

**MADISON DEPARTMENT OF
POLICE SERVICES
REGULAR MEETING – August 14, 2008
9 CAMPUS DRIVE, MADISON– 7:30 PM**

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

Also Present: Superintendent of Schools David Klein; Assistant Town Engineer Mike Ott, First Selectman Al Goldberg; Citizens of Madison, Press

CALL TO ORDER

Chairman Geisenheimer called the August 14, 2008 regular meeting to order at 7:34 PM and asked that all rise to recite the Pledge of Allegiance.

PUBLIC COMMENTS

George Dayharsh, 158 Dorset Lane, urged denial and dismissal of the suspended and soon to be ex-Chief of Police. He commented that it has cost over \$400,000 to date for his absence of responsibility and perceived lack of competence. He has brought shame on himself and the officers of the department. He said he was quoting Chief Jakobson who said, "I should not have to supervise them - they are adults". Mr. Dayharsh highlighted what he perceived to be a lack of supervision and said all but one of the police personnel fired, suspended, etc. does not live in Madison. He said he knows the statute regarding hypertension has been overturned and hopes every aspect of Chief Jakobson's request has been scrutinized. He talked about weight gain, speaking for himself that it contributed to hypertension; he called for investigation of the hypertension claim. He continued, there are good officers that do not deserve the current stigma; he applauded the Commission for its efforts and diligence. He implored the Commission to give Chief Jakobson what is legally binding – nothing more. He was quite adamant and detailed in his feelings about the situation of a pension.

George Gerard of Madison Auto Body spoke about the upcoming tow list lottery. He said all the tow vendors currently on the list are from out of town. He is now a AAA approved tower and is set up for flat tires, lock outs, jump starts, etc. He feels he should automatically be on the lottery tow list as a town taxpayer and should be the primary tower in town; the other businesses are not Madison based. When the out of town tow companies (Branford, Guilford, etc.) are called, vehicles are taken back to their shop(s) and other Madison businesses – mechanics –dealerships, etc. do not get any of the repair work. He feels many of the out of town tow companies cannot respond in 20 minutes, as policy dictates – he is in town and can be faster. He agrees there should be more than one company on the list but he should automatically be on the list. Meets all the insurance requirements, AAA approved, can do major repairs and has inside and outside storage. He wanted to speak in advance of the October lottery drawing.

Barry Dicker 44 Madison Springs Drive commented that we have terminated officers who still have recourse to the State Labor Board; the process is not concluded. In terms of any IAs, he agreed with the cooperation of outside authorities as being the right thing to do. Chief Jakobson comes under state statute – he is entitled to due process without a public lynching; he asked that public officials not overtly support the comments [heard earlier] – no one has completed the 3 stages of the labor process. The \$84,000 that Chief Jakobson got was taxed by the federal and state governments and subject to FICA as income. He would expect that if you earn money that way is it still earned income. He concluded that relative to charges against Chief Jakobson, the public does not know what he is charged with; we know about the ones who were terminated. He asked the Chief Nolan and the Board that the process be fairly conducted..

Chairman Geisenheimer agreed about due process and said this is not a public lynching. Each officer deserves every measure we can to ensure due process. The hearings the Police Commission holds are part of due process and certainly if charges are filed against Chief Jakobson, there will be due process. Mr. Dicker commented, it is not against the law for someone to ask that money be included in his retirement – that is between the Commission, the Town and Chief Jakobson.

7:48 PM

CONSENT AGENDA – CHIEF’S REPORTS

MOTION by Kritzman, second by Moon to accept the Regular Meeting Minutes of July 10, 2008 as amended. All in favor. None opposed. So moved.

MOTION by Kritzman, second by Moon to accept Special Meeting Minutes of July 22, 2008. In favor. None opposed. So moved.

