

# Cromwell Fire District

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FIRE DISTRICT OFFICE  
WATER DIVISION

FIRE DEPARTMENT  
FIRE MARSHAL'S OFFICE

## **BOARD OF COMMISSIONERS** **Special Board of Commissioners' Meeting**

**Tuesday, March 10, 2020**

**5:30 PM**

**West Street Firehouse  
1 West Street  
Cromwell, CT**

A Special Board of Commissioners' meeting was held on Tuesday, March 10, 2020, at 5:30 PM, at 1 West Street, Cromwell, CT to consider and act upon Special Fire Commission business.

Commissioners Roger Rukowicz (Acting President), Mertie Terry, David Colligan, Robert Donohue, Charles Epstein and Allan Spotts attended. Also attending were Executive Director Julius Neto and Fire Chief Michael Terenzio. Commissioner Hinners had an excused absence.

### CALL TO ORDER

The meeting was called to order at 5:30 PM, by Acting President Rukowicz.

### APPROVAL OF AGENDA

A motion was made by Commissioner Epstein, seconded by Commissioner Terry and unanimously approved to accept the agenda as submitted.

### PUBLIC COMMENT

Mr. Frank Marrotta, full-time career firefighter, addressed the Board. He asked that the Board reconsider the decision made by the Personnel Committee. He did not think the decision made was a poor one considering the circumstances surrounding the incident and learning what he has about the incident. However, he believed that crucial information was left out of the investigation, and some of the information was spun to make it appear that it was a greater problem than it actually was. He does not know if the full Board was informed about the entire situation. He was not afforded the opportunity to speak on several of the issues, including how the investigation took place, the issue of being dealt punishment during an investigative meeting in which he was not afforded union representation because it was an investigative meeting, not a disciplinary meeting. He did not know it was a disciplinary meeting until the disciplinary action had been dealt out. It lacked the ability of Mr. Marrotta to represent himself. The Chief was able to submit his report, and no one had seen it prior so Mr. Marrotta could not refute any discrepancies that may have been in that report. There is also the issue that Mr. Marrotta was terminated at a meeting that he could not attend due to a family obligation. He was informed of his termination the next morning via a phone call that lasted 47 seconds. He stated he still has not

seen a document of charges or reason for any of the discipline that was dealt. This is something that was contractually violated as a union employee. The reason for termination that he was told by the Chief was based on the IAFF Local 4662's inability to negotiate the extension of his probationary period. The Union attempted to negotiate a different discipline rather than the extension, but it was shot down by the District. Mr. Marrotta had removed himself from any of the negotiations as Union President because he did not want to be involved or have a conflict of interest.

He believes that the current decision of the Personnel Committee sets a dangerous precedent. He was involved as a witness in an investigation with the Chief's Office about a complaint of harassment and verbal slander against lieutenants and another member. With the complaints of harassment and verbal slander, there was no disciplinary action given. Mr. Marrotta thought this issue discussed here to be a similar situation which may have been misunderstood as harassment, yet Mr. Marrotta was terminated. He had more information to speak about but decided to wait until the second Public Comment item on the agenda. He added that he is sorry about his actions and is sorry it all took place, but does not think the way it was handled was done correctly. There was no formal trial, hearing or anything else.

#### NEW BUSINESS

- A. Ratification of Recommendation to Terminate and/or Accept Resignation of Employees.  
The Acting President referred to the issue of Peter Boin first. The Personnel Committee voted to accept the resignation of Peter Boin effective Monday, March 2, 2020.

A motion was made by Commissioner Terry, seconded by Commissioner Donohue and unanimously approved to accept the resignation of Firefighter Peter Boin effective Monday, March 2, 2020.

The second issue to come before New Business was the termination of Frank Marrotta effective March 2, 2020. A motion was made by Commissioner Terry and seconded by Commissioner Spotts for discussion purposes. Commissioner Terry wanted to hear Mr. Marrotta address some of the accusations that were made. She wanted the Board's decision to be based upon hearing all sides of the story.

The Executive Director provided some background on the situation because only half of the Board has been fully engaged with the evidence presented by the Fire Chief through his investigatory process over the last couple of weeks. He explained that Firefighter Marrotta was engaged in a prank. Mr. Neto considered the incident to be a prank where glitter was sprayed on two firefighters' gear. One set of gear was sprayed by Firefighter Marrotta, the other was sprayed by Firefighter Brandt. The Chief investigated both, and presented evidence to the Personnel Committee. The Personnel Committee stated that based on the evidence presented, they were going to give both gentlemen two weeks suspension unpaid with a six-month extension of Firefighter Marrotta's probationary period. The Committee felt that there could be some positive outcome if Mr. Marrotta were to have his probation extended. Because Mr. Marrotta was a probationary Firefighter and Union member, he was already serving a probationary period that would have ended March 25, 2020. To extend the probationary period, the District needed to negotiate an MOU with the Union to extend probation for six months since this was not in the CBA. Management and the Union needed to agree that in order to save this person's job, they would need to sign an MOU specific and clearly defined with a single purpose to address Mr. Marrotta's situation.

