



**TOWN COUNCIL
COUNCIL CHAMBERS
SPECIAL HYBRID MEETING
SEPTEMBER 30, 2024**

APPROVED MINUTES

1) CALL TO ORDER

Mayor Black-Burke called the meeting to order at 6:30 p.m.

Present: Mayor Nuchette Black-Burke, Deputy Mayor Darleen Klase, Councilor Mary Armstrong, Councilor Ronald Eleveld, Councilor Kristin Gluck Hoffman, Councilor Ojala Naeem, Councilor William Pelkey, Councilor Leroy Smith (virtual), and Councilor Walker

2) PUBLIC COMMENT

Leonard Lockhart, 57 Columbia Road stated he is opposed to the ordinance entitled, "AUTHORITY TO DECLARE THAT A FIREFIGHTER, POLICE OFFICER OR EMERGENCY MEDICAL SERVICE PERSONNEL DIED IN THE LINE OF DUTY." This is a direct response to Public Act 24-16 which was an act concerning authority to declare that a Firefighter, Police Officer or Emergency Medical Service personnel died in the line of duty. Some towns have handed this to local government bodies to discuss and adopt by October 1, 2024, but the CT Fire Chiefs Organization recommends leaving the Public Act as written granting the Chief authority to declare a line of duty death within 24 hours of a call. He is wondering why the town would want to involve themselves with the decision when the Emergency Services Chief serves at the pleasure of the town. It is his understanding that emergency personnel must take a physical each year to prove fitness to endure the physical requirements of said job assigned. Emergency personnel also serve at the pleasure and command of their respective Chief. This legislation appears to focus on vascular conditions, which in his opinion are heart attacks, strokes and embolisms. Service personnel deal with very stressful and physically demanding situations very often. Thankfully, the Town of Windsor has not dealt with many emergency personnel deaths, but one is too many. He can speak of Firefighter Richard Maynard and Firefighter Robert Watts. Please study both cases. Line of duty death designation triggers certain timing for protocols as well. This legislation was signed by the Governor on May 14, 2024. There was plenty of opposition to the raised House Bill 5279 from insurance companies, COST (CT Council of Small Towns) and CCM (CT Conference of Municipalities), but the unions and Fire Chief from North Haven supported it with the discussion of worker's compensation on the table during the raised bill phase. All written testimony is online to fact check it. The discussion testimony behind the scenes speculates saving money and minimizing liability. However, the following language was presented and signed by the Governor, "such declaration by a Chief shall not be used as evidence for a worker's compensation claim under Chapter 568." He would like to believe that this is not all about liability. However, if so, the alternate option is more expensive on several



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fronts. He stands boldly on behalf of those he commands and thanked the Council for their time and consideration.

Christopher Wilke, 171 Carriage Way, stated he has been a volunteer firefighter for over 15 years. He has served on many committees, organized countless trainings, worked on citizen outreach projects and worked as a fire fighter, Engineer, and Lieutenant within the department. As an estimate, he has given this organization more than 4,000 hours, multiply this by all the people who have served the Windsor Volunteer Fire Department in the past and those that serve beside him now. To the best of our ability (and our family's ability) when the fire department calls, we answer. He has found great satisfaction in this service. He's made lifelong friends, unbelievable memories and has gotten to help people on what may be the worst days of their lives. This satisfaction is the salary we volunteers earn as fireman for the town. This satisfaction is paid for with the time we sacrifice to the organization. None of us do this for the occasional t-shirt, tax break, or stipend check. While most of these responses are minor, every time we respond we are taking a risk. These risks and stressors can be cumulative. In 2023, 54% of the line of duty death (LODD) in the US was attributed to overexertion and strain. Those 48 deaths occurred within 24 hours of duty. If he dies in the line of duty, it will not be him who has to deal with the repercussions. His wife, and two sons will be left to fill the emotional and financial hole of his passing. There are some mechanisms in place to help lesson this impact, some of which are financial. Most of these benefits are contingent on the death being ruled as a LODD. It is my opinion that the town should not adopt the ordinance. I do not wish for an uninvolved third party to make a decision that would affect my family's future. I hope that on what would be my family's darkest day, the Fire Department would answer their call.

