



# POLICE COMMISSION

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MINUTES OF REGULAR MEETING  
BETHEL POLICE COMMISSION  
WEDNESDAY, MAR 18, 2009  
BETHEL POLICE DEPARTMENT-CONFERENCE ROOM

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

**RECEIVED**

MAR 23 2009

TOWN OF BETHEL  
TOWN CLERK

Chairman Nicholas Ellis opened the meeting at 6:30 p.m.  
First Selectman Bob Burke was in attendance and seated at the table.

1. General Public Comments:  
Ann Cleary of 2 Eagle Rock Hill Rd expressed her displeasure with Commissioner McCollam and Och's analysis of a pool pass incident and a 2/23/07 motor vehicle accident. Also she feels she is the victim of a "handful of people who are trouble makers". The reports concerning her, according to Mrs Cleary, neglect her input and she wants to know how to proceed from this point in the pursuit of what she believes was unethical and biased case reporting resulting in a misrepresentation of the truth. Comm Maturro stated that the investigation was done thoroughly and in good faith, the answer was fair and that the Commission should consider its obligation in this matter satisfied but if Mrs Cleary does not agree with the answer, then she should take her case to the next step. Comm McCollam added that the investigating committee diligently performed its duty as charged, listened to all sides and brought back findings to the Commission which were affirmed by voice vote which should have been the end of the issue. Mrs Cleary also requested input on her two outstanding citizen complaints. Since Public Comment is not the time for "back and forth debate", Chairman Ellis thanked Mrs Cleary and promised to schedule a special meeting to discuss the issues.
2. Review of Past Minutes Feb 18, 2009  
Motion by Comm Maturro to accept the minutes of 2/18/09; seconded by Comm Greco – unanimous.

3. Budget Report:  
Chief Finch reminded the Commission that a single big case can create a wide swing in overtime expense from one week to another. The sergeants monitoring reports serves to cut down on overtime. Motion by Comm Maturro to accept the budget report as presented; seconded by Comm Ochs – unanimous.
  
4. Old Business:
  - a) Monthly Reports  
The Commission considered the reports. No felonies were reported. Ochs thanked the Chief for including officer ID's. Motion by Chairman Ellis to accept the Monthly Reports as read; seconded by Comm Greco – unanimous.
  
  - b) Main St noise complaint  
This item concerns events at the Historical Society's First Meeting Hall and VFW lodge which were held over from the last meeting. The request was for a noise ordinance. Chief Finch had Capt Cedergren make those who run the VFW aware of the complaints. There will be better monitoring of and response to complaints by the uniform division.
  
5. New Business:  
Motion by Chairman Ellis to add St Mary's Road Race to New Business as item e; seconded by Comm Ochs – unanimous.  
Motion by Comm McCollam to add Duties and Responsibilities to New Business as item f; seconded by Comm Ochs – unanimous.
  - a) Site Plan – 21 Nashville Rd Ext  
In his letter Capt Cedergren describes this residential construction at the front of a large lot containing an existing building. The shared driveway has sight line problems for traffic safety due to its proximity to a hill and a curve. An engineer should examine the situation before issuing any approvals. Excavation of the elevated road shoulder to the north is one solution which would improve the view of oncoming traffic. Motion by Comm Ochs to accept Capt Cedergren's report and forward the same to Planning and Zoning with the Captain's recommendations; seconded by Comm Maturro – unanimous.
  
  - b) Military Leave  
First Selectman Burke stated Bethel's policy for non deployment has been the thirty days allowed by the State plus ten days making up the difference in pay for a reservist if he loses money as a result of his service. If activated on a short term basis or long term they become federalized and the situation is different. Chief Finch floated two recommendations concerning Army Reserve or National

Guard duty. The first, referred to by the Chief as the New Milford plan allows an officer to work an extra shift to balance the day off. In consultation with Attorney Thompson, it was determined that this has to be done in the same payroll work week. Since this could create problems the Chief proposes the use of comp time to satisfy some of the military leave. This can be earned in advance. Town Counsel will have to be consulted on this to see if an addendum to the contract would be necessary according to First Selectman Burke. Chief Finch read the guidelines stating that during a 60 day period following documented military activation with valid written orders of deployment to a war zone, the person may be given time off with pay not to exceed 10 days. This satisfies training obligations. The Chief asks that he be allowed to do this. Chief Finch will consult Town Counsel on this for a recommendation. Commissioners were polled for their support, which was positive.

