

Linda M. Hodge



First Selectman

**Board of Selectmen and Police Commission
Special Joint Meeting Minutes
Tuesday, April 7, 2009
Colchester Town Hall
Meeting Room 1 at 7:30 p.m.**

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NANCY A. BRAY
TOWN CLERK

BOARD OF SELECTMEN MEMBERS PRESENT: First Selectman Linda Hodge, Selectman Rosemary Coyle, Selectman Stan Soby, Selectman John Malsbenden, Selectman Greg Cordova

POLICE COMMISSION MEMBERS PRESENT: Chairman Bill Otfinoski, John Jones, Glenn Morron

MEMBERS ABSENT:

OTHERS PRESENT: Mike Caplet, Gregg Schuster, Cyril Green, Rob Labonte, Shannon Dumigan, Brian Owens, Charlie Mazzola, Shane Hassett, Jim Stavola, George White, Susan Dema, Jean Otfinoski, Dorothy Mrowka and other citizens

1. **Call to Order:** First Selectman L. Hodge called the meeting to order at 7:38 p.m.
2. **Discussion Regarding Police Commission Activity:** First Selectman L. Hodge presented on her goals for the meeting, including allowing Board of Selectmen members the opportunity to ask questions in order to learn about the Police Commission, allow the Police Commission the opportunity to share their thoughts, ideas, and concerns with the Board of Selectmen, and to discuss possible ways of moving forward.

Police Commission Chair B. Otfinoski read a statement into the record (attachment).

The Board of Selectmen and the Police Commission had a discussion regarding past practices of the Police Commission and ways to improve communication in the future, amongst other related topics.

3. **Adjourn:** R. Coyle moved to adjourn at 8:35 p.m., seconded by S. Soby. Unanimously approved. MOTION CARRIED.

Attachments

1. Statement submitted by Police Commission Bill Otfinoski (read into the record during item #2)

**Note: This Special Joint Board of Selectmen meeting was recorded by a digital audio recording system and is available through the Colchester First Selectman's office in accordance with the Freedom of Information Act.*

Respectfully submitted,

Michael J. Caplet
Executive Assistant to the First Selectman

This is the first time I am speaking out to set the record straight. I feel that problems and differences of opinion should be worked out at meetings. Airing differences of opinion in the press will not result in productive solutions. For this reason I have said very little to reporters to date so as not to intensify problems in the press.

Because of the recent turmoil, valuable energies are being misdirected, preventing the police commission from doing the job it was appointed to do. My relationship with police officers has been tainted by unsupported and untrue allegations. Attempts have been made to smear my name and destroy the respect I have worked hard to earn. I have been misrepresented to the rank and file and to the press by officers of the police union. A wedge had been driven into the commission and tensions and personal attacks have resulted in the resignation of a commissioner who served the town for seven years.

I have always supported the Colchester Police and demonstrated that support by donating thousands of volunteer hours with the police commission over a period of almost ten years, first as member and then as chairman.

I have worked cooperatively with three First Selectman, four State Police Sergeant supervisors and the Board of Finance. I have developed a standardized hiring process and instituted the Field Training policy. I chaired a two-year Police Task Force to assess Colchester's police needs and how best to meet them. Our police force has grown from four to eleven officers and equipment for the office, the cruisers and the police officers has been updated for safety and efficiency. I have represented the police commission to the Law Enforcement Council, TRIAD and the Pandemic Flu committee

and attended department head meetings as the chairman of the commission. I have consistently supported the formation of an independent police department to serve Colchester's growing need but I realize that is still many years away.

The hours I have spent have been interesting, enjoyable and productive and I have been happy to donate them to the town and in support of the police.

From my point of view there are now two major areas that are a source of dissension and misunderstanding among the commissioners and between me and the Colchester Police Officers.

One issue relates to the town-police union contract negotiations.

I have been accused in the press of being the source of expense to the town for arbitration and the reason a settlement was not reached sooner. I have been accused of an ethics violation for not informing the police commission members of the progress of negotiations and not involving them in ongoing negotiations.

