

**TOWN OF EAST HAVEN, CT
HONORABLE BOARD OF POLICE COMMISSION
REGULAR MONTHLY MEETING
FEBRUARY 25, 2014
EAST HAVEN POLICE DEPARTMENT
471 NORTH HIGH STREET
EAST HAVEN, CT**

COMMISSIONERS PRESENT: Chairman William Illingworth, Vice Chairman Paul Constantinople, Commissioner Joseph DiSilvestro, Commissioner Dawne Flynn, Commissioner Eduardo Torrealba

ALSO PRESENT: Chief Brent Larrabee, Deputy Chief John Mannion, Lieutenant Edward Lennon, Lieutenant Frank Montagna, Sergeant Justin Brochu, Detective Benjamin DeCrosta, Union President Local 1662 Officer Robert Nappe, Attorney Joseph Zullo, Council 15 Attorney Kelly Rommel, New Haven Register Reporter Evan Lips, ETV Videographer

Meeting called to order at 7:00 PM by Chairman Illingworth.

1. Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Welcome and Introduction of New Commissioners

Chairman Illingworth welcomed new commissioners Dawne Flynn and Eduardo Torrealba to the Board.

5. To consider and act upon the approval of the minutes of Regular Monthly Meeting of February 25, 2014

A motion was made by Commissioner DiSilvestro to accept the minutes of February 25, 2014 as received; seconded by Vice Chairman Constantinople. All in favor. No one opposed or abstained. Motion carried.

6. To consider and act upon the approval of the monthly reports
 - a. Traffic Maintenance Monthly Report

A motion was made by Commissioner DiSilvestro to accept the monthly report as received; seconded by Vice Chairman Constantinople. All in favor. No one opposed or abstained. Motion carried.

b. Monthly Arrest Report from the Chief of Police

A motion was made by Commissioner DiSilvestro to accept the monthly report as received; seconded by Vice Chairman Constantinople. All in favor. No one opposed. Motion carried.

7. Public Comment

Officer Robert Nappe – Would like to repeat, as in every meeting, that ‘Public Comment’ should be throughout the meeting, not just in the beginning of the meeting; the citizens and the Union should be allowed to comment on every topic. Secondly, Officer Nappe stated “the venue should be changed back to the Senior Center where it is centrally located for everybody to go – it should be an open forum; this is not an open forum, it is a closed, secured building so it should be back to the Senior Center.” For the record, Chairman Illingworth asked if the police department was a public building to which Chief Larrabee replied that it is.

8. Correspondence Received/Sent

Correspondence was received from Sergeant Richard Ellison and Officer Franshesca Ojeda and distributed to the Board in advance of the meeting for their review and consideration, and will be addressed herein as agenda item 11.a.

9. Personnel Matters

- a. Injured Employees
- b. Overtime
- c. Contract Negotiations – General Status Update

Chief Larrabee reported that one (1) officer is still out on long term injury. Attendance has been very good considering the amount of hours worked. Sick time is very minimal.

Overtime has stabilized somewhat and has decreased several thousand dollars in the last few months. We are doing what we can to mitigate that, however, until new recruits are road-ready, it will continue.

Three (3) officers graduated Milford Academy on March 14 and one (1) officer graduated Meriden Academy on March 24 so we now have four (4) recruits on field training status. For the sake of the new Commissioners, field training status begins upon graduation from the Academy and continues for 400 hours of on-the-job training per State statute before they can be deployed on their own, therefore, they do not count towards minimums or overtime.

Five (5) new hires will begin the New Haven Academy on March 31. Again, six months from there and 400 field training hours later, they will count towards minimums. That leaves one vacancy for a patrolman which will be addressed herein as agenda item 11.c.

Currently, we have one (1) detective on staff and four (4) vacancies. Some of the overtime has been driven by an extremely short-staffed Detective Unit. One sergeant has been temporarily assigned to the Detective Unit to assist with the significant caseload; primarily driven by background checks for new and potential employees which takes considerable time and resources, in addition to regular detective duties.

