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**Town of Ridgefield
Charter Revision Commission
Regular Meeting
April 6, 2010 7:00 PM
Town Hall**

Present: John McNicholas, Chairman
Sharon Hyde, Vice Chairman
Andrew Kelemen
Charles Primerano
Tiffany Lenz

Not Present: Andrew Berger
Edward Tyrell
Lisa Carroll

AGENDA

1. Review minutes from previous meetings.
2. Review of discussion from previous meeting - March.
3. Chief John Roche, Ridgefield Police Department on Police Commission and Police Department.
4. Continued discussion of March Meeting issues.
5. Chair discussion regarding use of emails and issues not discussed by CRC.
6. Discussion of issues to be included in rough draft of final CRC report.
7. Tentative items for next meeting agenda.
8. Meeting adjournment.

MEETING MINUTES

(These Minutes are intended to be a summary of the Meeting and not a verbatim recording).

The meeting was called to order by Chair John McNicholas at 7:15PM.

Mr. McNicholas commented that he received a letter from Andrew Berger stating he wished to resign. Discussion followed regarding replacing Mr. Berger and consensus was not to replace him considering the limited time left of the Board's assignment.

Item 1 & Item 2

Due to the fact that much of the Ridgefield Police Department and the Ridgefield Police Commission were in attendance, Item 1 & Item 2 were placed after the presentation by the Police Department.

Item 3

Chief John Roche spoke about the need to keep the Police Commission and not abolish it for a Public Safety Commission shared with the Fire Department. Below are a summary of his important points:

1. Why fix something that is not broken?
2. The Police Department is very different from the Fire Department.

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3. The Police Department is involved with, responsible for, or must have the knowledge of the following:
 - Knowledge and application of all Federal, State and Local Laws
 - Responsible for the safety and quality of life in the Community
 - Involved with Volunteer Programs such as DARE, GRAD, SRO, Drug Take Back Programs, Outreach
 - Involved with court issues, family issues, youth issues
 - Involved with privacy issues
 - Equipment training and knowledge of guns, tasers, night sticks, police vehicles, black boxes for unified command, fingerprinting, polygraphs, 911 system
 - Involved with communications with other local Police Departments, FBI or State Police nationwide or internationally ie. Interpol, Scotland Yard
 - Knowledge of the conduct for off duty police officers which is regulated. Job is 24/7.
 - Knowledge of warrants, subpoenas, search and seizures, arresting and jailing.
 - Involved with many other Agencies, ie. Health Department, Juvenile System, General and Social Services, Fire Department, Highway Department, Attorney General, Animal Control, Superior Court, Local Government, School System, Town Council, Finance Department, Town Commissions and Committees
 - There are different departments within the Police Department: Internal Affairs, Uniform Police Officers, Detectives, and Training Staff
 - Uniform Police Officers are scheduled for duty in either a vehicle, on foot, or on a bicycle and are scheduled at many different hours 24/7.
 - Police Officers deal with the mentally ill, suicides, medical assistant needs both nominal and severe.
 - For a Police Officer to receive a State Certificate, it is 3 years of training and fitness exams.
4. Chief Roche went on to say that the Police Commission is an important entity which serves both the Police Department **and** the Community who voted the Commissioners into office. On a regular basis he meets with the Commission and must have their approval on many issues such as hiring and firing.
5. Chief Roche also described that he has been on both sides of the coin in regards to working with a Commission and working with a Public Safety Committee/Board of Selectman. He strongly recommends that there be no political interference.

Mr. Kelemen thanked Chief Roche for his presentation and then asked why couldn't the Police Department and Fire Department be combined for budgetary purposes?

Chief Roche explained that he felt the Police Department's budget is too diverse and completely different from the Fire Department. He feels that the budget requires a full time Commission and Police Chief to focus only on the Police Department and their needs and not have the Fire Department distractions.

Ms. Hyde asked if the job could be too much for the Commission because they are elected into this position.

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Chief Roche explained that the Commission being elected by the Citizens protects the Citizen's rights and participation. He feels that diversity in professional backgrounds of the Commissioners is positive and that no political interference is crucial.