The Personnel Committee had asked the Executive Director to do the negotiations. It took the Union two weeks to the deadline to present a counter offer. They did not express any desire to have a discussion with Mr. Neto on any of the issues. A letter was received by Mr. Neto that said the counter offer was to provide the District with an option of three weeks unpaid suspension with no extension of the probationary period. Mr. Neto informed the Secretary of the Union that it is not up to the Union to negotiate disciplinary action, it is up to Management. However, if this is what the Union had in mind, this should have been done from day one of the two week time period, not 24 hours before the deadline. Mr. Neto informed the Union that he is not a Commissioner, but would present the offer to them. He was not told to counter the Union offer with anything else. Other disciplinary action will happen if this cannot be negotiated. The wording was that more severe disciplinary action could take place if this agreement could not be reached.

Mr. Neto explained that the Personnel Committee was attempting to save this person's job with this agreement and two weeks unpaid leave. Mr. Neto thought that the Personnel Committee did a good job in trying to be fair and equitable. The option of six weeks was also presented at the last Personnel Committee meeting. They wanted to renegotiate again with six weeks unpaid leave. Management cannot let the Union dictate to Management disciplinary action that is under their watch. The Personnel Committee tried to negotiate, but the Union did not accept the terms. Therefore, Mr. Marrotta faces termination. Firefighter Marrotta has made some claims. Mr. Neto was not part of the investigation process, but all of those issues should have been going through the Personnel Committee. District By-Laws are pretty clear that the Personnel Committee is the one that investigates the issues and makes a decision on how to deal with the job performance issue once it is stipulated. It is eventually forwarded to the full Board of Commissioners to accept or reject, but the issue would not go all the way back to Step 1 of the investigation. If there are people who feel the responsibilities of the Personnel Committee should go to the full Board of Commissioners, then the issue needs to be presented and discussed with the By-Laws Committee because the current By-Laws do not dictate that practice and should be followed the way they are written.

The Board asked for some feedback from Chief Terenzio. The Chief replied that he had some concerns as to the claim. Mr. Marrotta stated that the decision was not a poor one, but a crucial amount of information was not shared. Chief Terenzio was interested in finding out what that information was. He conducted an investigation of all who were present. As the Executive Director reported there was a two week lead time. The Chief added they did everything in their power to remain within industry standards and to gain as much information as possible. If other information was not forthcoming, he did not feel it was his fault or the Commission's fault. If the Union were trying to negotiate anything, it was noted there were no Union representatives present at this meeting. That speaks volumes.

Acting President Rukowicz noted that at the first Personnel Committee meeting on this issue, Mr. Marrotta did have an opportunity to make a statement, but the Board was under the impression he needed to make more statements. Mr. Marrotta stated that he did not have the ability to present his own evidence or call his own witnesses for discussion. He felt that there should have been other individuals to be interviewed to provide more background information. He stated that he did not do anything to Peter Boin's gear, yet the person that admitted to tampering with the gear and was the subject of the complaint did not receive as harsh a discipline as he did. There was also a claim that Mr. Marrotta was Acting Officer of the day and should have had the utmost knowledge. He explained that he has 11 months here as a probationary member. To think that he could be the person with the utmost

knowledge is not necessarily right. Mr. Brandt has 15 years on the job and had these responsibilities prior. Mr. Marrotta could not recall who assigned him as Acting Officer that day. He stated it was generated from a short phone call. It might have been Lt. McKnight.

The Acting President stated that the Personnel Committee was not aware that Mr. Marrotta could not attend the last meeting and would have made arrangements to reschedule had they known he could not be there. He stated he sent an email to Mr. Neto prior to the meeting indicating what he wanted to say. Mr. Neto stated that Mr. Marrotta's email was submitted into evidence. Commissioner Rukowicz stated that because the second Public Comment on the agenda was the next item, he offered to let Mr. Marrotta speak now if he thought it would help. Commissioner Colligan noted that part of the offer to Mr. Marrotta was to resign rather than be terminated. If he resigned, this issue would not be a part of his permanent record. Mr. Marrotta understood that and appreciated the sentiment. But it was also a gripe of his that this decision was to go into effect on March 2, yet it is being deliberated on March 10. Mr. Marrotta noted that if he had resigned on March 2, there would not have been this opportunity to discuss the issue. Commissioner Rukowicz added that according to the Bylaws, they could have called a Special Meeting sooner but could not get a quorum. They also could have saved it for the next monthly Board meeting which is next week. The Board acted as quickly as they could. Commissioner Rukowicz asked if Mr. Marrotta had any other issues to come before the Board. Mr. Marrotta stated that issues regarding harassment are not handled in the same fashion for each incident.

