

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

MEETING: **PUBLIC SAFETY COMMITTEE**

DATE AND TIME: **MONDAY, JULY 17, 2017** **5:30 p.m.**

LOCATION: **VILLAGE HALL BOARD ROOM**
N112 W17001 MEQUON ROAD

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with Wisconsin Statutes, Section 19.83 and 19.84 in such form that will apprise the general public and news media of subject matter that is intended for discussion and action.
- II. **ROLL CALL:**
- III. **PUBLIC COMMENT:** *Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this municipality that there be a three-minute time period, per person, with time extensions per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received. However, NO ACTION will be taken under public comments.*
- IV. **APPROVAL OF MINUTES:** June 5, 2017 Regular Meeting
- V. **REPORTS:**
 - A. Police Department
 1. Monthly
 2. Annual
 - B. Fire Department
 1. Monthly
 - C. Overtime Reports
 1. Police Department
 2. Fire Department
 - D. Policy Updates
 1. Police Department: None
 2. Fire Department: None
- VI. **UNFINISHED BUSINESS:**
- VII. **NEW BUSINESS:**
 - A. Ballistic Vests – Police Department
 - B. Purchase of Blue Tooth microphones for portable radios – Police Department
 - C. Smoke Free Fire Services – Fire Department
- VIII. **NEXT MEETING:** Set August 2017 Meeting Date and Time
- IX. **ADJOURNMENT:**

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

NOTICE is given that a majority of the Village Board may attend this meeting to gather information about an agenda item over which they have decision making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v. Greendale Village Board, even though the Village Board will not take formal action at this meeting.

MEETING MINUTES
PUBLIC SAFETY COMMITTEE MEETING
JUNE 5, 2017
GERMANTOWN VILLAGE HALL BOARD ROOM

CALL: The meeting was called to order at 5:30 p.m. by Chairman Hughes.

ROLL CALL: Chairman Hughes and Trustees Campbell and Myers. Trustee Warren arrived at 5:31 p.m.

Also present were Police Chief Hoell, Captain Snow, Fire Chief Weiss, Deputy Fire Chief Delain, Village Attorney Sajdak.

PUBLIC COMMENT: none.

APPROVAL OF MINUTES: a motion was made by Myers, seconded by Campbell, to approve the minutes of the May 1, 2017 Public Safety Committee Meeting. Motion carried unanimously.

POLICE DEPARTMENT MONTHLY REPORT: Chief Hoell reported on the following:

- 4 new officers were sworn in on June 19th
- News media did a story on the call for service which involved a deer breaking through a window and entering a residence
- Thefts from vehicles were reported
- Recent OWI arrests
- Lt. Theep completed the Leadership Program

POLICE DEPARTMENT ANNUAL REPORT: Chief Hoell thanked C.S. Schmidt for her hard work on the annual report. He advised it had just been completed and could be brought back to next month's meeting to allow the committee time to review it.

Hughes stated this item would be brought back at next month's meeting.

FIRE DEPARTMENT MONTHLY REPORT: Chief Weiss reported on the following:

- Department had 133 calls last month, they are averaging 6 per day
- They responded to a call for service involving the birth of a baby while enroute to the hospital, parents were parked at the Park 'n Ride lot on Lannon Road
- 2 recent calls involving heroin overdoses
- When asked by committee if overdose calls are primarily for residents or non-residents, Chief Hoell responded that he had recently done a search on those numbers and the results were close to 50% residents and 50% non-residents.

OVERTIME REPORTS:

Police Department – Hoell advised that overtime is tracking normally considering the department was down 4 officers, there should be improvement once the new officers have completed field training.

Fire Department – Weiss stated that overtime is tracking normally and there was nothing unusual to report.

POLICY UPDATES: none.

PARKING ON WILLIAMS DRIVE: Myers advised this item was brought before the committee by Trustee Miller due to residents on Williams Drive expressing concerns with parking issues during special events at Kennedy Middle School. Myers provided a handout to the committee highlighting the area he was recommending for posting No Parking on the south side of Williams between W15735 to W15910. Myers added he had discussed this proposed No Parking area with the school, the rec department, the police chief, Trustee Miller, and residents of Williams Drive, and there were no objections.

