

**Old Saybrook Police Commission**  
Regular Meeting  
May 22, 2023  
MINUTES

A regular hybrid meeting of the Old Saybrook Police Commission was held on Monday, May 22, 2023. The meeting was recorded and can be viewed in its entirety at [https://youtu.be/5Ei5yP\\_uTbk](https://youtu.be/5Ei5yP_uTbk)

**Present:** Vice Chairman Shippee, Secretary Notar-Francesco, Commissioners Manning, Maselli, Calle and Von Dassel. Chief Spera and Captain DePerry were present from the Department of Police Services.  
**Absent:** Chairman Wilcox

**I. Call to Order / Pledge of Allegiance (0:22)**

Vice Chairman Shippee called the meeting to order at 6:30 PM for the Police Commission and led those in attendance with the Pledge of Allegiance.

**II. Comments from the Public (0:42)**

There were no comments from the public.

**III. Discussion and Possible Action on the Meeting Minutes for: (0:59)**

**a. Regular Meeting – April 24, 2023 (1:03)**

Secretary Notar-Francesco made a motion to approve the Regular Meeting Minutes for April 24, 2023. Commissioner Maselli seconded the motion. The motion to approve the Regular Meeting Minutes for April 24, 2023 passed with a vote of 6 in favor, 0 opposed and 0 abstaining.

**b. Special Meeting – May 4, 2023 (1:22)**

Secretary Notar-Francesco made a motion to approve the Special Meeting Minutes for May 4, 2023. Commissioner Calle seconded the motion. The motion to approve the Special Meeting Minutes for May 4, 2023 passed with a vote of 6 in favor, 0 opposed and 0 abstaining.

**IV. Executive Reports (1:42)**

**a. FY 23 Operating Budget (1:53)**

Chief Spera stated that, as previously discussed, the Department is spending a lot of money on payroll to keep patrol shifts staffed. He stated that he is concerned about where the budget will end at the end of the year. He stated that hopefully it will be in the black, but he is not sure.

Chief Spera stated that he has taken some preventative steps, and all end of the year purchases are on hold. He stated that the Department will be using some Off Budget funds to purchase the weapon enhancement supplies, and he will be sitting down with the First Selectman to discuss legal line items to see if any should be moved to a different budget.

**b. FY 24 Budget Process (4:33)**

Chief Spera stated that the FY 24 budget passed, and thanked everyone who voted.

**c. Off Budget Accounts (5:06)**

Chief Spera stated that the Off Budget accounts were provided in the packet and that the updated Law Enforcement Fund printout was handed out.

Vice Chairman Shippee asked what the "Treasurer State of CT" withdrawal from the Law Enforcement Fund account was for.

Chief Spera stated that it was a Town Hall withdrawal and that the Department will have to check with the Finance Director on that.

Secretary Notar-Francesco asked what the "Horizon Technologies" withdrawal from the PD Insurance Exchange account was for.

Chief Spera stated that was for cameras that were damaged during a lightning strike.

**d. Personnel Matters (6:42)**

Chief Spera stated that he is happy to report that the Patrolman who was out of work is now back.

**e. Professional Development Update (6:55)**

Chief Spera stated that Sergeant Walsh, Sergeant Palmieri, Detective Tabor, Patrolmen Tourjee, Aresco and Tanner recently completed their 3 year recertification course.

**f. Operational Safe Saybrook (7:59)**

Chief Spera stated that "Operation Safe Saybrook" will take place on Saturday, June 3. He stated that he wanted to hold an event where people can drop off guns and/or ammunition with no questions asked. He stated that, if anyone needs a gun lock, they can stop by and pick up some for free.

Secretary Notar-Francesco asked what the Department will do with the things they collect.

Chief Spera stated that the ammunition will be sent to the state firearms unit to be destroyed, and any guns will be sent out for a forensic review and eventually destroyed.

