

NO: SUPERIOR COURT
LEONARD GALLO, CHIEF OF POLICE J.D. OF NEW HAVEN
VS. AT NEW HAVEN
TOWN OF EAST HAVEN and JUNE 17, 2011
APRIL CAPONE ALMON

EMERGENCY EX-PARTE
APPLICATION FOR A TEMPORARY INJUNCTION

The Plaintiff in the above-entitled matter hereby respectfully requests that this Court enter an emergency order enjoining the Mayor of East Haven, April Capone, from conducting a hearing on June 23, 2011 at 9:30 a.m. at Hagaman Memorial Library in East Haven, CT (**See Exhibit 1**), pursuant to C.G.S.A §7-278 of the Connecticut General Statutes relieving Chief Gallo from his position on the East Haven Police Department until such time as the Court has had the opportunity to schedule a hearing on the issues of the propriety of the Defendant Mayor to act as Hearing Officer and/or the appointment of an independent hearing officer appointed by the Court to be the Hearing Officer, and Order an Independent party to determine the validity of the alleged violations by Chief Gallo. In support of this request, the Plaintiff offers the following:

1. That Mayor April Capone has had a personal vendetta against Chief Gallo since her initial campaign for Mayor in the election year 2007.
2. That the Mayor should be disqualified from being the hearing officer as she is not impartial, she has a clear bias towards Chief Gallo and that her private and public actions and comments towards Chief Gallo show an unabashed disdain for him personally and his position within the East Haven Police Department. Furthermore, the Defendant Mayor is a necessary witness to these proceedings as is more fully set forth below.
3. That pursuant to relevant case law (more fully discussed below), the Plaintiff is raising these claims of impropriety upon learning that this hearing is going to take place and is making such claims so as to not constitute a waiver of this bias as is evidenced by the recommendations of the Board of Police Commissioners (hereinafter referred to as BOPC) and the Mayor. Additionally, precedent for the foregoing, although not reported, has been established in the matter of the Town of Hamden and Carsusone v. Ambrosio in which

current East Haven Assistant Town Attorney Hugh F. Keefe represented Chief Ambrosio in the attempt by the Mayor to remove him; Mayor Carusone's attempts proved unsuccessful.

4. To overcome the presumption [that administrative board members acting in an adjudicative capacity are not biased] the plaintiff...must demonstrate actual bias, rather than mere potential bias, of the board members challenged, unless the circumstances indicate a probability of such bias 'too high to be constitutionally tolerable.' *Rado v. Board of Ed*, 216 Conn. 541 (1990). The underlying principle in *Rado* is directly attributable to the instant matter and the Defendant Mayor acting as the Hearing Officer. Through the evidence more fully set forth below, the Court must find that the Defendant Mayor has a publicly displayed bias towards Chief Gallo and to have her sit in as the Hearing Officer is tantamount to the proceeding being that of a Kangaroo Court.
5. An independent hearing officer may be appointed so as to dispel any indication of impropriety by the person hearing this matter to ensure Constitutional protections are in place.
6. Chief Gallo has a property interest in his position as Chief of Police that is protected by the due process clause of the Fourteenth Amendment to the United States Constitution and by Article First, Section Eight of the Connecticut Constitution.
7. C.G.S.A §7-287 states that an acting head of any police department of any town, city or borough, can be removed from office **only upon a showing of just cause** by authority having the power of dismissal. (emphasis added)
8. Mayor April Capone Almon has said authority, however, the authority that she wields would not be driven by issues of just cause, but by personal vendettas of which are set out in further detail below.
9. A presumption of impartiality attends administrative determinations, and the burden of establishing a disqualifying interest on the part of the adjudicator rest upon the one seeking disqualification. *Rado v. Board of Ed*, 216 Conn. 541 (1990).
10. As more fully set out below, the Plaintiff in this matter has, by clear and convincing evidence, proven that the Mayor of East Haven not only fails to be impartial but also has a laundry-list history of vindictiveness for the Plaintiff. For illustrative purposes, the following

incidents prove that the Mayor and the BOPC for the Town of East Haven held the meeting of June 14, 2011 at which recommendations to the Defendant Mayor were made to discipline and/or terminate Chief Gallo were based upon their own personal agendas.

