

Hamden Fire Commissioners
Administration Building, Town Attorney's Conference Room
Minutes of the Special Meeting of January 30, 2013

In Attendance were Fire Commissioners: Henry Candido, Michael D'Andrea, Richard Reilly and Donovan Shahid Abdul-Karim. **Absent:** Michael Iezzi. **Also in Attendance:** Fire Chief David Berardesca, Deputy Fire Chief Robert Surprise, Labor Attorney Jason Stanovich, Town Attorney Sue Gruen, Attorney Ikechukwu Umeugo, with Firefighter Raymond Pouncey. Also in attendance were Kurt Vogt, Nelson Hwang, David Beaton, and Sayyid Abdur-Rahman.

Call to Order: Chairman, H. Candido called the meeting to order at 6:02 p.m. Mr. Candido requested Fire Chief Berardesca to present the summary and/or details of the discipline of the two tours suspension to Firefighter Raymond Pouncey last December of 2012.

Fire Chief Berardesca outlined the occurrences that reached the decision for a written discipline to Firefighter Pouncey recorded last December 2012. The suspension consists of two tour suspension and this written suspension would be on his personnel record for one year. This decision was based on an incident that occurred September 25, 2012. Documentation was provided to the Fire Commission.

Fire Chief Berardesca explained last September the incident occurred at the end of a training demonstration at Quinnipiac University. There were witnesses who provided testimony of the situation that occurred. In brief, two firefighters (K. Martin and R. Pouncey) were working on lifting a rescue apparatus to place in Squad 1, and during the procedure a third staff person, Fire Lieutenant J. Pechmann came to assist in the lift. As they were coordinating this procedure, it became evident that the apparatus was difficult to hold and the Fire Lieutenant reacted to the situation by verbally describing the apparatus using a vulgar, inappropriate word. To follow, it was noted that being caught off guard to the harsh language, Firefighter Pouncey reacted by dropping the apparatus, leaving the Fire Lieutenant struggling to balance the heavy apparatus. This caused incident caused physical injury to Fire Lieutenant Pechmann.

After hearing the report and statement from Fire Chief Berardesca, the Fire Commission requested time to review the material presented to each of them. Fire Chief Berardesca offered to give an overview of the documents distributed.

Fire Chief Berardesca confirmed his opinion of the level of discipline to Firefighter R. Pouncey was appropriate and acceptable, and the Fire Chief then requested the Fire Commission to sustain the proposed level of discipline.

The Fire Commission then requested either Attorney Umeugo or Firefighter Pouncey to speak his position regarding the matter of this suspension. Raymond Pouncey introduced himself then first mentioned his role as a firefighter for the Town of Hamden is taken very seriously. Firefighter Raymond Pouncey then responded to the matter regarding the suspension and added that in the statements issued to the Fire Commissioners there are a number of discrepancies given by K. P. Martin and J. Pechmann.

Mr. Pouncey shared with the Fire Commission documents and photos of the rescue apparatus (Rescue Randi), which has a carrying canvas. He also provided a picture of Squad 1 to assist them as a visual as to how the firefighters were going to store the rescue apparatus.

R. Pouncey gave a descriptive version of the activities that took place on September 25, 2012 where he and Firefighter K. P. Martin were setting up the apparatus, which weighs up to 165 lbs., and as they were preparing to lift the apparatus in Squad 1, Fire Lieutenant Pechmann arrived and offered to assist with the lift. There were only four handles on the carrying canvas, two at each end, nothing in the middle for a third party to assist, which meant there were no handles available for Fire Lieutenant Pechmann to use. In the midst of lifting the apparatus, K. P. Martin stepped away from his end of the canvas to find an alternate device or easier way for the lift.

At this point there were only two men working on the lift of the apparatus and as they were collaborating in preparing the lift, Fire Lieutenant Pechmann made it known the weight of this object was very heavy and used an inappropriate word in his description. During that time, Mr. Pouncey noted to the Fire Commission he had not yet begun lifting the heavy object since they were not ready to carry it onto the Squad yet. Then when confirming to attempt to lift the apparatus, Fire Lieutenant Pechmann alerted R. Pouncey he was physically unable to continue because of some reaction and/or pain to his back. R. Pouncey went to confirm the instructions with K. P. Martin and asked Fire Lieutenant Pechmann about his physical health, if he was okay, and if he wanted to continue. Fire Lieutenant Pechmann mentioned he needed to stand still for a few moments since he had an earlier injury to his back.

