

**CITY OF NORWALK  
POLICE COMMISSION  
REGULAR MEETING  
MINUTES OF MARCH 23, 2009**

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

**STAFF:** Police Chief Harry Rilling, Deputy Chief Tom Kulhawik

**OTHERS:** Lt. Michael Paul, Sgt. Ashley Gonzalez, Det. Jason Scanlan, Frank Favano, Att. Robert Maslan, Corporation Counsel, Att. Louis Ciccarello, Sandy Jacques, Kirby Miller, Rev. Lindsay Curtis, NAACP

**CALL TO ORDER**

Chairman O'Connor called the meeting to order at 4:26 p.m.

**APPROVAL OF THE MINUTES**

- \*\* **MAYOR MOCCIA MOVED TO APPROVE THE MINUTES OF FEBRUARY 17, 2009 AS SUBMITTED.**
- \*\* **COMMISSIONER TORRANO SECONDED.**
- \*\* **THE MOTION PASSED UNANIMOUSLY.**

**SPECIAL ORDER 09-03 (DEATH NOTICE – RETIRED SGT. THOMAS LATULIPE)**

Chief Rilling requested a moment of silence out of respect for retired Sgt. Thomas LaTulipe. Mayor Moccia requested that those present also remember the recent loss of the four officers from the Oakland, California Police Department.

**WRECKER REVIEW (FRANKIE'S SERVICE)**

*Mayor Moccia recused himself from the meeting at 4:30 p.m.*

*Let it be noted that the following comments and remarks by all speakers have been summarized and are not necessarily verbatim.*

Chief Rilling then gave a brief overview of the situation to date and he then directed the Commission's attention to a letter to Lieutenant. Michael Paul from Attorney Ciccarello dated March 11, 2009 in the information packet. Chief Rilling stated that Lieutenant Paul was present to answer any questions about the Police Department handling of the

complaints by the wrecking service. Chief Rilling also then commented that he could not recall any complaints like this in 10 years.

Attorney Ciccarello stated that he uses Frankie's Service for his own repairs. He then pointed out that the bulk of the complaints had to do with delays in the repairs, not improper work. He added that Frankie's had been in business since 1947 and had been on the wrecker list all that time. The work that is generated from the wrecker call list provides the bulk of their business. Since Frankie's Service was removed from the rotation last month, there was a significant drop in their business and they had to let two employees go. Attorney Ciccarello stated that the imposed penalty was heavier than what the legal courts would impose because it resulted in a financial lost of between 15 and 20 thousand dollars of income.

Reverend Lindsay Curtis said that his concern was that one police officer's name came up repeatedly in the case and that there was an appearance of harassment. This officer appeared to steer potential customers away from Frankie's. He then asked if a prior felony was a reason to pull the business from the wrecker list and added this was the only minority business in town of this type. Reverend Curtis then said that he felt it was a very subjective approach.

Commissioner Torrano pointed out that there were seven complaints about the service. He then asked who owned the business. Commissioner Torrano was told that Mr. Frank Muoio owned the business. Commissioner Torrano then asked about the one week rotation suspension and was told that it had resulted in a loss of about \$7,000 in tow fees. Commissioner Torrano said that as a former police officer and Commissioner, he did not remember having complaints like this against other wreckers who do body work. He then asked Lieutenant Paul if the complaints had been settled. Lieutenant Paul replied that approximately 95% of the complaints had been resolved. Commissioner Torrano then asked if there had been other complaints about other wreckers who do body work. Lieutenant Paul said that all of the other wrecker services on the list do body work and that there had been no complaints about any delays with the other services.

Attorney Ciccarello then reviewed the details of the situation concerning the 1998 mustang and the length of time for the repair. He stated that the owner had originally said that there was "no rush". Lieutenant Paul said that he had spoken with the owner regarding the vehicle and that after one year had passed; the owner wanted the vehicle back.

Commissioner Torrano said that he had concerns about the public and had to consider the number of complaints regarding this.

