

**MADISON DEPARTMENT OF POLICE SERVICES
BOARD OF POLICE COMMISSIONERS
REGULAR MEETING - September 14, 2006
9 CAMPUS DRIVE, MADISON - 7:30 PM COMMUNITY / TRAINING ROOM**

Attendees: Commissioner Thom Cartledge, Commissioner David Smith (Vice Chair), Commissioner Michael Heaney
Commissioner Michael Rollinson, Chief Paul Jakobson

Absent: Chairman Emile Geisenheimer

Also Present: Members of the community; press; Bill Ruddell, NAGE Representative; department personnel

CALL TO ORDER

Following the Pledge of Allegiance and a Moment of Silence for 9/11 victims, families and public service officials, Commissioner Smith called the meeting to order at 7:30 PM.

Commissioner Smith requested that the Agenda be opened so the Executive Session could be held first. **MOTION** by Commissioner Smith to adjourn the Regular Meeting and go into Executive Session to discuss legal matters. Commissioner Cartledge Seconded, All in favor. None opposed. So moved at 7:42 PM.

EXECUTIVE SESSION

Present in Executive Session: Commissioner Thomas Cartledge, Commissioner David Smith, Commissioner Michael Rollinson, Commissioner Michael Heaney, Chief Paul Jakobson.

Subject: Legal Issue – Discuss Stiggle vs. Town

MOTION by Commissioner Smith to adjourn to Regular Session at 8:03 PM, Seconded by Commissioner Rollinson. All in favor. None opposed. So Moved.

REGULAR SESSION

Commissioner Smith called the Regular Session to Order at 8:06 PM

PUBLIC COMMENTS

Ed Kritzman, Yankee Peddler Path – Wanted to advise the Board that signage identifying the location of the Department of Police Services is limited to two signs on either side of the entrance to Campus Drive. These signs are small and in the event of a crisis, may not be effective. Would the Commissioners review placement of Police Department directional signs for the public? Commissioners agreed to discuss the matter.

CONSENT AGENDA

Acceptance – Meeting Minutes – August 10, 2006 – **MOTION** by Commissioner Rollinson, Second by Commissioner Cartledge to accept the minutes. Commissioner Heaney abstained. Motion carried.

CHIEF'S REPORTS

Financial – Chief Jakobson stated, given the signing of the new contract (retroactive to July 1, 2005), a fair amount of back pay, enhancements and incentives will dramatically increase the outflow of funds, which may require a special appropriations request before the end of the fiscal year. Commissioner Heaney noted the Overtime expenses as of September 11th reflect having spent \$57k of the budgeted \$200K. Commissioner Heaney commented, “At that rate, we will be over budget 70%”.

Chief Jakobson noted that of the 13 holidays, seven have just had the pay calculations changed. The Town now has the ability to buy back vacation time. The Department has had 2 people out on injury, and 2 in FTO during the first 2 months of the fiscal year and the overtime has added up. With these people out, previously scheduled time off has also been impacted. Chief said that ‘normal’ overtime averages out to 8.33% per month.

Traffic - Chief Jakobson advised having received a letter from Susan Cukabacha requesting consideration of installing a 3-way Stop Sign at the intersection of Overbrook and Colonial Road. Chief will have a report next month.

Commissioner Heaney noted a comparison of motor vehicle arrests appearing to be attributable to the two new people on the department. Chief advised having encouraged patrol to increase visibility this summer. Commissioner Smith noted half as many accidents were reported compared to 2005. Chief said the visual impact of police vehicles reduces speeding, therefore impacting the number of motor vehicle mishaps. Commissioner Smith agreed that encouraging the public to watch the way they drive will reduce the number of citations.

Training – No Comments.

CID/Youth - Chief Jakubson reported the Bureau has been busy. Cases can call for overtime; just because a shift is ended does not necessarily allow for leaving for the day. We obviously need to monitor it. The Police Department and Beach and Recreation Department will look at scheduling officers at the Surf Club to deter issues they have handled to date.

MOTION by Commissioner Heaney to accept the Consent Agenda as presented. Second by Commissioner Cartledge. All in favor. None opposed. So Moved.

