

**MADISON DEPARTMENT OF  
POLICE SERVICES  
REGULAR MEETING – September 11, 2008  
9 CAMPUS DRIVE, MADISON– 7:30 PM**

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

Absent: Chairman Emile Geisenheimer

Also Present: Assistant Town Engineer Mike Ott, Resident

**CALL TO ORDER**

Vice Chairman Smith called the September 11, 2008 Regular Meeting to order at 7:35 PM and asked that all rise to recite the Pledge of Allegiance.

**PUBLIC COMMENTS**

Resident Barry Dicker of 44 Madison Springs Drive noted that once there were 28 officers; now the number of officers is in the teens. Given the number of officers, he is in support of tasers for officers. He spoke about what he felt was the need for the officers to carry a secondary firearm and would like the Police Commission to pursue a policy change with to allow the secondary weapon. He continued the officers are on duty 24/7/365 but they can't take a 40 caliber Beretta around town. He noted we have a number of officers who live in town; he would like them armed. Thirdly, he asked to consider laser sights on all the service weapons because he felt it enables an officer to shoot better and it acts as a deterrent. These things are not a lot of money and would optimize every officer being safer and making people safer. If we can't add to the rank & file, get them state of the art equipment as quickly as possible. Vice Chairman Smith advised the Commission and Department have been looking into the taser issue but have not made decisions at this point. Regarding the other items as noted, they are subjects for future discussions.

**CONSENT AGENDA – CHIEF'S REPORTS**

Chief Nolan noted the officers have become very active in traffic control with the schools.

Vice Chairman Smith asked for actual staffing levels. Chief Nolan reported we have one recruit in the Academy and have an active working staff of 20. There is one officer not available for duty at the present time for a total of 19 officers. On 9/24/08, agility testing for lateral transfer officer candidates will be held at the Academy. He is hoping to have 5 or 6 candidates there for the test. Commissioner Kritzman asked if that includes the recruit? Chief Nolan noted there are 17 officers available for duty; 2 officers are not available for duty; 2 are on duty under the FTO program and are on the street with their Field Training Officer.

Commissioner Kritzman commented about a phrase in the minutes of the Regular Meeting of August 14 made by Mr. George Dayharsh noting the 'soon to be ex-chief', however since it was said the comment cannot be amended.

**MOTION** by Kritzman, second by Moon to accept the Regular Meeting minutes of August 14 and the Special Meeting minutes as amended of August 14, 2008. All in favor. None opposed. So moved.

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

**OLD BUSINESS**

- Recruitment Status

The Chief explained certified officers are being tested on 9/24 and backgrounds are being conducted on non-certified applicants. In answer to Vice Chairman Smith's questions of how many new and certified officer openings there are, Chief Nolan responded 5, to include certified and non-certified. A perfect scenario would all 5 are certified; if we end up with 3 certified he would be pleased. Vice Chairman Smith asked if we could enroll 3 of those, do we have sufficient candidates for non-certified? Chief Nolan said yes; by 9/26 or 9/27

we'll know where we stand; with non-certified applicants, certification is 9 months down the road. Commissioner Moon asked if certified would balance out? Chief Nolan said yes, the certified either will have 2-5 years experience or they are 20 year veterans – applicants don't usually fall in between. Certified officers usually make a move in the 2-5 year bracket; next group is the 20 year people.

**7:49 PM**

**NEW BUSINESS**

- Rte 79, Rte 1, Meigs Avenue Intersection

Mike Ott, Asst. Town Engineer reported on a Meigs Avenue request that went to DOT in late July. A resident requested to DOT that the right turn on red at the intersection of Rte 79, Rte 1, & Meigs Avenue be eliminated. Chief Nolan asked that he look at this; in Mr. Ott's opinion, the intersection should remain as is with right turn on red permitted. In his letter to DOT, the town resident said people don't stop, coast through the intersection, make advance left hand turns and endanger people in the crosswalk. Mr. Ott said he thinks the law says when make a right on red before turning you should stop, look for a traffic gap and, be sure the area is clear of pedestrians. He feels the problem is driver behavior, not the intersection. While there are times when right on red should not be allowed due to limited sight distance this does not exist at this intersection. He recommends it remain as is; Chief Nolan concurred.

Commissioner Smith asked if it is the notion of a right turn on red in general. Mr. Ott said the resident's letter is for all 4 legs of the intersection. Chief Nolan added, he has looked at the intersection and its traffic as well as the lieutenant who oversees traffic situations - if there is a problem, it is a driver problem. If you remove the option to turn right on red, there would be traffic backup, particularly in the summer. The traffic backup could block the driveways of Cumberland Farms, CVS, Henny-Penny, etc. to create more hazardous conditions when people try to exit those driveways onto Route 1. He recommends the intersection stay as is.

Commissioner Kritzman added, although the light is red, because there is a protected left turn, people don't stop. He asked for a red/green arrow sign. Mr. Ott said he has asked DOT to come and look at the traffic signal and at Wall Street – they have agreed to visit the areas. Because he feels it is a continuing problem, Commissioner Kritzman asked that DOT look at cycling the green arrow to a red arrow.

