

My name is Brian M. Kelly. I reside in Cos Cob Connecticut and thank you for this opportunity to testify today in support of H.B. 5054.

I am Chief of the Cos Cob Fire Police Patrol, Inc., an all volunteer 501c3 organization that are first responders and are a resource used daily by both the fire and police departments in the town of Greenwich. Additionally I have been a volunteer firefighter for 17 years serving as a chief officer in the fire service for 14 years.

I am also the Volunteer Coordinator for the Town of Greenwich which has a combined paid staff and volunteer fire department, numbering approximately 100 each of paid and volunteer staff.

Using our Patrol as an example, we have found that our members are characterized as "employees" for certain purposes by the town; and not as employees for other purposes. An example would be treatment as an employee for workman's compensation purposes; but not an employee insofar as municipal union representation is concerned.

Many of our members are full fledged "firefighters" in the sense that they have taken the required training to achieve "Firefighter I" status and beyond. I myself hold a "Firefighter Officer II" certification from the state, along with other advanced certifications.

Other members are "support" members who aide at fire scenes (for example, changing air packs when needed; direct traffic to protect the public and emergency service workers at accident scenes, fires, wires down, etc.

We have also experienced as an organization and having individual members personally, being named defendants in lawsuits. Most recently by the estate of an individual who died hitting one of our vehicles at high speed when it was positioned on I-95 to protect emergency service workers at an accident scene.

The Town of Greenwich was also sued and offered to defend the Patrol and the individual member defendant. However, the town has advised us that they will make decisions on whether or not to defend going forward on a case by case basis; and not assure any such defense even though the volunteer may be performing his duty.

This raised the concern leading to this proposed legislation; along with the uncomfortable feeling that even in the instant case where a defense was offered, the town's interests and those of the patrol and our member may not be aligned, leading to at least the appearance of a conflict of interest. As a specific example, the town has filed a motion to strike to remove itself from the pending litigation. This may not be congruent with the interests of the Patrol and its member which arguably could be to have the town remain in the lawsuit.

As a result, it would seem that going forward, the defense reimbursement provisions in CGS 7-101a, would be beneficial if applied to volunteers, as it would allow for independent counsel and not force a volunteer, donating his or her time to the community (and putting their lives and property at risk), to have to pay for counsel for an incident arising from the performance of their duties.

Respectfully submitted,

Brian M. Kelly, Chief
Cos Cob Fire Police Patrol, Inc.
Volunteer Coordinator for the Town of Greenwich