Chief Rilling then asked Lieutenant Paul about the number of times that Frankie's had been called about a repair, they had promised a date but the vehicle involved was not

ready. Lieutenant Paul said that there was a number of times and added that after the newspaper article had appeared, two additional complaints had come in to the department. Attorney Ciccarello commented that if other wrecker companies had articles about them in the paper, then additional complaints would be received also.

Commissioner Torrano said that he was the Police Captain in charge of towing in 1996 and had never had this level of complaints. He then commented that he was particularly concerned about the issues with the 1998 mustang. Attorney Ciccarello said that the vehicle was on the bottom of the repair list. Commissioner Torrano replied that once the owner was promised that it would be ready by December 24th, then the vehicle should have been moved to the top of the list.

Chairman O'Connor commented that there had also been complaints regarding unreturned phone calls and extra charges. Lieutenant Paul then reviewed the details of these complaints with the Commission.

Attorney Ciccarello said that he was not able to cross examine anyone and wanted to know where he would go to appeal this.

Commissioner Torrano stated that being on the list was a privilege. Chairman O'Connor said that the written complaints would stand.

Reverend Curtis said that it was clear that a decision had already been made and asked if there could be another solution to the problem.

Commissioner Torrano explained that the business operating as Frankie's Service may be removed from the list, and that it was not the employees that were being removed. Mr. Miller remarked that Commissioner Torrano called it a business but to them it was a livelihood.

The discussion then returned to the issues regarding the repair of the 1998 mustang.

Attorney Ciccarello asked Commissioner Torrano if he had listened to the tapes from the first hearing. Commissioner Torrano said that he had not. Attorney Ciccarello then told Commissioner Torrano that he was recused. Commissioner Torrano replied that he would not recuse himself. Attorney Ciccarello then announced that his clients would be bringing a lawsuit about this matter.

Attorney Maslan then asked who owns the business. He was told that it was Mr. Muoio. Attorney Ciccarello then stated that no one was taking this seriously and the issue of ownership was now being brought up. Commissioner Torrano then reminded everyone that his first question had been about who owned the business.

Attorney Ciccarello then announced that he would be issuing subpoenas to all seven people along with Officer Mark Devito.

Attorney Maslan then asked what the relationship was between Mr. Miller, Mr. Jacques and Mr. Muoio. He was told that there was a partnership relationship. Discussion of the details of this arrangement then followed.

Chief Rilling then reviewed his comments on the situation.

Attorney Ciccarello then announced that this action was punitive and that a court of law would not have imposed an action that would cost his clients between \$15,000 to \$20,000. He then said that if another penalty had to be imposed, that it be another suspended week of rotation. He then commented that Mr. Muoio was not able to attend because of illness and said that many of the complaints were insubstantial. He then requested that the Commission not remove the service from the list because this would put them out of business. In conclusion, Attorney Ciccarello then stated that his clients would bring a lawsuit if removed from the list.

Chairman O'Connor asked Lieutenant Paul if Frankie's had any other areas of non-compliance. Lieutenant Paul said no.

Commissioner Torrano then asked Attorney Maslan if the wrecker services on the list serve at the pleasure of the Police Commission. Attorney Maslan said yes and then reviewed other town's procedures.

**\*\* COMMISSIONER TORRANO MOVED TO REMOVE FRANKIE'S SERVICE FROM THE TOWING LIST, BUT THAT THIS WOULD NOT PRECLUDE FRANKIE'S FROM REAPPLYING FOR INCLUSION ON THE LIST.**

**\*\* CHAIRMAN O'CONNOR SECONDED.**

Reverend Curtis then asked what Frankie's would have do to in order to reapply. Commissioner Torrano then said that Frankie's would have the same opportunity as any other wrecker service applying for the spot on the list.

Attorney Ciccarello then stated that this action would put Frankie's out of business.