OLD BUSINESS

- **Accreditation Process** – Chief reported the review process continues and is as on scheduled as can be.
- **Radio System** – Chief reported they are awaiting delivery of ambulance’s new equipment.
- **Staffing Study** – Commissioner Smith reported the Staffing Study is on time. In October, he will present the recommendations and conclusions for full discussion. Commissioner Heaney asked that these recommendations be provided to the Board prior to the meeting so as to have time to review their content. Smith concurred, that was his intent.
- **Standards of Conduct Manual** – Now that the contract is in place, we can resurrect this and continue the process. Chief reminded the Board that Town Council took it off the table so as to NOT cloud the issues during contract negotiations. Commissioner Heaney asked that the First Selectman and the Union re-visit the settlement agreement and report back.
- **Traffic – (Discuss and take action on Requests, as needed)**
Bradley Road @ The Hearth – Chief Jakubson reported the completion of two (2) traffic studies: One by the Department and the other by the Town Engineer. Speed monitor report from August 31 through September 5th indicated 22,000 vehicles passed the location of the speed trailer, the average speed was 25.92 mph, maximum speed 51 mph. It appears the critical issue relates to exiting The Hearth. Chief recommends leaving signage as it is and reminded the Board that the view exiting The Hearth to the West is clear with limited line of sight to the East. He recommended that The Hearth consider a “No Left Turn” sign at the end of their driveway. By eliminating the number of left turns out of The Hearth he believes the number of incidents will be reduced. Chief reported having met with The Hearth representatives Robert Schleck and John Allen to discuss the matter. (Both were present tonight). Chief offered to bring the Town Engineer to a community meeting at The Hearth to listen to the comments and provide a venue for discussion.

Mr. Schleck said he does not trust the studies in that the speed trailer was put out on Labor Day; there are no “25 mph” signs posted on either side of the trailer – only at the beginning of Bradley Road from Route 79 or Wall Street. Of course people will slow down when they see the trailer. Schleck also holds the engineers’ study as suspect – since it was conducted at the intersection of Wall and Bradley Road – not at the entrance from The Hearth onto Bradley Road. Chief advised having asked the lieutenant to place the monitoring trailer out again, over the next two weeks. Chief will also speak with Town Engineer to discuss matter further.

Chief suggested asking the Town to install a “Hidden Driveway” sign. **MOTION** by Commissioner Heaney, Second by Commissioner Rollinson to ask the Town to install a “Hidden Driveway” sign as a pre-warning to residents of the matter. All in Favor. None Opposed.

- **Mungertown Road @ Johnson Lane** – Chief reports the study taken from August 17 through August 28 reported 41,881 vehicles, with a 25 mph posted limit; the average speed was 30.42 mph. Chief and Town Engineer recommend no additional signage be placed at this site. Traditional speed enforcement is satisfactory.

NEW BUSINESS (8:50 PM)

Chief reported having received a request to remove the IBPO Grievance: 04-2006 – 2nd Step from the agenda. No discussion.

NAGE Grievance: 01-2006 – 2nd Step -- Bill Ruddell, NAGE Representative, requested that the Pension Issue before the Commissioners was a matter of interpretation of the contract. Having discussed the matter with the Town Attorney, Ruddell feels this should be an issue before the Board of Selectmen, not the Police Commissioners. Commissioner Smith verified the

Board of Selectmen should handle the matter. **MOTION** by Commissioner Rollinson to TABLE the matter for review by the Board of Selectmen. Seconded by Commissioner Cartledge. All in favor. So Moved.

NAGE GRIEVANCE: 04-2006 – 2nd Step - Bill Ruddell, NAGE Representative introduced the aggrieved Robert Maluk and proceeded to inform the Commissioners that contract interpretation regarding seniority was the basis of this grievance. Maluk, a 911 Communications Technician/Dispatcher hired 03/31/03 as a part-time dispatcher, recently had been brought on as a full time dispatcher on 08/15/06. Maluk asked the Board to consider his interpretation of the contract statement regarding continuous employment for establishing seniority. He believes his time of service should be bridged to establish seniority at 03/31/03 to allow him shift bidding rights, etc.