c) Commission Budget Letter

Chairman Ellis polled Commission members for an explanation of a letter received by him signed by the rest of the Commission. Per the Chairman's request this letter is included in End Papers (see page 7). The letter asks that following past practice the full Commission review and vote on cuts to the proposed budget to equal that amount requested to be cut by the Board of Finance. This amount is the cost of a patrol car \$23,400. The allegation was that behind-closed-door decisions were being made without the Commission as whole being consulted. Chairman Ellis disagreed claiming that everything finally comes back to the Commission for a vote. First Selectman Burke described the budget process for the record stating that after the budget as proposed by the Chief and discussed in commission is presented by the Chairman and the Chief to a joint hearing of the Board of Finance and the Board of Selectmen, the First Selectman and his Comptroller then meet along with those knowledgeable with specifics of their departments and/or the Chairman of Commission. The First Selectman decides what to present to the Board of Selectmen for vote on a budget to be presented to the Board of Finance. After this it goes to public hearing, then back to the Board of Finance for a decision on the final budget to be presented to the public at referendum. In this instance and at this meeting with Chief Finch and Chairman Ellis the First Selectman directed that \$23,400 be cut from the Police budget, the price of a car, to meet the amount of the overall budget to be presented to and voted on by the Board of Selectmen and then forwarded to the Board of Finance. Rather than lose a car the Chief and Chairman Ellis identified various accounts from which amounts could be deducted. Comm Ochs stated his belief that the Commission should have been consulted at this time even in special meeting. Such was the point of the aforementioned letter.

The First Selectman noted that while the Chief and Chairman Ellis did nothing wrong, pending consultation with Town Counsel this letter signed by the other Commissioners could constitute a violation of Freedom of Information requirements as constituting an illegal meeting, a complaint he would be required by law to file. Chairman Ellis explained that a lot of effort occurs between meetings by outlining the top accomplishments of the Commission over the last few years including new weapons, updating the extra duty road list, adding an extra officer, nine new patrol cars, hiring five new officers, promoting a new sergeant, a new radio system and a new software system. Comm McCollam stated that the chief responsibility of the Chairman is to run meetings and not do all that Chairman Ellis claimed without the Commission's approval. Even when so delegated the sharing of information during the process is of vital importance. First Selectman Burke stated that the elected Chairman is the executive officer of the Commission. His job is to guide, direct, post agendas, call monthly and special meetings and bring issues to the table. It is not up to individual commissioners to "get into the act" on every item.

d) 2009-2010 Budget

Chief Finch detailed the line item cuts from various accounts which together equal \$23,400 so as not to lose a new car. The Department needs three cars per year otherwise four or five will have to be requested in the next budget. Commissioners felt bad about the cuts but see the necessity of keep a new car in the budget. The First Selectman sees the safety of the officers reflected in equipment, guns, cars and vests as imperative. Motion by Comm Greco to accept the line item cuts in the Chief's amended budget; seconded by Comm McCollam – unanimous.

e) St Mary's Road Race

The route of the St Mary's Road Race on May 16<sup>th</sup> (see 2/18/09 minutes item 5a) has been changed to begin and end at the church. As a result three officers will be hired for traffic control. Motion by Chairman Ellis to accept the Chief's recommendation to approve the revised St Mary's road race; seconded by Comm McCollam – unanimous.

f) Overall Duties and Responsibilities

Comm McCollam requested that an uncompensated Commission secretary be appointed responsible for day-to-day correspondence to take some of the load off the Chief who currently does this. Before charter revision a commissioner clerk did this. The First Selectman advised that Roberts Rules and the Town Charter be checked to see what offices are allowed. There is a need for a ruling from the Town Attorney. Motion by Comm McCollam that the

right to have a correspondence secretary be checked by Town Counsel; seconded by Comm Ochs – The motion passed 4 to 0 with the Chairman not in agreement.

Comm McCollam wished to reaffirm that no commissioner interfere with the day-to-day operation of the Department. The allegation was that based on his community contact, a Commissioner communicated with an out-of-state or local police department or directed the Chief to do so concerning crimes in the community. No commissioner was aware of this. The Chief had no knowledge of a commissioner doing this.

Comm McCollam asked that all be in agreement that no Commissioner should act as the Commission. The Commission should act together. Commissioners have to be aware of what can be done by Town Charter and State Law. Other matters have to go through the office of the First Selectman.

