

**MADISON DEPARTMENT OF POLICE SERVICES  
REGULAR MEETING – January 15, 2009  
9 CAMPUS DRIVE, MADISON– 6:30 PM**

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

Absent: Chairman Emile Geisenheimer

Also Present: Sgt. Jon Pardo; Resident Walter Lippmann

**REGULAR SESSION**

Vice-Chairman Smith called the Regular Meeting to order at 6:43PM and asked all to rise to recite the Pledge of Allegiance before entering Executive Session.

**MOTION** by Kritzman, second by Moon to enter Executive Session at 6:44 PM

**Purpose:** Oral Board interview of potential new patrol officer candidate (Philip Rosati)

**Present:** Commissioners Smith, Kritzman, Gyenizs, Moon; Acting Chief of Police Robert Nolan; Training Officer Sgt. Jon Pardo; Candidate Philip Rosati.

Regular meeting resumed in Open Session at 7:46 PM.

**MOTION** by Kritzman, second by Moon to offer Philip Rosati the position of patrolman, effective February 2, 2009 pending the successful completion of his physical examination. All in favor. None opposed. So moved.

**PUBLIC COMMENTS**

Walter Lippmann of Madison asked if there are any reports back from the Connecticut State Police (CSP) regarding Lt. O'Connor and / or Chief Paul Jakubson. Vice Chairman Smith responded, no sir, which was questioned by Mr. Lippmann. Commissioner Kritzman advised for the record that the video camera which is in place was in a fixed position and Mr. Lippmann would not appear on camera.

Mr. Lippmann's comments included: The only time the public can be heard is during the public comments section of commission meetings. He has filed a follow up on a FOI request with the department to Chief Nolan, and received a response from [Atty.] Clendenen to be more specific. He continued, that is in regard to memorandums related to Commissioner Geisenheimer and the general public from Coady, Pardo, Dobbins and the Chief relative to reports by any other agencies or citizens in regard to Mr. Geisenheimer's actions. He said he also filed a separate FOI asking for 2008 salaries of all lieutenants, sergeants, Chief Jakubson and Chief Nolan.

He said he wants to reiterate that what has been done O'Connor, in his mind, is absolutely unconscionable and said no where in the United States, as he has discussed with colleagues, has anybody been told they would be terminated and we will deprive you of your benefits and you are to keep on working. Vice Chairman Smith said the Commission has not seen any internal investigation on Lt. O'Connor and is not aware of charges at this time. Commissioner Moon added, nothing on O'Connor has come before the Board. Mr. Lippmann said O'Connor was brought up on charges to terminate him – taken by this PD. Commissioner Moon reiterated, there were no charges brought by this department to terminate him; we did not investigate and have nothing at this time. Commissioner Gyenizs added, we have not ordered anything or seen anything. Commissioner Moon advised this is a governance board – which does not initiate actions. Mr. Lippmann said to Chief Nolan that the Chief signed papers to terminate O'Connor. Chief Nolan began answering Mr. Lippmann about a letter but was interrupted by the Vice Chairman who advised, this is a personnel issue and should not be discussed; they have no recommendation and do not know what the recommendations were. Commissioner Moon added that he doesn't want to hear about this until it is brought before the Commission. Mr. Lippmann said this is very unfair, what you are saying about O'Connor. Vice Chairman Smith again told Mr. Lippmann that nothing has come before the Commission. Commissioner Moon explained that there will be charges brought forward and they will review the charges. Vice Chairman Smith said it is on the operational side when it is brought before this Board; they cannot be prejudiced. Mr. Lippmann said he would hope not.

Vice Chairman Smith asked if Mr. Lippmann had any further comments, now that he understands the process. Mr. Lippmann continued about O'Connor and said he was under the understanding the CSP asked for an investigation of O'Connor. Vice Chairman Smith said he doesn't know who they are investigating; all the commissioners do is hear and judicate anything brought before them by the Chief. Mr. Lippmann asked if they have seen any charges in regard to Jakobson. Vice Chairman Smith – no. Mr. Lippmann asked if he has asked for an investigation. Vice Chairman Smith said the Chief was suspended by the Commission.

Mr. Lippmann said regarding the action taken by this Commission in terminating Tim Heiden – he thinks they will see this matter will be settled. He would like each and every one of the Commissioners to remember what you did to terminate this man and how much it will cost to settle this – Commissioner Kritzman noted he recused himself. Mr. Lippmann said he remembers that and that Garry [Gyenizs] voted against terminating Heiden.

He continued, he has found ten instances in the newspapers of the Department being quoted as saying Tim Heiden interfered with the CSP investigation of Joe Gambardella. He asked if the Commissioners were aware he sat through every minute – there wasn't one scintilla of evidence that Heiden interfered with the CSP investigation. He said he also understands that the CSP was asked to attend the hearing and they did not. He said he has never heard that the CSP said Heiden interfered with their investigation. When the lawsuits come out they need to be directed at individuals, not just the town. Commissioner Moon interjected, when the Commissioners voted they said their position and record – you will see why he voted the way he did. Mr. Lippmann said it is not how they voted in totality, but that he is interested in the CSP investigation. Commissioner Gyenizs said this can be discussed in public because the hearing was public; if you go back to the transcript you can see how each Commissioner felt. Mr. Lippmann said, when this is resolved it will be shown to be in error that Heiden interfered with the CSP investigation. Not here to take the police department apart; what has gone on with the Board of Police Commission, and specifically Mr. Geisenheimer's actions in regards to this, have been unfair and prejudiced to the morale of this department.