A motion was made by Myers, seconded by Campbell, to post the south side of Williams Drive as discussed as No Parking. There was further discussion with Warren asking about the source of this issue, Myers stated that special events at the middle school have created overflow parking into the residential area causing safety concerns for the residents. Myers also requested that Hoell contact DPW regarding making the No Parking signs. Motion carried unanimously.

REVIEW BURNING REGULATIONS ORDINANCE REGARDING BURNING/FIRE PITS IN HIGH DENSITY LIVING AREAS – MAY 1, 2017 MEETING: Hughes advised that Dan Ryan, N115 W16737 Bishop Drive, had spoken during last month's public comment session regarding a review of the current burning regulations and a concern with allowing burning/fire pits in high density living areas. Hughes stated that Chief Weiss was to review the current ordinance and this complaint, and bring forward his conclusions.

Weiss stated that he responded to the location where the complaint was issued and discovered the source of burning was a subject burning pieces of wood in a small barbeque grill for the purpose of roasting marshmallows with his son. Weiss stated this subject lives 2 doors down from Mr. Ryan. Weiss advised he then went to Mr. Ryan's residence and met with him inside the residence where he was unable to detect any smoke odor. Weiss then offered to check the CO level in the house, but Mr. Ryan declined and also declined any medical attention at that time. Weiss went on to state that the current burning ordinance was revised in 2014 and does not regulate recreational burning. He added that he does not see a need to update it to include regulations on recreational burning. Weiss stated that he has the authority to ask residents to stop burning if he feels it is warranted, and will investigate individual complaints regarding burning.

Mr. Ryan was present and advised he had been seen by an allergist regarding his sensitivity to smoke and that direct access to smoke is not necessary to cause an allergic reaction, as the smoke can enter the residence through dryer vents and cold air return venting. He added he had discussions with the neighbor in an attempt to have him change from burning wood to propane usage but was unsuccessful.

Hughes noted that the burning ordinance encompasses all village residents and businesses, and he has empathy for those that suffer in spite of ordinances that are in place. He added that review of the current ordinance on burning regulations shows acceptable regard for residents. Hughes encouraged Mr. Ryan to follow the proper channels if there are issues with his neighbor.

REPLACEMENT AND UPGRADE OF DISPATCH RADIO CONSOLES – POLICE DEPARTMENT: Communications Supervisor Schmidt advised the police department was requesting this purchase to replace three dispatch radio consoles which is a budgeted item. She

advised the purchase would be requested through Harris Corporation - who is the managing vendor for the countywide radio system - for \$109,707.00 using account 40-521-570-8460.

A motion was made by Myers, seconded by Warren, to forward this purchase request to Village Board with a recommendation of approval for the purchase of three (3) radio consoles for the dispatch center from Harris Corporation, with install by General Communications, for \$109,707.00 account 40-521-570-8460. Motion carried unanimously.

REQUEST TO PURCHASE FIREHOSE AND LADDER TESTING – FIRE DEPARTMENT:

Delain advised the department was requesting to purchase a contract with Fire Catt for three (3) years for their annual fire hose and ladder testing for a cost of \$6217.50 per year. He stated the testing is conducted by professionals and can be completed in a matter of days rather than the weeks it would take if conducted by department personnel. Delain also stated the cost is a reduced rate if they contract with the company for a three year period.

Discussion followed with Warren questioning whether other departments are using this service, Delain responded that more departments are going with this type of training due to liability issues. Weiss noted that larger departments with extra personnel are able to perform this training more easily, it is harder for smaller departments with limited personnel. Myers asked where the funds would come for this expense, Weiss advised the funds would come out of their maintenance budget. He added that if their personnel would be conducting the training, the costs would be coming out of the salary budget.

A motion was made by Myers, seconded by Campbell, to forward this purchase request to Village Board with a recommendation of approval for the fire department to contract with Fire Catt for three (3) years for their annual fire hose and ladder testing for a cost of \$6217.50 per year with funds coming out of their maintenance budget. Motion carried unanimously.