11. The actions of Mayor Capone are similar to that of Mayor Terry L. Buckmiller in the matter of *Clisham v. Board of Police Commissioners of the Borough of Naugatuck*, 223 Conn. 354 at Connecticut 1992.
12. In *Clisham* it was shown that Mayor Buckmiller had made campaign pledges that Chief Dennis Clisham would be removed and that Clisham shouldn't be police chief.
13. In *Clisham*, statements by Buckmiller were in an edition of Connecticut Magazine as well as statements by advisors of the Mayor in *Clisham* appeared in the Waterbury Republican.
14. Similar accounts can be found in news articles with regard to Mayor Capone and Chief Gallo. The New Haven Advocate article for the week of November 22 through November 28, 2007 show that the Mayor wanted to make things more uncomfortable for East Haven's Police Chief. It is suggested that the Town Attorney is also in "cahoots" with the Mayor to relieve Chief Gallo. The author of the article spells out very succinctly that "Gallo's gone as soon as Capone Almon gets a chance to kick him out. While cops dig up dirt on their boss to secure his dismissal, she is trying to make his job uncomfortable. Enter Attorney Cofrancesco who seems would have to handoff the Nappe and Accurso cases now that she is Town Attorney. She can't sue herself." **(See Exhibit 2)**
15. A second article from the Hartford Courant dated November 18, 2007 shows an almost immediate presence of conflict when Mayor Capone hires Attorney Patricia Cofrancesco as the Town Attorney. At the time of her appointment, Attorney Cofrancesco's firm was representing two police officers suing Chief Gallo. Further, Attorney Cofrancesco prior to her hiring, had less than cordial dealings with the Chief regarding one of his officers and has represented private citizen's in law suits against Chief Gallo; actions that Lord Black himself would define as unclean hands in the ultimate recommendation to discipline or terminate Chief Gallo. **(See Exhibits 3-5)**
16. Throughout her campaign, Mayor Capone was critical of the East Haven Police Department and the job that Chief Gallo was doing; critique that was without merit.

17. The Mayor initiated a plan to lessen the credibility of Chief Gallo as his position of Chief of Police when he applied for a budget and requested funds for training, repair to vehicles, hiring of officers and necessary upgrades and upkeep for the department. The budgets were either denied outright or cut substantially so as to lessen the amount of resources that Chief Gallo had with the ultimate goal of making Chief Gallo look incompetent as well as causing over-time concerns to be raised, with nothing more than a sham basis as a result of the Mayor's actions or directives. **(See Exhibits 6-25)**
18. Almost immediately after her appointment to office, the Mayor attempted to introduce changes that went against the set and effective policies regarding grievances, repairs, budget proposals, and other internal affairs that had historically been handled by the Chief of Police. Of note was the rehiring of Officer Robert Nappe; a directive the Board of Police Commissioners at the time took issue with. **(See Exhibits 26-27)**
19. On January 7, 2008, at the request of the Defendant Mayor in an attempt to remove Chief Gallo, Attorney David Ryan spoke with Chief Gallo and stated that he was being investigated by the Mayor for Charter violations with regard to cost overrun; due to the budget cuts the Chief of Police acted as he had in the past with the money that he had to cover expenses and allow the Department to continue running. Ultimately, no Charter violations existed and no illicit intent was found. **(See Exhibits 28-37)**
20. Officers Millo and Russo were approached by Mayor Capone, Attorney Cofrancesco and Attorney Ryan regarding a vote of no confidence on the Chief Gallo; both men refused to entertain the idea.
21. On March 25, 2008, the same time Officer Nappe was reinstated, the BOPC had a meeting. After said meeting, one of the Commissioner's approached Chief Gallo and said that the day before, March 24, 2008, he had had a meeting with Attorney Cofrancesco and Mayor Capone stating that both wanted Chief Gallo out of office and that this could either be done "nice or ugly".
22. On April 4, 2008, the Mayor ordered a Laudermill hearing of Chief Gallo of which ultimately proved unsuccessful. At that time, the Mayor was also inappropriately listed as the hearing officer. The Mayor also attempted to interpret the law regarding conflict of interest and essentially attempted to strong-arm Chief Gallo into finding alternative legal