**g. Activity Report (13:03)**

Vice Chairman Shippee asked if the case of the person who passed away at Apple Rehab is being investigated.

Chief Spera stated that he cannot comment on any ongoing criminal investigations.

**V. Report of the Sub Committee to Develop a Proposed By-Law Concerning Responsibilities of Commissioners. (13:58)**

Vice Chairman Shippee stated that she wanted to thank the subcommittee for all of their work. She stated that she watched the videos and read the minutes, and they did a lot of work and a lot of compromising.

Secretary Notar-Francesco thanked Vice Chairman Shippee for her comments stating that the subcommittee did do a lot of work. She stated that the by-law went through four cycles of revision. She stated that there was agreeance on a variety of points, but there were some sharp differences of opinions on others. They successfully came to a consensus and vote. The unanimous vote to move the draft to the entire Commission is now in front of them for consideration.

Commissioner Maselli passed out a document that is slightly different from the one Secretary Notar-Francesco emailed to the Commission, but stated that it is just stylistic changes for consistency. Commissioner Maselli reviewed the changes with the Commission.

**VI. Discussion and Possible Action to refer the "Responsibilities of Commissioners" By-Law to the Next Regular Meeting for Action. (16:05)**

Secretary Notar-Francesco read the draft "Responsibilities of Commissioners" By-Law into the minutes. (Document is attached to the minutes.)

Secretary Notar-Francesco stated that this was extensive work, and it seems to include anything and everything that could possibly be in here.

**Secretary Notar-Francesco made a motion to bring the "Responsibilities of Commissioners" By-Law forward to the next commission meeting for approval. Commissioner Maselli seconded the motion.**

Commissioner Calle asked if the Commission is not considering the Police Officers when we think about whom we represent.

Commissioner Manning stated that the Chief is here and he represents the Department and the Police Officers.

Secretary Notar-Francesco stated that Commissioners represent the community, and the Chief represents the Department.

Vice Chairman Shippee stated that she feels item 5 covers it.

Chief Spera stated that it doesn't specifically mention the Department, but it doesn't exclude it.

The Commission agreed that it doesn't need to be added.

Chief Spera congratulated the subcommittee for their detailed work.

Chief Spera handed out his suggestions regarding the draft.

Chief Spera stated that his first suggestion comes under "Role of Commission Members," number 3. He suggested instead of saying "*Commissioners understand that the Commission's powers derive from CGS Chapter 104, section 7-276 and the Town Charter,*" it should just say "*Commissioners understand that*

*the Commission's powers derive from Connecticut General Statutes, the Town Charter and this document."* He stated that statutes can change numbers.

Secretary Notar-Francesco stated that she feels that is a very fair comment as the legislature does sometimes revise statutes.

Commissioner Maselli agreed, stating that *"and this document"* should be there.

Chief Spera stated that his next suggestion is taking number 4 which currently reads *"Commissioners will actively engage in the work of the Commission. This includes reading distributed materials, asking questions, participating in discussions, and keeping informed regarding matters within their purview,"* and adding *"and in accordance with law"* at the end.

Vice Chairman Shippee stated that she feel that goes without saying.

Commissioner Manning asked what the change means.

Chief Spera explained that laws change, and we should follow the law.

Commissioner Maselli stated that he has no issue with that being included.

Secretary Notar-Francesco stated that she agrees and feels it tidies it up. She stated that it is a given, but worth stating.

Chief Spera stated that the next one is under "Code of Conduct" #9 which states *"understand that the demonstration of bias or prejudgment may prevent that Commissioner from participating in discussion or decision when the Commission is acting in its quasi-judicial capacity,"* he suggests to stop the sentence at acting and take out *"in its quasi-judicial capacity."*

Chief Spera stated that if one of a Commissioner's family members is up for a job in the Department or a promotion that is something in which they should recuse themselves from acting. He stated that quasi-judicial is usually discipline.

