

207. AN ORDINANCE TO AUTHORIZE MAYOR MARIAN GALBRAITH TO ENTER INTO AN INTERAGENCY AGREEMENT FOR THE NEW LONDON MARINE GROUP REGIONAL DIVE TEAM WITH THE TOWN OF GROTON AND CITY OF NEW LONDON AND TOWN OF STONINGTON AND CITY OF NORWICH AND TOWN OF WATERFORD AND OLD MYSTIC FIRE DISTRICT AND EXECUTE SAID AGREEMENT (INITIALLY APPROVED MAY 19, 2014; FINALLY APPROVED JUNE 16, 2014)

WHEREAS, Connecticut General Statute 7-148cc authorizes two or more municipalities to jointly perform any function that each municipality may perform separately under any provisions of the general statutes or of any special act, charter, or home rule ordinance; and

WHEREAS, each of the participating municipalities recognize the benefits of joining together for the performance of joint emergency services functions; and

WHEREAS, each of the participating municipalities find that entering into a joint participation agreement is necessary for the delivery of more effective services to the citizens of their respective municipalities; and

WHEREAS, the undersigned municipalities wish to cooperate in the joint performance of general emergency services involving water search and rescue; and

WHEREAS, this Ordinance was published in The Day, a newspaper having general circulation in the City of Groton on May 23, 2014 and May 24, 2014; and

NOW, THEREFORE, it is agreed by and between the municipalities signing this compact by their respective chief executive officers, duly authorized upon approval as set forth in said Connecticut General Statute, to the following:

1. The undersigned municipalities hereby delegate to the Police or Fire Chiefs of their respective municipality the authority to determine when the provision of emergency services personnel and resources involving water operations best serves the purpose of this compact and benefits their respective community.
2. The Police and Fire Chiefs of the respective agencies, and having representation on the New London Marine Group, shall utilize this body as an oversight board for the activities of the emergency services water operations group. The marine group is authorized to administer the procedures attached to this compact and may modify these procedures as necessary to insure safe, efficient, and effective operations.
3. For the purposes of this compact emergency service water operations shall be defined as; surface and/or underwater functions involving; evidence recovery, search and rescue, detection, or protection and prevention.

4. The services performed under this compact shall be deemed to be for public and governmental purposes.
5. That at all times when joint emergency services water operations are being conducted, police and fire personnel assigned to the function shall be deemed to be members of the authorized group and shall have the same powers, duties, privileges, and immunities as are conferred upon the police and fire personnel of the municipality in whose jurisdiction the group is operating.
6. Each participating municipality agrees that it shall be responsible for all costs, whether monetary or in the form of goods and services, it incurs as a result of participation in this compact. Such costs may include but are not limited to;
 - a. The actual payroll, including overtime, for the agency's personnel participating in compact activities.
 - b. The replacement or repair cost for any equipment lost, destroyed, damaged, or made unavailable as a result of participation in this compact.
 - c. Fuel and maintenance costs for any vehicles or equipment
 - d. Training costs arising from participation in this compact
 - e. Workers compensation claims pursuant to Connecticut General Statute 31-275 through 31-355a.
 - f. Awards for death, disability or injury to personnel participating in compact related activities to the extent that such awards exceed Worker's Compensation coverage.
 - g. Survivors benefits pursuant to Connecticut General Statute 7-323e.
 - h. Heart and Hypertension claims pursuant to Connecticut General Statute 7-433c.
 - i. Cost arising from agreement, contracts, or obligations the municipality entered into prior to entering this compact.
7. To the fullest extent permitted by law, any participating municipality negligently causing injury or damage shall indemnify and hold harmless the other parties to this compact (and their employees and agents) from any and all claims caused by such party's negligence. In instances where the identity of the negligent actor cannot be determined and/or where liability is predicated upon joint venture, vicarious liability, or upon other similar group. The marine group is authorized to administer the procedures attached to this compact and may modify these procedures as necessary to insure safe, efficient, and effective operations.

8. For grant and funding initiative purposes, the Police or Fire Chief of the lead agency within the participating group, or his/her designed, shall act as the representative and fiduciary for the group. Lead agency responsibility may be transferred to another participating agency upon the unanimous written consent of all of the Police and Fire Chiefs for the departments participating in this compact.
9. Not later than five (5) years from the effective date of this agreement, the effectiveness of this agreement shall be reviewed by the body that approved the agreement for each municipality.
10. Any participating municipality may withdraw from this compact by giving thirty (30) days written notice to all the other participating municipalities. Withdrawal of one or more participants shall not void the compact so long as two or more participants remain active in this compact.

THEREFORE, BE IT RESOLVED that the Mayor and Council finally approve “An Ordinance to authorize Mayor Marian Galbraith to enter into an Interagency Agreement for the New London Marine Group Regional Dive Team with the Town of Groton and City of New London and Town of Stonington and City of Norwich and Town of Waterford and Old Mystic Fire District and execute said agreement”.

Initially approved: May 19, 2014

Finally approved: June 16, 2014


Marian K. Galbraith, Mayor


Debra Patrick, City Clerk