

**Old Saybrook Police Commission**  
**Regular Meeting**  
**November 25, 2019**  
**MINUTES**

A regular meeting of the Old Saybrook Police Commission was held on Monday, November 25, 2019 at the Old Saybrook Town Hall.

**Present:** Chairman Von Dassel, Secretary Shippee, Commissioners Keeney, Reid, Maselli, Quish and Cortese-Costa. Chief Spera and Lieutenant DePerry were present from the Department of Police Services.

**I. Call to Order/Pledge of Allegiance**

Chairman Von Dassel called the meeting to order at 6:00 PM and led those in attendance with the Pledge of Allegiance.

**II. Moment of Silence – Detective Sergeant Richard O’Brien**

A moment of silence was observed for Detective Sergeant Richard O’Brien.

**III. Recognition of Past Police Commissioners – 2017-2019 Term**

Chairman Von Dassel thanked the past commissioner who have served.

**IV. Welcome New Police Commissioners**

Chairman Von Dassel welcomed the new Commissioners. He invited each new Commissioner to introduce themselves to the Commission. Commissioner Quish and Maselli stood up and introduced themselves.

**V. Comments from the Public**

Alfred Wilcox stated that he prepared a summary regarding the RFP meetings that he and had with the Chief. He also stated that he has reviewed the body camera footage that involved Commissioner Shippee and he stated that by the time she arrived her nephew was already in the back of the police vehicle and second that she never approached the Police Officers. He stated that the Commissions job is not to support the Union but to make sure they have the right equipment and training to do their job. The Commission is elected by the Town to represent the Town’s interest.

Heather McNeil stood up and stated that she is the Director of Youth and Family and she wanted to thank Mr. Keeney for donating his time today helping give out turkeys and she wanted to thank the Police Officers and other members of the Department who gave up their time to collect turkeys this weekend.

David Perrotti Union President stood up and stated that Mr. Wilcox is again missing the point. Commissioner Shippee showing up to the scene was a conflict of interest.

Mike Looney stated he agrees with Mr. Wilcox the safety of town and officers has to be reviewed by an outside source.

Eleanor LaPlace welcomed the new Commissioners and stated that she is concerned that there has been ten years without an evaluation of the Chief of Police. She stated that the Police Department also needs to be evaluated. She doesn't feel that Miss. Shippee should have been treated in the manner she was at the last meeting. She also felt that it was a disgrace that a resident was escorted out of the last meeting.

**VI. Election of Officers**

Commissioner Keeney nominated Carl Von Dassel as Chairman. Commissioner Maselli seconded the motion. The motion to nominate Carl Von Dassel as Chairman passed with a vote of 6 in favor and 0 against. (Commissioner Cortese-Costa was not present for the vote)

Commissioner Quish nominated Ken Reid as Vice Chairman. Commissioner Keeney seconded the motion. The motion to nominate Ken Reid as Vice Chairman passed with a vote of 6 in favor and 0 against. (Commissioner Cortese-Costa was not present for the vote)

Commissioner Keeney nominated Joseph Maselli as secretary. Commissioner Quish seconded the motion. The motion to nominate Joseph Maselli as secretary passed with a vote of 6 in favor and 0 against. (Commissioner Cortese-Costa was not present for the vote)

**VII. Discussion and Possible Action on the Approval of the September 23, 2019 Regular Meeting Minutes**

Secretary Maselli made a motion to approve the September 23, 2019 Regular Meeting Minutes. Vice Chairman Reid seconded the motion. The motion to approve the September 23, 2019 Regular Meeting Minutes passed with a vote of 3 in favor and 1 against with 2 abstaining since they were not on the Commission at the time. (Commissioner Cortese-Costa was not present for the vote)

**VIII. Discussion and Possible Action on Proposed Meeting Date for 2020**

Vice Chairman Reid made a motion to approve the Proposed Meeting Dates for 2020. Commissioner Keeney seconded the motion. The motion to approve the Proposed 2020 Meeting Dates passed with a vote of 6 in favor and 0 against. (Commissioner Cortese-Costa was not present for the vote)

The Commission also discussed and agreed to cancel the December 23, 2019 meeting.

**IX. Review of a Legal Opinion from the Town Attorney Concerning a Recent Communication from the Police Union**

Attorney Cronin stated that he met with Chairman Von Dassel about two weeks ago regarding the October 25, 2019 letter that was sent to the Police Commission by the Old Saybrook Police Union. He stated that they discussed the letter and he suggested that he should come to the meeting and give his legal opinion to the Commission. He stated that he did prepare legal opinion and he had discussed it with Pat McHale and that they both agreed.

His letter has been attached to the minutes.

He stated to sum it up the Commission has no legal authority.

**X. Discussion and Possible Action to Enter into an Anticipated Executive Session for the Purpose of Discussing Documents Privileged to the Attorney Client Relationship**

Chairman Von Dassel made a motion to enter into Executive Session for the Purpose of Discussing Documents Privileged to the Attorney Client Relationship inviting Attorney McHale to join. Commissioner Quish seconded the motion. The motion to enter into Executive Session passed with a vote of 6 in favor and 0 against. (Commissioner Cortese-Costa was not present for the vote)

The Commission entered into Executive Session at 6:42PM.

The Commission exited Executive Session at 7:45PM.