Commission Manning asked why he wants to take out quasi-judicial.

Chief Spera stated because it's too narrow. He said that it refers to only when the Commission is talking about discipline. The Chief stated that there were other situations in which this also applied, not just assigning discipline.

Commissioner Manning said she doesn't believe that will be a problem.

Chief Spera stated that he doesn't believe that recusal would be a problem for this Commission, but that these by-laws are for future members too.

The Commission discussed modifying #9.

Commissioner Maselli suggested *"from participating in discussions or decisions made by the Commission."* With that change #9 would read *"understand that the demonstration of bias or*

*prejudgment may prevent that Commissioner from participating in discussions or decisions made by the Commission."*

Chief Spera stated that he re-wrote #10. *"When acting in their quasi-judicial capacity, refrain from also acting in an investigative capacity."* Chief suggested *"Recognize that they must refrain from acting in an investigative capacity, as part of their responsibility may be to serve in a quasi-judicial capacity."*

Chief Spera said that he feels it is flip-flopped. Chief Spera stated that the investigation would come before the quasi-judicial role. He stated that this by-law strikes the former by-law.

Secretary Notar-Francesco stated that she still feels that this change is reflective of the old by-law.

Commissioner Maselli doesn't feel that changes the work the subcommittee did, but is just an improvement with wordsmithing.

The Commission discussed the suggested edit by Chief Spera.

Secretary Notar-Francesco stated that she understands where the Chief is coming from. She agrees with him in the way it was originally written and that it needs to be flipped. She would like to look at the old one and review.

Commissioner Maselli asked if the Commission was good with all the previously mentioned changes.

Commissioner Manning stated that she is still having trouble with # 9, and that she sees nothing wrong with how # 10 was originally written.

The Commission discussed # 9.

Chief Spera stated that this is specific to personnel-related investigations.

Commissioner Calle asked how you know that you cannot investigate on your own.

Chief Spera stated that the old by-law stating you cannot investigate is being removed and that it is important to add something about it.

Commissioner Manning stated that she still has an issue with the flip flop and gave examples.

Chief Spera stated that he agrees with her, but that the examples that she was using are not regarding personnel-related matters.

Commissioner Maselli stated that he feels that # 4 covers what Commissioner Manning is concerned about.

Secretary Notar-Francesco stated that she is ok with # 9 as revised by Chief Spera. She can see the problem if it's just a quasi-judicial capacity. She stated that maybe it needs to be a little broader to include votes taken at a meeting.

Vice Chairman Shippee suggested "decisions made by the Commission not limited to their quasi-judicial capacity."

Commissioner Maselli suggested *"In all discussions or decisions made by the Commission including but not limited to when acting in its quasi-judicial capacity."*

The Commission went back to discuss # 10.

Secretary Notar-Francesco stated that this evolved because she felt "keeping informed regarding matters within their purview" needed some guardrails. She wanted some assurance that Commissioners would not be accused of conducting their own investigations because they spoke with friends or neighbors.

Chief Spera stated "thank you, and I hear you" to Secretary Notar-Francesco. He stated that there has to be some way to find the verbiage that explains to Police Commissioners that because they do have those responsibilities (acting in that quasi-judicial capacity) they cannot investigate and then hand out a decision on personnel-related matters.

Commissioner Manning states that is what # 10 says.

Commissioner Maselli gave an example of seeing something on social media that names a police officer. He stated that the Commissioner who sees that should go directly to Chief and ask him if he is aware of the post, and not start to investigate on their own.

Chief Spera stated that a Commissioner may not know about a complaint unless you are the individual that the person came to with a complaint. He stated that they need to find some way to convey to Commission members that they are not allowed to investigate on their own as a Commissioner may need to act in a quasi-judicial capacity.

Vice Chairman Shippee stated that everyone should know that a Commissioner doesn't investigate.