Mr. Primerano asked why the Fire Department and Police Department can not work together and aren't they similar because they both protect the public.

Chief Roche responded by saying they do work together and communicate on many issues but the level of planning, skill sets, equipment, personnel and budgeting in the Police Department is very different from the Fire Department. For example, responding to a tanker accident on Route 7 verses Columbine.

George Kain, Police Commissioner spoke about the authority of the Police Commission granted to them by the Connecticut State Statutes. They have the authority to conduct legal hearings, subpoenas, and arrest people such as a Police Officer or Chief. This is the only vehicle that the Community has to address abuse of power and corruption in the Police Department. The Commission has a direct responsibility to the Town and Police Department and it can act as a liaison when conflicts arise. He stressed high levels of trust are essential. "A Community gets a Police Department they deserve".

Thomas Reynolds, Chairman, Police Commission offered his support of keeping the Commission and presented a letter from Michael J. Venus (see Exhibit A) who is a past member of the Police Department and a longtime member of the Volunteer Fire Department. Mr. Venus in his letter states, "The Police Commission has always been elected and is accountable to the people and not the appointing body or the First Selectman. This is just one more step in eliminating the public's right to choose their elected officials. I do however think there should be a separate Fire Commission made up of people with experience in the fire service that oversee the operation of the Fire Department and have the Fire Chief report to them".

Jan Rifkinson asked whether the Town could grant subpoena powers under the Home Rule.

Attorney Lisa Maurer replied by saying that the State would have to grant that power.

Thomas Balote, speaking as a citizen, spoke of how the learning curve for both the Police Department and Fire Department is enormous and that the Fire Department could benefit from having their own Commission. By separating the Fire Department from the Board of Selectman but still have the budget reported to BOS, the Commission could stay politically neutral and concentrate on only Fire Department affairs. The Commission would also be beneficial bringing together the paid and volunteer firemen who are not always in unison.

Attorney Lisa Maurer stated how the Commission is a "safety valve" in the grievance process.

Chris Daly, Police Union and a fellow Union member both applauded the Police Department and Police Commission on all of their efforts and that it was a pleasure coming to work everyday.

Susan Craig, Police Commissioner commented on how well the different departments, Fire, Police, and Highway came together for 9/11.

Mr. McNicholas, Chairman Charter Commission, commented, as did others on the Charter Commission that no decision has been made regarding the idea of abolishing the Police Commission and that actually this idea seems to have taken on a life of its own because of a meeting with the BOS regarding a Fire Commission. With that, he submitted into the record a letter from Thomas Rotunda, Retired Police Chief (see Exhibit B). He stated that Mr. Rotunda had conveyed all the same comments and misgivings as others have before this board. He then read a letter he wrote (see Exhibit C) where he states, "Now we (meaning the Charter Commission) are faced with the monumental suggestion by a majority of the Board of Selectman that the Board of Police Commissioners of the Town of Ridgefield be disbanded and its role be taken over by a Public Safety Commission appointed by the Selectman. This Public Safety Commission would be responsible for the management of the Town of Ridgefield Fire Department and the Ridgefield Volunteer Fire Department as well as the Ridgefield Police Department. It is also my understanding, although not yet officially established, that a Director or Commissioner of Public Safety would be given the overall day to day decision making of the Public Safety Commission. I do not in any shape, manner or form understand how this is not and cannot be seen as a political move to take control of both departments and their personnel and fiscal management by the Board of Selectman and ultimately control of the overall budgets of these departments. It is my opinion, and again, opinions of other differ, that the establishment of a Fire Commission should be made immediately to maintain a good and professional Fire Department in our Town and remove political decisions from the operation of a department whose needs and requirements constantly change in this ever changing world. **POLITICS SHOULD NOT BE PERMITTED TO MAKE DECISIONS WHEN IT COMES TO PUBLIC SAFETY.** From a historic point of view, the traditional Civil Service System was established to prevent just what is being attempted by suggesting we establish a Broad Range Public Safety Commission rather than narrowing the choice to a traditional focused agency dealing with issues related to two different professions".