Contract negotiations are still status quo pending confirmed meeting dates. Officer Nappe further commented that two mediation sessions were scheduled for the month of March but were cancelled by Attorney Kolb. Chief Larrabee thought March 26 was still on. Counselor Kelly Rommel clarified that Attorney Kolb, after canceling March 26, tried to rebook the date but the State mediator was no longer available so meetings to continue negotiations may not occur until May given the challenge of coordinating several schedules.

As previously mentioned, there are vacancies at the detective rank. A test was administered and there are two (2) candidates to be promoted, however, promotions are pending, contingent on filling patrolman vacancies. Additionally, there is a sergeant opening due to Sergeant Ellison's retirement which also creates overtime. Again, we will postpone promotion until more patrolmen are staffed as we do not want to incur any more overtime than is absolutely necessary. Clearly, we are in a conundrum. We have had preliminary discussion with Finance about possibly transferring some monies from the sergeant and

detective ranks so that we can hire patrolmen prospectively and then back-fill the detective promotions so as not to take anyone off of patrol.

Chief Larrabee further stated that the detective test is being reevaluated as only two (2) of six (6) candidates passed (not for lack of trying) which may indicate that the test is too difficult and/or the timing of the test is poor. Most patrolmen are working 16-hour days, five to six days a week which does not leave much time for studying, as well as personal obligations.

10. Old Business

a. Grievance 2013-10

Attorney Kelly Rommel has taken over the case from Dan Ford and commented that she has been troubled by her communication with Attorney Kolb to date. There seems to be some confusion about the purpose of the hearing. Chairman Illingworth stated that his understanding was that the Special Meeting was called due to the amount of evidence Chief Larrabee wanted to present to the Board to substantiate his denial of the grievance which cannot be done at a regular meeting. Town Attorney Zullo commented that he believes the Board and Council are in agreement that the Special Meeting is to address the grievance only as the discipline phase has been completed. Chairman Illingworth stated that it was never the intention of this Board to revisit the discipline meted out by the Chief. To further clarify, the only purpose of the Special Meeting will be to uphold the denial of the grievance or not. Attorney Rommel asked if there was any part of the grievance that could be address now to which Chairman Illingworth responded that it was not possible as Attorney Kolb was not present. A hearing date will be forthcoming.

There was some discussion about the delay in scheduling of the Special Meeting and the minutes from December 28, 2013 were cited pertaining to postponing the Special Meeting because a potential witness would be unavailable for the month of February. Attorney Zullo will find and distribute the communication that indicates the Union's agreement with the postponement.

11. New Business

a. Grievance 2014-03

Grievant is disputing sick time payout and seeking compensation for donated sick time. Attorney Rommel stated that the grievant was not accurately paid out for all sick time upon his disability retirement. Chief Larrabee clarified that the sick time in question was donated by other retiring police officers therefore a payout was not appropriate as the officer did not earn this time. Historically, it is not standard practice to payout donated sick time. There was some disagreement about the contract language – specifically ‘earned’ versus ‘accumulated’ whereby Attorney Rommel stated her opinion was that ‘donated’ and ‘accumulated’ were synonymous. Chief Larrabee’s position is that donated sick time is not the same as earned sick time. Attorney Rommel argued that the contract makes no distinction between earned and accumulated, therefore he should be paid for all sick time in his bank. Chief Larrabee countered that there is an implied industry standard that sick time is earned. The debate continued round-robin with each party holding steadfastly to their position. Chairman Illingworth is mindful about setting precedence for paying out donated sick time and is hesitant to do so. He requested comment from the Board. A motion was made to uphold the denial by Commissioner DiSilvestro; seconded by Commissioner Torrealba. All in favor. No one opposed or abstained. Motion carried.

b. Grievance 2014-04

Grievant is requesting paid administrative leave which has been previously denied. Chief Larrabee recommended this matter be addressed in executive session. Attorney Zullo interjected, asking that if the Board opts to go into executive session, they extract a waiver of grievant’s rights to be notified that they will be discussed in executive session pursuant to FOI regulations so they have the option to keep the discussion in regular session or move to executive session; unless said right is waived by the Union on grievant’s behalf. Attorney Rommel stated that the Union waives that right. A motion

was made by Chairman Illingworth to go in to executive session with the Board, Chief Larrabee, Deputy Chief Mannion, Town Attorney Zullo, Attorney Rommel and Union President Officer Robert Nappe; motion and seconded by all those in favor. No one opposed. Motion carried.

