

**OLD SAYBROOK POLICE COMMISSION**  
**Regular Meeting**  
**February 24, 2014**  
**MINUTES**

A regular meeting of the Old Saybrook Police Commission was held on Monday, February 24, 2014, at the Old Saybrook Town Hall.

**Present:** Chairman Finch, Vice Chairman Savino, Commissioners Burnham, Maselli, Sparaco and Stuart were also present. Chief Spera and Lieutenant Roche were present from the Department of Police Services.

**I. Call to Order/Pledge of Allegiance/Moment of Silence**

Chairman Finch called the meeting to order at 7:00PM and led the Police Commission in the Pledge of Allegiance.

Chairman Finch led the Commission in a moment of silence in recognition of the passing of Chief Walter Patti.

Chief Spera requested that an Executive Session be added to the agenda to discuss matter concerning collective bargaining.

**Commissioner Maselli made a motion to enter into Executive Session at the point in time when the Commission discusses matters concerning collective bargaining. The motion was seconded by Commissioner Stuart. The motion passed with a vote of 6 in favor and 0 against.**

**II. Minutes**

A. January 8, 2014 Special Meeting

**Commissioner Sparaco made a motion to approve the January 8, 2014 Special Meeting Minutes. The motion was seconded by Commissioner Stuart. The motion passed with a vote of 6 in favor and 0 against.**

**III. Comments from the Public**

A member of the public expressed his support for the School Resource Officers.

**IV. Executive Reports**

Chief Spera noted that he had recently returned from a weeklong vacation and he applauded Lieutenant Roche for his leadership of the agency during that period of time.

A. Financial

1. 13-14 Operating/Contractual Budgets

Chief Spera addressed the same areas of concern from previous months. Specifically, the gasoline line item is over expended by \$20,000 due to the town negotiated pre-buy of gasoline for the Department, and the Miscellaneous Small Equipment line item is over expended due to ammunition purchases. Chief Spera also noted that the Department is spending an unusual amount of money from Personnel while replacing Patrolman Ziolkovski, who is still on sick leave for a non-work related illness.

Commissioner Stuart asked if Patrolman Ziolkovski is using his accumulated sick time.

Chief Spera replied that Patrolman Ziolkovski is currently using his accrued sick time and if need be he will then use his vacation time and personal days. If he is still unable to return to work he will be eligible for the Family Medical Leave Act, which is unpaid leave for up to 12 weeks.

Commissioner Maselli asked if Patrolman Ziolkovski's condition is improving.

Chief Spera replied that Patrolman Ziolkovski's medical information is private but that he is not recovering as quickly as he'd like but that the Department continues to support him and his family through this difficult time.

2. 14-15 Budget Process Update

Chief Spera outlined the three major changes to the Department's budget made by the Board of Selectmen:

The Holiday Payout line item was reduced from \$90,000 to \$45,000. The rationale behind this reduction is that if the Union rejects the proposed contract, the \$45,000 can be used to backfill Holidays and if the Union accepts the proposal the line item will be made whole.

The full time clerical positions were eliminated.

The gasoline line item was reduced by \$5,000.

Chairman Finch expressed his displeasure with the cut in gasoline, as the amount budgeted for next year is less than what the Department has already spent this fiscal year.

3. Asset Forfeiture

**Balance: \$20,486.37**

4. Capital Sinking Fund

**Balance: \$24,399.97**

Chief Spera explained that there has been a major deduction from this account. He stated that the JAG Grant used to purchase one of the Department's new vehicles was put into this account and when the remainder of the Grant money comes in, it will be put back into this account to make it whole.

5. Traffic Safety Fund

**Balance: \$29,500.72**

6. Law Enforcement Fund

**Balance: \$22,280.53**

Chairman Finch appointed Commissioner Burnham as the Police Commission's representative of this fund. He stated that she would be the Chairman of the Committee.

Former Commissioner Metsack stated that the Committee has been using the fund money to support local youth service needs. He added that the Committee has traditionally had three members but rather than transfer conservatorship of the fund to the newly elected union president, Brian Ziolkovski, the Committee chose to simply add him to the committee and leave the conservatorship under David Perrotti's name.