representation, an issue with which Chief Gallo sought guidance as is more fully set forth below. **(See Exhibits 38-40)**

23. On August 28, 2008, Director of Administration and Management Hongo, an assistant of the Mayor, requested all personnel files for yet another witch-hunt to find a charter violation. Chief Gallo expressed his concerns with the files being compromised, however, Hongo and the Mayor both took the personnel files out of Chief Gallo's office. **(See Exhibit 41)**
24. On August 29, 2008, a news article quoted Attorney Cofrancesco and Paul Hongo making public claims that Chief Gallo could be arrested with regard to the personnel files. This public display was nothing more than an attempt to publicly discredit Chief Gallo.
25. In August of 2009, the Mayor was arrested for interfering with a police officer at the Town Beach over vehicles that the Officer had ticketed and ordered towed after they were found blocking access to a beach parking lot. This arrest essentially was the straw that broke the camel's back and the Mayor feverishly attempted to find any type of wrongdoing by Chief Gallo to qualify as just cause. **(See Exhibits 42-44)**
26. In February of 2010, a union attorney approached Chief Gallo and stated that the Chief should consider early retirement pursuant to indications by Mayor Capone that the Chief was on his way out.
27. After an investigation, the Department of Justice (hereinafter the DOJ) issued a preliminary, not final, report with recommendations. On April 19, 2010, the Mayor requested that Chief Gallo discuss these recommendations, however, the DOJ Reports were never forwarded to Chief Gallo, yet again another attempt to discredit the Chief in his position. To Chief Gallo's credit, there is evidence of his attempt to meet these requirements throughout Mayor Capone's terms; recommendations that received a blind eye by the Mayor and her administration. Correspondence by the DOJ to Town Attorney Cofrancesco shows a lack of urgency the administration truly had with the concerns that prompted the DOJ investigation. Of note is that the DOJ found issues with policy and no violation of law on regulations. **(See Exhibits 45-51)**

28. On April 20, 2010, a special meeting that Chief Gallo was not informed of initially was held. The meeting concluded approximately one minute and fifty-two seconds while the Chief was out of the room and he was then placed on administrative leave. **(See Exhibit 52-54)**
29. On April 21, 2010, the Mayor wrote to Chief Gallo regarding his administrative leave. **(See Exhibit 55)**
30. Throughout her election and up until the time that Chief Gallo was placed on administrative leave, the Defendant stonewalled Chief Gallo in his attempt to effectively run his department.
31. Chief Gallo was never informed of from whom he should seek legal advice with regard to town matters, despite repeated requests, as it was indicated to him by Attorney Ryan that Attorney Ryan was his attorney, then Attorney Cofrancesco stated that all policies had to go through her and the Mayor, who throughout her election, and through this day, tends to wear the hat of attorney and police chief, was also incapable of giving a definitive answer as to who Chief Gallo should seek legal advice from. **(See Exhibits 56-60)**
32. Budget requests that were necessary for the upkeep and maintenance of the department were pushed aside or intentionally neglected so Chief Gallo looked inept and the Department would look as if it were improperly run.
33. The desire for Chief Gallo to be ousted from his post was a plan that had been hatched by Officers Cascio and Strand with regard to the campaign by Mayor Almon, before her election and during her term. **(See Exhibits 61-63)**
34. The November 18, 2007 article written by Kim Martineau for the Hartford Courant spells out their desire to have the Mayor put in office. This desire was not strictly for political change, but also for personal gain as the Mayor had made promises that Chief Gallo would be out and the two men who were so desirous of the Mayor obtaining office would be rewarded by having political influence in the Department's on goings
35. Throughout her time as Mayor, Mayor Capone has taking it upon herself to take certain actions with regard to the police department that she does not have a statutory or a legal right to do. **(See Exhibit 64-68)**

