

**CITY OF NORWALK  
BOARD OF POLICE COMMISSIONERS  
REGULAR MEETING  
APRIL 20, 2009**

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

**STAFF:** Harry Rilling, Chief of Police; Deputy Chief Kulhawik

**OTHERS:** Frank Favano, Administration; Harold Corbin, The Hour; Sgt. Susan Holland, Det. Melissa Lepore, Atty. Ciccarello, Frank Mouio, Frankie's Service, Inc.; Mr. Kirby, Frankie's Service; Mr. Jacquies, Frankie's Service

**CALL TO ORDER**

Commissioner O'Connor called the meeting to order at 4:12 p.m.

**APPROVAL OF MINUTES**

**\*\* COMMISSIONER TORRANO MOVED TO APPROVE THE MINUTES OF MARCH 23, 2009.**

**\*\* MAYOR MOCCIA SECONDED.**

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

**MARCH TRAINING REPORTS**

Chief Rilling presented an overview of the training schedule. He said that the Department was in the process of the firearms qualifications.

**ACCEPTANCE OF ASSET FORFEITURE FROM SPECIAL SERVICES**

**\*\* MAYOR MOCCIA MOVED TO ACCEPT THE ASSET FORFEITURE FROM SPECIAL SERVICES**

**\*\* COMMISSIONER TORRANO SECONDED.**

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

**PUBLIC HEARING – JAG FORMULA GRANT**

Chairman O'Connor opened the public hearing on the JAG Formula Grant at 4:15 p.m.

Chief Rilling then reviewed the documentation for the JAG Formula Grant. He stated that the Grant requires a public hearing as part of the application. Chairman O'Connor asked if there was anyone present to speak. He repeated the question two more times. No one was present from the public wished to speak.

**\*\* MAYOR MOCCIA MOVED TO CLOSE THE PUBLIC HEARING ON THE JAG FORMULA GRANT.**

**\*\* COMMISSIONER TORRANO SECONDED.**

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

The public hearing on the JAG Formula Grant was closed at 4:17 p.m.

### **MARCH OFFICERS OF THE MONTH**

**(Sgt. Susan Holland, Det. Melissa Lepore, Off. Kenny Fludd, and NPD Personnel)**

Chief Rilling informed the Commission that Sgt. Holland and Det. Lepore had worked extremely hard on preparing the files for the January 2008 accreditation process. This resulted in the assessors noted that the files were well prepared and commended both officers for their excellent job. The Chief also thanked everyone else on the force for their cooperation.

The Commissioners then presented Lt. Lepore and Sgt. Holland with certificates.

Chief Rilling then reviewed the details of the recent arrest of an individual who was wanted on an out of state warrant by Officer Fludd.

Chief Rilling then informed the Commission of a recommendation that had just arrived earlier in the day regarding two officers who were able to extract an accident victim from a burning vehicle.

Chairman O'Connor then requested a moment of silence in memory of Atty. Reid who recently passed away.

### **COURAGE TO SPEAK FOUNDATION FUNDING REQUEST**

Chief Rilling then reviewed the details of the upcoming "Courage to Speak" program, which is geared towards teaching parents some skills in for working with their children. Previously, the Foundation had received \$1,000 per program and that there are six programs in the entire program. These funds come from the asset forfeiture however, since the economy has suffered a downturn, and there are some additional funds available from another grant, Mayor Moccia suggested that the funding amount be reviewed yearly. This was agreeable to all.

- \*\* MAYOR MOCCIA MOVED TO APPROVE THE ALLOCATE \$3,000 FOR THE COURAGE TO SPEAK FOUNDATION.**
- \*\* COMMISSIONER TORRANO SECONDED.**
- \*\* THE MOTION PASSED UNANIMOUSLY.**

### COMPLIMENTARY

Mr. Corbin came forward and said that at a previous meeting, he had become very ill and that Lt. Resnick had used his medical skills to stabilize Mr. Corbin while the ambulance was enroute. Mr. Corbin thanked the officers for their assistance.

Chief Rilling then gave a very brief overview of two incidents where Norwalk residents expressed their appreciation for the efforts of three police officers, Officer Joseph Kubik, Officer Mark Devito and Officer Michael Sellas.

### WRECKER REVIEW (Frankie's Service, Inc.)

*Mayor Moccia recused himself from the meeting at 4:33 p.m.*

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

Atty. Ciccarello came forward and stated that Mr. Muoio, Mr. Jacquies and Mr. Kirby were present. Atty. Ciccarello then said that he had sent a letter to the Chief after the first meeting requesting that the Commission reconsider their actions because the business had been given a one week rotation suspension. Atty. Ciccarello then said that the removal of the business from the wrecker list was a death knell for the business.

