

**MADISON DEPARTMENT OF  
POLICE SERVICES  
REGULAR MEETING – November 8, 2007  
9 CAMPUS DRIVE, MADISON– 7:30 PM**

Attendees: Chairman Emile Geisenheimer, Commissioner David Smith, Commissioner Thomas Cartledge, Chief Paul Jakubson, Commissioner Larry Moon; Commissioner Garry Gyenizs

Also Present: Lt. Robert Stimpson; Lt. Allen Gerard; Sgt. Trent Fox; Det. James Daniels; Atty. William Clendenen; Officer Bernard Durgin; Atty. Michael Brady; IBPO Rep Dave Hebert

**CALL TO ORDER**

Chairman Geisenheimer called the regular meeting to order at 7:43 PM and asked that all rise to recite the Pledge of Allegiance.

He noted, there is discussion between union and town counsels. Attorney Clendenen reported the department. is ready to proceed on the Durgin termination and three grievances on the agenda; he has met with union counsel so we can conserve resources and commissioners' time and report within one-half hour. Requested these four matters be passed for an interim resolution satisfactory to the Department and the Union which will be presented to the Commissioners.

**MOTION** by Smith, second by Gyenizs to set aside the union matters and proceed with the agenda until we hear the suggestions of both counsels. All in favor. None opposed. So moved.

**HEARING**

- Hearing RE: All Internal Affairs 07-10 issues involving Officer Bernard Durgin, Jr., including the Chief's recommendations relative to status of employment.

**REGULAR SESSION**

Return to Regular Session at 8:10 PM.

**PUBLIC COMMENTS:** None

Chief Jakubson said we have had a number of chaplains, three at one point. Rev. Lou Hayes (St. Andrews) has moved, leaving one opening. We have been approached by a town resident who ministers in Clinton and whose pastor is the Clinton Police Department's chaplain. We will be bringing Chris Syversten on board.

**GRIEVANCE (S)**

- IBPO: 10-2007 – 2<sup>nd</sup> Step
- IBPO: 11-2007 – 2<sup>nd</sup> Step
- IBPO: 12-2007 – 2<sup>nd</sup> Step

**CONSENT AGENDA:**

**MOTION** by Smith, second by Moon to accept the minutes of the Regular Meeting of October 11, 2007. All in favor. None opposed. So moved.

**MOTION** by Smith, second by Cartledge to accept the minutes of the Special Meeting October 19, 2007 hearing of Sgt. Tim Heiden. All in favor. None opposed. So moved.

**MOTION** by Smith, second by Gyenizs to accept minutes of the Special Meeting October 25, 2007 hearing of Sgt. Tim Heiden. All in favor. None opposed. So moved.

Chief Jakobson discussed the financial line items that still have not been properly debited by the Finance Department, namely vacation buy backs; sick time paybacks; part-time officers' pay. There will be journal entries made by the Finance Department to correct the accounts. Chairman Geisenheimer noted that given this point in the fiscal year, are you comfortable with the budget? Chief said he is pleased with the OT replacement account; it is within the normal parameters – we are close to 50% for the half year mark.

The Chief reported on new staffing: Officer Kergaravat is out on patrol; Recruit Martin will be on patrol the end of March.

Lt. Stimpson noted the account is missing the CIRMA credits for OJI for at least one officer; there will be quite a bit of money coming into that account. Chief Jakobson continued, we will have to address the investigative account which is almost 100% expended at this time. Lt. Stimpson is taking some DWI money - \$6000 will be shown as a credit; we have money in the wage account.

IN answer to Chairman Geisenheimer, Lt. Stimpson said in terms of recruiting, we have ads in regional papers looking for entry level officer candidates. He has put the posting on every Connecticut college website, in addition to one in NYC and one in western MA. He has posted on a national website looking for both certified and non-certified candidates. At this time, there are approximately one dozen applicants. Interviews will be held 11/20 with an oral board consisting of one Madison lieutenant, one Madison patrol officer and a Clinton sergeant. They will conduct and rank the candidates. Some of the candidates are in the South Central testing process; a lot of the testing has already been done. Lt. Stimpson said Madison has one confirmed seat in New Britain Academy in January; one seat at POST in February and are on the alternative list at POST for March. Additionally, there are seats reserved in the July class @ POST.

Commissioner Cartledge asked why a Clinton officer is participating. Lt. Stimpson said he will offer an unbiased evaluation from another department. Chairman Geisenheimer explained, when the Commission changed the process, it was decided that to expedite the process there will be a command officer panel as opposed to an outside agency. In doing that the commissioners urged the department to have two points of view – internal and some input from an outside agency. Thinks that moves things a lot faster. The Commission's participation is more extensive. Chief added, a couple of agencies have inquired how we are doing this process as they are interested in being able to replicate.

#### **OLD BUSINESS**

- Traffic Accident Study and Analysis – Lt. Dobbin

Regarding staffing, the turn that has been taken by the commissioners – there has been no progress because there has been other activity.

Lt. Dobbin noted that two months ago he was asked by the Commission to look at parking along Tuxis and Middle Beach on both the north & south sides. The north side is not established by the town – no funds have been provided. The residents have asked the town engineer to be allowed to remove the parking spots at their expense, not the Town. The town engineer agrees it is a safety issue coming off Tuxis to look west – there is a sight line obstruction. It would be good to remove that area. It is not established – they want to move the curb a little bit out. He recommends they be allowed to do it.