ANIMAL FANCIER'S LICENSE FOR 01/01/17 – 12/31/17, JULIE PETERSEN, W204 N11367 HILLTOP DRIVE: a motion was made by Myers, seconded by Campbell, to approve the license application submitted by Julie Petersen for an Animal Fancier's License. Motion carried unanimously.

All license approvals to be conditional upon completion of all documentation, compliance of all code violations/requirements and monies owed to the village paid prior to issuance of licenses in addition to any other conditions noted.

RENEWAL OF CLASS A FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSE FOR 07/01/17 – 06/30/18 FOR:

- Aldi Inc. d/b/a Aldi #67, N96 W18838 County Line Road, Michelle Kind Agent
- Walgreen Co. d/b/a Walgreens #05427 W156 N11261 Pilgrim Road, Vickie Matt Agent
- Sendik's Germantown LLC d/b/a Sendik's Food Market, N112 W15800 Mequon Rd., Theodore Balistreri Agent
- B&B Inc. of Milwaukee, d/b/a Quick Pick Food Mart, N128 W21760 Holy Hill Road, Asif Vadsaria Agent, and

RENEWAL OF CLASS B FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSE FOR 07/01/17 – 06/30/18 FOR:

- KJ's Bar & Grill, d/b/a KJ's Bar & Grill, N112 W21209 Mequon Road, Gerald Wagner Agent

A motion was made by Myers, seconded by Campbell to forward the license renewals for Aldi, Walgreens, Sendik's, Quick Pick Food Mart and KJ's Bar & Grill to Village Board with a recommendation of approval. Motion carried unanimously.

FIRE DEPARTMENT MONTHLY REPORT (continued): Weiss noted that June is National Arson Month and he and Delain had visited local churches to bring awareness to their establishments.

NEXT MEETING: Monday, July 17, 2017 5:30 p.m. at the Village Hall Boardroom if available, otherwise it will be held at the police department or fire department.

ADJOURNMENT: There being no further business, the meeting was adjourned at 6:17 p.m.

Recorded by,

Julie L. Barth
Secretary

Overtime Report for Police & Fire Departments

2016 Year to date through:

2-Jul-17

		2017				2016			
Empl #	Employee Name	Total OT Hours Paid	Total Cost of OT Paid	Total OT Hrs to Comp	Time off Hours	Total OT Hours Paid	Total OT Hrs to Comp	ANNUAL Total of OT hours worked	ANNUAL Total OT to Pay
Police Dept									
90	Ball, Brian	0.00	0.00	33.50	50.25	8.00	88.50	96.50	459.48
93	Bartelt, Adam	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
92	Bloch, Ryan	100.00	5,478.00	10.00	15.00	158.25	48.00	206.25	8,172.82
141	Borden, Ray	0.00	0.00	40.00	60.00	74.50	96.00	170.50	3,954.83
115	Case, Robert	113.50	6,217.53	16.00	24.00	0.00	0.00	0.00	0.00
94	Dieringer, Brandon	0.00	0.00	2.75	4.13	0.00	0.00	0.00	0.00
113	Gilbert-Roeder	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
107	Heaney, Troy	85.50	3,671.80	3.50	5.25	0.00	0.00	0.00	0.00
153	Jones, Matthew	118.25	5,078.25	12.50	18.75	0.00	0.00	0.00	0.00
101	Jones, Shawn	31.75	1,934.53	0.00	0.00	90.50	0.00	90.50	4,673.87
88	Laux, Kevin	24.25	1,328.42	37.50	56.25	58.50	55.88	114.38	3,021.23
142	Marten, Shawn	0.00	0.00	63.50	95.25	164.00	55.88	219.88	8,469.78
102	Mikulec, Dan	22.00	1,205.16	63.00	94.50	84.00	118.50	202.50	3,972.78
86	Moschea, Daniel	12.50	684.75	0.00	0.00	4.50	156.00	160.50	232.40
138	Olson, Toni	64.25	3,613.10	19.25	28.88	154.50	104.25	258.75	8,201.63
137	Pesch, Justin	70.75	3,038.36	14.00	21.00	240.25	14.25	254.50	9,124.70
133	Pierce, Catherin	9.25	397.24	38.50	57.75	31.50	161.63	193.13	1,196.37
96	Pierzchalski, David	17.50	958.65	113.50	170.25	323.75	45.00	368.75	16,720.07
98	Rechlicz, Justin	56.00	3,067.68	41.75	62.63	53.00	180.00	233.00	2,737.19
121	Schubert, Matthew	0.00	0.00	17.25	25.88	90.00	9.75	99.75	4,648.05
89	Schulz, Zachary	89.25	3,491.46	3.25	4.88	47.75	41.25	89.00	0.00
97	Spreiter, Jared	192.00	8,245.44	16.25	24.38	129.25	46.50	175.75	0.00
128	Stieve, Jeffrey	0.00	0.00	5.75	8.63	88.42	96.75	185.17	4,566.28
99	von Bereghy, Darren	92.25	5,053.46	53.00	79.50	186.50	92.25	278.75	8,820.52
95	Whealon, Shawn	0.25	10.07	0.00	0.00	0.00	0.00	0.00	0.00
Total Police			53,473.88					*	88,972.00
Annual Budget			95,000.00						95,000.00

