



POLICE COMMISSION

49 Plumtrees Road, Connecticut 06801 • Phone: (203) 743-5500 • Fax: (203) 748-1333

MINUTES OF REGULAR MEETING
BETHEL POLICE COMMISSION
WEDNESDAY, APR 16, 2008
BETHEL POLICE DEPARTMENT-CONFERENCE ROOM

RECEIVED

APR 18 2008

TOWN OF BETHEL
TOWN CLERK

ATTENDING: CHAIRMAN NICHOLAS ELLIS
COMMISSIONER ANDREW MATTURRO
COMMISSIONER CHRIS McCOLLAM
COMMISSIONER HUGO GRECO
COMMISSIONER BILL OCHS
CHIEF JEFFREY W. FINCH

Chairman Nicholas Ellis opened the meeting at 5:07 p.m.

1. General Public Comments:
None
2. Review of Past Minutes Mar 19, 2008
Motion by Comm Maturro to accept the minutes of 3/19/08 Regular Meeting; seconded by Comm McCollam – unanimous.
3. Budget Report:
Chairman Ellis questioned various separate invoices concerning the invoices for patrol vehicles. Capt Cedergren, in attendance, replied to the Commission's satisfaction. Motion by Comm Maturro to accept the budget report as presented; seconded by Comm Greco – unanimous.
4. Old Business:
 - a) Monthly reports
Chief Finch stated that the form of the reports are still undergoing changes. Custom report samples are due soon from the new software supplier. Motion by Chairman Ellis to accept the monthly reports as presented; seconded by Comm Ochs – unanimous.
5. New Business:
 - a) Grievance
George Bryce, Police Union Secretary, stated that the Union is grieving the removal of Ron Ashker from the position of detective and his reduction in rank to patrolman. The recent Labor Board arbitration decision was based upon Detective Murphy's contention

of demotion and the Police Department's past practice. The contention at this time is not that Detective Ashker is being demoted but rather that "by the contract he is being disciplined". Though the contract specifies that assignment to the Detective Bureau is at the discretion of the Chief, nothing in the contract specifies how one is removed from the Bureau. The only section of the contract which governs removal, requiring just cause, is specified acts of discipline including removal, rank reduction, fines, suspension, verbal and written reprimands. While management rights gives the Chief, at his discretion, wide latitude to make changes, there are provisions of the agreement which curtail these rights. These provisions prevail where a conflict occurs and the Union feels the prevailing provision is disciplinary action. And just cause is necessary for disciplinary action. Contract language should have read "the position of detective is a temporary assignment at the sole discretion of the Chief". Without this language only the definition of the word "assignment" serves. Under the contract only certain acts represent discipline including reduction in rank and removal for just cause. While "Detective" is a position and not rank in the contract, the command structure shows detective above patrolman. Reduction in rank and removal from present assignment both represent two acts of discipline. The question posed is what violation or reprimand applies to Det Ashker?. To give officers detective experience the Chief can create new rotational positions in the Detective Bureau, leaving the core of detectives intact. This has been done in the past with warrant officers, narcotic officers, ESU teams and the like. The Bureau is unique in that it has the responsibility for solving major crimes. People possessing specialized training and skill are replaced by those less trained, learning the job

Union representative Wayne Gilbert introduced Robert McDarren. Mr McDarren, utilizing his experience in industry, spoke about a similarity of principles, the need to keep employees motivated by keeping them in jobs they want to do while providing them with personal growth, and the education and training necessary to pursue personal career paths. Returning an employee to the root job of his employment leaves the person not only embittered but risks the spreading of that bitterness. Mr McDarren offered his expertise to the Department free of charge. Chief Finch pointed out the differences between municipal government and private business. Goals and ways of "climbing the ladder" differ. The position of detective is "not part of the ladder". The Chief asked Mr McDarren if he would not feel better knowing the patrol officer responding to his situation had detective bureau experience. The Chief stated that this in fact is his intent, to provide this type of personal growth. It was determined at this time by Chief Finch's

questions that Mr. McDarren is Det Bryce's father-in-law. Mr McDarren defended his professional rather than personal interest. Wayne Gilbert echoed the demotivational aspect of removing detectives after they have been doing a good job. The decision to do this should be based on the best interests of Bethel and not just the exercise of management rights. Mr Gilbert also requested a copy of this meeting's tape.

