

**MADISON DEPARTMENT OF  
POLICE SERVICES  
REGULAR MEETING – June 12, 2008  
9 CAMPUS DRIVE, MADISON– 7:30 PM**

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

Also Present: Lt. Jon Dobbin; Citizens of Madison; former commissioner Thom Cartledge, Press

**CALL TO ORDER**

Chairman Geisenheimer called the June 12, 2008 regular meeting to order at 7:36 PM and asked that all rise to recite the Pledge of Allegiance.

Chairman Geisenheimer asked for a motion to enter Executive Session.

**MOTION** by Kritzman, second by Moon to adjourn to Executive Session at 7:38 PM. All in favor. None opposed. So moved.

Discussed: Personnel and Legal Issues

Present: Chairman Emile Geisenheimer; Commissioners Smith, Kritzman, Moon; Gyenizs; Acting Chief Robert Nolan

Return to Open Session at 8:00 PM

There was considerable discussion by proponents for the No Parking signs on Seaview Avenue and those against the signs. Chris Greaves discussed his opposition to the request of Seaview Beach Association (SBA) President Steve Perelli's letter which noted the hazard of parking on Seaview on the west end before the bridge. Mr. Greaves said he was not notified that the SBA would be taking such action and feels there are members of the Association who oppose the request and subsequent installation of No Parking signs. He said the main discussion at the Association meeting was specifically skim-boarders using the private beach because they are not allowed on the public beaches. Mr. Greaves also noted the widest stretch from Waterbury to West Wharf, with the best sight lines, is now designated unsafe for parking. Additionally, that area traditionally is for fisherman, crabbers in the marsh, photographers, bird watchers, etc. – they are all now out of luck. Signs don't solve the trespassing problem. Mr. Greaves' suggested solutions: A) Remove signs, or have not put them there – have police enforce the law. He took photos of trespassers, police would not arrest. It is not a parking problem – problem is police won't enforce law; B) Issue SVA residents permits – have parking by permit only; C) Widen the road and install parking spots.

Chairman Geisenheimer called for public comments from members of the audience relative to Seaview Avenue.

Resident of Williard Avenue said while sympathetic to the problem, trespassing leads to other issues – fatal accidents, drowning, speeding, etc. He would suggest more cooperation from the police when a violator is found; suggested a patrol car on Williard Avenue for speeders and those who run the stop sign. He is supportive of the 'No Parking' signs.

Owen Walsh: 8 Willard Avenue: Voiced his concerns about fishermen, trespassers, clambers, skim-boarders and is in favor of the No Parking signs. The SBA and Board of Directors took the position of no parking, although Mr. Greaves argued against the decision. He noted along Seaview Avenue residents place stones in front of their house to prevent parking on the grass. He agreed with Mr. Greaves relative to speeders along that stretch of road. He is concerned about clamming at Seaview Beach; he was informed there is a way to get access to the beach without trespassing by utilizing Neptune Avenue, which is public property. The Association is concerned about trespassers who walk down the beach paths.

Laurie Heflin: Brookside Avenue: There is a big parking problem. Police told kids that they could access the beach – it was not correct information. The instructions helped them trespass; the police didn't think it was trespassing. Thinks the trespasser issue is separate from the parking problem.

Jack Heflin: Understands the problem, but all the 3 houses discussed by Mr. Greaves have driveways to handle 3-4 parked cars.

Jon Lecklering, 19 Grove Avenue: Attended the annual SBA meeting and said the only thing discussed was how to keep out skim-boarders and trespassers. Referencing the Perelli letter, he said he drove from Seaview to Middle Beach and noted there are many cars parked along Middle Beach which causes drivers to go slowly. There is no posted No Parking along Seaview; there are skim-boarders on the beach, sitting on Association picnic tables. Disappointed the Association said this is all about safety; in reality – it is the skim-boarding trespassers on private property.

Ray Hanson of Yankee Peddler: He formerly lived in the beach area. The ability to stop along Seaview has been eliminated – the cause of the problem is the trespassing. May be inappropriate to have signs posted.

Sue Greaves of Seaview Avenue: If the No Parking signs eliminate a parking area they will have their guests park along Fairview, Woodlawn Avenue, etc. Suspects many of the Association members will not be happy.