7. Old Saybrook Police Fund

**Balance: \$320.00**

8. Police Explorer Fund

**Balance: \$4,970.27**

9. Police K-9 Fund

**Balance: \$1,479.24**

Commissioner Stuart asked about Patrolman Ziolkovski's police canine, Zeus.

Chief Spera replied that Patrolman Ziolkovski still receives 3 hours of pay per week for feeding and grooming related to Zeus. Before Zeus can return to active duty, however, he and Patrolman Ziolkovski have to be recertified.

## B. Administrative

### 1. Contract Negotiations Update – Police Union

Chief Spera reported that they are still waiting to hear back from the union on the off the record contract proposal given to them in December.

Vice Chairman Savino asked when the last contract expired.

Chief Spera replied that the contract expired on June 30, 2013.

Vice Chairman Savino asked how many years the contract will be viable.

Chief Spera replied that the length of the contract is negotiable and the current offer is an off the record proposal, but he believes that the proposal is for 4 years.

### 2. Dispatch Union Grievances

Chairman Finch asked that this item be moved to the end of the meeting so that the public in attendance could participate in the remainder of the agenda and then leave when the Commission enters into Executive Session.

The Commission agreed.

### 3. Activity Report

Chief Spera informed the Commission that all of the new vehicles are in and are in various stages of outfitting. Additionally, all of the invoices for the vehicles have been received and submitted to First Niagara. Once the checks have been received and mailed to their respective businesses, the vehicles can begin to see use.

Lieutenant Roche informed the Commission that the Department has decided to stay with point blank vests with a 3A threat level, which is a standard recognized by the National Institute of Justice. He elaborated that the Department received 4 bids from vendors for the vests and of the 21 criteria sought by the Department, Security Uniform presented 20 of those items. Lieutenant Roche stated that for 29 vests the cost would be \$25,723. Because of a grant received by the Department in the amount of \$7,791, the town's cost has been reduced to \$17,931. The Chief added that additional soft body armor equipment will be purchased with the balance of the funds.

Chief Spera added that the Lieutenant served as the Chairman of an internal vest committee that also included Sergeant Bergantino and his first-hand knowledge of the vest's capabilities.

Commissioner Stuart asked which criteria point was not met by Security Uniform.

Chief Spera replied that Security Uniform did not state whether the vests were reimbursable through grants. In the end, the vests were reimbursable so it was a moot point.

Vice Chairman Savino asked if members of the Department are required to wear vests while on duty.

Chief Spera responded that personnel are required to wear vests while on duty.

Lieutenant Roche added that a stipulation of the reimbursement is that the Department has a mandatory wear policy.

Chairman Finch asked what happens to the old vests.

Lieutenant Roche stated that there are some recyclable options.

Commissioner Stuart stated that the Department could donate the vests to Departments that do not have any protective equipment.

**V. Patrolman and Patrol Sergeant Process - Update**

Chief Spera stated that there is one candidate left in the Patrol Sergeant process. The candidates took their final written exam last Friday and will now go for an oral board assessment. The Chief thanked Chairman Finch for proctoring the written exam. Assuming the candidate passes the oral boards, the Commission will interview him at the next regular meeting in March.

Lieutenant Roche stated that 98 people showed up for the Patrolman test and approximately 60 people passed. 45 people went on to oral interviews and currently 14 candidates are going through the background check process. Lieutenant Roche stated that the Commission should be able to interview eligible candidates at the regular meeting in March.

**VI. Correspondence and Correspondence Process**

Chairman Finch encouraged members of the Commission to forward received letters to the Police Commission care of the Police Department. He stated that if the letters contain requests for information then the Commission can look into that but he doesn't think it is right for a letter to be brought up during a meeting and used to blindsides someone in a public meeting. He concluded that people should be given fair warning of in advance so that the facts of the matter can be gathered and explained.

Vice Chairman Savino asked about the status of the letter the Commission received with regards to funeral traffic.

Chairman Finch stated that he had met with the Chief about the issue and it appears there was a miscommunication between the family and the Department.

Commissioner Burnham stated that it's important to remember there is a proper procedure to follow if a member of the public is making a complaint about how a member of the Department has performed his job.

Chairman Finch agreed, stating that a complaint must be made at the Department, at which point an internal investigation is conducted.

Commissioner Stuart asked if contact was made with the woman from the letter.

Chief Spera stated that he has not contacted her.

