

Derby Police Commission

Derby, Connecticut 06418

Commission

Robert J. Hughes , Chairman
Theodore J. Estwan Jr.
Leo DiSorbo
Terri Kuskowski, Secretary

Traffic Authority

Robert Hughes
Theodore J. Estwan Jr.
Leo DiSorbo
Eugene L. Mascolo

A meeting of the Derby Board of Police Commissioners was held on 06 OCT 08 at the Derby Police Department, 125 Water Street, Derby.

The meeting was called to order at 7:00 P.M. by Chairman Hughes.

1. Pledge of Allegiance

2. Roll Call

Present were Commissioners Hughes, Estwan and DiSorbo. Also present were Chief Mascolo, Deputy Chief Narowski and Attorney Coppola.

3. Public Portion

Anthony Garofalo, a Derby resident, explained to the commissioners his reasons for asking for a designated handicapped parking space in front of his house. His previous application was denied and he asked that the commissioners re-evaluate their decision. Commissioner Hughes explained that a site survey had already been completed and that the location has a significant grade and the road is too narrow to accommodate a properly striped handicap space. Anthony Garofalo requested that the commissioners send him a second letter stating that they stand by their original decision.

As police union president, Ken Dupke requested, on behalf of Officer Anthony DeFala, that Anthony DeFala's medical/employment status be discussed during executive session.

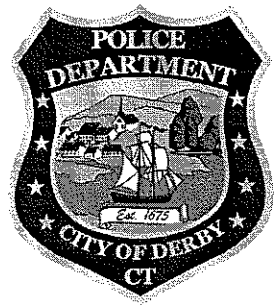
Since no one else from the public requested to speak, a motion to close public portion was made by Commissioner Estwan, seconded by Commissioner DiSorbo and the motion passed unanimously.

4. Deletion, correction, adoption of agenda

A motion to accept the request by Ken Dupke during the public portion to add discussion of Officer DeFala's medical/employment status to executive session was made by Commissioner Estwan, seconded by Commissioner DiSorbo and the motion passed unanimously.

5. Acceptance of the previous meeting's minutes.

Commissioner Estwan motioned to accept the minutes from the last two previous meetings. Commissioner DiSorbo seconded the motion and all were in favor.



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6. Department reports

Chief Mascolo briefed the commissioners on several reports including, the August and September activity reports and the current budget status. He also discussed items from the Derby Board of Aldermen August and September reports.

Chief Mascolo provided the commissioners with the anticipated in-service training schedule for the department's officers. The commissioners also received a draft copy of the department's new parking ticket.

The commissioners reviewed the chief's order of merit and the written test scores for the detective's exam held on 30 SEP. The oral portion will be held on 09 OCT.

7. Communications

There were no communications discussed.

8. Traffic Authority Business

Chief Mascolo reviewed a Local Traffic Authority report submitted by LT Todd. LT Todd reported that a traffic study was conducted on Hawkins Street due to a resident's complaint of speeding. The study revealed that 98% of vehicles traveled within the posted speed limit.

The LTA also had received a line of site complaint at the intersection of Roosevelt Drive and Cedric Avenue. The police department and the State of CT DOT investigated the complaint and determined that there is not a line of site issue. The DOT closed their investigation.

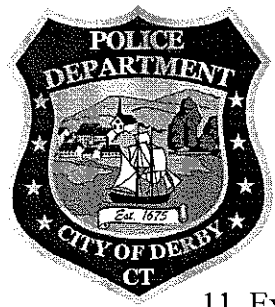
The police department has been in contact with the operations manager at Whalley Glass to discuss speeding by his company vehicles. The manager will speak with his employees regarding this issue. Additionally, two new speed limit signs have been ordered and will be installed on Chapel Street.

9. Old Business

There was no old business discussed.

10. New Business

Chief Mascolo explained that the commissioners would be discussing the supernumerary program after executive session and the meeting would be reopened for public comment.



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11. Executive Session

The following items were to be discussed:

- Anthony DeFala's medical / employment status.
- Supernumerary program status and possible action

A motion to go into executive session at 7:30 PM and have Chief Mascolo, Deputy Chief Narowski, and Attorney Coppola present was made by Commissioner Estwan. Ken Dupke and Anthony DeFala were also invited into part of executive session. The motion was seconded by Commissioner DiSorbo, and was carried unanimously.

Steve Iacuone asked that the executive session portion of the meeting remain open to the public. Commissioner Hughes denied his request since an employee's employment / medical status was to be discussed.