36. The actions of the Mayor publically and privately against that of Chief Gallo are clear and convincing evidence that she is not impartial and that she would not be able to afford Chief Gallo his due process rights at any hearing that may be had.
37. The recommendations of the Board on June 14, 2011 was the culmination of years of impediments faced by Chief Gallo and a desire by some of the BOPC to be made to dance by the Mayor's pulling of puppet strings.
38. That the violations alleged against Chief Gallo, are, as argued by Chief Gallo, to be the cause and effect of the actions of the Mayor and her administration and as such she is a necessary witness to the hearing that is scheduled and is further evidence of the impropriety of having her being the Hearing Officer. **(See Exhibit 69)**
39. That, as has historically been the Mayor's modus operandi, it is believed that she has already pre-determined the fate of Chief Gallo and the recommendations of the BOPC were nothing more than mere lip-service and the Mayor will, without just cause, relieve Chief Gallo. Were the Court to allow this to happen, Chief Gallo would suffer irreparable harm, including but not limited to, loss of status and reputation in the community, loss of income, loss of employment and his right to a fair hearing by an unbiased hearing authority.

WHEREFORE, in light of the above, the Plaintiff requests the Court enjoin the Mayor from holding a §7-278 hearing until such time as the Court can rule on the issue of disqualifying the Mayor and appointing an Independent Hearing Officer, if it is deemed appropriate.

THE PLAINTIFF
LEONARD GALLO

BY

JOSEPH A. DISILVESTRO, ESQ.
KOLB & ASSOCIATES, P.C.

ORDER

The foregoing application having been duly presented, and it appearing that it should be granted, it is hereby ORDERED:

BY THE COURT

CLERK

ORDER FOR HEARING AND NOTICE

The above application having been presented to the Court, it is hereby ORDERED: that a hearing shall be held on _____ 2011, at Superior Court, Judicial District of New Haven at New Haven, 235 Church Street, Courtroom #_____, New Haven, CT, at _____m. and that the applicant give notice to the following: _____ of the pendency of the said application and of the time it will be heard by causing a true and attested copy of the application and this order to be served upon such person by some proper officer on or before _____, 2011, and that due return of such notice be made to this Court.

Dated at New Haven, Connecticut, this _____ day of _____, 2011.

CLERK

NO:

SUPERIOR COURT

LEONARD GALLO, CHIEF OF POLICE

J.D. OF NEW HAVEN

VS.

AT NEW HAVEN

TOWN OF EAST HAVEN and
APRIL CAPONE ALMON

JUNE 17, 2011

SUMMONS

TO THE MARSHAL OF THE COUNTY OF _____, HIS DEPUTY OR
EITHER CONSTABLE OF THE TOWN OF _____, GREETING:

BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to serve
a true and attested copy of the above application and order upon

_____, by leaving the same in its hands on or before
_____, 2011.

Hereof fail not but due service and return make.

Dated this _____ day of _____, 2011.

JOSEPH A. DISILVESTRO, ESQ.
COMMISSIONER OF THE SUPERIOR COURT

CERTIFICATION

This is to certify that a copy of the foregoing was electronically mailed or delivered to the pursuant to Practice Book §4-5, this 17th day of June, 2011 to the following:

Patricia Cofrancesco, Esq.
89 Kimberly Avenue
East Haven, CT 06512
Facsimile – 203-467-6004