State Aid Reimbursement 3,634.04 07.10.2017
Hunting/Concealed Carry Permit 0.00 07.10.2017

Total year end actual = \$1: \$ 168,155.29
* (difference from report due to personnel changes)
2016 State Aid Reimb \$11,802.75
2016 'Hunting/Concealed Carry Permit 0.00

Note: Overtime hours to comp are reflected in regular wages

Fire Dept - Full Time						226.50	7,379.37	0.00	0.00
*	563 Rossman, Craig	53.25	1,787.60	15.25	22.88	345.00	11,240.10	43.25	64.88
*	593 Smith, Steve	12.50	419.63	5.50	8.25	112.75	3,673.40	7.50	11.25
Fire Dept Regular Part-time									
		over 60				over 60			
		Hrs over 60	@ Reg Rate	Over 80 hrs	True OT cost	Hrs over 60	@ Reg Rate	Over 80 hrs	True OT Cost
**	625 Goetz, Steve	0.00	0.00	11.38	301.17	34.5	608.58	48.75	1,289.93
**	617 Hass, Thomas	0.00	0.00	54.76	1,448.99	89	1,569.96	76.75	2,030.82
**	605 Rodriguez	33.00	582.12	161.55	4,274.70	1173.25	19,663.67	807.60	20,303.17
**	653 Asmondy	26.75	471.87	155.49	3,527.93	1199	20,095.24	982.98	24,154.90
					9,552.79				
									60,323.16

Effective July 24, 2013 - POC's over 53 hours/week

	Hrs over 53 2017 Cost	2016 Hours	2016 Cost
*** 629 McCullough, Jim			
*** 639 Rammel, Brian			
*** 650 Harris, Tim			
*** 653 Asmondy, Robert			
*** 658 Silvis, Pete			
*** 660 Schodron, Kevin			
*** 673 Neu, Jeremy			
total POC overtime	0.00	0.00	0.00
* Full time, hours are over and above the 20 normal overtime hours reflected in their base wages			
** Part time hours worked over and above 60 normal hours in two weeks. Some of which are paid at 1.5 times			

True OT Cost thru:
2-Jul-17 27,761.94

Last year's true OT Cost
129,824.98

Budget -- included within general wages
Total Fire Dept - OT wages paid through 12.31.16 103,222.05
Total Fire Dept - OT wages paid through 12.31.15 129,824.98
Total Fire Dept - OT wages paid through 12.31.14 207,125.76

BUSINESS OF THE PUBLIC SAFETY COMMITTEE
GERMANTOWN, WI

MEETING DATE: 07-11-2017

AGENDA ITEM: New Business

ITEM TITLE: Body Armor Purchase

SUBMITTED BY: Capt. Mike Snow

SUMMARY EXPLANATION:

We have 10 sworn officers due for new body armor. Attached is an itemized list of the requested vest plus accessories. Our body armor has the standard National Institute of Justice five year service rating. We are eligible for 50% reimbursement of the purchase from a grant through the National Institute of Justice.