Chief Nolan said DOT will check the light on Wall Street to see if it can be cycled better – it backs up two blocks from Wall Street. Commissioner Kritzman noted there is a left turn pocket – people create another lane and they create a conflict. He asked if there is a potential for a left turn only on the Rte. 1. Chief Nolan noted, that is the major part of the problem. Commissioner Kritzman asked if the State can create a left turn pocket or mark the pavement for a left turn only so people can drive through. Vice Chairman Smith said the alternative is for people heading south toward Stop & Shop, the left turn lane could be for a left turn only and the other lane could be limited to straight through or right turn only. Mr. Ott noted there is history with the Wall Street project; that intersection was looked at closely and he feels this is the outcome of the study at that time. Vice Chairman Smith asked if the State could be asked to make recommendations when they are here. He asked to table this until DOT has reported. Chief Nolan said the issue can be reviewed next month – we need to get a letter back to the State as to the decision on the right turn at the Rte 1, Rte 79, Meigs Avenue intersection to leave it as is; they are looking at the light sequencing and the right turn issue. Vice Chairman Smith added that we can then incorporate a further discussion on Wall Street. Commissioner Kritzman noted that he thinks one change impacts on the other.

Chief Nolan said he will address this with DOT, although they are asking for a decision tonight. Commissioner Moon asked if the traffic situation backs off after Labor Day. Chief Nolan said on the east side of Wall Street it still backs up because of one lane. Mr. Ott added the Railroad Avenue detour may be a contributing factor to the traffic situation.

**MOTION** by Kritzman, second by Gyenizs to table action on the Rte. 1, Rte 79, Meigs Avenue intersection. All in favor. None opposed. So moved.

- **Signage Installation – Private School Zones**

Asst. Town Engineer Mike Ott reported that the David Klein, Superintendent of Schools asked for school safety signage at the public schools; this is to ask approval to modify the signage at Our Lady of Mercy, The Grove School and The Country School. Three of the schools do not have appropriately positioned signs and what they

have is old without the correct reflectivity. They would like to update the signs. Commissioner Gyenizs agreed and said they want to protect the school kids, private or public.

**MOTION** by Kritzman, second by Gyenizs to authorize to authorize school safety signage installation at the three private schools: Our Lady of Mercy, The Grove School and The Country School. All in favor. None opposed. So moved.

8:04PM

- **Discussion: Town of Madison Authorized Wrecker Policy Revision**

Vice Chairman Smith reminded the commissioners that the next regular meeting is when the lottery for the authorized tow truck/wrecker companies comes before the Board; there are some considerations in amending the policy.

To amend a policy, three readings are required – tonight’s reading will be for discussion, a special meeting for a 2<sup>nd</sup> reading is required with the final reading at the October regular meeting. Tonight’s discussion is about amending the current authorized wrecker policy. The significant change is to allow that Madison tax-paying wrecker businesses be given first consideration as authorized tow companies on the wrecker list. Having said that, he thinks it is important that the forms are within not only the state regulatory guidelines but the federal regulatory guidelines as well. Because they are acting on behalf of the Madison Police Department, those drivers should have background checks so we can, in good faith, know they have had adequate background checks with no potential legal ramifications. Chief Nolan said they would have the necessary licenses, insurance policies, etc. He has no problem doing background checks; the Department will have to do the checks on all the companies. Chief Nolan suggested we check with Town Counsel that the checks can be done.

Commissioner Moon said it could be a requirement of the wrecker companies that they agree to a background check; Chief Nolan said he sees no problem with that. Because the towers don’t actually work for the Town of Madison, he doesn’t know if we can tell them we are doing a background check. Commissioner Moon suggested it be the responsibility of the driver to have their own background check. Commissioner Gyenizs agreed that we can legally do this. Chief Nolan said we could require bonding beyond the standard insurance for all drivers; if there was a problem, the bonding company would have to step in. Commissioner Kritzman suggested asking Town Counsel what steps we can take relative to town liability on behalf of the actions of a tow truck driver in that they are not only responding at the direction of a police officer, but are responding to a stranded motorist.

Commissioner Moon noted “principal place of business” assumes it means where the wreckers are housed. Chief Nolan said they will be inspected and are required to have to have indoor and outdoor storage. It cannot be a mailing address or PO Box address. Commissioner Kritzman said he had discussed giving in-town businesses a preference - that is not unusual. Vice Chairman Smith said it is perfectly reasonable, assuming they meet all the criteria. Commissioner Kritzman wanted to be sure it is in the record, that it is not inappropriate to offer in-town businesses a preference.

**Commissioners’ Comments:**

Commissioner Kritzman brought up the organization of the department and was advised it would be discussed in Executive Session.

**Chairman’s Comments:** None

**Misc. Correspondence**

Chief Nolan referenced miscellaneous correspondence to include a thank you letter and a press release. Vice Chairman Smith noted the Board recently interviewed candidate Patricia Smith and extended her an employment offer; she is in the Academy now.

Resident Barry Dicker commented on Department staffing; he noted there are two sergeant openings; theoretically there is an opening in CID. He concluded, we generally draw from the patrolman pool.

**MOTION** by Gyenizs, second by Kritzman to adjourn to Executive Session at 8:20 PM. All in favor. None opposed. So moved.

**EXECUTIVE SESSION**

Present: Commissioners Smith, Kritzman, Gyenizs, Moon; Acting Chief Robert Nolan  
Discussion: Personnel Issues and Officer Safety

Return to Open Session at 9:10 PM.

**REGULAR SESSION**

**MOTION** by Kritzman, second by Moon to adjourn at 9:11 PM. All in favor. None opposed. So moved.

Minutes accepted as amended: October 14, 2008