Chief Terenzio stated that he thinks the breakdown in the communication/understanding could be his fault or Mr. Marrotta's fault. Chief Terenzio did not know why, but needed to understand that since day one of this whole issue, the perpetrators of the actions of that day were under the impression that this whole situation was about harassing. It was not about harrassment, it was about not following industry related procedures in dealing with safety and personal protective equipment. Mr. Marrotta bought the material. Had it not been for his actions in buying the material in the first place, and handing it off to the other individual, this never would have happened. When the Chief learned of this situation, the issue was about the PPE, and only about the PPE. It was never about harassment. The whole theory that this issue was just about harassment was not accurate. It was about the PPE. The other perpetrator had called the Chief and stated if he had any idea that the person was unable to handle that type of prank, he would have never done it. There was no mention of the PPE. The Chief went on to say how he tried to stress the importance of the PPE and had researched a number of articles that emphasized not tampering with other people's PPE. The curriculum at the Fire Academy, for those that are trained at the Academy, includes training for maintaining PPE and not tampering with other people's PPE. Commissioner Colligan added that the rule is also noted in the Firefighter I training manual. The same practice is expected in Cromwell.

Mr. Marrotta reported that he has seen misuse and touching or tampering of PPE in the industry and with instructors. He also had examples from Cromwell regarding Firefighter Boin. His gear had been hung from the rafters at Court St., so that when he went to go out on a call, his gear was not as he left it or in an effective-ready state. Nothing was done to the three individuals that hung Mr. Boin's gear from the rafters of the Court St. Firehouse that day. Chief Terenzio stated that he did not know about that incident and that there was no complaint filed about that incident. Mr. Marrotta stated that the person that advised him of this matter said that the Chief was involved in telling Mr. Boin that his gear was spelled incorrectly and it needed to be sent back. It was a whole prank on Mr. Boin that day. The Acting President stated that as noted by the Chief, a complaint was never filed, so the Board

has nothing to react to. Mr. Marrotta stated that he felt there was a double standard because it seems that things don't actually happen unless they are written down.

Commissioner Epstein stated that this individual had been with the Department for almost a year. Prior to this event, he asked how Mr. Marrotta's job performance was up until that point. The Chief stated it was good with one incident of reporting to work late. There were no other issues reported to the Chief. Commissioner Epstein stated that he is not on the Personnel Committee, but as a Commissioner he has been asked to either ratify or reject the Personnel Committee's decision. He has not been given any information on the event. The Commissioners that are not on the Personnel Committee have not been involved with the investigation or the decision. He asked what the underlying reason was that possessed him to perform this act in the first place.

Mr. Marrotta stated that all this information had been reported in the investigatory meeting. He stated the crew had a good day and had training as well. When the spray glitter was bought, it was with the mindset that everyone would get their hands on it and it would be good fun. When Mr. Brandt sprayed Mr. Boin's gear, Mr. Marrotta did not know to what effect or how much or how little he had done. From what Mr. Boin told him it would not have been a problem if his whole coat and pants weren't sprayed and it was just the helmet. When he found it in his helmet, he laughed it off. What possessed Mr. Marrotta to spray Mr. Valentini's gear was just good fun. As the Chief had pointed out it was an unknown flammable substance. No one thought of it that way. It was hairspray. He stated that people put hairspray in their hair and wear their gear all the time. It was deemed not harmful to the PPE. It was to be washed and rendered back to full service. The idea that this was malicious or a defamation of property was not an accurate assessment. Mr. Marrotta stated that trying to get any of the firefighters into a debacle is misguided. He stated he had sprayed the glitter into Mr. Valentini's boots specifically but whether there was overspray on his pants he did not know and could not comment on that. It is a fine material and probably did make its way on other materials. He stated that this was intended to be a funny moment that turned out to be not so funny.

- V. Commissioners' Comments. Commissioner Epstein asked Mr. Marrotta if there was ever a time where someone in his training instilled the fact that this is a professional paid fire service, and what is expected from all members of the Department in terms of their demeanor and actions, and it all reflects back on the Department and the Commission. Mr. Marrotta also stated that aside from the one instance where he was tardy, within the last month he had received two accommodations on his job performance and work ethic. Regarding Mr. Marrotta's training regarding expectations and job requirements, he stated they were documented but nothing was mentioned regarding how to handle yourself within the company. He recalled instances of team building and bonding. There has to be an element of destressing and coming together as a crew during the work day. He stated that what is done as a crew in terms of bonding and stress relieving is often perceived differently than what it is.