**\*\* THE MOTION PASSED UNANIMOUSLY.**

*The Mayor rejoined the meeting at 5:25 p.m.*

**SWEARING IN  
(DET. JASON SCANLAN)**

The Mayor then administered the oath of office to Det. Sc ive Scanlan. Detective Scanlan was presented with a certificate and received the congratulations of the Commission on his promotion.

### **FEBRUARY TRAINING REPORTS**

Chief Rilling reviewed the February Training Reports with the Commission.

### **FEBRUARY OFFICER OF THE MONTH** **(DET. CHARLES PEREZ)**

Detective Perez and Chief Rilling then reviewed the details of a missing juvenile who Detective Perez was able to trace to an out of state location. Working with federal agents, he was able to locate the juvenile and traveled to the location to assume custody of her in order to return her to her family in Norwalk.

Mayor Moccia commented that when a minor leaves the state accompanied by an unrelated male without the knowledge of the parents, it is an extremely dangerous situation. Detective Perez said that he was working on a presentation for the various middle schools to warn the students about this type of situation.

Detective Perez then was presented with a certificate by the Commission for his persistent and successful work on this case.

### **TUITION REIMBURSEMENT** **(CAPT. ERNEST VITARBO, OFF. BERTHA STUCKLEY)**

**\*\* COMMISSIONER TORRANO MOVED TO APPROVE THE FOLLOWING TUITION REIMBURSEMENTS:**

**THE SUM OF \$1,048.27 TO CAPTAIN ERNEST VITARBO FOR A COURSE ON SECURING NATIONAL SECURITY INFORMATION SYSTEMS TAKEN AT THE UNIVERSITY OF NEW HAVEN TOWARD A MASTER'S DEGREE.**

**THE SUM OF \$810.00 TO OFFICER BERTHA STUCKLEY FOR A COURSE IN CRIMINAL LAW (CJA 343) AT THE UNIVERSITY OF PHOENIX TOWARDS A BACHELOR'S DEGREE.**

**THE SUM OF \$810.00 TO OFFICER BERTHA STUCKLEY FOR A COURSE IN INTERPERSONAL COMMUNICATION AT THE UNIVERSITY OF PHOENIX TOWARDS A BACHELOR'S DEGREE.**

AND

**THE SUM OF \$810.00 TO OFFICER BERTHA STUCKLEY FOR A COURSE IN CRIMINAL PROCEDURE AT THE UNIVERSITY OF PHOENIX TOWARDS A BACHELOR'S DEGREE**

**\*\* MAYOR MOCCIA SECONDED.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

Chief Rilling then requested that the Commission consider an item concerning a Tip-Soft Program.

**\*\* MAYOR MOCCIA MOVED TO SUSPEND THE RULES TO ADD AN ITEM CONCERNING THE TIP-SOFT PROGRAM TO THE AGENDA.  
\*\* COMMISSIONER TORRANO SECONDED.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

Chief Rilling then gave a brief overview of the Tip-Soft program, which is handled via the Internet in order to provide the Norwalk Police with anonymous tips. Since the program is handled via text messaging, it also allows the Police Department to converse anonymously with the tipster and possibly obtain additional information that would help solve the crime. Deputy Chief Kulhawik said that this program was developed through Crime Stoppers. Chief Rilling said that the Department would be using funds from Asset Forfeiture to purchase the program. The Mayor commented that the Norwalk High School newspaper was doing an article about the program.

**\*\* MAYOR MOCCIA MOVED TO APPROVE THE PURCHASE OF THE TIP SOFT PROGRAM FOR THE NORWALK POLICE DEPARTMENT.  
\*\* COMMISSIONER TORRANO SECONDED.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

**ADJOURNMENT**

**\*\* MAYOR MOCCIA MOVED TO ADJOURN.  
\*\* COMMISSIONER TORRANO SECONDED.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 5:45 p.m.

Respectfully submitted

Sharon L. Soltes

City of Norwalk  
Police Commission  
Regular Meeting  
March 23, 2009  
Page 6