Bill Littell agrees with the voiced safety issue; it is an attractive nuisance. It has developed into a problem area that people are abusing. It is a small section with no parking. He sees it as a safety issue with people potentially being hit.

Ms. Heflin: Met with Chief Jakubson last fall about the safety issue; they had a meeting with a small group that Mr. Greaves said he was not asked to attend.

Chris Greaves – Along the section between East Wharf beach and the curve toward Middle Beach there is parking allowed on both sides. Parking is allowed there because the people along there have no place to park; they have the same problem. For the record; taxes do not influence public safety issues.

Jack Heflin: When the people park along the road, they are not parking legally or carefully.

Chairman Geisenheimer said the Commission and Police Department looked at this situation on the basis of safety, which doesn't mean there is not a trespassing problem. The decision was made by the Commission with recommendations based on a staffing analysis. There is parking all along Middle Beach to the end of Seaview; there is a legacy of a smaller population with roads and homes before the current number of people were here. We are dealing with a specific complaint and specific location; we did not study the full length of Seaview and Middle Beach. We believed there was a consensus in the neighborhood; it is clear there is not a consensus but we don't decide solely on public opinion.

A resident of the area noted that at a subsequent meeting of the SBA, the consensus was for no parking in the area and it should be understood it was consensus of the Board of Directors for no parking.

Chris Greaves: Consensus as SBA was because of trespassing, not safety. Chairman Geisenheimer continued we are looking at a public safety issue; the Association's viewpoint is not relative.

Commissioner Kritzman feels there is a need to get more information from the Chief as to options; doesn't even know if there can be a permit parking ordinance. In dealing with trespassing, the issue he wants to explore is if there is an option for citizen's arrest. Typically an officer has to observe a misdemeanor and a citizen can sign a complaint.

Commissioner Gyenizs asked if there is a problem with anyone who parks legally. A woman in the audience said there is a legal route – Waterbury Avenue goes directly to the water to the east. There is a pathway through the grass; that is public property and could give legal access. In the past there was drug use in that area.

Commissioner Smith had no comment; Commissioner Moon abstained from commenting.

Chief Nolan stated, if there is a trespassing problem, call him directly. He will make sure it is addressed and appropriate action will be taken. Doesn't know why the officers would try to interpret a law. He continued, if a civilian files a complaint and he/she will back it up when the officer arrives, it will be addressed.

Chairman Geisenheimer said they took action at the past meeting to put the signs in to solve an issue that the neighborhood wanted. The Police Department agreed it was public safety issue. The fact that it is incidental to trespassing was not addressed. The parking area and mis-parked cars pose a danger. He is happy to leave this for now and asked the Chief for more information. When the area is a destination, parking demands go up and parking becomes a problem. Due to the length of these roads and parking areas, speeding is an issue. In past years, Chief Jakubson put out safety information relative to automobiles vs. skateboarders, walkers, etc. This issue will stay on the agenda. Chris Greaves showed the Chairman a photo of the area he is referencing and said if the trespassing issue can be solved by arresting the trespassers, the destination issue goes away. Chairman Geisenheimer thanked the audience for their participation and said the issue will be revisited.

8:48 PM

### **PUBLIC COMMENTS**

There were no other public comments.

### **GRIEVANCE (S)**

- UPSEU/C.O.P.S: 2008-003 – Step 2 (Baxter) - Tabled

### **CONSENT AGENDA – CHIEF'S REPORTS**

Commissioner Kritzman pointed out some clarification changes to the minutes of May 5.

**MOTION** by Moon, second by Smith to accept the Minutes of May 5, 2008 as amended. All in favor. None opposed. So moved.

**MOTION** by Kritzman, second by Gyenizs to accept the Minutes of May 29, 2008. All in favor. None opposed. So moved.

**MOTION** by Kritzman, second by Moon to accept the Minutes of June 2, 2008 as amended. 4-0-1 (Gyenizs abstained) None opposed. So moved.

Chief Nolan reported that all indications at this time are the Department should end up with a small surplus; still going through the accounts.

