

## **BOARD OF POLICE COMMISSION – SPECIAL MEETING – JUNE 03, 2008**

A Special Meeting of the East Haven Board of Police Commissioners was held on Tuesday, June 03, 2008 at 7:00 p.m. at the East Haven Police Department/Commissioners Room, 471 North High Street, East Haven, Connecticut for the enactment of the following Agenda items:

1. Discussion/possible action regarding the briefing on the General Order and Policy/Procedure Book at the East Haven Police Department.
2. Discussion/possible action regarding Robert Nappe's Appeal.
3. Discussion/possible action regarding the re-hiring of Robert Nappe.
4. Discussion/action regarding sending the Civil Service Commission a letter requesting the Certified List for the filling of two Detective positions at the East Haven Police Department.

At 7:00 p.m., Chairman Romano dropped the gavel and stated that he objected to the meeting even being held and that he was not going to call the meeting to order as he felt it was an illegal meeting and that he had requested an opinion from the Freedom of Information Commission and the Town Attorney to which he had not received any response.. Chairman Romano proceeded to read from a letter dated June 02, 2008 that he had mailed to the Freedom of Information Commission, 18-20 Trinity Street, Hartford, Connecticut. The letter was in regards to the East Haven Police Commission Meeting that was held on May 27, 2008 and the legalities of the Commission Meeting scheduled for June 03, 2008.

Chairman Romano's concerns were:

1. That at the Regular Meeting of the Board of Police Commissioners that was held on May 27, 2008, the Agenda for that Meeting did not call for the scheduling of a Special Meeting by the Commission.
2. Since the scheduling of a Special Meeting did not appear on the Agenda for the May 27, 2008 Meeting of the Board of Police Commission, he felt it would need a vote of two thirds (2/3) for the vote to carry.
3. His interpretation of the Freedom of information Act, section 1-225 (C).
4. That the Motion was carried by a vote of three (3) in favor and two (2) opposed did not constitute a vote of two thirds (2/3) but was interpreted as such and based on that interpretation, the Special Meeting has therefore been called.

## **BOARD OF POLICE COMMISSION – SPECIAL MEETING – JUNE 03, 2008**

Chairman Romano went on to state that he was filing a complaint against the Police Commission with the Freedom of Information Commission due to the following:

1. As Chairman of the Commission, he did not call for the Special Meeting nor did he set the Agenda.
2. Since the item was not on the Agenda and since the vote was three (3) to two (2), the vote did not have the necessary two thirds (2/3) required for the addition of an item to the Agenda which would also be inclusive of any action on the item.
3. Since the matter was not properly added and voted on, the call of the Special Meeting needed to be declared invalid and any action taken at the Special Meeting scheduled for June 03, 2008 should also be declared invalid.

Chairman Romano further stated that in his letter to the Freedom of Information Commission, he was requesting them to investigate and declare the action taken by the Board of Police Commissioners on May 27, 2008, in which the Special Meeting was called for, to be invalid and that any meetings held pursuant to that vote also be considered to be invalid.

Copy distributed to Commission Members and Recording Secretary by Chairman Romano.

**(Read in its entirety as a MATTER OF RECORD to the Board and the Public by Chairman Romano) (Copy attached)**

A period of silence ensued.

Commissioner Frank Piergrossi then posed the question to Chairman Romano as to why the surprise at this time since everyone was in attendance.

Chairman Romano responded he was waiting for the response from the Freedom of Information Commission and the Town Attorney and he did not receive it as yet. Commissioner Romano then recommended that the Meeting be postponed until an opinion was received.

To this, Commissioner Piergrossi stated that he, being an honest and sincere individual, would like the gentleman from the “Big Corporation” representing the Board of Police Commissioners to note that it appeared that you, Chairman Romano and Commissioner Wright, had conversations and that the three of them (remaining Board Members) were not included and it appeared as though they did not exist. Further discussion then followed regarding his observations.

## BOARD OF POLICE COMMISSION – SPECIAL MEETING – JUNE 03, 2008

Chairman Romano responded that they could act as they so desired as Members of the Commission. He went on to further state that he had made a legitimate statement in voicing his concern and again suggested the Commission wait until an opinion had been rendered.

At this time, Vice Chairman Frederick Brow stated that he would call the meeting to order and due to the fact that all Commission Members were in attendance, a quorum was declared.

### **CALL TO ORDER:**

Vice Chairman, Frederick Brow stated that the gavel was dropped and he considered the Meeting underway and officially called the meeting to order.

A **MOTION** was made by Commissioner Joseph Civitello to continue the Meeting with a **SECOND** being made by Commissioner Piergrossi.

So noted at 7:07 p.m. by the Recording Secretary, at which time Attendance Roll was asked to be taken by Vice Chairman Brow, so called and a quorum was declared present.

