

**MADISON DEPARTMENT OF
POLICE SERVICES
SPECIAL MEETING – February 8, 2007
9 CAMPUS DRIVE, MADISON– 11:00 AM**

Attendees: Chairman Emile Geisenheimer, Commissioner Thomas Cartledge, Commissioner David Smith, Commissioner Michael Rollinson, Commissioner Michael Heaney, Chief Paul Jakubson

Also Present: Lt. Robert Stimpson; Lt. Allen Gerard; Town Attorney Judith Ravel; Board Attorney William Clendenen; IPBO Attorney Michael Brady; First Selectman Thomas Scarpati; Court Transcriber

CALL TO ORDER

Meeting was called to order at 11:07 AM by Chairman Geisenheimer.

MOTION by Smith, second by Rollinson to change the order of the meeting agenda. All in favor. None opposed. So moved.

Chairman Geisenheimer read the agenda as posted:

- Discussion of Chief Paul Jakubson's Letter of Suspension without pay regarding Officer Joseph Gambardella, including any extension thereof
- Discussion of hearing schedule for termination proceedings
- Discuss and take action on procedures for the conduct of a termination hearing

Chairman Geisenheimer introduced Attorney William Clendenen, a practicing attorney from New Haven, who will represent the Board of Police Commission at this time with respect to the hearing.

Atty. Clendenen said he sought to learn if there was a detailed procedure for conducting these hearings. He reviewed the union contract, the charter of the town, the Board of Police Commission's Policy and Procedure Manual and reviewed CT 72-76, as well as applicable cases under Connecticut and federal law governing proceedings. He prepared a draft to share with attorneys Ravel and Brady to ask for their comments; neither had any objections to the proceedings and he has been advised the procedures are acceptable to both sides. Atty. Brady has told him the union may want to file a brief for the town also. The commission will receive that in a timely fashion.

Atty. Ravel asked if that would affect page #3 of the proposal? Atty. Clendenen replied, as part of the discussion of the hearing schedule, the Police Commission would entertain any request for briefing and harmonize with the hearing schedule. Atty. Clendenen asked if there were any questions to his proposal at this time.

Commissioner Heaney commented that he thinks the proposal serves the purpose to harmonize the legitimate interests of all sides. He felt it might be helpful to set out an appendix with the requirements of the test that is referred to. For future reference, would be helpful to have an appendix summary for the report or just attach a copy.

Atty. Clendenen reviewed FOI requirements. Chairman Geisenheimer said it would be served by allowing any commissioner a request to recess. Commissioner Heaney said, so we add a clause allowing any commissioner the right to request a recess, to which Chairman Geisenheimer said yes.

At the request of Commissioner Heaney, Chairman Geisenheimer said a recess is fine. Ms. Ravel added, you will be in executive session for the discussion and will invite whomever you want. You can ask anyone to leave when you so choose. She continued, she would not use the word recess.

MOTION by Smith, second by Rollinson to adopt the rules as amended. No further discussion. All in favor. None opposed. So moved.

MOTION by Smith, second by Cartledge to adjourn at 11:25 AM to Executive Session. All in favor. None opposed. So moved. For the record, Executive Session is at the request of Joseph Gambardella.

Purpose of hearing is suspension without pay of Patrolman Joseph Gambardella to extend indefinitely pending outcome of termination hearing, based on Chief Jakobson's recommendation.

Present: Chairman Emile Geisenheimer, Commissioner Thomas Cartledge, Commissioner David Smith, Commissioner Michael Rollinson, Commissioner Michael Heaney, Chief Paul Jakobson, Lt. Robert Stimpson; Lt. Allen Gerard; Town Attorney Judith Ravel; Board Attorney William Clendenen; IPBO Attorney Michael Brady; First Selectman Thomas Scarpati; Court Transcriber; Adm. Asst. to Chief/Board Clerk Christie Hodge.

Recess Executive Session at 11:30 AM
Resume Executive Session at 11:40 AM
Recess Executive Session at 12:30 PM
Resume Executive Session at 12:38 PM

MOTION by Rollinson, second by Cartledge to reconvene the Regular Session at 1:01 PM. Chairman Geisenheimer advised, there will be two questions before the Board relative to: 1) Sustaining the Chiefs' 10 day suspension of Gambardella; 2) Extension of the suspension until the completion of the termination hearing.

MOTION by Rollinson, second by Smith to sustain the Chief's 10-day suspension of Patrolman Gambardella without pay. Chairman Geisenheimer called the vote by name: Rollinson: Sustained; Heaney; Sustained; Smith: Sustained; Cartledge: Sustained; Geisenheimer: Sustained. All in favor. None opposed. So moved.

MOTION by Smith, second by Cartledge to extend the suspension of Patrolman Gambardella without pay until such time as completion of the termination hearing. Chairman Geisenheimer called the vote by name: Rollinson: Sustained; Heaney asked that for the record, the consideration of this matter with the advice of counsel, goes as probable cause for the arrest of the officer as determined by a judge on the recommendation of the state's attorney and investigation of the state police. That is the basis on which we are making the determination for termination and on that basis, he votes to sustain. Smith: Sustained; Cartledge: Sustained; Geisenheimer: Sustained. All in favor. None opposed. So moved.

Chief Jakobson, Lt. Stimpson, Lt. Gerard, Ms. Ravel, Court Transcriber, Mrs. Hodge are asked to leave the room; Mr. Scarpati leaves the meeting.

Upon return to the meeting, Chairman Geisenheimer advised the last matter on the agenda is the calendar for termination proceedings; all counsels have agreed on March 2 and March 9, to which Ms. Ravel objected in that Chief Jakobson will not be here on March 9. Chief Jakobson advised, he returns from his FBI Northeast Working Group meeting on that date. March 2 is OK. Chairman Geisenheimer said they will schedule the two dates and determine other dates based on the progress of March 2, but asked that all hold the date of March 9. Ms. Ravel further noted that she has an MPP for the town at the State Labor Board on the 9th.

Chairman Geisenheimer advised, the schedule is March 2 at 10:00 AM and asked that on that date, plan for all day. On March 9, the hearing will start at 9:00 AM. Ms. Ravel added, if it is crucial the Chief testify, she will have to ask for a continuance. Atty. Clendenen said he will coordinate everyone's schedule and asked Atty. Brady to confer with Ms. Ravel to reach an agreement – if it goes beyond 10 days it could involve action by the Board. Ms. Ravel noted they will need a couple of weeks following receipt of the transcripts. Atty. Clendenen said they will require a stipulation by the parties if it goes beyond 10 days; it should be filed on March 2 to extend the time the Board has to act. Chairman Geisenheimer noted, the 10 days is provided for a decision by contract. They will need a stipulation from IBPO to that effect. Ms. Ravel said it is for the union to give up. Atty. Brady said he will write something up.

MOTION by Rollinson, second by Smith to adjourn at 1:11 PM. All in favor. None opposed. So moved.

Minutes Accepted: March 8, 2007