Acting President Rukowicz commented that at the time of the incident Mr. Marrotta was Shift Supervisor and Union President. That was considered a lot of responsibility for one person. He asked if Mr. Marrotta had engaged another firefighter to participate in the activity. He thought he understood the person did not want any part of it.

Commissioner Terry was concerned about the safety of Firefighter Boin. Mr. Marrotta stated that there was no safety threat to Mr. Boin if a fire call had occurred after this incident.

The instructions and warnings on the product package indicated that the gear simply needed to be washed to remove the material from the gear. The gas is inert once released. Commissioner Terry made it known that she was not happy about any part of this incident. She honestly would like to see Mr. Marrotta resign. She thought that course of action would protect both Mr. Marrotta and herself. She is uncomfortable because this will become a part of his record forever. If something should happen and someone else gets hurt, it will reflect that something like this happened in the past and nothing was done.

Commissioner Spotts stated that a prank is something done in high school and is something that in this particular profession should not be done. It should have been something that would be less invasive in terms of equipment. He discussed the disciplinary action determined by the Board. The Union came back with a counter offer to the discipline wanting 6 weeks of unpaid leave and no extension of probation. Mr. Neto would like to have had an MOU. If that had existed he thinks the outcome would be different. Commissioner Spotts felt that the Board was trying to save the situation but the Union did not do anything to do that. Mr. Marrotta stated that he did not have any direct dealings with negotiating because he was not in a position to do so. He did share that with Mr. Neto. Mr. Marrotta explained the Union's perspective on the situation. It was said that the Union's position was to extend the unpaid leave but he would be terminated after that. Board members took offense that the Union would think the Board would look at the situation in that way. The Board members present noted they would never vote to do that. The Union argument does not hold water.

Commissioner Rukowicz thought the Personnel Committee did an outstanding job with the information they had. The Committee and management went out of their way, and Mr. Marrotta was given a lot of opportunity to speak at this meeting. Commissioner Rukowicz stated that if he continues to allow comments the discussion will get repetitive.

A motion was made by Commissioner Terry, seconded by Commissioner Spotts and approved 4 to 1 to ratify the termination of Mr. Marrotta as recommended by the Personnel Committee. Commissioner Epstein voted nay.

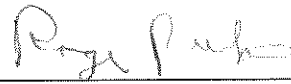
Acting President Rukowicz stated that the decision made was a hard one. He thought the Committee did a lot to try and save Mr. Marrotta. They did realize he had 11 mos. of probation and went through the Academy. It was felt that as the President of the Union and acting Shift Supervisor, he did not act appropriately. The Commission cannot afford to have that.

- VI. Public Comments. Mr. Marrotta took three minutes to speak a little more about the issue. He stated that he was never trained to be Lieutenant but was thrust into the spot of having 5 people underneath him and making decisions for them. The union's position regarding the 6 months was in response to a spat he had with the Chief the week before regarding an incident involving Westfield Fire Department in which they issued some questions to the Chief's office that they wanted answered. He stated the Chief did not take lightly to this person who had 11 mos. on the job and Union President. The Chief responded that he did not say anything like that, and Mr. Marrotta was putting words in his mouth. Mr. Marrotta stated that the Chief told him during that meeting he was going to "shove this up my ass," and was going to "slam the Union with it." He also gave him 40,000 reasons why he is an honest man. This whole incident Mr. Marrotta stated could be confirmed by Mr. Wolmetz who testified to this incident. This is why the Union believed that after 6 months there would be a formal recommendation from the Chief's office that he would not be a good fit

here and he would not be able to continue. They felt that the extension of probation for 6 months was just a formality before he was fired. He stated that those were the words of the Union attorney and the Union Secretary/Treasurer at the time. That is why they countered with such a harsh 6 week extension. He stated he would happy to forward the email from Lt. Wolmetz in which he outlines the same conversation/discussion that was held with the Chief. He added that at the end of that conversation the Chief had said they were going to show some leeway with this because it is the first time dealing with an incident like this. However, he stated the Chief turned around and stated the Union was going to get slammed.

- VII. Adjournment. There being no further business, a motion was made by Commissioner Colligan, seconded by Commissioner Spotts and unanimously approved to adjourn the meeting at 6:16 PM.

ATTEST:



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Roger Rukowicz, Acting President

Nancy Deegan  
Recording Secretary  
4-8-20