Chief Roche thanked John McNicholas and wanted to acknowledge all the people that came to the meeting today to support the Police Commission. Approximately, 20 Police Officers proudly stood.

Lynn Wheeland, Prior Charter Commission Member, stated how she felt the Police Commission should stay and how the Fire Department needed their own Commission which would be nonpolitical and well versed in the Fire Department Profession. She offered her notes and research to the Commission should they want them.

Ms. Hyde (with the understanding as expressed by Tom Reynolds, Police Commissioner that a Public Safety Commission does not have subpoena power and the Police Commission does granted by CT. State General Statutes) asked the Charter Commission to vote on keeping the Police Commission and discussing the Fire Commission at a later date.

Motion to retain the Police Commission in its present form under the Charter was made by Mr. Kelemen and seconded by Mr. Primerano. Motion passed. Votes: 5 (Yes), 0 (No), 0 (Abstain).

With that the Police Department, Police Commission and Police Supporters left.

Due to time constraints,

Motion to have a Special Meeting of the Charter Revision Commission to conduct normal business on Tuesday, April 13, 2010 @ 7:00PM, with location to be determined, was made by

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Mr. McNicholas and seconded by Mr. Kelemen. Motion passed. Votes: 5 (Yes), 0 (No), 0 (Abstain).

A small discussion ensued regarding past issues with an outcome of,

Motion to accept the recommendation of the Board of Finance to revise the wording in Article X, Section 10-1(a) and Section 10-1(b) to incorporate flexibility in scheduling of the annual budget hearing of the Board of Finance so as not to conflict with religious observances. Motion was made by Ms. Hyde, seconded by Mr. Kelemen. Motion passed. Votes: 4 (Yes), 0 (No), 0 (Abstain).

Motion to adjourn was made by Mr. Kelemen, seconded by Ms. Hyde. Motion passed. Votes: 4 (Yes), 0 (No), 0 (Abstain)

Respectfully Submitted,

Lise B. Read
Recording Secretary

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EXHIBIT A

**MICHAEL J. VENUS
78 HARVEY ROAD
RIDGEFIELD, CT 06877
(203) 438-5674**

April 6, 2010

Thomas Reynolds, Chairman
Ridgefield Police Commission
76 East Ridge
Ridgefield, CT 06877

Dear Chairman Reynolds:

I am writing this letter in response to the article regarding the Charter Commission's recommendation eliminating the Police Commission.

As a past member of the Police Commission and a longtime member of the Ridgefield Volunteer Fire Department I am in a position to offer my opinion on the subject.

I know from experience the complexities of both departments. I believe that creating a non-elected safety commission or board to consolidate the Police Commission and relieve the Board of Selectman of the Fire Commission duties would be a huge mistake for the following reasons:

1. The people who serve on the Police Commission today come with a vast knowledge of law enforcement and deal with very sensitive information on a regular basis. This is totally different from the Fire Department which deals with fire suppression, EMS and fire safety through education.
2. By eliminating the Police Commission and appointing a Safety Commission opens the door to possible cronyisms and politics. I know how that works as well because, as you know, I also served ten years on the Board of Selectman and have seen it happen many, many times.

The Police Commission has always been elected and is accountable to the people and not the appointing body or the First Selectman.

This is just one more step in eliminating the public's right to choose their elected officials.

I do however think there should be a separate Fire Commission made-up of people with experience in the fire service that oversee the operation of the Fire Department and have the Fire Chief report to them.

Cordially,



Michael J. Venus

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EXHIBIT B

John McNicholas, Chairman
Charter Revision Commission
Town Of Ridgefield
400 Main Street
Ridgefield, Connecticut 06877

March 28, 2010

Dear Chairman McNicholas,

I have always realized the importance of the Charter Revision Commission as it addresses problems and/or changes within the town's agencies. I have always supported your commission and on occasion testified on behalf of the Ridgefield Police Department as its Chief for over twenty three years.

I am sure that since my retirement in 1999 that many of your members on the commission have come and gone. My opinion then and now has not changed, and I would like to take this opportunity (or if need be even come back to Ridgefield) to help your members with a crucial decision that lies before you relating to any change in the police department. Chairman McNicholas, let me quickly give you a little background history.