6. Correspondence:

a) Ms Jennings 109 Wooster St

In this letter Ms Jennings thanked Ofs Pugner and O'Farrell for their response in a medical assist case. Unfortunately the victim passed away.

b) Editorial

Comm Maturro asked that the News Times editorial of 3/15/09 "Bethel really does have the finest" be included in the minutes. See End Papers (page 8).

7. Chief's Report

a) Training Report

Chief Finch mentioned receiving a training report from Lt Kennedy

b) Motor Vehicle Enforcement Report

Long term motor vehicle enforcement continues wherein officers are assigned a single intersection or area in which to spend as much time as possible.

c) Committee & Staff meetings

Committee meetings have been held between the Chief and a cross section of the Department, so far sergeants, corporals, and union representatives. Vacation time, comp time, corporals and the like have been discussed to reach a consensus on how things should be done or at least reach "an opinion which will satisfy the majority". The Chief sees the meetings as "good". Extra administrative staff meeting have also been held. Comm Ochs asked that the results be brought before the Commission.

d) Accreditation

Chief Finch produced a new framed, displayable accreditation plaque.

8. Commissioner Comments:

Comm Matturro asked that because of the upcoming bridge project, the worn out lines at Whittlesey and Plumtrees bridge cut-out be replaced by temporary signs. The Commissioner also complimented the police presence throughout the town.

First Selectman Burke stressed the need for the Commission to work together while recognizing the Chairman's authority, avoid second guessing and continue to utilize open discussion.

Comm Ochs produced applications from the Police Commissioner Association of Connecticut. The fees are reimbursable from the Town.

Comm Greco stressed the need to work together and avoid bickering for the benefit of the Police Department and the Town.

Comm McCollam seconded the sentiments of Comm Greco adding the main task is public safety.

Chairman Ellis stated that being retired gives him the time to fully perform his duties as Chairman and that his time should be treated as an asset of the Commission. Everything in the end comes to the table for a vote.

At 9:09 motion by Comm Matturro to adjourn; seconded by Chairman Ellis – unanimous

Respectfully Submitted



Ferdinand Miller Jr.

Secretary

## **End Papers**

### **(Police Commission Letterhead)**

February 27, 2009

Chairman Ellis:

It has come to our attention that additional cuts have been requested by you in regards to the proposed budget for fiscal year 2009-2010.

We were unaware of this until after the fact. We respectfully request that no money be removed from the proposed budget of \$3,479,041 for FY 2009-2010 until the full commission has an opportunity to review all the accounts and agree on proposed cuts to meet the additional funds that Board of Finance has requested us to remove.

This is the process followed in the past and we feel this is the way we should continue to conduct business.

Respectfully Submitted,

Christopher McCollam (signature)

Hugo Greco (signature)

Andrew Matturro (signature)

William Ochs (signature)

CC: Mr Nick Ellis – Chairman Police Commission  
Mr Robert Burke – First Selectman  
Mr Phillip Gallaher – Board Finance  
Mr Barry Curina – Comptroller

## **LETTERS**

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### Bethel really does have the finest

On Feb. 16, our special friend, George Gallant of Bethel, passed away. My family feels so blessed to have had him in our lives; he was like a father to me and a grandfather to my children and grandchildren.

Every Sunday we spent at George's for dinner followed by football or NASCAR on TV. Almost every day, I would go there and he and I together would do billing, post office runs and shopping, or just work in his flower garden.

On Monday, Feb. 16, it was different. I went to his house to find him unresponsive and that's when my nightmare started.

I went into panic mode and dialed 911. At this point I was hysterical. The 911 operator was excellent. As she dispatched police and fire (EMTs), she stayed on the phone with me until they arrived, which was within minutes.

Upon their arrival, they determined our special friend had passed. This was so devastating to me, again I lost it.

The reason for this letter is my family and I would like to publicly thank the 911 operator, the Bethel Fire Department, the EMTs, Chief Finch, Officer Deluca, Officer Bruckenthal and the other police officers who were there. You were all so fantastic.

These people were compassionate, sympathetic and understood my emotions. They tried so hard to comfort me. They stayed with me until my husband and family got there, and for that I am eternally grateful and I will never forget them.

And I know George would want to thank them for being there for me.

Unfortunately, it took a situation like this to see that Bethel does have the finest.

Thank you, again.

**Cindy Miller**  
BETHEL