JOSEPH A. DISILVESTRO, ESQ
Commissioner of the Superior Court

LIST OF EXHIBITS

Statement	Exhibit 1
News Article dated November 22, 2007	Exhibit 2
News Article by Courant.com dated November 18, 2007	Exhibit 3
Correspondence from Attorney Cofrancesco to Leonard Gallo dated 3/6/2006	Exhibit 4
Beginning with Memo from Attorney Cofrancesco to Leonard Gallo dated 4/14/2008	Exhibit 5
Memo from Chief Leonard Gallo to Paul Rizza, dated 5/3/2007	Exhibit 6
Town of East Haven, Board of Finance, Special Meeting dated 11/5/2007	Exhibit 7
Beginning with Memo from Chief Leonard Gallo to Mayor Almon, dated 1/14/2008	Exhibit 8
Minutes of Town Council Public Hearing dated 1/15/2008	Exhibit 9
Memo from Chief Leonard Gallo to Paul Rizza, dated 2/25/2008	Exhibit 10
Beginning with correspondence from Leonard Gallo to Mayor Capone Almon dated 2/22/2008	Exhibit 11
Memo from Chief Leonard Gallo to Ralph Mauro, dated 3/5/2008	Exhibit 12
Memo from Chief Leonard Gallo to Paul Hongo, dated 3/25/2008	Exhibit 13
Memo from Chief Leonard Gallo to Paul Rizza, dated 4/4/2008	Exhibit 14
Memo from Attorney Cofrancesco to Chief Leonard Gallo dated 4/17/2008	Exhibit 15
Memo from Chief Leonard Gallo to Paul Rizza, dated 9/10/2008	Exhibit 16
Memo from Chief Leonard Gallo to Paul Hongo dated 9/19/2008	Exhibit 17
Beginning with Memo from Chief Leonard Gallo to Jim Keeley, dated 9/24/2008	Exhibit 18
Beginning with Memo from Chief Leonard Gallo to Paul Hongo, dated 2/2/2009	Exhibit 19
Town of East Haven Board of Police Commission Meeting dated 2/24/2009	Exhibit 20
Beginning with Memo from Chief Leonard Gallo to Paul Rizza dated 3/13/2009	Exhibit 21
Beginning with correspondence from Chief Leonard Gallo to Thomas Thompson dated 10/23/2009	Exhibit 22
Beginning with Memo from Chief Leonard Gallo to Thomas Thompson dated 11/9/2009	Exhibit 23

Beginning with correspondence from Ralph Mauro to Chief Gallo dated 12/8/2009	Exhibit 24
Beginning with Memo from Chief Leonard Gallo to Thomas Thompson dated 2/4/2010	Exhibit 25
Correspondence from Chief Leonard Gallo to Commissioners dated 6/13/2006	Exhibit 26
Beginning with correspondence from Chief Leonard Gallo to Mayor Almon Capone dated 4/4/2008	Exhibit 27
Correspondence from Attorney David Ryan, Jr. to Attorney Kolb dated 2/28/2008	Exhibit 28
Correspondence from Paul Hongo to Chief Leonard Gallo dated 5/28/2008	Exhibit 29
Correspondence from Paul Hongo to Chief Leonard Gallo dated 6/10/2008	Exhibit 30
Correspondence from Paul Hongo to Chief Leonard Gallo dated 7/28/2008	Exhibit 31
Memorandum from Thomas Thompson to Leonard Gallo dated 11/19/2009	Exhibit 32
Beginning with correspondence from Paul Hongo to Chief Gallo dated 1/11/2010	Exhibit 33
Memo from Chief Leonard Gallo to Thomas Thompson dated 1/13/2010	Exhibit 34
Correspondence from Attorney David Ryan to Chief Gallo dated 1/16/2008	Exhibit 35
Beginning with correspondence from Leonard Gallo to Paul Hongo dated 8/28/2008	Exhibit 36
Beginning with Memo from Chief Leonard Gallo to Mayor Almon, dated 9/19/2008	Exhibit 37
Beginning with correspondence from Mayor Capone Almon to Chief Leonard Gallo dated 4/3/2008	Exhibit 38
Beginning with correspondence from Mayor Capone Almon to Chief Leonard Gallo dated 9/15/2008	Exhibit 39
Beginning with correspondence from Mayor Capone Almon to Frank J. Kolb, Esq. dated 9/18/2008	Exhibit 40
Correspondence from Chief Leonard Gallo to Paul Hongo dated 8/28/2008	Exhibit 41
News Article dated September 3, 2009	Exhibit 42
News Article dated August 31, 2009	Exhibit 43
News Article dated September 4, 2009	Exhibit 44
Correspondence from U.S. Department of Justice to Attorney Cofrancesco dated 1/26/2010	Exhibit 45
Beginning with correspondence from Mayor Capone Almon to Chief Leonard Gallo dated 4/19/2010	Exhibit 46