Roll Call Attendance

### **COMMISSION MEMBERS PRESENT**

### **PUBLIC PRESENT**

CHAIRMAN, PASQUALE ROMANO		NOREEN CLOUGH – 32 CHIDSEY AVENUE
VICE CHAIRMAN, FREDERICK BROW		GENE RUOCCO – 74 BENNETT ROAD
COMMISSIONER JOSEPH CIVITELLO	JOSEPH	CARL PEREZ – 63 TAYLOR AVENUE
COMMISSIONER PIERGROSSI	FRANK	LORI MUSCO – 88 FRANCIS STREET EXT.
COMMISSIONER SANDRA WRIGHT		BOB CUBELLOTTI – 35 BISHOP STREET

### **PUBLIC PRESENT (CONTINUED)**

JUDY CAPONE – 164 FOXON ROAD  
PAUL LIQUORI - EHPD  
CRAIG CUBELLOTTI – 55 BISHIP STREET  
ROBERT RAFFONE – EHPD, UNION PRESIDENT  
ROBERT NAPPE – EHPD  
BARBARA BROW – 15 DAMEN DRIVE  
MARIO F. COPPOLA, ESQ. -

**BOARD OF POLICE COMMISSION – SPECIAL MEETING – JUNE 03, 2008**

MEYER BILLER  
JOSEPH SANTINO, JR.- 388 COE AVENUE  
LAWRENCE SGRIGNARI,ESQ. –  
MAURA LAUFF – NEW HAVEN REGISTER  
ROBERT C.?????? – 22 TRUMBLE STREET  
NEW HAVEN

**PUBLIC SIGN IN SHEET ATTACHED**

Vice Chairman Brow then proceeded to address the first item on the Agenda.

**AGENDA ITEM #1**

**DISCUSSION / POSSIBLE ACTION REGARDING THE BRIEFING ON THE  
GENERAL ORDER AND POLICY PROCEDURE BOOK AT THE EAST HAVEN  
DEPARTMENT OF POLICE SERVICES**

A **MOTION** made by Commissioner Civitello to update the General Order and Policy Procedure Book as it was noted that it was nearly ten (10) years past due and it was the Commission's responsibility to do so in an expedient manner.

I therefore move that a Committee be formed to update the General Order and Policy/Procedure Book. Designees of the Committee shall be two (2) Union Members (named by the Union) and Commissioner Frank Piergrossi and/or Commissioner Joseph Civitello and Chief Gallo or his Designee.

**(Read in its entirety as a MATTER OF RECORD to the Board and the Public by Commissioner Civitello) (Copy attached)**

This **MOTION** was **SECONDED** by Commissioner Piergrossi in regards to the above Agenda Item.

At this time, Chairman Romano reiterated that any decisions made this evening could be overturned and he further cautioned that it may be an issue.

Vice Chairman Brow then asked if there was a call for discussion on the above referenced Agenda Item.

Thomas Russell then apologized as he did not wish to interrupt but he wished to point out to the three (3) new Commissioners, that a Committee had been established ten (10) years ago and that Commissioner Wright had been on the Committee. He did not know if that would interfere with forming a new Committee or not but he just wanted to bring it to the Commission's attention.

## BOARD OF POLICE COMMISSION – SPECIAL MEETING – JUNE 03, 2008

Vice Chairman Brow then asked if there was a call for any more discussion on the above referenced Agenda Item #1.

No further discussion.

Vice Chairman Brow called for a Roll Call Vote:

Chairman Romano stated that due to the question of the legality, he would vote **NO**.

Commissioner Sandra Wright stated that due to the question of the legality, she would vote **NO**.

COMMISSION MEMBER	ROLL CALL VOTE	
	YES	NO
CHAIRMAN, PASQUALE ROMANO		√
VICE CHAIRMAN, FREDERICK BROW	√	
COMMISSIONER JOSEPH CIVITELLO	√	
COMMISSIONER FRANK PIERGROSSI	√	
COMMISSIONER SANDRA WRIGHT		√

So noted, three (3) yes, two (2) no.