R. Pouncey was alerted by the Fire Chief of this discipline 65 days after the incident occurred. Again, Raymond Pouncey confirmed his position to the Fire Commissioners that he would have never intentionally hurt or offend anyone in the fire department. Again, when Mr. Pouncey reviewed the statements in the reports written by fellow coworkers, he pointed out to the Fire Commissioners those discrepancies between Firefighter K. P. Martin and Fire Lieutenant Pechmann. R. Pouncey said he carries out a level of expectation where no one uses inappropriate language; treats everyone with the same respect as he would like to receive the same in return. Mr. Pouncey submitted to the Fire Commissioners earlier instances where he was considered to be labeled "a marked man" in his department. Mr. Pouncey loves his work as a firefighter and takes pride in this work, and carries out the oath to the fullest since he was sworn in September 2, 1997.

Fire Commissioners were invited to ask questions to Raymond Pouncey and Fire Chief Berardesca. Commissioner Shahid Abdul-Karim asked Fire Chief Berardesca to bring to light the discrepancies. Fire Chief said last month he checked in with Fire Lieutenant Pechmann while he was at home, on medical leave and then learned of the September incident, which was 65 days later.

Fire Commissioner Shahid Abdul-Karim questioned if the Fire Department has a policy for deadlines or timeframe from the date of when incidents occur can be filed? Fire Chief Berardesca said there is no statute of limitation, no policy is in place. Commissioner D'Andrea asked to confirm if there were any prior suspensions against R. Pouncey made by Fire Chief Berardesca. Fire Chief Berardesca confirmed that he has not filed any suspensions prior to the one made last December.

R. Pouncey also noted he has been with the Fire Department since September 1997 and at a time when he was preparing for an exam; he was approached by the Fire Battalion Chief who questioned him regarding "pushing a firefighter through a door." Mr. Pouncey was very

alarmed of the allegations and was in fear of being cited while at the same time preparing for the exam, he turned to Fire Chief Berardesca who assured him there were no allegations and nothing was filed against him. Later he learned that there may be a question as to whether Mr. Pouncey had been too strong when he shook the individual's hand. Fire Commissioner Shahid Abdul-Karim inquired if this information is documented. Mr. Pouncey responded that yes, there is written documentation.

Town Labor Attorney, Jason Stanovich, reminded the Commission that the only issue on the table is the current suspension.

Fire Commission Reilly confirmed with R. Pouncey that at the time of the incident on September 25th what was said by Fire Lieutenant Pechmann when he stopped during the procedure at the time the two were attempting to lift the rescue apparatus. Did he say that he had a prior injury to his back? Mr. Pouncey replied that the Fire Lieutenant did not say he had a prior injury to his back when attempting to help with the apparatus, but that there was something wrong with his back and he was physically unable continue. He later learned from Fire Lieutenant that he had a prior injury to his back.

Commission's Chairman Candido asked Mr. Pouncey and Attorney Umeugo if they objected for the Fire Commissioners to go into Executive Session. For the record, this decision was Mr. Pouncey's choice not to go into session and remain in the meeting. At R. Pouncey's request, he wished to remain in the meeting.

At this time, Commissioner Candido asked the Fire Commissioners **to vote to uphold Fire Chief Berardesca's decision of the two-tour suspension to Firefighter Raymond Pouncey December 2012. Commissioners Shahid Abdul-Karim and Reilly voted no; and Commissioners D'Andrea and Candido voted yes. The vote resulted in a tie decision.** Town Attorney Susan Gruen thanked the Fire Commissioners for their time and with the result of this vote, she wanted to offer a suggestion, however, this required her to meet with Attorneys Umeugo and Stanovich in a private session.

The attorneys returned to the meeting and Attorney Gruen noted she will need to conduct some research before announcing a final decision to the Fire Commissioners. The final outcome will be provided to the attorneys by either the end of January 31 or February 1 and the Fire Commissioners will make the announcement of this decision at the February 13th meeting at 6:00 p.m.

For the record, Attorneys Umeugo and Stanovich were in agreement with Attorney Gruen's resolution to the situation.

As noted earlier, the next meeting of the Fire Commissioners will hold its regular meeting on Wednesday, February 13, 2013 at 6:00 p.m.

Adjournment: Chairperson H. Candido noted the meeting ended at 7:00 p.m.

Recorded by,

Patrice A. LeMoine

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Clerk of the Fire Commission