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**City of West Haven, CT**

**Board of Police Commissioners** 2022 SEP 02 PM 3:14

Minutes of the meeting held Tuesday, September 6<sup>th</sup>, 2022

*Patricia C. Novak*  
TOWN AND CITY CLERK

The regular meeting of the West Haven Board of Police Commissioners was called to order at 7:02 PM by Chairman Raymond Collins III at West Haven Police Headquarters, 200 Sawmill Road. All those present, rose and recited the Pledge of Allegiance.

**Attendance**

Raymond Collins III, <i>Chairman</i>	Present
Paul E. Butler, <i>Vice-Chairman</i>	Present
John M. Carrano, <i>Commissioner</i>	Present
Christopher Suggs, <i>Commissioner</i>	Present
Deborah B. Wright, <i>Pension Board Chair and Commissioner</i>	Present
Joseph Perno, <i>Chief of Police</i>	Present
Carl Flemmig, <i>Deputy Chief</i>	Present

**Agenda**

Deputy Chief Flemmig voiced a correction to the agenda. He explained that for Item 8.5, the resignation of Officer Brianna Paz has an actual effective date of August 27<sup>th</sup>, 2022 instead of September 27<sup>th</sup>, 2022.

Commissioner Butler MOVED to add Item 8.8 to the agenda regarding the re-opening of Water Street at a time agreeable through the city and police department when it is deemed safe; SECONDED by Commissioner Suggs. Motion carried unanimously.

Commissioner Wright MOVED to accept the agenda as amended; SECONDED by Commissioner Butler. Motion carried unanimously.

**1. Minutes**

Commissioner Butler MOVED to accept the meeting minutes from August 2<sup>nd</sup>, 2022 as presented; SECONDED by Commissioner Wright. Motion carried unanimously.

**2. Public Input**

Walter Casey addressed the board to reference Item 8.1 on the agenda and to express his frustration with the language and wording in the articles in the police pension plan. He explained his active role in the West Haven Retired Officers Association and highlighted the issues in the wording of the escalation article and article 10 in the pension plan.

Sean Faughnan, 200 Sawmill Road, President of Local 895, addressed what Walter Casey had mentioned. He explained that when it came to the issue regarding the contract pre 1993 and the

contract post 1993, it was something that was new. He explained that he disagreed with Mr. Casey because a one-time wage increase of that magnitude had never been done before, and therefore comparing the pre 1993 and the post 1993 contracts made it hard to make a judgement. He ended by saying that it was ultimately an issue that the pension board and the city will need to handle.

Bill Conlan, retired deputy chief and treasurer of the West Haven Retired Officers Association, addressed the board to express that he felt it was not fair that some officers were left out of the police pension plan. He emphasized that if the commissioners who first made the contract in 1993 did not want to give any officers hired after 1993 any escalation, it would've been stated in the plan. He explained that based on the language in the plan, it can be interpreted that the officers hired post 1993 should get some money, even if it is a little bit less.

Chairman Collins asked three times if any other person from the public wished to speak. There being none, he declared the public portion closed.

### **3. Communications**

- 3.1 Attendance Report – Month of July, 2022.
- 3.2 Traffic Management Unit – Month of July, 2022.
- 3.3 Training Division – Months of July/August, 2022.
- 3.4 Animal Control Report – Month of August, 2022.

### **4. Report of the Chief**

Chief Perno publicly thanked the detail that was working at the fireworks show on September 3<sup>rd</sup>.

Commissioner Carrano asked Chief Perno if it would be possible for the Commissioners to look at the use of force and traffic stop statistics before they are reported to the state in order to keep them informed.

Chief Perno answered that there have been previous issues with uploading those statistics, but he said that it is something that can be done. Deputy Chief Flemmig also answered that for the use of force report, it is automatically uploaded after each incident.

### **5. Report of the Deputy Chief**

Deputy Chief Flemmig explained that with the night's resignations, the department will be staffed at 112 Officers. They were minus 7 Officers in Police Academy, 1 Officer on FTO, 2 Sergeants and 7 Officers out Injured/Light Duty, which left a total of 95 available Officers. They anticipated one resignation at the end of this month.

The 7 academy recruits will graduate in December and there are currently two seats for the next POSTC class that starts end of this month.

**6. Report of the Committees – No Report**

**7. Old Business - None**

**8. New Business**

**8.1 West Haven Retired Officers Association.**

Russ Kniehl, president of West Haven Retired Officers Association, 200 Sawmill Road, addressed the board to discuss the existing police pension plan. He began by reiterating and emphasizing the duties of the commissioners as their roles as administrators of the pension plan according to Section 10.01 of the plan.

He went on to explain that he was addressing the board because of an issue with 506 Section C of the escalation clause concerning employees who were hired on or after July 1, 1993. After reading the terms laid out in the clause aloud, he emphasized that the clause affected twenty-four individuals, many of whom were active members of the retiree association. He argued on behalf of the members that the retirees were denied a benefit which originated when active officers received a raise in July.