Beginning with correspondence from Paul Hongo to Chief Leonard Gallo dated 3/6/2008	Exhibit 48
Memo from Chief Leonard Gallo to Paul Hongo dated 8/20/2008	Exhibit 49
Memo from Chief Leonard Gallo to Board of Police Commissioner dated 12/29/2008	Exhibit 50
Memo from Chief Leonard Gallo to Ralph Mauro dated 11/16/2009	Exhibit 51
News Article dated April 22, 2010	Exhibit 52
News Article dated April 20, 2010	Exhibit 53
News Article dated April 21, 2010	Exhibit 54
Beginning with correspondence from Mayor Capone Almon to Chief Leonard Gallo dated April 21, 2010	Exhibit 55
Correspondence from Attorney Kolb to James Cirillo, Esq. dated 2/19/2008	Exhibit 56
Beginning with Memo from Chief Gallo to Mayor Capone Almon dated 3/3/2008	Exhibit 57
Beginning with correspondence from Attorney Cofrancesco to Chief Gallo to dated 3/3/2008	Exhibit 58
Memo from Chief Gallo to Mayor Capone Almon dated 3/28/2008	Exhibit 59
Correspondence from Chief Gallo to Mayor Capone Almon dated 11/28/2008	Exhibit 60
News Article written by Mark Zaretsky	Exhibit 61
Beginning with Memo from Chief Gallo to Mayor Capone Almon dated 11/27/2007	Exhibit 62
Beginning with correspondence from Chief Gallo to Sergeant John Cascio Dated 1/31/2008	Exhibit 63
Correspondence from Pasquale Romano to Mayor April Capone Almon dated 5/12/2008	Exhibit 64
Correspondence from Mayor April Capone Almon to Chief Leonard Gallo dated 5/13/2008	Exhibit 65
Correspondence from Pasquale Romano to Virginia Williams, Recording Secretary Board of Police Commission dated 7/30/2008	Exhibit 66
Beginning with correspondence from Chairman Fred Brow to Chief Gallo dated 2/17/2010	Exhibit 67
Correspondence from Mayor Capone Almon to Chief Gallo dated 1/15/2008	Exhibit 68
Subpoena from Attorney Kolb to Mayor Capone Almon dated 6/17/2011	Exhibit 69

EXHIBIT 1

Statement

On the evening of Tuesday, June 14, 2011, the Board of Police Commissioners of the Town of East Haven passed a Motion that Leonard Gallo be referred to me, as the sole Hiring Authority under the Charter of the Town of East Haven for discipline, up to, and including termination, based upon the following Charges:

- The failure to engage the Board of Police Commissioners in revising outdated or obsolete policies and procedures.
- The failure to require all officers to report all uses of force.
- The failure to require all supervisors to review, justify and sign off on all instances of an officer's use of force.
- The failure to provide a citizen complaint process that is readily accessible to the public in both English and Spanish.
- The failure to investigate all complaints regardless of forms, i.e., telephone, fax, email, in person, letter, anonymously or otherwise.
- The failure to require that the investigative officer submit his/her findings to a supervisor.
- The failure to require that a supervisor review findings with a police officer who is the subject of a complaint.
- The failure to require the same format for all Internal Investigations.
- The failure to use a Risk Management Early Warning System to detect potential patterns of at-risk conduct or behavior (even after receiving numerous complaints about the same officer).
- The failure to provide guidance, structure and consistency which allowed police officers to develop their own independent protocols.