The Police Commission is an elected board responsible to the citizens of Ridgefield. They oversee the department and are a buffer between the citizens and the department. They are responsible for the hiring and firing of all employees.

In 1977 when I became Chief we did not have a policy, general orders, or hiring criteria for the department. In short we had nothing. I came from within the organization and was hired by the Police Commission. I reported directly to a five member commission as to my responsibilities and as it related to the rules and regulations of the department. I never once had any interference from any member of the commission during my tenure. Their directive to me was to make the department free from corruption and most important, politics, a problem that existed then and even now in many departments in Connecticut and across our nation. They were true public servants for the department and community, who looked ahead to maintain professional standards to benefit the citizens of Ridgefield.

The police department is much different than any other body of commissions, boards, or employees of the town. The mission statement is very clear in the protection of life and property of the citizens. The first step to accomplish the mission was to have a strong table of organization structure that would bring about a criteria for hiring and promotions assuring the community that we had the highest integrity of employees. These are the people that enter the homes of our citizens. These are the people who arrest, detain, and incarcerate members of the public. These are the people who work undercover, wear body mikes and place their lives in jeopardy every day. I can assure you I am indeed talking about the men and women of the Ridgefield Police Department. You can imagine the confidentiality required of the Police Commission (because many officers lives are at stake) when the Police Chief goes before his Commission to ask approval of placing one of the officers undercover in another community, or to have a law enforcement agency

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EXHIBIT C

When I was chosen to Chair the Charter Revision Commission, I made it perfectly clear that politics should not and will not be allowed to influence any decisions made by the Charter Revision Commission. I still stand by this position and feel that a review of where we are now and how we got to this point in our review of the "Fire Commission" issue is required. The issue of a Fire Commission was initially raised by the general public at our first Charter Revision Meeting. Public input and interest for a Fire Commission demanded that the Charter Revision Commission review the structure of the present Fire Commission and determine if it was broken, if it needed fixing or should it be remain in its present form. We also learned that this issue had been raised and discussed at a number of previous Charter Revision Commissions.

As you know I volunteered to review this issue as a former career municipal employee aware of both the untold demands on the work, but as I later found out, unfamiliar with the role local politics plays in the operation and budgeting of a municipal fire department of our size. The later proved, in my opinion, to be a task that was larger than, I and I believe this Commission, could ever have anticipated. I did, however, publicly state that politics would not determine the results of my inquiries.

Our Commission first met with members of the Board of Police Commissioners and learned that the operation of this Board was highly technical but operated from a management stand point in a manner that only enhanced the operation of our fine Police Department. We also learned that, from a fiscal and management stand point, a Board elected by the voters, was actually directing the operation of the Police Department at the voter's behest without politics making decisions. Our Commission also extended invitations, both formally and informally, to all for further input on this issue.

I later met with career fire fighters, management personnel, former firefighters as well as present and former volunteer fire fighters and management from both the Ridgefield Fire Department as well as receiving input from other departments in the Fairfield County area. I learned many things but primarily learned two important issues. Firstly, I learned that local Fire Departments and Fire Fighting, in general, is constantly changing in both management, personnel and budgetary needs. The advances in fire fighting, more particularly since 9/11, have moved the profession from the traditional public view of responding to fires and containment to a highly technical profession of long term planning, continued training, continued equipment upgrades, public education and advanced life support techniques. I also found that our department in Ridgefield was not exempt from these changes and demands. I also learned and continue to hear from the public that our department needed a Board, similar to the present Ridgefield Board of Police Commissioners, to continue with the work of upgrading our Department through sound management, budgetary and personnel decision. This I believed, could be accomplished by an elected Board of Citizens, deemed qualified by the voters, interested in the Fire Department and willing to establish sound fiscal policy together with studying the long term needs of the department and our Town. Establishing a full time Board of Fire Commissioners would, I believed, also make sense in that it would free up the current appointed Board of Fire Commissioners-Our Board of Selectmen-from a task that demands use of time better served in the more complex issues faced with running our Town in its entirety.

