

**CITY OF NORWALK
POLICE COMMISSION
&
TRAFFIC AUTHORITY
REGULAR MEETING
MINUTES OF FEBRUARY 17, 2009**

ATTENDANCE: Daniel O'Connor, Chair; Mayor Richard A. Moccia,

STAFF: Police Chief Harry Rilling, Deputy Chief Thomas Kulhawik

OTHERS: Sgt. Thomas Roncinske, Off. Tyrone Boyd, Off. Ryan Evarts, Off. Bruce Lovallo, Off. Louie Giantattasio, Off. Patrick English; Off. David Vetare; Off. Lisa Cotto, Off. Jeffrey Proudfoot, Att. Robert Maslan, Corporation Counsel, Att. Louis Ciccarello

CALL TO ORDER

Commissioner O'Connor called the meeting to order at 4:08 p.m. Mayor Moccia stated that Commissioner Torrano was not present because of illness.

APPROVAL OF MINUTES

**** MAYOR MOCCIA MOVED TO APPROVE THE MINUTES OF
JANUARY 26, 2009 AS SUBMITTED.
** COMMISSIONER O'CONNOR SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

TRAINING REPORT

Chief Rilling reviewed the training reports with the Commissioners.

WRECKER'S REVIEW

Chief Rilling said that there had been a number of complaints regarding Frankie's Auto Body and proceeded to give a summary of various issues. There also was a question of the actual legal name of the business. Attorney Maslan said that Frankie's Service, Inc. had not filed a report in over three years with the Secretary of State. The last filing was in 2004. Attorney Maslan said that under the policy of the Police Department regarding wreckers, the responding wrecker should comply with all regulations. It also says that complaints against the wrecker operator need have to written complaints filed with the Chief of Police. Attorney Maslan then reviewed the procedure to be followed in the event of a complaint. Mayor Moccia asked if the lack of filing with the State constituted a violation. Attorney Maslan said that if the filing was not current, a certificate of good

standing would not be issued and that this was a technical violation. Attorney Maslan then said that if there are complaints against a wrecker, it reflects on the Police Department. Mayor Moccia asked if inclusion on the list was a privilege rather than a right. Attorney Maslan said that it was a privilege

Attorney Ciccarello then said that there were a few additional complaints that he did not have copies of at this time. He said that when a towing company deals with an insurance company, a "direction of pay" was issued to the towing companies. Attorney Ciccarello said that often people do not understand the system. Attorney Ciccarello said that his auto work is done at Frankie's and they often receive praise. He then mentioned a recent incident when a car was in a pool had been removed without damage to the vehicle.

Attorney Ciccarello said that this was in his view, a policy that does not provide adequately protection for the owners. Mr. Jacks and Mr. Miller are the only black towing service in Norwalk. He said that the Motor Vehicle Department had never forwarded the complaint to Frankie's. He added that people could file complaints with the Motor Vehicle and or small claims court. He pointed out that not one of the bills submitted had ever been denied by the insurance companies. Attorney Ciccarello then briefly reviewed the details of the various complaints.

Attorney Ciccarello then said that there was no provision for a proper hearing, and asked what adversely affects the Police Department, or what the appeal process was. He said that this hearing would not hold up in court. Attorney Ciccarello said that he had spoken with Attorney Maslan about various grounds for suspension of revocation. He then showed a packet of information that he claimed was from Boise, Idaho, which deals with proper notification of due process. Attorney Ciccarello said that if the Commission were going to threaten his clients with suspension, then it would be depriving the business of their income. He said that his clients derive almost 70% of their business from City Wrecking rotation. Attorney Ciccarello asked where the accusers were and why he was being denied the right to question them. Chief Rilling pointed out that the list was capped at 10 and that being on the list is not a right. He added that there were six complaints, two of which were reports from Norwalk Police Officers. Attorney Ciccarello then claimed that the Commission has not heard the other side of the story.

The Mayor pointed out that there had been other wreckers who had been removed from the list for violations. The Commission was trying to provide a fair hearing. He stated that there had been complaints that had been given over the telephone and that because these were not written down; they were not being included for consideration. Attorney Ciccarello said that he objected to the process.

Attorney Maslan pointed out that there were two questions: a procedural question and a substantive question. He reminded everyone that it was up to the Commissioners to respond to the issues. Attorney Ciccarello said that there was no substantive evidence. If the Commission proceeds then they will be inviting a lawsuit. Attorney Ciccarello asked

what rights he had to confront the complaints, what right did he have to appeal. He said that this was unfair.

**** MAYOR MOCCIA MOVED TO SUSPEND FRANKIE'S SERVICE, INC. FROM THE CITY APPROVED WRECKER SERVICE LIST UNTIL ATTORNEY CICCARELLO HAS A CHANCE TO REVIEW THE ADDITIONAL DOCUMENTS.**

Attorney Ciccarello said that this was unconstitutional and unfair to suspend the wrecker service because it is not right to punish without a full hearing.