William Lewis, 95 Longview Drive, stated he was the Fire Chief for 23 years in Windsor and was Chief when the entire department sustained a LODD in 2011. Firefighter Robert Watts responded to a fire alarm on April 19, 2011 and suffered a fatal heart attack and perished. He declared this a LODD. He conferred with the Town Manager, the Mayor, the Risk Manager, OSHA, the Medical Examiner's Office and many knowledgeable fire personnel in the State of CT. He was not worried about money, a budget, or will workmen's compensation cover him. What he was concerned about was what will happen to his family and what about the increased stress on the entire Department. Was this indeed a LODD and is there any evidence that it was not. We investigated and concluded that it was a LODD. You see as a firefighter he's had the intimate knowledge of the job and its hazards. Firefighter Watts had perished but he still had a family that we had to help through this tragedy. With this proposed ordinance, you are trying to fix a system that is not broken and has not caused any problems. The Fire, Police and EMS Chiefs are the most qualified people to determine a LODD. They all know the job. You appoint them based on their qualifications so let them do their jobs. He gave an example of what happened to one family when another LODD occurred. He asked the Town Council to please leave the proposed CT Public Act in place which gives the respective Chiefs the power to declare a LODD. Hopefully through training and experience, we will never ever have another LODD but leave the LODD decision in the rightful hands of the most qualified decision makers, the Chiefs.



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James McLoughlin, 168 Windbrook Drive, said he is a 19 year resident of Windsor with 42 years in fire service. Having served in the City of Hartford for 23 years, he retired as a Deputy Chief of Operations. While there, he ran the Honor Guard. He started it locally in the city of Hartford, then began the CT state-wide Honor Guard and then headed up the National Honor Guard Commander's Association. He has been involved in LODD with fire service personnel on the state and federal level for a number of decades. He has spent the last six years as a Fire Administrator and Emergency Management Director, 15 years with the National Fallen Firefighters Memorial weekend overhead team honoring those that have died in the line of duty. He has also been an Advisor to a Fire Chief here in the State of CT and the CT liaison to the POSB program which issues line of death benefits. He's also the Deputy Chief in charge of the line of duty death fire. Mr. McLoughlin spoke of an amendment he was instrumental in helping to change regarding the fire code. He said the CT Fire Chief's Association recommends leaving the state law 'as is' in the hands of the agency Chiefs. The declaration of a line of duty death by an agency Chief can and will be taken into consideration when applying for honors and recognition for the state and national memorials as well as benefits. He urged the Council to reject the proposed local ordinance and let the State's statute stand as written. Agency Chiefs will be the point of contact between the agency, the family and any benefit being considered and applied for. This affords continuity and consistency during the process for the families affected by such a tragedy. These decisions will be made on a 'case by case' basis, debunking the idea that there must be consistency amongst all three agencies. The focus should be on the affected families and providing them the honors of benefits due to their loved one's sacrifice. The Agency Chief will be the point of contact for any honors being bestowed upon a first responder. As an Agency Chief dealing with such a matter, he cannot conceivably see the Town Manager, HR Director or the Risk Manager not being consulted. The Chief of an agency has the best ability to gauge the determination of the line of duty death based on the agency's discipline and known facts of the job. As the state law indicates, the determination doesn't have a bearing on any worker's compensation benefit. The goal of the local ordinance is to provide a consistent and uniform decision-making approach across the three agencies. He urged the Town Council to reject the proposed ordinance and to let the State law stand.

