

BOARD OF POLICE COMMISSIONERS
REGULAR MEETING
March 16, 2010

1. Chairman Smith called the Regular Meeting of the Naugatuck Police Commission to order at 7:03 p.m.

Those in attendance were:

POLICE COMMISSION:

S. Smith
R. Roper
J. San Angelo
L. Mayfield
Mayor Mezzo

DEPT. HEADS AND OTHERS:

Chief Christopher Edson
Attorney Michael McGoldrick

ALTERNATES:

A. Barnes
W. Bertotti

ABSENT:

B. Whitaker
D. Branco
C. Ford

Public: 0

Staff: 7

Press: 0

2. Chairman Smith led in the Pledge of Allegiance to the flag.

3. ALTERNATES APPOINTED AS VOTING MEMBERS:

Chairman Smith appointed W. Bertotti as a voting member in the absence of B. Whitaker.

4. A motion by L. Mayfield and seconded by R. Roper to accept the minutes of the Regular Meeting of the Board of Police Commissioners held on January 19, 2010.

Discussion: None

Vote: Unanimous

5. A motion by R. Roper and seconded by L. Mayfield to accept the minutes of the Special Meeting held on January 14, 2010.

Discussion: None

Vote: Unanimous

6. A motion by J. San Angelo and seconded by L. Mayfield to accept the minutes of the Special Meeting held on February 9, 2010.

Discussion: None

Vote: Unanimous

7. A motion by L. Mayfield and seconded by J. San Angelo to *move Agenda Item #7 to Agenda Item #8 and move Agenda Item #8 to Agenda Item #7.*

Discussion: Chairman Smith asked for the motion in order to allow Attorney McGoldrick to make his presentation to the Commission in a timely manner. J. San Angelo asked if his presentation was relative to Agenda Item #8 and Chairman Smith said it was.

Vote: Unanimous

8. DISCUSSION/POSSIBLE ACTION REGARDING VACANCIES IN THE NAUGATUCK POLICE DEPARTMENT:

Chairman Smith stated that the retirement of Deputy Chief Hunt has left a vacancy for the position of Deputy Chief in the department. Chief Edson had contacted Mayor Mezzo to request permission to pose questions to the town's labor counsel so the Police Commission would have information on crafting a process for the next Deputy Chief that would hold up to any legal challenges. His hope is for a fair and equitable process for all. Attorney McGoldrick spoke to the Commission about past lawsuits that altered the department and discussed the Commission's duties and responsibilities. He stressed the issue of administering a written exam for all ranks beneath Chief of Police. He referred to Special Act 321 and the town charter. He was asked if Special Act 321 can be amended and reported that only through a change in charter can this be accomplished. J. San Angelo questioned the need for the position of Deputy Chief. Attorney McGoldrick said there doesn't have to be one but the current trend is that most departments do. The question of who could be eligible for the rank of Deputy Chief was explained by Attorney McGoldrick. A written examination must be part of the process. He recommended the test be followed by an oral examination. Under Rule 38 the Commission can hire an outside organization for the process. He further explained that the Commission has the flexibility to offer the position internally but they may seek an outside candidate. Attorney McGoldrick said that ultimately the process must open, fair and competitive. Mayor Mezzo asked Attorney McGoldrick if the use Alternates, adds to or conflicts with Special Act 321. He responded by saying that when Alternates were added, it must have been approved by the Board of Mayor and Burgesses in an ordinance. Chief Edson will forward historical information regarding the addition to Attorney McGoldrick

who will render an opinion to the Commission. Chairman Smith suggested the formation of an Executive Search Committee. It was discussed as to whether the Alternates would be included.

A motion by J. San Angelo and seconded by L. Mayfield to form an Executive Search Committee consisting of all Commissioners, Chief Edson, HR Director Deschesnes, subject to the findings of Attorney McGoldrick regarding the use of Alternates.

Discussion: The use of Alternates and their voting rights took place. Mayor Mezzo said it was best to wait for the Attorney's findings before decisions were made.

Vote: Unanimous

Chairman Smith stated he wanted to move forward with the process of filling the Deputy Chief's position. He asked for a motion in which would state, if there are at least three eligible internal candidates, the search will stay inside. If there are less than three, the search will go outside of the department.

A motion by Mayor Mezzo and seconded L. Mayfield that the Executive Search Committee be charged with hiring only from the internal ranks of the Police Department provided there are three qualified applicants.

Discussion: J. San Angelo did not agree with the minimum number of applicants. He believed the position should be kept internally. Mayor Mezzo agreed on keeping the process inside as well. R. Roper shared the opinion of Mayor Mezzo.

Motion was rescinded.

A motion by Mayor Mezzo and seconded by L. Mayfield that the Executive Search Committee be charged with seeking internal candidates within the ranks of the Naugatuck Police Department for the vacancy of Deputy Chief, should there be no qualified internal candidates then the Search Committee returns to the Police Commission for further instruction.

Discussion: None

Vote: Unanimous

Chairman Smith wants to schedule a meeting of the Executive Search Committee but will wait until later in the meeting. J. San Angelo asked if the chain of command was stable and if there was an acting Deputy Chief. Chief Edson said he did not make an acting Deputy Chief and everyone knew who they reported to within the department. He further continued with information regarding police candidate Martinez and the likelihood of his entering the academy on April 16th.

