

**MADISON DEPARTMENT OF POLICE SERVICES
SPECIAL MEETING – October 3, 2008
9 CAMPUS DRIVE, MADISON– 8:00 AM**

Attendees: Chairman Emile Geisenheimer; Commissioner David Smith, Commissioner Larry Moon, Commissioner Edward Kritzman, Commissioner Garry Gyenizs, Acting Chief Robert Nolan

Also Present: Town Attorney William Clendenen, Press

**REGULAR SESSION
CALL TO ORDER**

Chairman Geisenheimer called the October 3, 2008 Special Meeting to order at 8:08 AM and advised this is a special meeting, the purpose of which is set forth in the agenda which was posted with the Town Clerk. Chairman Geisenheimer noted that much of the discussion will be in Executive Session, based on the Town Counsel's advice.

MOTION by Smith, second by Kritzman to enter Executive Session at 8:09 AM. All in favor. None opposed. So moved.

EXECUTIVE SESSION

- Discussion: Timothy Heiden and report from Town Attorney
- Discuss and take action as appropriate on Timothy Heiden matter and report from Town Attorney

10:57 AM: Return to Regular Session

Chairman Geisenheimer said during Executive Session the Commission carefully considered and discussed and analyzed the settlement proposal that has been agreed to by the union attorney representing former Sgt. Heiden and town counsel, who brought this forward for the Commission's consideration.

Chairman Geisenheimer continued this Commission held multi-day hearings for a number of disciplinary charges against Sgt. Heiden; the Commission sustained a number of the charges and determined that those charges warranted termination. Since that time, former Sgt. Heiden, his union and counsel have brought a number of appeals forward to the Department of Labor and the Board of Mediation and Arbitration. He is entitled to appeal beyond that to the court system; the action of the Commission would be sustained against his appeals. Likewise, the Town is entitled to go to court if it was to lose the appeal. We are looking at a process that might play out with as many as four further hearings and which might involve the presentation of evidence and witnesses and play out over several years.

The Commission, in considering the settlement, looked at the cost of all that and importantly the impact of that on the operation of the Department and the Town. Given financial aspects as well as our desire to see us move on and get beyond this for the benefit of the Town of Madison and the citizens and our hardworking police officers, we have carefully looked the cost and the intangibles and are now prepared to vote on the matter.

MOTION by Smith, second by Gyenizs that based on reviews provided by our Counsel and the Acting Chief we, the Board of Police Commission, recommend after considerable deliberation and analysis of the costs that the Board of Finance and the Board of Selectmen enter into the settlement proposed by Timothy Heiden and the union representing him. Chairman Geisenheimer called the question. All in favor. None opposed. So moved.

Chairman Geisenheimer concluded, unanimously this will go forward to the other two boards. The Commission will make arrangements for meeting with them in Executive Session to review our recommendation and the advice of Counsel. That concludes the matter before us.

MOTION by Smith, second by Kritzman to adjourn the Special Meeting at 11:02 AM. All in favor. None opposed. So moved.

Minutes accepted as amended: October 14, 2008