12. Status of supernumerary program – public comment

Commissioner Estwan motioned to reopen the meeting to the public at 8:25 PM. Commissioner DiSorbo seconded and the meeting was reopened.

Commissioner Hughes addressed the public and explained that he requested the information regarding the supernumerary program from Chief Mascolo.

Chief Mascolo discussed the supernumerary program with the commissioners. Chief Mascolo distributed a PowerPoint presentation and explained why he feels that the program is no longer viable, both economically and operationally. He does not believe that the available work for supernumerary officers will increase, nor does he believe that the union will add the supernumerary officers into the overtime rotation schedule along with the full time officers. Additionally, the chief feels that he can no longer validate officers who do not routinely work to patrol our streets unsupervised. To maintain proficiency the supernumerary officers would need to work 4 shifts per month. The department currently budgets \$12,000 for training the supers as well as \$4,275.00 for their clothing allotment. After incurring unemployment compensation fees of \$11,328.00 for two of the supernumerary officers, the overhead cost is \$27,603.00. At this time, once the supernumerary officers were trained back up to being base line patrolmen, it would cost the City of Derby approximately \$81,800 per year to maintain their skill set and provide them with enough hours and training to continue with the supernumerary program. Following his presentation, Chief Mascolo made the recommendation that the commissioners investigate terminating the supernumerary program.

Following the commissioners' discussion of the supernumerary program Commissioner Estwan moved to open the meeting to public comment. Commission DiSorbo seconded and all were in favor.



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The following comments were made by the public:

Ken Dupke (Union President) – “I can not validate all these things that were thrown at us so I’m going to speak from the void. Number one, the contract was negotiated in good faith. That said with the supers, membership had two votes on it and where we are at now, the membership wanted to maintain the contract as we agreed to it and negotiated. What I say now is that I think that this board is acting a little prematurely. We start negotiations very soon; maybe we can work something in at that time. We have good men here, great men. I suggest you keep them trained. Bring Anthony back to duty status and come negotiations, we can probably work something out and hope to work something out where it would benefit the town and benefit us the membership. Anything else would be premature to try to remove them because basically I don’t believe you can with the way the contract is written so why not utilize them while you got them here and keep them trained and maybe now they will start to work once they heard the facts and figures which we still have to validate and that’s all I have to say about that.”

Al Satkowski (Supernumerary Police Officer) – “I was one of the supers of the 3 supers that did not work the 07-08 fiscal year and I can tell you that I did not receive a 183 phone calls for work. Number 2, prior to July 1st of 07 when you went to this new contract, I worked every shift I was required to do, I did not call out so for you to include me in those numbers you gave and say that I was one of the habitual persons that didn’t show up for work or preferred certain shifts, I don’t think that was fair. I just wanted to put that on the record.”

Barbara DeGennaro (Concerned Citizen and Taxpayer), “I just have a couple of comments one specifically has to do with the city charter which indicates how the police department is to run one of the items that talks about supernumeraries indicates that vacancies to the regular force are to be made from the supernumerary and what I hear in the previous part of the meeting tonight was that there are vacancies or have been vacancies and I would like the commissioners to address that or look into that and also I believe that officer Stephen Iacuone who had made a request that your executive session be held in public. I have some concerns that freedom of information was violated tonight because there have been comments about evaluation of performance of the officers of our town and the last thing I’d like to say, having known most of / all the officers growing up here. Knowing the chief, deputy chief, everyone that sits in this room. You have qualified officers whether they are female or male and they deserve they worked in the past, they worked holidays, they’ve done their time and they’re competent and they’re well trained and they should continue to be trained and they are certified, they are certified police officers by the State of Connecticut. Why not use them and make an effort to get them some... fill the vacancies however you can with these officers. They are obviously here because they are concerned about their status as supernumeraries. Thank you.”



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George Kurtyka (Retired Officer) - "I retired on June 27, 2008, 30 years and six months, and in good service with the City of Derby. Just before I retired I requested in my letter that I would... if I am eligible to go back as a supernumerary. I know that you've tabled it for a couple of months so were you just waiting on the disposition of the program before you made your decision?" Commissioner Hughes responded, "Yes".