The total cost of the 9 vests plus accessories is \$9, 465.

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER____

RECOMMENDATION:

BOARD ACTION:

ADVANTAGE POLICE SUPPLY
INC.

1204 Snowdon Dr.
Oshkosh, WI 54904

Price Quote 17-0654

ADDRESS	SHIP TO	DATE	TOTAL
Pat Merten	Germantown Police	06/21/2017	\$9,465.00
Germantown Police	Department		
Department	P.O. Box 96		
P.O. Box 96	N112 W16877 Mequon Road		
N112 W16877 Mequon Road	Germantown, WI 53022-0096		
Germantown, WI 53022-0096			

ACTIVITY	QTY	RATE	AMOUNT
POINT BLANK:Concealable:Hi-Lite:Hi-Lite AXBIIIA 1 Carrier AXBIIIA with 1 Hi-Lite carrier, soft trauma pad. Adam Bartelt Jeff Gonzalez Todd Grenier Brandon Dieringer Trent Gilbert-Roeder Shaun Wheaton Justin Rechlicz	7	784.00	5,488.00
POINT BLANK:Concealable:Hi-Lite:Hi-Lite AXBIIIA 2 Carriers AXBIIIA Ballistics with 2 Hi-Lite carriers with soft trauma pad. Pat Merten	1	860.00	860.00
POINT BLANK:Concealable:Python:Python AXBIIIA with 1 Carrier AXBIIIA Ballistics Only using the Python cut SKU# PY4ABDBV0M Lt. Schreihart	1	720.00	720.00
POINT BLANK:Concealable:Hi-Lite:Hi-Lite AXBIIIA 1 Carrier AXBIIIA Ballistics only using the Hilite cut Matt Schubert	1	715.00	715.00

Email: jewellaps@yahoo.com

Phone: 920-235-6003

Fax: 920-233-6952

ACTIVITY	QTY	RATE	AMOUNT
Ballistic Plates:Speed Plate 5x8 10025-5x8 ESAPI Curvature Adam Bartelt Jeff Gonzalez Brandon Dieringer Trent Gilbert-Roeder Pat Merten Justin Rechlicz Lt. Schreihart Matt Schubert	8	78.00	624.00
POINT BLANK:Concealable:Hi-Lite:Hi-Lite Carrier Hi-Lite Carrier, Replacement for Ray Borden size 48R front and back. Black in color with tails and 4" waist straps	1	86.00	86.00
POINT BLANK:Accessories:Uniform Shirt Carrier Uniform Shirt Carrier for Concealable Ballistics Adam Bartelt Jeff Gonzalez Todd Grenier Brandon Dieringer Trent Gilbert-Roeder Shaun Wheaton Justin Rechlicz Matt Schubert Lt. Schreihart	9	108.00	972.00

ATTENTION:

There will be a 3.2% convenience fee when paying with a credit card.

TOTAL

\$9,465.00

Please let us know if you have any questions or concerns.

THANK YOU.

We look forward to working with you!

Accepted By

Accepted Date

Email: jewellaps@yahoo.com

Phone: 920-235-6003

Fax: 920-233-6952

BUSINESS OF THE PUBLIC SAFETY COMMITTEE
GERMANTOWN, WI

MEETING DATE: 07-17-2017

AGENDA ITEM: New Business

ITEM TITLE: Purchase of Blue Tooth microphones for portable radios

SUBMITTED BY: Capt. Mike Snow

SUMMARY EXPLANATION:

The department is requesting approval to purchase 42 blue tooth microphones for our portable radios. The department did receive 42 speaker microphones but had requested to upgrade to the blue tooth wireless speaker microphones.

The microphones we received were priced at \$80.00 each. The blue tooth microphones are valued at \$149.50. We are requesting \$2,919 to cover the difference for the upgrade. The funds for this purchase would come from account 40-521-570-8460.

The agency is waiting on a quote and will forward that information as soon as possible.