Chairman Geisenheimer asked Chief Nolan if he wanted to highlight anything. Chief Nolan noted the financial proposal for the LEC (Law Enforcement Council) for review. He said the LEC supports us in training, recertification, etc. for \$5,000 less than what we spent previously.

He noted Seaview Avenue information has not been received.

MOTION by Gyenizs, second by Kritzman to accept the Chief’s Agenda. All in favor. None opposed. So moved.

OLD BUSINESS

Recruiting

Chief Nolan advised the Commissioners that everything relative to recruiting has been moved to Human Resources; the HR Manager, Rita Umile, is working diligently to recruit. Testing will be held on August 18 for certified officers; following the testing and successful results, backgrounds will be conducted. Entry level officers have been tested with one background completed for the September 2 POST slot; that officer will not be working for Madison. Currently, 4-5 certified officers are being reviewed.

NEW BUSINESS

- LEC (Law Enforcement Council) Membership

Chief Nolan reported that the membership cost for South Central Criminal Justice Administration (SCCJA) is \$11,000 plus testing charges; there are additional certification charges for which we’ve had to go outside where there is a cost factor. LEC is \$6,000/year with no additional costs. LEC does everything for testing and even can provide specialized equipment such as a surveillance van and a spot check trailer. Commissioner Kritzman asked if this is for 24-hours. Chief Nolan said yes and added, they have barricades, cones and a command level vehicle. Commissioner Smith asked about additional SCCJA charges. Chief Nolan answered, recertification was running \$2,500+, testing was additional and he didn’t think there was any equipment available. He was surprised how involved LEC is with equipment; they will even come down and look at our training facility for future training. If there is on-going training at the Madison Police Department we could use their instructors. Commissioner Smith asked who else uses this service. Chief Nolan said they have 27 towns; SCCJA has 8. The LEC area roughly encompasses New London to Madison up to Norwich.

When asked by Chairman Geisenheimer if SCCJA is affiliated with POST, Chief Nolan said no they are all separate. Chairman Geisenheimer noted that more was spent than the dues of SCCJA relative to testing.

MOTION by Kritzman, second by Smith to accept Chief Nolan’s recommendation to join the Law Enforcement Council effective immediately. All in favor. None opposed. So moved.

- School Zone Speed Limit Postings

Superintendent of Schools David Klein thanked the Police Commissioners for being included on the agenda. He continued, he and Mike Ott (Asst. Town Engineer) came to share, on behalf of the Board of Education, some public and traffic safety initiatives they would like to pursue at Polson and Daniel Hand for traffic speed limit signage. Atty Clendenen suggested they come to the Commission meeting to share ideas; he feels they need to get to a higher level of public safety. Chairman Geisenheimer noted he is happy to work with Mr. Klein on such important safety matters.

Mr. Ott explained the request to consider and approve the establishment of a 15 MPH speed limit on Polson, Jeffrey and Daniel Hand High School properties; Island Avenue, Brown and Ryerson schools already are posted. The approval of the Board of Police Commission, as the traffic authority is needed for these initiatives. Mr. Ott continued, this is an on-going program to improve safety at the school sites. Chairman Geisenheimer reminded the public that at the last meeting signage was discussed on Green Hill Road with respect to public safety for the school zones. The proposal is on school district property; they have discussed school zones on Green Hill, but tonight the concerns center on Jeffrey School, Polson School and Daniel Hand High School where there are currently no signs. Mike Ott added, this has other parts – the Commission already approved modifying the signage on Cope and Green Hill. He will be asking for a school speed zone to lower the current speed limits on Cope Road. Also, there is a plan to create a turning lane on the high school driveway for vehicles exiting on Green Hill Road; the plans are in design. There are plans for speed humps on the Polson driveway as a test to see how they do in traffic. Mr. Ott said they are considering working with the state under a ‘Safe Routes to Schools’ grant program and will apply to the state to fund improvements on the school sites and in the vicinity to include road way improvements and sight improvements on curves. Mr. Klein said he is most appreciative of the relationship with the Police Department and Chief Nolan. He said they have talked about the car speeds on Green Hill Road; the oversight by police officers that he requested has occurred.