Executive session commenced at 7:30 PM.

A motion was made by Vice Chairman Constantinople to conclude executive session and return to regular session; seconded by Commissioner Torreabla. All in favor. No one opposed. Motion carried. Regular session resumed at 7:51 PM.

A motion was made to grant the grievant two (2) days paid administrative leave for the dates of March 8 and March 9, 2014 only pursuant to the Collective Bargaining Agreement by Commissioner DiSilvestro; seconded by Vice Chairman Constantinople. All those in favor. No one opposed or abstained. Motion carried.

- c. Consider and possible action upon the retirement of Sergeant Richard Ellison and the resignation of Officer Franshesca Ojeda

A motion was made to accept the retirement of Sergeant Richard Ellison by Vice Chairman Constantinople; seconded by Commissioner DiSilvestro. All in favor. No one opposed. Motion carried.

A motion was made to accept the resignation of Officer Franshesca Ojeda by Commissioner DeSilvestro; seconded by Vice Chairman Constantinople. All in favor. No one opposed. Motion carried.

Commissioner DiSilvestro would like to acknowledge for the record, both retiree and resignee expressed their gratitude and thanked the East Haven Police Department for the opportunity to serve the Department, the Town and its citizens. Both enjoyed their tenure, 26 years and 18 months, respectively. Chairman Illingworth read both letters aloud.

Chief Larrabee requested that the Inauguration of New Haven Mayor Tony Harp be added to the agenda. A motion was made by Vice Chairman

Constantinople to add this item to the agenda; seconded by Commissioner DiSilvestro. All in favor. No one opposed. Motion carried.

Chief Larrabee informed the Board that the Mayor's Inaugural Ball will be held at Robinson Aviation Center (50 Thompson Avenue) on Saturday, March 29 at 6:00 PM. The event is expected to draw approximately 1,000 attendees (a more realistic projection is 400-600). The Governor will attend with his own contingent of State troopers. At the Chief's discretion, New Haven PD may assist with the extra duty detail. The Chief, Sergeant Brochu and Officer Naccarato have met with the event organizers to discuss the necessary provisions to ensure public safety, i.e., number of extra duty assignments, parking, traffic flow, etc. The Chief does not anticipate this will be a high-risk event, and predicts there may be an overflow of parking and traffic in and around the side streets. Chairman Illingworth noted that on-street parking in residential areas may be a concern. Chief Larrabee responded that notifications will be posted to the East Haven Police Department Facebook page and with the East Haven Patch.

- d. To consider and act upon the hiring of recruit Grade C Police Officer(s)

A motion was made by Commissioner DiSilvestro to go in to executive session with the Board, Chief Larrabee, Deputy Chief Mannion and Lieutenant Lennon; seconded by Commissioner Flynn. All in favor. No one opposed. Motion carried. Executive session commenced at 8:04 PM.

A motion was made by Commissioner Torrealba to conclude executive session and return to regular session; seconded by Commissioner DiSilvestro. All in favor. No one opposed. Motion carried. Regular session resumed at 8:15 PM.

A motion was made by Commissioner DiSilvestro to make an offer of employment to Jonathan Andino (previously interviewed by the Board in executive session at the regular monthly meeting of February 25, 2014), contingent on a signed pre-employment agreement. His start date will be predicated on the availability of an Academy seat; seconded by Vice Chairman Constantinople. All in favor. No one opposed. Motion carried.

Chairman Illingworth announced that the next regular meeting scheduled for April 29, 2014 is canceled. Instead, a Special Meeting is scheduled for April 22, 2014 at 7:00 PM at the East Haven Police Department.

A motion was made by Commissioner DiSilvestro to adjourn; seconded by Vice-Chairman Constantinople. All in favor. No one opposed. Motion carried.

Chairman Illingworth adjourned the meeting at 8:17 PM.

Respectfully submitted,

Marsha M. Maldonado
Clerk to the Honorable Board of Police Commission