Chairman Ellis thanked everyone for their civility. The Chairman also mentioned that Chief Finch will attend the beginning of executive session then will leave during the deliberation of this item. Wayne Gilbert asked if a union member could also be present. This was denied because the questions to the Chief do not require union rebuttal.

b) Parking on Durant Av

Chairman Ellis pointed out that 2 hour parking is on one side of Durant Av. His request is for 2 hour parking and permit parking for permit overruns at the railroad station. The road is sufficiently wide and long for 48 additional parking spaces. Use of public transportation should be encouraged. Off Christos, in attendance, offered that visiting nurses at Simeon Rd rest home facility use the parking spaces for help and loading zones. Capt Cedergren stated that this was why the 2 hour limit was set initially, to keep businesses from permanently using the spaces. Chairman Ellis asked if 20 spaces could be so created. Lt Dickinson stated that the road appears to be wide enough for the spaces but it is important to look at sight lines and where the spaces are placed in relation to intersections. Decreasing the width of the road with spaces could actually add to safety of the road by reducing speeds on the long straightaway. Chief Finch assigned Lt Dickinson to look at this proposal and report back at the next meeting.

c) Site plan – Chelsea Heights

In his letter Capt Cedergren described this signage plan for the construction project on Chelsea Heights. The plan was submitted for review by Public Works Director A. Morkowski. Temporary signs will include speed and "Flagman Ahead" warning signs, no parking and hours of operation. The signs are correctly placed. Motion by Comm Maturro to accept Capt Cedergren's letter and forward it onto the Planning and Zoning Commission; seconded by Comm McCollam – unanimous.

d) Lt Dickinson was made aware that the Fire Marshal Tom Galliford was not consulted before painters arrived to do the pavement markings at the High School for the fire zone. The lieutenant met with the Fire Marshal, the paint crew leader and the construction supervisor. Proper procedure was not followed since

only the Fire Marshal can determine fire zone locations under Town code, and then must provide the plan to the Police Department. Fire zones were established by the plan designer. Since they are only 3 feet wide they are inadequate according to the Fire Marshal. Town ordinance wording of the fire zone signs is also incorrect according to Lt Dickinson. Also failing to meet State size and design specifications were school crosswalks. A 24 x 24 block and space design is required, 8 to 10 feet in width. Even a handicap crosswalk was too narrow. Signs employed have not received the approval of the Police Commission. New signs are to be approved by the Police Commission and the Fire Marshal before being installed. Motion by Chairman to authorize Lt Dickinson to make sure the signs and markings are up to State standards; seconded by Comm Greco – unanimous.

6. Correspondence:
 - a) Fred Bauer
Brookfield resident thanked Off Conroy for giving him a break. Chief Finch checked with Off Conroy and determined the break was appropriate.
 - b) Fruit Basket
A fruit basket was delivered to Off Dirago and Zavatsky with a letter of compliment thanking them for compassion in helping with a step son.

7. Chief's Report
 - a) 2006 Annual Report
This report in the hands of Commissioners was two years late according to Chief Finch but the delay was due to the inclusion of State data for comparison purposes. The State is two years behind in publishing data for CT Chiefs of Police use. The Chief promised the Commission a year-end report for 2007 since the State will be ever further behind.

Commissioner Comments:

Comm Matturro asked for noontime police patrol in Meckauer Park since walkers informed him that they were suspicious of some parked cars. Comm McCollam and Greco asked for patrol of Bennett Park at the same time. Day shift Sgt Libertini, in attendance, promised it would be done.

Comm McCollam asked when bike patrol is due to begin.

Comm Matturro stated for the record his objection to a Union member not being allowed to attend this executive session as long as the Chief is there in order to hear the Union's side of the story.

Meeting recessed at 6:22 pm

Meeting resumed at 6:29 pm

Motion by Comm Ellis to add "Markings at School Complex" to New Business as item 5d; seconded by Comm Greco – unanimous. (see 5d)

8. Executive session

At 6:35 motion by Chairman Ellis to go into executive session and invite Chief Finch to attend for one or two minutes before deliberation; seconded by Comm McCollam – passed with Comm Maturro opposed because of the Union not being allowed to attend.

At 9:14 Commission came back into regular session. Motion by Chairman Ellis to deny the grievance; seconded by Comm McCollam – unanimous. Chairman Ellis stated that for the record the vote is unanimous and in discussion with Chief Finch both sides are willing to move on this matter and the Commission wants them to fix it in-house and when the Chief talks to them, come up with a resolution. Chairman Ellis encouraged everyone to sit down and get this fixed in a timely manner so morale is improved.

At 9:16 motion by Chairman Ellis to adjourn; seconded by Comm Greco - unanimous

Respectfully Submitted



Ferdinand Miller Jr.

Secretary