### AGENDA ITEM # 2

#### DISCUSSION / POSSIBLE ACTION REGARDING ROBERT NAPPE'S APPEAL

A **MOTION** was made by Vice Chairman Brow to move for the adoption of the following Resolution:

**WHEREAS**, in order to end the protracted litigation between Robert Nappe and this Board, and to rehire an experienced Police Officer, and in consideration of Robert Nappe's release of any claim he may have to back pay from the Town of East Haven, it is deemed to be in the best interest of the Board of Police Commissioners and the Town of East Haven for this Board to withdraw the Appeal of the Superior Court decision which ordered the reinstatement of Robert Nappe as an East Haven Police Officer;

**THEREFORE, BE IT RESOLVED:** that the pending Appeal in the Connecticut Supreme Court from the decision of the Superior Court for the Judicial District of New Haven in the case of Robert Nappe v. East Haven Board of Police Commissioners, which Appeal is designated by Supreme Court Docket No. SC 17926, be withdrawn by the East Haven Board of Police Commissioners; that the East Haven Board of Police Commissioners' Counsel of Record in said Appeal be and hereby are directed to file

## **BOARD OF POLICE COMMISSION – SPECIAL MEETING – JUNE 03, 2008**

promptly on behalf of this Board a withdrawal of such Appeal; and that the Chairman and Vice-Chairman of this Board be and each hereby is authorized to take any further action which may be necessary or appropriate to effectuate the withdrawal of said Appeal.

**(Read in its entirety as a MATTER OF RECORD to the Board and the Public by Vice Chairman Brow) (Copy attached):**

Vice Chairman Brow then asked if there was a call for discussion on the above referenced Agenda Item #2.

At this time, Chairman Romano stated that he would like to read a statement from the Court in regards to Mr. Nappe's medical concerns and the issue of his fitness for duty. Chairman Romano went on to read the statement.

Again, Chairman Romano reiterated that to make a decision regarding this item tonight would come back to haunt the Commission.

**(Read in its entirety to the Board and the Public by Chairman Romano)(No Copies Issued)**

At this time, Attorney Lawrence Sgrignari stated that since there was a **MOTION** on the table to withdraw the Appeal and that since he was Counsel of Record at this time, he wished to suggest a Meeting in Executive Session with respect to some of the concerns. Attorney Sgrignari went on to state that he had prepared a Memorandum that he had provided to **ONLY** the Commissioners that should be considered but he felt it would be appropriate to address in Executive Session the potential ramifications of the action, especially in light of the fact that there is a challenge by the Chairman of the Commission in regards to the legality of the Meeting with the Freedom of Information Commission. Attorney Sgrignari continued by stating that if this Commission takes action and that action is subsequently declared invalid because of the legality issue questioned by the Chairman, he felt it would obviously have significant ramifications to both the Town and the Commission and he would really like to address those issues with the Board in Executive Session which he considered not to be an unusual request when it was taken into consideration that it involved litigation matters. He further stated that he understood that even his request might run afoul of the Chairman's objections to the Meeting and any votes to go into Executive Session and any objections to go into Executive Session may ultimately be declared null and void. He described it as a circular pattern that the Commission was in. He continued to say that perhaps the Town Attorney's Office could render some kind of opinion as to the question of the legality of the meeting and if it was a legitimate consideration and concern before some action is taken and the consequences of those actions could fall along the wayside. His opinion was that there should really be some type of legal direction with respect to the legality issue. He went on to state that it was only his suggestion and that there are some considerations with respect to some recent filings and filings with the Supreme Court. He felt the Board should be aware of and understand the ramifications of its

## BOARD OF POLICE COMMISSION – SPECIAL MEETING – JUNE 03, 2008

actions regardless of what action it takes. He stated that he wished that there was a full understanding of the consequences and he would like to discuss it in Executive Session.

To Attorney Sgrignari's comments, Chairman Romano interjected that since Attorney Sgrignari is still the Boards Attorney in regards to the Appeal, he would recommend that the Board go into Executive Session because of the Client/Attorney Privilege that can not be discussed in public format.

A response by Attorney Sgrignari was that the reason to go into Executive Session was to protect the Attorney/Client Privilege.

Further discussion followed with Vice Chairman Brow questioning that since Chairman Romano did not wish to be a participant, how he could make a recommendation.

Chairman Romano followed by stating that he was not a non-participant that he was concerned with the legalities but he was a participant. He followed through by stating that he would make a **MOTION** to go into Executive Session.

At this time, Chairman Romano did make a **MOTION** to go into Executive Session in order that Attorney Sgrignari is able to explain to the five (5) Commissioners what is involved.

This **MOTION** was **SECONDED** by Commissioner Wright.

Discussion followed regarding the **MOTION** and bringing it up to a vote.

Executive Session did not take place.

Vice Chairman Frederick Brow called for a Roll Call Vote on the **MOTION** for the adoption of the Resolution Regarding Robert Nappe's Appeal that was **SECONDED** by Commissioner Civitello Agenda Item #2:

At this time, Attorney Sgrignari stated before the Roll Call Vote, he would like to address the Commission regarding his concern as to his being Counsel for the Commission. He wished the Board to be aware that he may be required to file a **MOTION** to withdraw from the case as a result of the action. He went on to state that he needed to review and investigate this further but that his suggestion to the Board is that because the **MOTION** was not clear in regards to who it was directed to (him or someone else) to take action in regarding to a pending **MOTION** for reconsideration and it is still unclear in the Supreme Court.