Chief Jakubson reported receiving this grievance from Maluk on August 23rd. Chief said he told Maluk that the grievance did not specify what he was grieving; that he had cited several Articles of the contract, but did not specify his damages. Based on the lack of specificity, the grievance was incomplete. Therefore, Chief rejected the grievance. Chief reported having spoken with the Union Official and explained to the Union Official that clarification was needed. He explained that citing articles in a grievance did not establish any damages. Specific damages needed to be spelled out. Chief asked the Board to act based on this rejection. Ruddell requested direct discussion with the aggrieved since he was present, let's get the matter discussed and act on that discussion. Commissioner Cartledge advised we can only address that which is presented. Commissioner Rollinson stated part time service is never bridged to full time unless it is specifically stated in the contract. Commissioner Rollinson said Maluk's full time date of hire is your seniority date. Lengthy discussion. Commissioner Cartledge asked Maluk if the President of the Union ever told him the paperwork was incomplete. Maluk replied "No, Sir." Cartledge stated that was a Union matter, not ours.

MOTION by Commissioner Cartledge to Deny the Grievance, Seconded by Commissioner Rollinson. Commissioner Heaney stated he will vote to deny, but wanted to make it clear that he felt it was unfair and not in our interest as a Commission to prohibit Mr. Maluk from clarifying the second argument in the grievance. Commissioner Heaney does not feel Maluk made his case – and also felt that the language in the contract should be clarified to read "continuous full time service". All in Favor of Denying the Grievance. So Moved.

(9:30 PM) Commissioner Heaney stated for the record that after a review of the grievance, he agreed with the Chief and the other Commissioners that the paperwork was not clear enough – it needed to state exactly what the grievance was. Heaney suggested a form could be developed to assist in this process. It could include places for all of the usual information, including information that may be overlooked as in this case. Commissioner Smith agreed that a form would improve the process for all involved. It could offer personnel an outline so as to provide this Board with as much information as possible to make an informed decision. Commissioner Smith asked Commissioner Heaney to draft out guidelines for future discussion.

Discuss and Take Action on Request(s) as Needed

Previously approved DOT Grant for mobile computers – Chief reported this process has been in the works for over a year and changes have occurred that need to be approved. We requested through the Department of Transportation to purchase additional NEXGEN software and modems for \$12,000 – [\$6,000 from the Town and \$6,000 from the State]. That was approved by the Board of Selectmen in anticipation of this Commission's approval – which once received, the matter will go to the Board of Finance. **MOTION** by Commissioner Heaney to approve the modifications, Seconded by Commissioner Rollinson. All in Favor. So Moved.

Line Item Transfer: \$14,000 from Office Staff (Account Number 1-100-3100-0000-1120-635-00) to Prof/Tech Services (Account Number 1-100-3100-0000-3300-635-00) – Chief requests a line item transfer of \$14,000 to cover the cost of a contract to employ Mr. Burns for three months ending October 31st, 2006. Brief discussion. **MOTION** by Commissioner Heaney to approve the requested Line Item transfer, Seconded by Commissioner Rollinson. All in Favor. So Moved.

COMMISSIONER COMMENTS (9:42 PM)

Commissioner Heaney wanted to reiterate the welcoming of comments from the public. He feels this is an important aspect of what we do which is to listen to the members of the public who are interested enough to come here to make public comments. He would allow more time on the agenda if comments were available.

Commissioner Heaney also wanted to allow more time to present and honor any and all correspondence from residents (who have been helped by department personnel). When good service is provided by the Police Department he feels that recognition, taped and available for public viewing, would be nice. Chief Jakubson reminded the Commissioners that all correspondence from the public is referenced in summary at this meeting and that, where appropriate, copies of all correspondence are placed in personnel files and provided to the Board of Finance as well as the Board of Selectmen.

Commissioner Heaney noted the Commissioners Policy Manual provides for the agenda to include Committee Reports. He would like to see each of the Committees given time to make a report and allow us to keep track of their workings. He would be in favor of making time available.

CHAIRMAN COMMENTS

None

MISCELLANEOUS CORRESPONDENCE

None

ADJOURNMENT

There being no further business to attend to, MOTION by Commissioner Rollinson with a Second by Commissioner Cartledge to adjourn at 9:55 PM. All in Favor. Meeting Adjourned.

Respectfully submitted,
Gale Plançon

Minutes accepted: October 12, 2006