On the other side are 2-3 spots established by the town with park benches; a lot of people use that area. The town engineer feels it should NOT be removed – no sight line issue. He recommends leaving those parking spots. Chief Jakobson suggested this be discussed with Beach and Rec and the town engineer's office for time limits on parking in those spots. Chairman Geisenheimer asked if this area is beach pass limited? The Chief answered, according to Beach & Rec it is not. Lt. Dobbin added, the area is open 24 hours/day.

Lt. Dobbin continued, relative to other traffic issues – there is more law enforcement activity in the center of town; that activity is up and officers are patrolling the circle.

Chairman Geisenheimer noted that the attorneys for the Union and the Department have consulted on a number of matters, including the grievances, the scheduled hearing concerning discipline of Durgin and his suspension status have been discussed.

**MOTION** by Smith, second by Moon to accept the Chief's Reports. All in favor. None opposed. So moved.

**8:01 PM**

Atty. Clendenen reenters and said he will explain matters in executive session. Chairman Geisenheimer said they will continue with the agenda and then go to executive session.

**8:02 PM**

**Committee Reports:** None

**ACCREDITATION**

- Accreditation: The Chief has two SOPs to be read and approved; other than that it is at a standstill.

**NEW BUSINESS**

- Study of Organization and Staffing of Administrative and Detective Divisions – Chairman Geisenheimer reported there has been no progress at this time.
- 2008 Meeting Dates

**MOTION** by Gyenizs, second by Cartledge to accept the 2008 Meeting Dates, as amended. All in favor. None opposed. So moved.

**MOTION** by Smith, second by Cartledge to approve removal of the parking spot on the north side of Middle Beach Road as recommended by the town engineer and endorsed by Lt. Dobbins. All in favor. None opposed. So moved.

**MISCELLANEOUS CORRESPONDENCE:** Chief Jakubson reviewed correspondence regarding Officer Maxwell's participation in a South Central Oral Board; cooperation by the Department surrounding the St. Jude's Charity Ride; a press release noting an investigation/arrest involving a fatality.

**COMMISSIONER COMMENTS:** None

**CHAIRMAN COMMENTS:** None

**MOTION** by Smith, second by Cartledge to enter Executive Session. All in favor. None opposed. So moved.

Discussion: Personnel Issues

Present: Police Commissioners Geisenheimer (Chairman), Cartledge, Smith, Gyenizs, Moon. Attorneys Clendenen, Brady. Union Rep Hebert. Officer Durgin, Court Stenographer.

8:24 PM - Return to Open Session

**IBPO Grievance 10-2007 – 2<sup>nd</sup> Step:**

**MOTION** by Smith, second by Moon to afford a 30-day continuance. All in favor. None opposed. So moved.

**IBPO Grievance 11-2007 – 2<sup>nd</sup> Step:**

**MOTION** by Smith, second by Moon to table the grievance concerning the 10-day propriety of the Heiden suspension and incorporate the findings of this grievance into the termination hearing. All in favor. None opposed. So moved.

Atty. Clendenen noted that he and Atty. Brady discussed the status of Sgt. Heiden; his grievance will be heard along with the termination matter subject to the hearing not completed.

**IBPO Grievance 12-2007 – 2<sup>nd</sup> Step:**

**MOTION** by Moon, second by Smith to table Grievance 12-2007 and incorporate it into the termination hearing of Officer Durgin. All in favor. None opposed. So moved.

**MOTION** by Smith, second by Moon to continue the suspension of Durgin without pay until his hearing is conducted. Atty. Clendenen added, the Department feels strongly that the Chief's suspension of Durgin should continue uninterrupted until the hearing is resolved.

For the record, Chairman Geisenheimer noted that Durgin's hearing was discussed in Executive Session to see if documents are evidence; counsels would like the hearing adjourned to a later date which will be agreed upon.

**MOTION** by Smith, second by Cartledge to ratify that request. All in favor. None opposed. So moved.

**8:28 PM**

Atty. Clendenen requested that the counsels have until November 20 for presentation of the briefs relative to the Heiden matter; this has been discussed with Atty. Brady. They will confer for times they will need for the hearings and they would like to present the briefs on November 20. Commissioner Smith asked by what time they will submit the briefs? Atty. Clendenen said by the close of business; Atty. Brady will send his copy to Christie Hodge and she will disseminate the briefs to the Board. Chairman Geisenheimer said that is acceptable.

Chairman Geisenheimer noted that the Board ruled at the last Heiden hearing that they would hear arguments after these briefs were presented at the next session in place of answering the grievance, if acceptable. Atty. Clendenen said he and Atty. Brady will confer on answering the briefs; there are two other hearings coming up shortly thereafter. Chairman Geisenheimer said he is expecting to hear the briefs, as well as arguments for both the issues charged with proposed appropriate discipline.

Chairman Geisenheimer noted that the attorneys will confer on the hearing dates after the briefs are presented to the board clerk.

**MOTION** by Smith, second by Cartledge to adjourn the Regular Session at 8:31 PM. All in favor. None opposed. So moved.

Minutes Accepted: December 13, 2007