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Accordingly, I proposed the establishment of a Board of Fire Commissioners to the Charter Revision Commission and ultimately to the Board of Selectmen in our initial presentation required by State Statute. This presentation also included a number of other highly technical issues and suggestions on other Charter matters that required numerous hours from members of the Charter Revision Commission to finalize. Ultimately, the "Board of Fire Commissioners" issue morphed into the search for a "Public Safety Commission" managing both the Fire and Police Departments after the Board of Selectmen suggested the same to our Commission. No explanation was offered by any "Public Safety Commission" proponents as to why a Fire Commission should not be established before expanding into a grander "Public Safety Commission". To this day we have not heard from any member of the general public nor from any elected official as to why this drastic change should be accomplished and why Town government should be expanded into such a large agency in which the span of control is so integral in the management of both fiscal policy as well as personnel issues.

To further explore this suggestion, both Chief Burford and tonight Chief Roche, met with our Commission to present their ideas and expertise in this regard. These presentations are now a matter of record.

Now we are faced with the monumental suggestion by a majority of the Board of Selectmen that the Board of Police Commissioners of the Town of Ridgefield be disbanded and its role be taken over by a "Public Safety Commission" appointed by the Selectmen. This Commission would also be responsible for the management of the Town of Ridgefield Fire Department and the Ridgefield Volunteer Fire Department as well as the Ridgefield Police Department. It is also my understanding, although not yet officially established, that a Director or Commissioner of Public Safety would be given the overall day to day decision making of the Public Safety Commission. I do not in any shape manner or form understand how this is not and cannot be seen as a political move to take control of both departments and their personnel and fiscal management by the Board of Selectmen and ultimately control of the overall budgets of these departments. It is my opinion, and again, opinions of others differ, that the establishment of a Fire Commission should be made immediately to maintain a good and professional Fire Department in our Town and remove political decisions from the operation of a department who's needs and requirements constantly change in this ever changing world. **POLITICS SHOULD NOT BE PERMITTED TO MAKE DECISIONS WHEN IT COMES TO PUBLIC SAFETY.** From a historic point of view, the traditional Civil Service System was established to prevent just what is being attempted by suggesting we establish a Broad Range Public Safety Commission rather than narrowing the choice to a traditional focused agency dealing with issues related to two different professions.

As far as the disbanding of the Town of Ridgefield Board of Police Commissioners, I must address this issue separately. As many know, I have a lengthy career in Law Enforcement as well as Criminal Justice in the public and private sector. I investigated public corruption for the City of New York Department of Investigations at the behest of Mayor Edward Koch and am proud of my accomplishments in this regard. I reviewed both policy and management of most New York City Agencies including the New York City Police Department. I have also investigated and testified in the conviction of officers involved in the violation of the public trust in and the integrity of that department and understand from experience what can occur without centralized control of a public agency. There is one thing for certain in my

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lengthy experience, there is no place for politics in the operation and management of a Police Department or a Fire Department. Once this occurs, the integrity of the department is lost. My decision to publicly criticize those in favor of a Grand Public Safety Commission resolution to this question has not been precipitated by loyalty to any one particular Commissioner on the Board of Police Commission. In fact, I was highly critical of and publicly spoke against the massive expansion of the Police Department facility when this issue was brought before the voters and ultimately defeated. My position is based on sound public policy long established and currently subscribed to that politics has no game in the management of either a Police department or a Fire Department.

It is clear to me that the numerous speakers this evening and those who have not yet expressed their thoughts and or concerns to our Commission are entitled to publicly speak when such an important issue is going to be discussed. Unfortunately, we as a Commission are mandated by law to finish our Charter Revision and furnish a report to the Board of Selectmen by the first meeting in May. This is not negotiable.

Accordingly, and I believe the public suffers from this recommendation, the Chair will not entertain additional debate, discussion or votes on the "Fire Commission or Public Safety Commission" issue. We must and will move on to the unfinished work we are charged with. I suggest to the Charter Revision Commission that The Board of Fire Commissioners and the Board of Police Commissioners remain in the current form and that this issue be left to resolve for a later date with another Charter Revision Commission.

Respectfully Submitted