Commissioner Manning suggested *"When acting in their quasi-judicial capacity, refrain from also acting in an investigative capacity especially if that Commissioner brought forth that complaint."*

Chief Spera stated that members of the Commission will not know about an investigation until they are informed and requested to issue discipline. He stated that if that becomes your starting point the investigation has already happened.

The Commission continued to discuss item # 10.

Commissioner Maselli suggested rewording # 10 to state: *"Recognize that a commissioner may need to serve in a quasi-judicial capacity and therefore must always refrain from acting in an investigative capacity."*

The Commission agreed on that language.

**Secretary Notar-Francesco revised her motion to bring the "Responsibilities of Commissioners" By-Law with revisions within the document as discussed forward to the next Commission meeting for**

approval. Commissioner Maselli seconded the motion. The motion passed with a vote of 6 in favor, 0 opposed and 0 abstaining.

**VII. Correspondence (1:07:27)**

There was no correspondence.

**VIII. Comments from the Public (1:07:47)**

Linda Mahal commented.

**IX. Discussion and Possible Action to Enter into Executive Session for the Purpose of Interviewing Candidates for the Position of Patrolman Trainee (To Fill Vacancies) (1:10:45)**

Chief Spera stated that there is no action to take tonight. The process is not complete and not ready to go before the Commission.

**X. Discussion and Possible Action to Appoint New Patrolmen Trainees (1:10:45)**

There was no action to take tonight.

**XI. Comments from the Chief of Police (1:12:07)**

Chief Spera commented.

**XII. Comments from Police Commissioners (1:14:03)**

Commissioner Calle commented.

Secretary Notar-Francesco commented.

Commissioner Von Dassel commented.

Commissioner Manning commented.

Vice Chairman Shippee commented.

**XIII. Adjournment (1:15:44)**

Commissioner Maselli made a motion to adjourn. The motion to adjourn was seconded by Secretary Notar-Francesco. The motion to adjourn passed with a vote of 6 in favor, 0 opposed and 0 abstaining.

The meeting adjourned at 7:45 PM.

Respectfully submitted by:

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



## **Old Saybrook Police Commission**

### ***By-Law Concerning Responsibilities of Commissioners***

#### **Role of Commission Members**

1. The Old Saybrook Police Commission represents the residents of Old Saybrook in carrying out their roles as a member of the Commission.
2. Commissioners understand that Commission authority rests only with the whole Commission assembled in a duly noticed public meeting.
3. Commissioners understand that the Commission's powers derive from CGS Chapter 104, section 7-276 and the Town Charter.
4. Commissioners will actively engage in the work of the Commission. This includes reading distributed materials, asking questions, participating in discussions, and keeping informed regarding matters within their purview.

#### **Code of Conduct**

*All Old Saybrook Police Commissioners will:*

- 1) adhere to Commission bylaws;
- 2) familiarize themselves and strive to comply with parliamentary procedures and the requirements of the Connecticut Freedom of Information Act;
- 3) maintain confidentiality in matters discussed in confidence including refraining from divulging to anyone any details discussed in Executive Session;
- 4) conduct themselves in a fair and impartial manner during all Commission meetings or when discussing Commission proceedings;
- 5) strive to ensure that the Department of Police Services has the personnel, training and equipment to fulfill their mission;
- 6) consider all information that is part of the record at Commission meetings when voting on any matter;
- 7) abide by decisions reached by the Commission as a collective body;
- 8) disclose in advance to the Commission Chair any possible conflicts of interest regarding matters on the agenda for a Commission meeting;
- 9) understand that the demonstration of bias or prejudgment may prevent that Commissioner from participating in discussion or decision when the Commission is acting in its quasi-judicial capacity;
- 10) When acting in their quasi-judicial capacity, refrain from also acting in an investigative capacity.

**\*\* Presented to commission for consideration, May 22, 2023**

**By subcommittee: J. Notar-Francesco, J. Maselli, and A. Wilcox**