ATTACHMENT: ORDINANCE___ RESOLUTION___ OTHER___

RECOMMENDATION:

BOARD ACTION:



Business of the Public Safety Committee

Germantown, WI

Fire Department

Meeting Date: July/2017

Agenda item: New Business

Item Title: Smoke Free Fire Services

Submitted By: Gary L. Weiss, Fire Chief

Summary Explanation: The State of Wisconsin has adopted a Presumption of Employment-Connected Disease - Cancer for firefighters. One of the cancers covered is lung cancer. Even though in sub-section (4) smoking of cigarettes excludes the firefighter from the presumption. I want to go the next step and preclude any tobacco product including but not limited to chewing tobacco and E-Cigarettes.

This has been reviewed by our labor attorney and he made the following comments;

“Pursuant to Wis. Stat. 111.35(4), the Department may adopt such an expectation for firefighters, which states: “Notwithstanding s. [111.322](#), it is not employment discrimination because of use of a lawful product off the employer's premises during nonworking hours to refuse to employ an applicant if the applicant's use of a lawful product consists of smoking tobacco and the employment is as a fire fighter covered under s. [891.45](#) or [891.455](#).”

The Union may demand to bargain the impact of the rule (i.e., the consequences for violating it), but I suspect they won't.

This is for information only, as our Labor Attorney recommends I get this approved by the Police and Fire Commission

Attachment: Ordinance _____ Resolution _____ Other X _____

Copy of the Presumptive Status and the Non-Tobacco Affidavit.

Requested Action:

None

891.455 Presumption of employment-connected disease; cancer.

(1) In this section, "state, county, or municipal fire fighter" means a fire fighter who is covered under s. 891.45 and any person under s. 60.553, 61.66, or 62.13 (2e) whose duties as a fire fighter during the 10-year qualifying period specified in sub. (2) took up at least two-thirds of his or her working hours.

(2) In any proceeding involving an application by a state, county, or municipal fire fighter or his or her beneficiary for disability or death benefits under s. 40.65 (2) or any pension or retirement system applicable to fire fighters, where at the time of death or filing of application for disability benefits the deceased or disabled fire fighter had served a total of 10 years as a state, county, or municipal fire fighter and a qualifying medical examination given prior to the time of his or her becoming a state, county, or municipal fire fighter showed no evidence of cancer, and where the disability or death is found to be caused by cancer, such finding shall be presumptive evidence that the cancer was caused by such employment.

(3) The presumption under sub. (2) shall only apply to cancers affecting the skin, breasts, central nervous system or lymphatic, digestive, hematological, urinary, skeletal, oral or reproductive systems.

(4) The presumption under sub. (2) for cancers caused by smoking or tobacco product use shall not apply to any municipal fire fighter who smokes cigarettes, as defined in s. 139.30 (1m), or who uses a tobacco product, as defined in s. 139.75 (12), after January 1, 2001.

History: 1997 a. 173; 1999 a. 9; 2001 a. 16; 2005 a. 25; 2011 a. 32.

Presumptive Disability Law in Wisconsin

CODE PART:

WISCONSIN STATUTES & ANNOTATIONS

Provisions Common to Actions and Proceedings in All Courts

Chapter 891. Presumptions.

891.45 Presumption of employment-connected disease; heart or respiratory impairment or disease.

891.453 Presumption of employment-connected disease; infectious disease.

891.455 Presumption of employment-connected disease; cancer.

891.45 Presumption of employment-connected disease; heart or respiratory impairment or disease.

[Wisconsin Legislative Website](#)

DESCRIPTION:

891.45(1)

In this section:

891.45(1)(a)

"County fire fighter" means any person employed by a county whose duties primarily include active fire suppression or prevention.

891.45(1)(b)

"Municipal fire fighter" includes any person designated as primarily a fire fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter during the 5-year qualifying period took up at least two-thirds of his or her working hours.

891.45(1)(c)

"State fire fighter" means any person employed by the state whose duties primarily include active fire suppression or prevention and who is a protective occupation participant, as defined in s. 40.02 (48).

891.45(2)

In any proceeding involving the application by a state, county, or municipal fire fighter or his or her beneficiary for disability or death benefits under s. 40.65 (2) or any pension or retirement system applicable to fire fighters, where at the time of death or filing of application for disability benefits the deceased or disabled fire fighter had served a total of 5 years as a state, county, or municipal fire fighter and a qualifying medical examination given prior to the time of his or her becoming a state, county, or municipal fire fighter showed no evidence of heart or respiratory impairment or disease, and where the disability or death is found to be caused by heart or respiratory impairment or disease, such finding shall be presumptive evidence that such impairment or disease was caused by such employment.