Steve Iacuone (Supernumerary) "I'd like to reiterate what our union president has said the supers would require that or ask that you let us deal with the regulars to see if we could find a solution to our hours. And as far as the 183 shifts that went unfilled, the only thing I can tell you is that I never received 183 phone calls. I would have to believe that they were probably construction shifts during the day when obviously some of us are working we can't fill those shifts. As far as the lawsuit which is involves supers I mean regulars have been involved in lawsuits before. As one of my superiors had put it 'if you're not getting sued, you're not doing your job' well take that for what its worth. I mean, as the chief said himself, it's the cost of doing business. If we felt that we were doing something wrong then one of the supervisors should have came to us and said something. We act as professional police officers for the City of Derby and I don't feel that the degrading statements that were made reflect our service to the town and I take offense to it."

Anthony DeFala (Supernumerary Officer) - I would just like to second with what Officer Iacuone said, I have been here since 1994 as a super and I don't ever remember any officer as a supernumerary embarrassing this department. There may have been issues, there are issues with regular officers and the times there are cases were we do need assistance. Regular officers need assistance also so it's not like we're singled out or our knowledge is lacking as far as a police officer. But like I said, I don't remember in the 14 years that I've been here that we've ever embarrassed this department or didn't perform our duties as we were sworn into.

Since no one else from the public requested to speak, Commissioner Estwan motioned to close the public portion. Commissioner DiSorbo seconded and the motion carried unanimously.

13. Possible Action on Supernumerary Program

Commissioner Hughes made a motion to make a recommendation to the Board of Aldermen that they designate the number of supers as zero. Commissioner Estwan second and there was no further discussion. All were in favor and the motion carried.

14. Adjournment

Commissioner Estwan then motioned to adjourn the meeting, which Commissioner Hughes seconded. The meeting adjourned at 9:10 PM.



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Respectfully submitted,

A handwritten signature in cursive script that reads "Terri Kuskowski".

Terri Kuskowski

These minutes are subject to the Board's approval at their next scheduled meeting.

Super Program Status

Chief Mascolo

6 OCT 08 PC Meeting

Issues

- Work available:
 - Reduced to a negligible amount with no change expected
- Performance:
 - I will no longer validate supers who do not work as ready for unsupervised patrol
- Unemployment claims:
 - We are now in the second period of unemployment claims from supers. We are paying supers who are not working.
- Balance Sheet:
 - The program is no longer economically or operationally viable
- Conclusion;
 - I recommend the city investigate terminating the super program

Amount of Work

- Legacy schedule: (Prior to 07/08)
 - Supers have earned as much as \$50,000 per year
 - Supers became selective
 - Established unrealistic expectations
 - Created labor issues
- Transition year: (07/08)
 - Supers worked 39 shifts
 - Only 5 of 8 supers worked
 - An average of about 8 shifts per working super per year
 - 3 supers did not work in 07/08
 - Many supers refused work:
 - Including private jobs, up to 183 assignments refused
- Current year: (08/09)
 - 3 of 9 have worked
 - 2.5 shifts worked

Prospects

- Work opportunities are not expected to change:
 - First call to regulars for replacements is not expected to change
 - I will not support a separate fund to hire supers to designated shifts above current shift staffing
 - I cannot operationally or economically justify this expenditure
 - I anticipate problems filling the volume of shifts needed to keep supers proficient:
 - 432 per year
 - 4 per super per month or 48 per year per super
 - Approximately \$81,800 per year

Performance

- Supers function at a basic patrol level:
 - Require close supervision
 - Serious cases must go to regulars
- Shortage of work degrades perishable skills
- Other Issues:
 - Reluctance to work on holidays
 - Poor report turn-in:
 - Difficulty obtaining over due reports
 - Required to settle recent law suit involving supers
 - Super drove away from gas pump with hose still in cruiser

Unemployment Claims

- We have received claims for unemployment compensation from 3 supers:
 - 3 supers filed for unemployment compensation due to reduction in work from the high demand 06/07 fiscal year
 - 2 Supers receiving unemployment benefits worked while collecting in 07/08:
 - 2 supers have again filed and will be receiving benefits for another period
 - The city is contesting these claims
 - The city has paid \$11,328 in benefits in 07/08

Balance Sheet

- Super pay:
 - 189.28 per shift
- Weighted daily overtime wage:
 - \$362.95
 - Delta is 173.67
- Overhead:
 - Training – Approx. \$12,000
 - Clothing allowance - \$475 each or \$4,275
 - Total - \$16,275
 - Unemployment compensation:
 - \$11,328
 - Total cost:
 - \$27,603

Conclusion

- Availability of work not expected to change
- The program is not economically viable
- I will not validate supers who do not work over long periods as ready for unsupervised patrol
- I recommend the city investigate how to terminate the super program