Commissioner Burnham stated that the letter did not go through the proper channels and does not concern a primary function of the Department, which means that it should not be reviewed by the Commission.

Chairman Finch stated that the services offered were being done out of courtesy. To contact the family now might only reopen a sore subject.

Commissioner Burnham again stated that the running of the police department is the Chief's responsibility and the Commission could open itself to problems if it oversteps its bounds.

Commissioner Stuart stated that he is not suggesting the Commission take any action other than to apologize for the miscommunication.

Chief Spera replied that he would caution the Commission against apologizing to someone on his behalf without first granting him due process to determine if his actions were incorrect. The Chief further stated that he wished to remind the Commission that he has specific rights as an employee and a property interest in his employment.

Commissioner Maselli stated that if he was exhibiting poor job performance and a parent forwarded a letter to the Superintendent about that performance, the Superintendent would be forced to take corrective action, but if a parent forwarded a letter regarding something that isn't a primary job responsibility then the decision of whether or not to apologize or take corrective action is up to that individual.

Chief Spera explained that if the Commission received a serious complaint about him they would have to consult with a labor attorney, a criminal investigation would take place, if warranted, and an internal investigation would take place separate from a criminal investigation if one was needed.

Commissioner Stuart asked how the Commission handles something that isn't that serious. He added that he just wants to know how minor issues are addressed.

Chief Spera replied that those matters would be discussed during his annual performance evaluation.

Commissioner Maselli asked the Chairman if he had met with the Chief regarding the funeral traffic letter and if he was satisfied with the outcome.

Chairman Finch acknowledged that he was satisfied.

Commissioner Maselli stated that this should be sufficient enough for the Commission and the meeting should progress.

Commissioner Stuart stated that he would like for the Commission to receive a presentation from labor council so they could be properly advised on how to handle future issues.

Chairman Finch stated that if the Commission receives several letters regarding the Chief's performance, they can be discussed during his performance evaluation.

Commissioner Stuart asked why the Chief can instruct an employee to take corrective action but the Commission cannot instruct the Chief to do the same.

Commissioner Burnham stated that it is the Chief's job to run the Department.

Chief Spera replied that the Commission can only do what they are empowered to do by the state statute and the town charter. The responsibilities of the Commission are essentially limited to hiring/firing, promotion/demotion, serious discipline, and fiscal oversight of the Department.

Chairman Finch concluded that if the other Commissioners would like to review every piece of correspondence specifically addressed to the Police Commission that does not pertain to a sensitive personnel matter, he would be happy to pass those along.

The Chief again cautioned the Commission on how they discussed him and his performance. He told them that in addition to a specific state statute concerning the employment of a police chief, that he is a municipal employee with a contract that has a property interest in his employment and that he possesses due process rights.

Commissioner Savino stated that the Commission was not looking to discipline or terminate any departmental employees.

## **VII. Comments from the Public**

Former Commissioner Metsack admonished Commissioner Stuart for his lack of knowledge about the workings of the Police Commission.

Vice Chairman Savino stated that he objected to the former commissioner's comments.

Chairman Finch agreed.

Former Commissioner Metsack apologized for his remarks.

## **VIII. Comments from the Chief of Police**

There were no comments from the Chief of Police.

## **IX. Comments and/or Concerns from Commissioners**

Commissioner Maselli stated that he recently went on a ride along with Sergeant Walsh. He thanked the Department for the hospitality and stated that the experience was very informative.

**Commissioner Burnham made a motion to enter into executive session for the purpose of discussing matters concerning collective bargaining. The motion was seconded by Commissioner Maselli. The motion passed with a vote of 6 in favor and 0 against.**

**The Commission entered into Executive Session at 8:06PM.**

**The Commission exited Executive Session at 9:03PM.**

**X. Adjournment**

**Commissioner Stuart made a motion to adjourn. The motion was seconded by Commissioner Burnham. The motion to adjourn the meeting passed with a vote of 6 in favor and 0 against.**

*The next regular Police Commission meeting is scheduled for March 24, 2014 at 7:00 p.m.  
in the First Floor Conference Room, Old Saybrook Town Hall.*

The meeting minutes for February 24, 2014 were prepared and respectfully submitted by:

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Trent Gerbers  
Records Clerk for the Old Saybrook Police Commission