Samuel Savelli, 7 Warren Lane, said while he can appreciate the town wanting to be the authority on the subject, he believes the obligation would be misplaced in doing so. In his 20 years as a Volunteer Firefighter and EMS provider for this town, he has been present for two line of duty deaths. Both incidents were handled appropriately by the respective Chiefs. He stated there was a gentleman who died in a house fire while doing his job. The Town Manager at the time fought the deceased firefighter's family for the benefits aspect. This is a clear-cut case of not having the man's or the family's best interest in mind. Our current Town Manager, who has all the best intentions at heart, will not be our Town Manager forever. With that said, he would not gamble the future of his family in the hopes of getting a like-minded Town Manager as his replacement. Chiefs of these departments are tasked with keeping the lives and property of the Town of Windsor safe at every given moment. The way they do that is with a team of dedicated men and women who serve them under their command and structure. These teams always have the best interest at heart and that piece of the puzzle is what gives us security to know they are doing right by us no matter the circumstance. There can still be a process in place for these line of duty



death determinations, but that can be coordinated by the Chiefs of those services. This is definitely something within their scope that they can handle and to have someone else take that over seems disrespectful to those organizations as a whole. The Chiefs are good enough to keep everyone safe and to make life and death decisions in a moment's notice and be the subject matter experts when called into question about an unknown or unusual situation that occurs but this is the piece of control they take away? He can see it if it had merit to positive change or if it could be beneficial to him, his brothers or sisters, then there would be good reason to support this vote. The risk of the change far outweighs the benefit for the emergency services and their families. His vote is 100% against giving this power to any Town Manager. He also mentioned the more that gets taken away from volunteers from the Fire Department, the less they feel empowered. People who don't feel empowered tend to not stay. At this time, volunteering is at an all-time low and he would recommend going against this move. He feels this might cause a drop in membership. If membership gets low enough, you'll be looking at total control of the department and that would be a big one. He feels it's not worth the risk.

Mayor Black-Burke thanked everyone that sent in their emails and those that spoke directly with the councilors throughout the last few weeks. She thanked them for their engagement on this particular matter.

3) DISCUSSION TO APPROVE AN ORDINANCE ENTITLED, "AUTHORITY TO DECLARE THAT A FIREFIGHTER, POLICE OFFICER OR EMERGENCY MEDICAL SERVICE PERSONNEL DIED IN THE LINE OF DUTY."

RESOLVED by Deputy Mayor Klase, seconded by Councilor Gluck Hoffman, 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.

Motion Passed 8-0-1 (Councilor Pelkey opposed)

MOVED by Deputy Mayor Klase, seconded by Councilor Pelkey to elect not to approve the proposed ordinance which would leave the designated authority with the respective public safety department chief.

Councilor Eleveld stated that he wanted to make sure that we are not going to move forward with the ordinance. Deputy Mayor Klase responded that she moved to elect not to approve the proposed ordinance which would leave the designated authority with the respective public safety department chief.

Councilor Naeem thanked everyone that came out to speak tonight and those who have reached out to the Town Council this last week sharing your concerns and helping us to understand where the concerns are coming from. This has been very helpful.



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Councilor Eleveld said he does not see at this point a reason to change what has already been done. This is a very narrow scope to law for line of duty death. It has to do with cardio-vascular and basically, heart attacks and strokes within 24 hours of the shift ending or an event ending. He said he will be voting in favor of the negative motion.

Councilor Armstrong said she doesn't see any need to change what is already in place at this time. She will stand opposed to any change.

Councilor Walker stated he is in agreement with his fellow councilors. He thanked the Volunteer Firefighters for all they do for this town. We must do whatever we can to support the Volunteer Firefighters for this town. If they aren't here, we will have problems. If we have to support a full-time Fire Department, taxes will increase substantially. We're blessed to have them and should leave it as it is.

Mayor Black-Burke said she doesn't feel there needs to be any change to what is in front of them at this time. The work of our public safety team (Police, Fire, Ambulance), is really hard work and we understand your concerns and thank you for sharing them with us. As we continue to move as a Council, she wants them to know that concerns can be shared and the Council is able to listen to that. She emphasized that she appreciates everything that is done by our safety team and thanked them for their engagement on this particular topic.

Motion Passed 9-0-0

4) ADJOURNMENT

MOVED by Deputy Mayor Klase and seconded by Councilor Naeem to adjourn the meeting at 6:55 p.m.

Motion Passed 9-0-0

Respectfully Submitted,

Helene M. Albert
Recording Secretary