**** MAYOR MOCCIA WITHDREW THE MOTION.**

The Mayor said that under the statutes, he believed that the Commission had the right to suspend a service from the list. Attorney Ciccarello said that this was not a hearing. Attorney Maslan pointed out that this was a not a court of law and that the Commission was responsible to oversee the operators on the list. Attorney Ciccarello accused the Mayor was making up the rules as he went along.

Commissioner O'Connor said that Attorney Ciccarello could take some time and present all six complaints at one time or the Commission could hear the three incidents he was prepared to present. Attorney Ciccarello said that he would like the month, but that he did not want his clients punished during that time.

Attorney Maslan said that by suspending the service, the City would be protecting its citizens. Attorney Ciccarello then announced that he would subpoena every person involved and that the hearing would take a month. The Mayor said that he had attempted to give Attorney Ciccarello some time to prepare his case by moving to suspend the hearing until next month. It was also pointed out that this discussion would have taken place last month, but Attorney Ciccarello had not been available at that time.

Attorney Ciccarello then reviewed the situation regarding the vehicle that was leaking oil and that that oil was leaking because of the accident, not because his client had turned the engine on to turn the wheels in order to line it up with the tow truck. The discussion then moved to the clean up after an accident.

**** MAYOR MOCCIA MOVED TO SUSPEND THE NORMAL WRECKER ROTATION COMING UP FOR FRANKIE'S SERVICE INC. TO ALLOW ATTORNEY CICCARELLO TO PREPARE THE ADDITIONAL INFORMATION AND IF THE COMMISSION SHOULD DECIDE AFTER THE NEXT HEARING TO REINSTATE FRANKIE'S SERVICE, INC., THE DEPARTMENT WILL ADD AN EXTRA ONE-TIME WEEK ROTATION TO THE ROSTER FOR THE GARAGE.**

**** COMMISSIONER O'CONNOR SECONDED.**

Attorney Ciccarello said that he object to his clients being penalized.

**** THE MOTION PASSED UNANIMOUSLY.**

**JANUARY OFFICERS OF THE MONTH
(Off. Tyrone Boyd, Off. Ryan Evarts, Off. Bruce Lovallo)**

Chief Rilling then reviewed the situation and commended the officers for their actions regarding the apprehension of an armed suspect. The Mayor said that he has realized that there was no such thing as a "routine" call. The Commissioners then present the officers with certificates of appreciation.

Chief Rilling said that as many officers know that one of the officers had been taken extremely ill earlier in the day. He then requested that everyone present please keep the officer in their thoughts and prayers. The Mayor echoed this sentiment.

**** MAYOR MOCCIA MOVED TO SUSPEND THE RULES TO PRESENT SOME OFFICERS AWARDS.**

**** COMMISSIONER O'CONNOR SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Chief Rilling then said that several officers had performed their duties above and beyond.

**** MAYOR MOCCIA MOVED TO APPROVE OFFICER LOUIE GIANNATTASIO FOR THE POLICE SERVICE CROSS AND OFFICER PATRICK ENGLISH FOR THE DISTINGUISHED SERVICE AWARD.**

**** COMMISSIONER O'CONNOR SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MAYOR MOCCIA MOVED TO APPROVE OFFICER'S DAVID VETARE, RUSSELL OUELLETTE, AND BRUCE LOVALLO FOR THE DISTINGUISHED SERVICE AWARD.**

**** COMMISSIONER O'CONNOR SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

PROMOTIONS

Chief Rilling then listed the officers who were to be promoted, effective March 1, 2009. Mayor Moccia said that Commissioner Torrano, who was unable to attend the meeting, would also like to extend his best wishes to all the officers and the families.

- ** MAYOR MOCCIA MOVED TO APPROVE THE PROMOTION OF OFFICER LISA COTTO TO THE RANK OF SERGEANT, EFFECTIVE MARCH 1, 2009.**
- ** COMMISSIONER O'CONNOR SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The Mayor then administered the Oath of Office to Sergeant Cotto.

The Mayor said that he would like to lead a round of applause for all the officers who have made the department work in spite of economic challenges.

- ** MAYOR MOCCIA MOVED TO APPROVE THE PROMOTION OF OFFICER JEFFREY PROUDFOOT TO THE RANK OF DETECTIVE, EFFECTIVE MARCH 1, 2009.**
- ** COMMISSIONER O'CONNOR SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The Mayor then administered the Oath of Office to Detective Proudfoot.

- ** MAYOR MOCCIA MOVED TO APPROVE THE PROMOTION OF OFFICER JASON SCANLAN TO THE RANK OF DETECTIVE, EFFECTIVE MARCH 1, 2009.**
- ** COMMISSIONER O'CONNOR SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Detective Jason Scanlan was not in attendance.

ADJOURNMENT

- ** MAYOR MOCCIA MOVED TO ADJOURN.**
- ** COMMISSIONER O'CONNOR SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 5:43 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services