Chief Edson said that he has talked to union President Cammarata regarding the sergeant's promotional list that is valid until April 20th. He explained that with the vacancy of the Deputy Chief's position, a sergeant's position will become open if hiring is done within. He said it would be a savings to the town if a sergeant is promoted from the list, therefore eliminating the expense of a new test. Past practice in the department has shown that officers have been promoted in this manner. Discussion took place concerning the promotion of the next candidate on the list. It was decided that a Special Meeting would be called to promote an officer to the rank of sergeant once it is determined which officers have the eligibility to test for the rank of Deputy Chief. Chief Edson also informed the Commission there is still an open slot for a patrolman in the department.

9. PUBLIC COMMENTS: NONE

10. UNION BUSINESS:

Union President Cammarata explained the procedure for maintaining a list for the rank of sergeant. He reminded the Commission the list will expire on April 20th and after that date it will be necessary to administer the exam again, thus costing the town additional money. He discussed the past practice of promotion in the department once a vacancy is known. Chief Edson said he would like to follow through with the promotion as soon as possible but only if the search for Deputy Chief stays within the department.

11. PRESENTATION OF CHIEF'S MONTHLY REPORTS:

A motion by R. Roper and seconded by W. Bertotti to accept the Chief's monthly reports.

Discussion: Chief Edson said that he is going to explore the possibility of obtaining a police dog for the department. He explained that a dog is a valuable asset for tracking abilities and a deterrent for persons resisting arrest. Currently the department must call for assistance from another department which results in lost time for apprehensions. Great care would be given to the purchase, training and maintenance of the animal and his trainer. Funds for the purchase and upkeep would come from the Asset Forfeiture fund. Chief Edson said the bicycle patrol will be back on the streets as soon as the weather clears.

Vote: Unanimous

12. CORRESPONDENCE:

HRD Director Johanna Clisham sent a note of thanks to Sergeant Brian Newman and the Police union for their generous contributions of Christmas gifts for needy families.

Sergeant Brian Newman sent a letter to Chief Edson thanking him for his support during the holiday toy drives conducted by members of the department. He noted the large amount of donations received.

Officers Carmine Fianza and Derek Poundstone received a note of thanks from the owners of two dogs they were instrumental in saving.

Cathie Mauritz, Naugatuck YMCA, thanked the department for the donation of a playstation.

13. PUBLIC COMMENTS:

Sergeant Cammarata asked the Commission to strongly consider the promotion of Detective Bart Deeley to the rank of sergeant before the list expires. It was decided to set the eligibility requirements for Deputy Chief at a Special Meeting in order to determine if a sergeant's promotion will take place. A decision was made to hold a Special Meeting on March 23, 2010 for the purpose of determining the qualifications for the position of Deputy Chief. A second Special Meeting was called for March 30, 2010 for the purpose of promoting Detective Bart Deeley to the rank of sergeant.

14. OPEN ITEMS:

a. Communication to the public regarding Police Commission decisions:

A motion by R. Roper and seconded by L. Mayfield to send a letter to Mrs. Teresa Orszulak, 365 North Main Street denying her request for a handicapped sign in front of her home.

Discussion: L. Mayfield said she will create a form letter to be used by the Commission for future correspondence.

Vote: Unanimous

15. REPORTS FROM SUBCOMMITTEES:

W. Bertotti, Land Use Subcommittee, presented plans for a proposal at the former Cam motors location on South Main/Hotchkiss Streets. He approved the project.

A motion by W. Bertotti and seconded by L. Mayfield to accept the recommendation of the Land Use Subcommittee.

Discussion: Chief Edson suggested the Police Department conduct a traffic study in order to determine the traffic flow and count in the area.

The motion was withdrawn.

A motion by W. Bertotti and seconded by L. Mayfield to accept the recommendation of the Land Use Subcommittee contingent upon a favorable traffic study from the Police Department.

Discussion: None

Vote: Unanimous

J. San Angelo mentioned the towing list will be renewed shortly. Advertising will take place in May.

16. COMMENTS FROM COMMISSIONERS:

W. Bertotti said he and C. Ford had expressed concern regarding lack of attendance at Police Commission meetings which had been addressed at the last meeting.

J. San Angelo wished good luck to all of the officers who may qualify for the testing of the Deputy Chief position. He said when Chief Edson was hired it was discussed to have the next Deputy Chief come from within the department.

S. Smith wished everyone a happy St. Patrick's Day.

Mayor Mezzo congratulated Chief Edson and the department for receiving their accreditation. The Commission will send a letter to the department members extending congratulations for the achievement.

Chairman Smith had previously asked Recording Secretary J. LaCharity to speak with the Freedom of Information Commission for clarification regarding the Executive Search Committee. She reported that she had spoken with Tom Hennick, Public Education Officer with FOI, and learned that the Police Commission is responsible for setting the qualifications for the Deputy Chief position in an open forum. They must also determine the testing agency and if decided, the outside organization to be used for the oral examination. The Executive Search Committee is given the candidates derived from the testing process for their selection of Deputy Chief. The Executive Search Committee is exempt from FOI procedures. The Special Meeting of the Police Commission will take place on March 23rd for the purpose of determining the qualifications for Deputy Chief.

17. EXECUTIVE SESSION FOR THE DISCUSSION OF PERSONNEL MATTERS REGARDING OFFICER ALAN CROSSWAIT:

A motion by J. San Angelo and seconded by W. Bertotti to enter into Executive Session at 8:50 p.m. inviting in Chief Edson.

Discussion: None

Vote: Unanimous

The Regular Meeting resumed at 8:56 p.m.

18. A motion by W. Bertotti and seconded by J. San Angelo at 8:57 p.m. to adjourn to the next scheduled meeting on Tuesday, March 23, 2010 at the Naugatuck Police Department, Naugatuck, CT.

Discussion: None

Vote: Unanimous.

ATTEST:

Steven Smith, Chairman
Naugatuck Police Commission