He mentioned the 'What's Wrong with Madison' recent magazine article and that it makes him sick. He concluded that he filed his FOI – and hopes he doesn't get the run around – the next step will be to FBI professional practices in New Haven. He would like to see the reports made available to citizens under FOI. Vice Chairman Smith answered he is entitled to whatever reports he is legally entitled to receive.

7:59: Public Comments Ends

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

**MOTION** by Kritzman, second by Moon to accept minutes of the Special Meeting of November 25, 2008. All in favor. None Opposed. So moved. Vote: 3-1-0 (Gyenizs abstains)

**MOTION** by Gyenizs, second by Moon to accept minutes of the Special Meeting of December 18, 2008. All in favor. None Opposed. So moved. Vote: 3-1-0 (Kritzman abstains)

**MOTION** by Kritzman, second by Gyenizs to accept minutes of the Regular Meeting of November 6, 2008. All in favor. None Opposed. So moved. Vote: 3-1-0 (Moon abstains)

Chief Nolan gave some brief advisories:

- They are working on the budget preparation process and for this year (08/09) they should be staying within the budget; there will be internal transfers this year.
- The Thanksgiving holiday stats as compiled by the Connecticut Police Chiefs' Association (CPCA) showed that although we are short personnel and are running at minimums, the Department did 155 traffic stops - which is equivalent to stops done by a lot of the major departments in the state. The men & women did a heck of a job. He added there were 2 DWI arrests in that period which is ahead of other towns. There were 11 accidents, no deaths. Those statistics speak volumes about the job Madison officers do.
- Town Engineer Mike Ott was unable to attend tonight due to a meeting conflict but he sent over a recap of some traffic concerns we have discussed. We will copy the commissioners and send this traffic report to next month's meeting, when Mr. Ott will be able to attend.
- There has been an arrest clearing up the bank robbery in town.

**MOTION** by Moon, second by Kritzman to accept the Consent Agenda - Chief's Reports. All in favor. None opposed. So moved. 4-0

**OLD BUSINESS**

- Recruiting

Chief Nolan said the officer hired tonight will be sworn in on February 2; we are interviewing other entry level officers on January 28 and are starting a certified officer background tomorrow.

**NEW BUSINESS**

- Line Item Transfers  
\$28,000 from Wages to Professional Technical Services to cover the unanticipated temporary position of Acting Chief

\$90,000 from Wages to Overtime Replacement for increased overtime as a result of lack of staff and the necessity to back-fill vacant shifts.

**MOTION** by Kritzman, second by Gyenizs to approve the two line item transfer requests. All in favor. None opposed. So moved.

**COMMISSIONER COMMENTS**

Commissioner Gyenizs said he has been reading magazine and newspaper articles about this Department. The Commission would rather never see this but there are some personnel issues that did happen; it is unfortunate. He commented that the Commissioners take their position on the board and the termination of an officer very seriously.

Commissioner Moon said we are a broad-based commission and noted Commissioner Kritzman has spent 20 years in the criminal justice system; Commissioner Gyenizs is a union business manager; Chairman Geisenheimer is in private industry and is on many boards - he can take us through these serious sessions. He said he owns a business with 150 employees and deals with budgets and personnel. We have a very balanced board and have ultimate respect for the officers and the department and appreciate their dedicated efforts.

Mr. Lippmann interrupted asking if something can be done about the heat and the buzzing noise in the room.

In continuing with Commissioner comments, Commissioner Kritzman noted that Lt Gerard was seriously injured in August and has been recuperating ever since; he is now back to 20 hours/week light duty but is still not out of the woods relative to the long term effect of this injury. He feels the fact that he is back to work is encouraging.

Continuing, he said we've touched on this - Lt. Gerard's incident could have been avoided if the officers were equipped with Tasers. There would not have been any confrontation and he doesn't think the person arrested would be facing trial and court. He feels the Commission needs to give serious consideration, to include the tools available to our officers, namely Tasers. He continued, he has enough faith in Chief Nolan and his years in law enforcement that if he says a Taser is a valuable tool, he believes it. He concluded, with appropriate training and use of force policies, including times for deployment including appropriate review by supervisors and management, he thinks this is a tool for community and officer safety. He feels the Commission should authorize the Chief to make that acquisition if there is money available to do so. Vice Chairman Smith agreed and said it will be on the next agenda. Chief Nolan added, he has sent the Commissioners material on Tasers to read and review.

Vice Chairman Smith - no comment.

Commissioner Moon noted the Taser discussion is not on the agenda for this meeting so they can't entertain a motion. Commissioner Kritzman said he realized that and asked that it be on next month's agenda.

**MISCELLANEOUS CORRESPONDENCE**

Chief Nolan congratulated Officer Scott Pardales in that he is officially POSTC certified. Officer Pardales achieved this quickly and very well. He reported we have one officer at the Academy who will be graduating February 2; she has done exceedingly well. The Chief reported that Lt. Stimpson received the Rotary Club's Man of the Year and offered his congratulations, as did the Commissioners.

**EXECUTIVE SESSION - None**

**MOTION** by Kritzman, second by Moon to adjourn at 8:17 PM. All in favor. None opposed. So moved.

Minutes accepted: February 19, 2009