I would like it understood that I was **one member** of the town negotiating team as chairman of the police commission. I was not the decision maker on behalf of the town nor was I the chief negotiator. Those roles fell to the First Selectman and the Town Counsel. My role was to share an opinion or answer a question. Sixty-four contract proposals were being discussed. Many of the opinions I shared with the First Selectman and the Town Counsel with respect to contractual items were in support of the police.

Contract negotiations were forced into arbitration and its accompanying expense because the police union rejected, more than once, town attempts to enter into mediation

before arbitration. Even during arbitration, town attempts to reconcile differences were unsuccessful. That the police union was stonewalling any progress was made evident when the union president testified in arbitration, August 2008, that he was unwilling to negotiate any of the sixty-four items.

I would also like to address the facts regarding discussing ongoing negotiations with other police commissioners. Contract negotiations began in December 2006. At a police commission meeting on September 24, 2007 the union proposals for a new contract were reviewed in executive session and commission priorities decided. This was prior to the arrival of the newest commissioners in February 2008.

It has not been past practice to share ongoing negotiations with commissioners once their priorities have been established. Additionally there would have been nothing to report since there had been no movement by the police union on any of its sixty-four items. However if the newest police commissioners had requested a meeting with regard to the history of negotiations from December 2006 through February 2008 I certainly would have held one.

The topic of promotion criteria (rank structure) did come up during two commission meetings. Because promotion criteria were a part of ongoing negotiations with the police union, Selectman Soby, at the August 25, 2008 meeting, suggested any discussion be tabled until Town Counsel clarified if discussion was permissible. When the topic of promotion criteria was again raised at the December 15, 2008 commission meeting First Selectman Hodge explained that Town Counsel had specified that rank structure could not be discussed outside of ongoing negotiations.

Mr. Stavola seized this as an opportunity to bring ethics charges against me and call in the media in an attempt to embarrass and harass me. Subsequently, the Ethics Commission ruled there had been no ethics violation.

The second area of dissension and misunderstanding is in regard to police commissioners not abiding by their duties as spelled out in the town code and state statutes.

I have attached a listing of the duties, responsibilities, and authority of police commissioners and it clearly states that the commission is in a role of management and supervision as it represents the citizens of Colchester. It hires, promotes, disciplines and removes for cause Colchester police officers. It establishes rules and regulations for the department and monitors annual budgets. The police commission chairman represents Colchester during union negotiations.

The commission supports and respects its officers and the work they do serving and protecting the citizens of Colchester. However the fact remains that the officers are town employees and the commission represents the town as management. There are times when the requests of the police are in conflict with what the town can provide.

The role of the police commission was as stated until two members left and were replaced with two new commissioners during February 2008.

Mr. Stavola, a retired police officer himself, clearly felt that the role of the commission was to represent the police officers and lobby on their behalf even if this

placed the commission in a position of lobbying against the interests of the town. This put him in direct conflict with me.

In September 2008 he went so far as to suggest I should resign to avoid embarrassment to me and to the First Selectman. I refused and shortly thereafter he began his media campaign against me. I began to feel that each of my words and actions had to be measured for fear they would be twisted into some new unfounded allegation and brought to the press.

Previously the commission had worked out their different points of view (and there have been many over the years) within the commission until a consensus was found and members felt they could put forth one united point of view. Mr. Stavola chose not to work with me and the commission but rather to address issues in the media even purporting to represent the police commission when no meeting had been called and not all commission members were consulted.

As recently as November 2008 Mr. Stavola was insisting that both he (and the police officers) felt that the chair of the commission should represent the police officers, not the town, during police negotiations. Mr. Stavola was unable to understand that the duties would not change simply because he did not agree with them.

The Colchester Police Commission now consists of three members. There is still considerable tension among us and disagreement about the role of the commission. A commission best serves with a diverse membership that is able to work together and reach a consensus on issues.

We do not have that.

Bill Otfinoski 04-07-09