**XI. Comments from the Chief of Police**

Chief Spera welcomed the new Commissioners. He stated that he is looking to collaborate with the new Commission.

**XII. Comments from Commissioners**

Commissioner Keeney asked for a monthly calendar of community outreach programs that the Police Department is hosting or participating in. He also asked if Chief Spera could recap the 60<sup>th</sup> anniversary events at the next meeting.

Chief Spera stated that he would love to have it as an agenda item in the future to give it the respect it deserves.

Secretary Maselli stated that he wanted to clarify for the video audience that the Executive Session was not related to the situation with Commissioner Shippee. He also stated that as someone that works in a public sector himself, he apologizes to the Officers for the Commissioner Shippee situation. He stated he is not speaking on behalf of any of the other Commissioners but just himself.

Commissioner Keeney asked if Chairman Von Dassel responded to the questions that a member of the public asked last meeting.

Chairman Von Dassel stated that yes a letter was sent.

**XIII. Adjournment**

Secretary Maselli made a motion to adjourn. Commissioner Quish seconded the motion. The motion to adjourn passed with a vote of 7 in favor and 0 against.

The meeting adjourned at 7:56 PM.

Respectfully submitted by:

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Jennifer D'Amato  
Records Clerk for the Old Saybrook Police Commission

**MICHAEL E. CRONIN, JR.**

**ATTORNEY AND COUNSELOR AT LAW  
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November 25, 2019

Mr. Carl VonDassel, Chairman  
Old Saybrook Police Commission  
863 Middlesex Turnpike  
Old Saybrook, Ct. 06475

Re: Opinion Letter re October 25, 2019 letter from Old Saybrook Police  
Union

Dear Carl:

This letter is a follow-up to the conference we had in my office on Tuesday of this week regarding various issues involving the newly-constituted Police Commission which is scheduled to have its first meeting on Monday, November 25, 2019. At that meeting, you presented me with a copy of a letter dated October 25, 2019 to the Membership of the Old Saybrook Police Commission by David C. Perrotti, President of the Old Saybrook Police Union. I have conferred with you about the matter, having reviewed the various statutes involving the authority of the Police Commission. My opinion and advice to your Commission is as follows:

1. The letter of October 25, 2019 to the members of the Police Commission appears to be in the form of a petition for a grievance to a governmental authority which is specifically allowed as a right under the express provisions of the First Amendment to the U.S. Constitution, and Article 1 – Section 14 of the State of Connecticut Constitution. It is the obligation of the Old Saybrook Police Commission to receive the document, and at the very least, publicly acknowledge its receipt.

2. The next question to arise is what, after receipt of the document, is the obligation of your Commission to act. Under Connecticut statutory law, or under any local law or ordinance, there is no provision anywhere for the removal, discipline, censure, or reprimand by a Town's Police Commission with regard to the activities of any of its members. Further, because there is no provision for any such action, there is also no provision or statute with regard to how any such proceeding is to be conducted. Because of this, it is my opinion to your Commission that you have no legal authority to undertake any disciplinary action in response to the letter to the Police Commission dated October 25, 2019.

3. The October 25, 2019 letter sets forth serious charges of irresponsibility on the part of Commissioner Shippee. If the Police Commission were to decide to take any action against Ms. Shippee in response to the complaint, then it would have to set up a procedure whereby she would have specific notice of the charges against her, and be afforded a hearing to determine the facts in support of any such action. As indicated in the second paragraph of this opinion, there are no such statutes which outline such a procedure. If the Commission decided to proceed against Ms. Shippee, in my opinion, it would be entering novel and uncertain legal grounds which could result in serious adverse legal consequences to the Commission, to the Town, and possibly to the individual Commission members.

4. During the investigation or arrest of a family member, Ms. Shippee has all of the rights that a general member of the public would have with regard to any such arrest. Being a member of the Old Saybrook Police Commission gives her no additional rights, other than that available to an ordinary citizen involved in any type of arrest activity. As a Commission member, she has no police powers which are allowed to enforcement of the law by duly-appointed members of the Police Department. To the extent that she interferes with an arrest, she can be charged under the provisions of Section 53a-167a of the General Statutes and other such related laws, including breach of peace, under Section 53a-181, or misconduct under the provisions of Section 53a-182. Whether she has or has not conducted herself in violation of such laws, is solely within the enforcement responsibilities of the Police Department and the State's Attorney's Office, and not the Police Commission.

5. As stated earlier, there are no laws with regard to the removal, suspension, discipline, or even reprimand of Police Commission members. Being a member of the Police Commission is the result of being elected by the electors of the Town of Old Saybrook, at a biennial town election, or by appointment to fill an unexpired term by the Board of Selectmen. The removal from office can be accomplished only by her resignation or by the Commissioner no longer being an elector in the Town of Old Saybrook. Membership on the Commission is an elected political office. A decision as to whether or not that person can or should continue to occupy that position is ultimately decided by the electorate of the Town of Old Saybrook at biennial town election.

6. As a summary of what is stated in #1 through #5 above, while members of The Police Commission may individually express a disapproval of Commissioner Shippee's pattern of behavior, they, as a Commission, are without authority to discipline or remove her from the Commission.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael E. Cronin, Jr.", is written over a light blue horizontal line.

Michael E. Cronin, Jr.