorney

ATTEST:

\_\_\_\_\_  
Town Clerk

Distributed to Town Council

\_\_\_\_\_  
9/3/24

Public Hearing Advertised

\_\_\_\_\_  
9/6/24

Public Hearing

\_\_\_\_\_  
9/16/24

Adopted

Advertised

Effective Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_