Agreement was made by Chairman Romano.

## BOARD OF POLICE COMMISSION – SPECIAL MEETING – JUNE 03, 2008

Again, Vice Chairman Frederick Brow called for a Roll Call Vote on the **MOTION** for the adoption of the Resolution Regarding Robert Nappe's Appeal that was **SECONDED** by Commissioner Civitello Agenda Item #2:

COMMISSION MEMBER	ROLL CALL VOTE	
	YES	NO
CHAIRMAN, PASQUALE ROMANO		√
VICE CHAIRMAN, FREDERICK BROW	√	
COMMISSIONER JOSEPH CIVITELLO	√	
COMMISSIONER FRANK PIERGROSSI	√	
COMMISSIONER SANDRA WRIGHT		√

So noted, three (3) yes, two (2) no.

### AGENDA ITEM # 3

#### DISCUSSION / POSSIBLE ACTION REGARDING THE REHIRING OF ROBERT NAPPE

A **MOTION** was made by Vice Chairman Brow to move for the adoption of the following Resolution:

**BE IT RESOLVED**, that upon withdrawal of the pending Supreme Court Appeal as set forth in the preceding Resolution, Robert Nappe shall be reinstated to the position of East Haven Police Officer in accordance with the decision of the Superior Court for the Judicial District of New Haven dated April 16, 2007, in the matter of Robert Nappe v. East Haven Board of Police Commissioners.

**(Read to the Board and the Public in its entirety by Vice Chairman Brow) (Copy attached):**

This **MOTION** was **SECONDED** by Commissioner Civitello.

Vice Chairman Brow then asked if there was a call for discussion on the above referenced Agenda Item #3.

At this time, Chairman Romano stated there was a fifty-three (53) member Police Department and that there were no new positions that he knew of and he felt the Board was taking an action on something that there was no opening for.

Vice Chairman Frederick Brow called for a Roll Call Vote on the above Resolution Agenda Item #3:

**BOARD OF POLICE COMMISSION – SPECIAL MEETING – JUNE 03, 2008**

<b>COMMISSION MEMBER</b>		
	<b>ROLL CALL VOTE</b>	
	<b>YES</b>	<b>NO</b>
CHAIRMAN, PASQUALE ROMANO		√
VICE CHAIRMAN, FREDERICK BROW	√	
COMMISSIONER JOSEPH CIVITELLO	√	
COMMISSIONER FRANK PIERGROSSI	√	
COMMISSIONER SANDRA WRIGHT		√

So noted, three (3) yes, two (2) no.

**AGENDA ITEM # 4**

**DISCUSSION / ACTION REGARDING SENDING THE CIVIL SERVICE COMMISSION A LETTER REQUESTING THE CERTIFIED LIST FOR THE FILLING OF TWO (2) DETECTIVE POSITIONS AT THE EAST HAVEN DEPARTMENT OF POLICE SERVICES**

Vice Chairman Brow then asked if there was a call for discussion on the above referenced Agenda Item #3.

Commissioner Piergrossi made a **MOTION** to request of the Civil Service Commission a “Certified List” for the filling of two (2) Detective positions in the East Haven Police Department.

A **SECOND** was made by Vice Chairman Brow.

Vice Chairman Brow questioned if there was a call for discussion on the above **MOTION** by Commissioner Piergrossi.

No discussion.

Vice Chairman Frederick Brow called for a Roll Call Vote for the above referenced Agenda Item #4:

<b>COMMISSION MEMBER</b>		
	<b>ROLL CALL VOTE</b>	
	<b>YES</b>	<b>NO</b>
CHAIRMAN, PASQUALE ROMANO	√	
VICE CHAIRMAN, FREDERICK BROW	√	
COMMISSIONER JOSEPH CIVITELLO	√	

**BOARD OF POLICE COMMISSION – SPECIAL MEETING – JUNE 03, 2008**

COMMISSIONER FRANK PIERGROSSI	√	
COMMISSIONER SANDRA WRIGHT	√	

So noted, five (5) yes. All in favor, None opposed. Passed Unanimously.

**ADJOURNMENT**

Due to the close of business of the Board of Police Commission and actions taken on the Agenda Items posted, a **MOTION** to adjourn was made by Commissioner Civitello and **SECONDED** by Chairman Romano.

All in favor.

Meeting adjourned at 7:18 p.m.

Respectfully submitted,

Carol Anne Hogg

Acting Recording Secretary

**NOTE: MINUTES OF THE COMMISSION ARE NOT OFFICIAL UNTIL APPROVED BY THE COMMISSION AT A MEETING CALLED AND NOTICED FOR THAT PURPOSE.**