891.453 Presumption of employment-connected disease; infectious disease.

891.453(1)(b) ♦Emergency medical service provider♦ means a person employed by the state or by a county or municipality and who is an emergency medical technician under s. 256.01 (5) or a first responder under s. 256.01 (9).

891.453(1)(c) ♦Fire fighter♦ means a state, county, or municipal fire fighter who is covered under s. 891.45 and any person under s. 61.66 whose duties as a fire fighter took up at least two-thirds of his or her working hours.

891.453(2)(a) In this subsection, ♦infectious disease♦ includes the human immunodeficiency virus, acquired immunodeficiency syndrome, tuberculosis, hepatitis A, hepatitis B, hepatitis C, hepatitis D, diphtheria, meningococcal meningitis, methicillin-resistant staphylococcus aureus, and severe acute respiratory syndrome.

891.453(2)(b) In any proceeding involving the application by a correctional officer, an emergency medical service provider, a fire fighter, or a law enforcement officer or his or her beneficiary for disability or death benefits under s. 40.65 (2) or any pension or retirement system applicable to correctional officers, emergency medical service providers, fire fighters, or law enforcement officers, if a qualifying medical examination given prior to the time of his or her becoming a correctional officer, an emergency medical service provider, a fire fighter, or a law enforcement officer showed no evidence of an infectious disease, and if the disability or death is found to be caused by an infectious disease, the finding shall be presumptive evidence that the infectious disease was caused by the employment.

891.455

Presumption of employment-connected disease; cancer.

891.455(1)

In this section, "state, county, or municipal fire fighter" means a fire fighter who is covered under

s. 891.45 and any person under s. 61.66 whose duties as a fire fighter during the 10-year qualifying period specified in sub. (2) took up at least two-thirds of his or her working hours.

891.455(2)

In any proceeding involving an application by a state, county, or municipal fire fighter or his or her beneficiary for disability or death benefits under s. 40.65 (2) or any pension or retirement system applicable to fire fighters, where at the time of death or filing of application for disability benefits the deceased or disabled fire fighter had served a total of 10 years as a state, county, or municipal fire fighter and a qualifying medical examination given prior to the time of his or her becoming a state, county, or municipal fire fighter showed no evidence of cancer, and where the disability or death is found to be caused by cancer, such finding shall be presumptive evidence that the cancer was caused by such employment.

891.455(3)

The presumption under sub. (2) shall only apply to cancers affecting the skin, breasts, central nervous system or lymphatic, digestive, hematological, urinary, skeletal, oral or reproductive systems.

891.455(4)

The presumption under sub. (2) for cancers caused by smoking or tobacco product use shall not apply to any municipal fire fighter who smokes cigarettes, as defined in s. 139.30 (1m), or who uses a tobacco product, as defined in s. 139.75 (12), after January 1, 2001.

Village of



Germantown

Fire Department

N115 W18752 Edison Drive
Germantown, Wisconsin 53022
Phone: (262) 502-4701
Fax: (262) 502-4744

Gary L. Weiss
Fire Chief



TOBACCO FREE AFFIDAVIT

I, _____ do hereby affirm that I have not been a user of smoking tobacco products for at least one (1) year immediately preceding my application for employment as a Firefighter with the Village of Germantown. I also affirm that if I am hired by the Village of Germantown as a Firefighter, I will maintain my non-use of smoking tobacco products for the duration of my employment as a Firefighter. I understand that I may jeopardize my employment and my eligibility for certain benefits available to me if I do use smoking tobacco products, including cigarettes.

Under the penalties of perjury and/or discharge from employment, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

Applicants Signature: _____ Date: _____

State of Wisconsin

County of _____

Signed or attested before me on _____ (date) by _____ (name(s) of person(s)).

(Seal, if any) Signature of notarial officer

Title (and Rank)

My commission expires: _____