We've started enforcing traffic in different areas and have used radar along the water area. The findings are the speeding occurs from 10PM to 3AM; Commissioner Smith agreed and said that is consistent with prior findings. The Chief continued, they will have units there as often as possible. He has talked to Asst. Town Engineer Mike Ott about researching additional 'Speed Strictly Enforced by Radar' signs in those particular areas.

Chairman Geisenheimer asked if the speed trailer measures the high speeds. Chief Nolan answered, yes; when officers are free, rather than general patrolling, they are doing traffic enforcement in that area.

**MOTION** by Smith, second by Gyenizs to accept the Consent Agenda. All in favor. None opposed. So moved.

### **OLD BUSINESS**

#### **Recruiting**

Chief Nolan overviewed a new recruiting/testing process he is implementing. Oral interviews will be conducted by the Human Resources Department which will rank applicants. Following the interviews, written and agility testing, applicants' backgrounds, polygraphs, etc. will be done. Qualified candidates will then be presented to the Commission for their review and decision, with the full file. This substantially changes the process. If an applicant does not make it through the steps of the process, the Town will not be spending money on testing.

Only candidates who get through the first part of the process (at no cost) will go onto the stages that require funding.

**Lantern Hill:** Chairman Geisenheimer said at the last meeting he asked for alternatives to the traffic light and called on Mike Ott for his status report. Mr. Ott found out the traffic counts were done 7/9 & 7/10 for a period of 30 hours in 2007. He spoke to the DOT engineer who feels it was an appropriate time to do the counts – a summer weekday is conservative. Relative to sidewalks in that area, the Town has a plan to extend sidewalks from Madison center to West Wharf Road; no sidewalks on West Wharf. The Chairman noted, all that does is encourage more pedestrians to be at the location with no place to go on West Wharf. He suspects the issues of what is going to be done needs to be considered as part of the sidewalk plan. The important message is, there is no place to walk on to – no sidewalks on West Wharf.

First Selectman Al Goldberg added, there is no additional information – no plans for a sidewalk. Chairman Geisenheimer reiterated, a crosswalk would give no place to cross to. Chief Nolan agreed - they would go into the street on the other side. There are secondary effects from road improvements, i.e., turnpike widening which causes more traffic. Mr. Ott said the State is waiting for a decision from the town.

Commissioner Kritzman noted that there are unintended consequences by leading people to cross to nowhere.

When asked by the Chairman if there has been traffic enforcement there Chief Nolan answered yes. It wasn't that bad a situation, as the State agreed.

**MOTION** by Smith, second by Moon to deny the request to install a traffic signal at West Wharf/Lantern Hill. All in favor. None opposed. So moved.

Chairman Geisenheimer asked Chief Nolan about 'permit' parking for residents in a particular area; can it be done? The Chairman continued, we have town wide situations –the train station parking, beach areas, etc. Commissioner Gyenizs feels if you restrict public parking and pass out permits, every resident in town will be able to apply for a permit. Chief Nolan said he doesn't know if you can restrict a highway to 'residents' only. Commissioner Kritzman asked if we could offer to have an officer attend the next Seaview Beach Association, to which the Chief answered he has already suggested they call him.

**Joint Task Force:**

Chairman Geisenheimer advised he has received an email asking for two committee liaisons on the Selectman's Council on Youth Substance Abuse task force and its task force policy committee.

**MOTION** by Smith, second by Gyenizs that commissioners Smith, Kritzman and Moon become involved in the Task Force; one commissioner will serve as liaison to the Task Force; two will serve on the sub-committee. All in favor. None opposed. So moved.

**Surf Club Traffic:** Chairman Geisenheimer reported he received a letter regarding speeding at the Surf Club. Chief Nolan said he had a discussion with Scot Erskine, Beach and Recreation Department Director, about the Surf Club situation. He will make sure officers are in the area as soon and as often as possible. Chairman Geisenheimer added, this is also a Beach & Rec issue with the playing field contiguous to the road. It is inherently an unsafe situation and they will talk to Beach and Rec to make it as safe as possible. Mr. Thom Cartledge, an audience member, said there is a fence that runs along the road with 2 methods of entrance & egress. It is pretty well contained; if a child ran he would have to go for the gate which is one of two places to get in and out. Commissioner Kritzman asked Mr. Ott to look at the area and provide suggestions. Mr. Ott said he was asked by Scot Erskine to review this area; Chief Nolan will also look at the area and they will discuss the situation. Mr. Cartledge added, if we had a "Yield to Pedestrians' sign, that would cause people to slow down.