Mr. Muoio said that he needed some surgery. He said that he was present to present some points about the business and that it has been in business since 1946. This was about towing issues. He said that his business has towed over 10,000 vehicles for the City of Norwalk. Mr. Muoio said that the business was one of the oldest businesses on the list. He added that the complaints should have gone to the Motor Vehicle Department, not to the Police Department. Mr. Muoio said that his honesty was known to Chief Rilling and that in the past he had donated ammo to the Police Department. He added that in the past the Norwalk Police Department had made mistakes with selecting vehicles to be towed and that he had worked it out. He added that there had been a tower on the list and that he had warned the Chief about this particular outfit, which later did go down the tubes.

He said that all the cases have been resolved, with the exception of one, which was written by Officer DeVito. Mr. Muoio said that there are no towers that are Haz-Mat certified, only the Fire Department is. Under Federal law, the towers are not allowed to clean up oil or antifreeze from the accident sites. Mr. Muoio said that he felt that the Commission had been unduly harsh towards his business. With over 10,000 tows for the City, six or eight complaints equaled virtually nothing percentage wise.

Commissioner Torrano asked when the 10,000 tows had been done. Mr. Muoio said that they happened since 1969. Commissioner Torrano said that the seven complaints had been filed in a year. He said when he became a Police Commissioner three and a half years ago; a wrecker had been removed from the list. However, the other wreckers had not had kinds of complaints during this time. Commissioner Torrano said that the business had not been banned from list and would be allowed to reapply.

Mr. Muoio said that he had reviewed the complaints and that they were jibber-jabber. All the complaints have been taken care of and there were mistakes made, such as things not being itemized correctly. Other statements in the complaints were complete baloney. He said that he never dreamed that the Police Department would remove the business from the list. Mr. Muoio said that the previous wrecker service had been added and then removed. However, since Mr. Kirby and Mr. Jacques were managers, all these problems had cropped up. Mr. Muoio said that he felt that this was racist. Commissioner Torrano then asked Mr. Muoio if he was alleging that the Commission was removing the business from the list because of racism. Mr. Muoio then said that he believed that this was possible. Commissioner Torrano then said that the conversation was over. Mr. Muoio then apologized for his statement.

Commissioner Torrano then said he had not heard race mentioned in any of the complaints. Atty. Ciccarello then said that one of the complaints did mention race. Mr. Jacques then said that there had been racial tension with the officers at the site of tows. He went on to describe several incidents when a vehicle was towed to another location after a call had been made to the duty wrecker. Chief Rilling objected to the fact that there had been numerous allegations about racial tensions that were unsubstantiated. Mr. Muoio said that he would like to apologize to the Commission again because comments had been made and there was pressure from insurance companies.

Commissioner Torrano then said that the Police Commission had decided that all matters would be handled seriously. Mr. Muoio said that he had felt that he had been penalized enough. Chairman O'Connor said that he wasn't sure what would be different now. Mr. Muoio said that he was the owner of the business and that Mr. Jacques and Mr. Kirby were directors and are buying the business. In two more years, Mr. Jacques and Mr. Kirby will own 51% of the business.

Atty. Ciccarello said that Mr. Muoio was saying that he would be supervising the working of the business closely in the future. Atty. Ciccarello said that he did not believe that the business would survive if it was not allowed back on the rotation. He pointed out that everyone had complaints against their business. He said that the Commission was not giving the business a break. Mr. Muoio said that he had waited a year and a half to get on the towing list.

Commissioner Torrano then asked Chief Rilling if he had any comments. Chief Rilling said that he had been concerned about the complaints received and that these vehicles were not ready on time. Discussion then followed about the details of the problem with the Mustang repair.

### **RECESS**

Commissioner O'Connor then announced a recess at 5:10 p.m. The Commission then returned from recess at 5:15 p.m.

### **WRECKER REVIEW CONT'D**

(Frankie's Service, Inc.)

Commissioner Torrano said that the Commission was willing to reinstate the business on the list after the third missed rotation. The business will be on probation, and the documentation will be presented to Chief Rilling. Lt. Paul will reinspect the documentation to insure that the paperwork is order.

Mr. Muoio said that he did not want people think they complained about police officers. He said that he had some serious concerns about Rallye Tire being added to the wrecker list. He then thanked the Commission for their consideration and requested that they handle all the wreckers equally.

### **ADJOURNMENT**

**\*\* COMMISSIONER TORRANO MOVED TO ADJOURN.**

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

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

The meeting adjourned at 5:19 p.m.

Respectfully submitted,

Sharon L. Soltes  
Telesco Secretarial Services