MOTION by Smith, second by Kritzman to post 15 MPH signs at Polson School, Jeffrey School and Daniel Hand High School. All in favor. None opposed. So moved.

- Donation from Madison School for Young Children

Chief Nolan explained that Officer Roy put on a police safety demo at the Madison School for Young Children and as a thank-you, the school sent over a \$50.00 donation to the Department.

MOTION by Kritzman, second by Gyenizs to accept the \$50.00 donation from the Madison School for Young Children with thanks. All in favor. None opposed. So moved

- Rte 79, Rte 1, Meigs Avenue Intersection

Chief Nolan explained the Department of Transportation (DOT) received a letter from a Madison resident who requested a review of the Route 79/Meigs Avenue/Route 1 intersection to remove signs allowing a right turn on red; this request has been forwarded to the Police Commission as the Traffic Authority. Chief Nolan recommended that the Commission review this; he is concerned about traffic backing up in areas where there are store driveways. DOT will defer to the Commission’s decision.

Chairman Geisenheimer noted that this is the intersection at Route 79 going to Stop & Shop - the site of the largest number of traffic accidents in town. He said when he looked at the data again it doesn’t appear the issue will be corrected with sign changes. He has discussed this concern with the Chief to have officers in that location gather information to look at the patterns. The biggest issue is people not obeying the signs. The DOT report suggests people do not stop before they turn right. He asked to table this to spend more time and gather more data; he agreed it is a problem area. He would like to get more information on the pedestrian traffic in the area and suggested law enforcement to obey the signs. Commissioner Kritzman added, a problem is the signaling – the left turn arrow signal goes off and people keep going – he said he thinks it should be a green arrow to a red arrow because cars continue through the intersection when the green arrow is off. Chairman Geisenheimer said that location allows ‘right turn on red’ when the green arrow is gone. Commissioner Kritzman reiterated there is a left turn problem there with a lot of foot and bike traffic. Chairman Geisenheimer said he receives complaints about the Rte. 1 traffic back up east of the library and east of Wall St. Commissioner Kritzman would like to consider a right turn lane at Stop and Shop. Chief Nolan said he has been east of Wall Street when there is a back up of multiple blocks. Commissioner Kritzman discussed the problematic area of Wall Street and Rte. 1. Chairman Geisenheimer wants concentrated efforts to study the Rte. 1/Rte. 79 intersection.

MOTION by Smith, second by Kritzman to table the request at this time. All in favor. None opposed. So moved.

- Line Item Transfer

Chief Nolan explained this transfer request establishes a new line item which will pay for information received from confidential informants. He continued, we have started a drug interdiction program to look at drug activity in town. The account number is in the budget; the new line item would be for confidential expenditures which is an internal transfer to establish a '1000' account. This follows up on a recommendation by the forensic auditors.

MOTION by Kritzman, second by Smith to establish a new line item to fund confidential informants. All in favor. None opposed. So moved.

- Retirement Proposal: Chief Paul Jakobson

Chairman Geisenheimer noted he received a letter from Chief Jakobson with sensitive information for a proposal to retire now. It was unusual in that he received a call from the press before he had received the letter. There was an FOI request that the contents be made public; something of this nature would normally not be made public. A letter was sent by the town attorney to see if there were objections that information be released to the public. Once that happened, as Chair, he felt it was necessary that there be a public discussion. The purpose is not to have a kangaroo court or hanging of Chief Jakobson. He recommends it is inappropriate to discuss this retirement proposal and recommends we table any discussion. We cannot discuss a retirement plan for someone who may be the subject of a disciplinary hearing. Chairman Geisenheimer said he feels it should be tabled until the proceedings are over. We now have the State Police task force looking at all open IAs, and he expects the CSP (Connecticut State Police) will come to the Commission with their charges. He is looking forward to dispensing with these matters and giving full recognition of the due process to officers and the chief. There is also an ongoing investigation by agencies of the federal government; he feels it is inappropriate to discuss this at this time.