**MOTION** by Smith, second by Gyenizs to add the Surf Club Traffic situation to the July agenda. All in favor. None opposed. So moved.

**MOTION** by Kritzman, second by Smith for short adjournment. All in favor. None opposed. So moved.

Meeting resumed at 9:32 PM.

### **Misc. Correspondence**

Chief Nolan discussed the award received by Officer Derek Aivano from the Madison Exchange Club at their annual recognition at the Aqua Turf in May. Chairman Geisenheimer added his congratulations on the recognition Officer Aivano received.

Chief Nolan noted the actions of a dispatcher and 2 officers who had an individual in the cellblock who attempted to commit suicide. Because the dispatcher was paying attention and an officer responded quickly, they were able to save his life. Involved were Officer Mulhern, Lt. O'Connor and Dispatcher Gamerdinger. The Chief said he will be presenting a request for commendations at a later date. Chairman Geisenheimer added his congratulations and that of the Board.

### **Chairman's Comments**

Chairman Geisenheimer spoke at length about emails sent to a number of citizens from an unidentified person that are highly critical of a number of public officials including himself, the past and current first selectman, the town's attorney, a number of command officers and a detective. He said this criticism is clearly aimed at the process being used in our internal affairs investigations and criminal investigations associated with the misbehavior of some of our police officers.

While he doesn't want to dignify the spurious claims by spending time on them, he thinks it is important that we dispel any misinformation about the process of the Police Commission and the Police Department and the town employees in these very important matters. He talked about the role of the Police Department and explained within the Department there are two separate groups which become involved in investigations - the detective division and the IA officers assigned to do IA investigations. They operate independently from the Board of Police Commission, which does not supervise their work. They are supervised by the Chief and supported by the town attorney. When charges are made, it is as a result of the investigation. As part of the investigation there are interviews of various parties in the course of the reviewing the charge(s). The officer has his union attorney, a court reporter and the town attorney present, all designed to provide a clear record and protect the rights of the individual. There are innuendoes that these investigations rely on the word of single individuals; that is not true. Everything has been validated by testimony of the investigating officer who prefers the charges; the report goes to the Chief who may suggest changes; he signs it and sends the charges to the Board of Police Commissioners. They have not been involved in the investigatory phase because they will sit as the five jurors, with the Chairman as judge to keep the process going.

The Commission does not determine who is investigated or control the investigation. They hear the evidence and make a decision; there are five independent men who take this process very seriously. Once they hold the hearings, the town is represented by town counsel, the officer represented by union counsel and they see a lot of evidence. Most hearings are held in closed session, as is the officer's right. Even in open session, the public does not see all the evidence, not because the Police Commission or Chief don't want them to, but because either there is a law protecting the privacy of the release of certain information or there is a criminal investigation associated with certain aspects of this or some other reason this evidence is often sealed. Even when the hearing is public, the public doesn't see all the written evidence. The Commissioners have to make the judgments based on the facts presented. If the facts don't measure up to the charges they do not find the charges to be sustained. If the facts measure up, they are compelled to sustain the charges. There is not a person here who has any ax to grind with respect to any of these officers. He deeply regrets that this has been necessary at all. He has to explain to the public that the Commission is compelled to do what they do based on evidence, not public opinion or popularity. They decide based on the evidence presented. There is no room for favoritism; we do not do this based on popularity for the decision. He wanted to clarify that process - that is the most important thing they do. No commissioner can call for an investigation. The investigation arises from an external event, complaints made or an initial report by a supervisor and then the Chief makes a determination that the investigation is appropriate. He wanted to clarify for the citizens of Madison how the process takes place.

Commissioner Smith added as a follow-up, the Police Commission is a governance and oversight body - it is not their responsibility to determine who or what comes before them; it's not in their purview to do such. Once they hear or sustain any particular decision brought before them it is done on an individual basis, but it is a

majority that will determine the outcome to sustain or not. They are a group of individuals from different walks of life who take this responsibility very seriously. At no point in time personally or as a group do they want to influence the outcome. It is extremely important the public understand they are doing everything to the best of their ability. They are very conscious of the duty before them and he is proud to be part of the group and the way they have made their decisions, how they have adjudicated these things and the way the Chair has overseen the process.