The way the increase was structured was at first active officers would receive a 2.5% increase. The twenty-four individuals affected by the clause in the plan got 1.25% of that. He went on to explain that the pre 1993 retirees also got the raise. He clarified that the funding source he was referring to for the retired officers came from the police pension plan. He then moved on to discuss the second wage regarding the \$10,000 across the board salary increase for active officers, regardless of rank or position of the officers. He explained that pre 1993 retirees received half of that number, amounting to \$5,000. However, he explained that post 1993 retirees received none of that salary increase benefit. He argued that those post 1993 officers were entitled to that benefit and that it was denied to them.

He argued that nothing in the escalation clause 506C was intended to deny a benefit to the post 1993 retirees. He explained that it was only intended to re-define how the benefit would be applied.

He explained that the last time he spoke at the commissioners meeting was in June, and at that time, everyone agreed that the post 1993 retirees would receive that \$5,000 benefit. He voiced his frustration over the fact that the post 1993 retirees have been denied that benefit, even though current active officers and pre 1993 retirees have already received it. He explained that giving the \$5,000 to those twenty-four post 1993 retirees would come from the pension fund amounting to a total of \$120,000, which would not cause a financial burden. He formally laid claim to the benefit under the pension plan provisions formerly stated.

He went on to explain the next steps that would follow should the affected individuals continue to be denied that benefit, as outlined in the claims procedure of the plan. He ended by emphasizing all the officers do, all their hard work, and all they have dealt with over the past couple of years. He expressed his hope that the board will be able to come to the right decision.

Mr. Conlan also spoke and echoed Mr. Kniehl's frustration on the post 1993 retirees being denied the benefit. He also voiced his frustration over the trouble he has been having over getting a written legal opinion on the matter.

Chairman Collins spoke and acknowledged that there was a difference in opinion regarding the issue. He referenced Article 10 in the pension plan regarding the use of necessary legal opinion. He explained that he would like a legal opinion by the next meeting in highlight of the wording and the semantics in the plan. He explained that the commissioners will investigate the matter and would like to get a formal opinion with something in writing before moving on and making a decision.

### **8.2 Closer to Free Ride – September 10, 2022.**

Commissioner Butler MOVED to accept the plans for the Closer to Free Ride event on September 10, 2022; SECONDED by Commissioner Suggs. Motion carried unanimously.

### **8.3 Cycle for the Cause – Saturday, September 17, 2022.**

Commissioner Butler MOVED to accept the plans for the Cycle for the Cause event on September 17, 2022; SECONDED by Commissioner Suggs. Motion carried unanimously.

### **8.4 Resignation – Ofc. Michael Novella, effective September 9, 2022.**

Deputy Chief Flemmig offered the following remarks:

“Officer Michael Novella came to the West Haven Police Department in August 2017 after serving over 20 years with the New Haven Police Department. Ofc. Novella served in the Patrol Division where he used his vast knowledge and experience to assist and mentor the many less experienced officers working alongside him. Ofc. Novella had a positive influence on his peers and was well respected by the rank and file.

I would like to thank Ofc. Novella for his five years of service to the West Haven Police Department and the citizens of our community and I wish him and his family happiness as he starts this new chapter in his life.”

Chairman Collins spoke and reminisced on all the time he's known Officer Novella. He thanked him for all he's done for the department. Commissioner Wright also thanked Officer Novella and remarked their time working together at the University of New Haven. She wished him the most success in the next part of his life.

Commissioner Butler MOVED to accept Officer Novella's resignation; SECONDED by Commissioner Suggs. Motion carried unanimously.

**8.5 Resignation – Ofc. Brianna Paz, effective August 27, 2022.**

Deputy Chief Flemmig thanked Officer Paz for her three years of service and wished her well at Stratford P.D.

Commissioner Butler MOVED to accept the resignation of Officer Paz; SECONDED by Commissioner Wright. Motion carried unanimously.

Commissioner Wright MOVED to go into Executive Session at 7:35 PM; SECONDED by Commissioner Butler. Motion carried unanimously.

The Commissioners returned to public session at 8:11 PM.

**8.6 Action on Shannon Rose, effective start, September 12, 2022.**

Commissioner Wright MOVED to approve Shannon Rose for a start date of September 12, 2022; SECONDED by Commissioner Suggs. Motion carried unanimously.

**8.7 Action on Detective/Sergeant Interviews.**

Commissioner Wright MOVED to go back into Executive Session at 8:12 PM to discuss Item 8.7; SECONDED by Commissioner Butler. Motion carried unanimously.

The Commissioners returned to public session at 9:30 PM

**8.8 Decision on Water Street**

Commissioner Wright MOVED to approve the reopening of Water Street at a time that is agreeable through the city and police department when it is deemed safe; SECONDED by Commissioner Butler. Motion carried unanimously.

**9. Pension Board – No Report**

**10. Commissioners Report – No Report**

**11. Adjournment**

At 9:35 PM, the Commissioners adjourned by a motion from Commissioner Butler; SECONDED by Commissioner Wright. Motion carried unanimously.