Commissioner Smith said he concurs and he wants to make it clear we have no idea what charges the state police may or may not come forward with; he agrees any discussions on any individual ought to be tabled at this time, to include Chief Jakobson. He feels it is inappropriate until that investigation is completed; it is only fair. Commissioner Kritzman added, it is premature to be talking about this issue as they need to be able to put it in context totality.

Commissioner Gyenizs added, worker's compensation is defined by statute and state legislature – the police commissioners have nothing to do with worker's comp and cannot adjudicate. The town cannot get involved as the state legislature writes the rules by statute. He agreed this should definitely be tabled.

MOTION by Moon, second by Kritzman to table the retirement proposal of Chief Jakobson. Chairman Geisenheimer added, the motion has been made as a consideration of the proposal by Chief Jakobson relative to his retirement proposal. All in favor. None opposed. So moved.

Chairman Geisenheimer clarified there was a settlement of a claim on behalf of Chief Jakobson negotiated by the Board of Selectmen on the \$84,000; there was a dispute resolved by negotiations. The issue is not whether Chief Jakobson gets worker's compensation for hypertension which he got under state statute but whether it counts as income in calculating retirement. There is specific language in the contract and this is a request for something additional.

Linda C. Smith – 19 Pent Rd commented that in the sense of fairness she thinks if the Commission is not going to entertain comments during this portion of the meeting it should be made clear that comments regarding this issue will not be welcome at this time. People were allowed to speak out in public comments, although it was said the Commission would not take a stand. Either it is appropriate to be discussed or it is not. Chairman Geisenheimer said he doesn't have the power to edit public comments; the Commission has a practice to hear comments at the beginning of the meeting. He feels he is fairly liberal about allowing comments at other times and if he thinks the speaker is out of line, interrogating, etc., he will have them stop. This is a democracy – people have a right to speak. Mrs. Smith said she thinks the agenda could be set differently whether or not to allow discussion. Chairman Geisenheimer concluded, the question is if the Commission is going to discuss it - the public discusses this every day.

Commissioners' Comments: NONE

Chairman's Comments:

Chairman Geisenheimer thanked Superintendent Klein for coming tonight and noted it is refreshing we are establishing a relationship with each other and are working on common problems. He thinks historically there has not been as much cooperation as the citizens deserve. The Chairman thanked the First Selectman for coming, noting he is very supportive of the Commission. He thanked Acting Chief Nolan for the work he is doing to build morale so officers know that in spite of this, we have good people tainted by the acts of others.

Commissioner Kritzman commented that at the last meeting he raised the issue of the future of the Department with a vision statement and strategic plan to get there; he prepared an outline as suggested. Chairman Geisenheimer said this will be discussed in Executive Session.

Misc. Correspondence

Chief Nolan noted officer congratulatory and complimentary letters and discussed the NIBRS report, noting crime is down. He passed out some of the internal memos he sends out on a daily basis and said there is a notebook with all these memos that is compiled for review.

Commissioner Kritzman asked about the Substance Abuse Task Force. Chief Nolan said we have a person on the task force and he would be glad to discuss it at another time.

MOTION by Smith, second by Moon to adjourn to Executive Session at 8:33 PM. All in favor. None opposed. So moved.

EXECUTIVE SESSION

Present: Commissioners Geisenheimer; Smith, Kritzman, Gyenizs, Moon; Acting Chief Robert Nolan;
First Selectman Al Goldberg

Discussion: Legal and Personnel Issues

Return to Open Session at 9:59 PM.

REGULAR SESSION

MOTION by Kritzman, second by Smith to adjourn at 10:00 PM. All in favor. None opposed. So moved.

Minutes accepted: September 11, 2008