Commissioner Gyenizs agreed with Chairman Geisenheimer and Commissioner Smith that you can't take an anonymous email, whether true or false, into consideration when you make a decision. We have due process; we follow labor laws, state and union laws and the contract; that goes for the public and how they need to voice their opinion at a public meeting.

Commissioner Kritzman said this Commission is composed of five very independent individuals who hear the evidence, verbalized or documented, and they individually consider whether that evidence sustains the charge. There is not one of us who would hesitate to take a position based what the evidence supports, nor can any one of us be bullied – it is a very independent group. The Chair has conducted these hearings as fairly and effectively as they could be conducted. If it wasn't done that way, any one of the four remaining members of the Commission wouldn't stand for it for one moment. This is a group with a lot of different backgrounds who address these matters. Because they've all held positions of responsibility they fully understand the consequences of their actions as they would affect the individual and his family; he reiterated, they take this very seriously. If someone has a complaint on how we operate as a Commission, we would be glad to hear it in the public session of the Commission meetings. There is no place for personal attacks in anonymous emails, letters or memos. He has no reason to believe anything has been done other than what we they are sworn to do by statute and have done it in an independent manner. As a commissioner, he is satisfied and proud of the work being done.

Commissioner Moon said he is also very proud of the work the Commission is doing and thinks one of the things Chairman Geisenheimer has described in the process is that this is not a criminal process; it is a human resources process in that they are hearing a situation that is civil, not criminal to be dealt with. If someone feels the commissioners have erred in judgment, they have a right to go to the arbitration board which can reverse the decision. It is not final – there is an appeals process. He always felt the man in blue could be trusted; we have had very unusual situations in Madison. He thinks the Chairman has done an extraordinary job in managing this with the press and exposure in a fair and equitable manner with the all parties involved and has gone overboard in that process. The public may not be aware the Commission works as one body and the reason they don't hear from them in the hearings is because they have a rule that only the Chairman speaks; it would be inappropriate for five people to be speaking. The Chairman does most of the speaking. They all have very solid and diverse backgrounds and work together to come up with a reasonable decision. All decisions except for one have been unanimous and that was very, very close. They don't all think the same but do go over all the evidence to make the appropriate decision.

Chairman Geisenheimer offered his thanks. He wanted to explain to the public that there have been a number of IA investigations that have been dismissed and cleared the officer, with no action required from the Board. Those don't get to be public. There is no one in the Commission, officers involved in investigations or their bosses, or the town attorney who is on a witch-hunt after an individual. They have to make sure the Department can be relied on to serve the citizens of Madison. Everyone is treated fairly.

Chief Nolan added, some of these cases are criminal in nature and were handled as criminal investigations. Even the criminal cases are totally reviewed by the prosecuting attorneys and later on by judges, reviews are done. Regarding the email situation, he feels very badly for the officers who have conducted some of these investigations; they and their families are being ridiculed or brought to task. If anyone has a complaint against any officer, as long as he is here, just come in and they will make arrangements to discuss it and file a complaint. It is a very difficult and stressful job for these officers to do the investigations.

Chairman Geisenheimer added, it is probably the most difficult job in policing to have an officer called upon to investigate a colleague. He can sense that is not easy or comfortable to do. It is a hard job, particularly when their families are attacked anonymously when the goal clearly is to interfere with the process and have the public react negatively. All the laws that seem to protect police officers are really intended to protect the public

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from having police officers subject to removal at the whim of public officials, frankly. They have to think this through carefully – do you really want the discipline of police officers to be subject to a popularity contest or based on the rules of law. Rules of law make a democratic society work. That is what the Commission is committed to follow.

Chief Nolan said he thinks every officer who takes this job understands right from the start they are held to a higher standard - right, wrong or otherwise; they know it and expect to be held to that higher standard.

**MOTION** by Smith, second by Kritzman to adjourn at 9:56 PM. All in favor. None opposed. So moved.

Minutes accepted: July 10, 2008