- The failure to provide up-to-date re-training on issues related to use of force, searches and seizures and equal protection.
- Responsibility for costing taxpayers of East Haven tens of thousands of dollars in unnecessary overtime.
- The failure to enforce Town Ordinances.
- The failure to file State-required Racial Profiling Data.
- The failure to conduct internal investigations

I have reviewed these charges, at length, and I have determined that the same warrant a Hearing.

My ability to act, based upon these Charges, is circumscribed by Connecticut General Statute Section 7-278 which provides that Mr. Gallo be provided with Notice of the charges, as well as the opportunity to be heard in his own defense, personally or by his Counsel, at a Public Hearing, before me. I can only act, based upon a showing of "just cause," under the Statute.

Accordingly, I have scheduled a Hearing, under the Statute for June 23, 2011 to hear evidence, based upon the Charges, as well as any defense which Mr. Gallo may offer in his own defense.

At this time, I remain committed, as the Hearing Officer, to maintaining an open mind to the seriousness of the Charges at hand, but at the same time, affording Mr. Gallo all the process that is due him, according to Law.

There will be no further comment on this matter by me or by my Administration, as it remains a personnel matter.

Mayor April Capone

EXHIBIT 2

Police and Politics

East Haven cops and politicians cross the thin blue line.

Thursday, November 22, 2007

By Betsy Yagla

If East Haven's new mayor, April Capone Almon, wanted to make things more uncomfortable for East Haven's police chief, she may have found a way.

Capone Almon has tapped local attorney Patricia Cofrancesco to serve as town counsel. Cofrancesco's representing disgruntled East Haven cops in at least two lawsuits against the department for what the suits characterize as poor decision-making on Police Chief Leonard Gallo's part.

Cofrancesco sued Gallo on behalf of Officer Bob Nappe, who was denied a year's leave of absence to train Iraqi police officers. Nappe resigned to go to Iraq and won his job back in court. Nappe was also vice president of the police union and didn't always see eye-to-eye with Gallo.

Cofrancesco's also representing 89-year-old Ralph Accurso, who got into a fender-bender with the wife of Maturo's town attorney, Larry Sgrignari. Gallo caught wind of the accident and, according to the lawsuit, ordered officers at the scene to arrest Accurso (the officers refused), even though Accurso was not at fault. Accurso's suing Gallo for interference.

Cofrancesco's appointment capped off a dramatic week in East Haven politics that culminated in Capone Almon being crowned mayor (again) after a third and final recount of ballots from Nov. 6. The intrigue appeared to deepen when Democratic Party boss Gene Ruocco discovered six trash bags full of shredded documents in a Town Hall basement and called in the cops to investigate. Cops hauled the bags off to the police station where Gallo moved them from the evidence room to the property room, limiting access to the bags.

Gallo asked New Haven State's Attorney Michael Dearington's office to investigate, but Dearington says there's not enough evidence to warrant an inquiry.

East Haven police were already the front and center in the close and contentious mayoral election: The police union endorsed and ran Capone Almon's campaign, following a vote of no confidence in Gallo in 2006. Gallo's been serving under an indefinite appointment by Maturo, but Capone Almon says things are going to change.

"I'd definitely like to make that a contract position," she says.
"Things are going to be changing at the police department because we have to do something. The [police] department and officers know I have their best interest at heart. I want to see their work environment improved."
Get it? Gallo's gone as soon as Capone Almon's got a chance to kick him out. While cops dig up dirt on their boss to secure his dismissal, she's trying to make his job uncomfortable. Enter attorney Cofrancesco, who it seems will have to hand off the Nappe and Accurso cases now that she's town attorney. She can't sue herself.

Cofrancesco's last gig as a municipal attorney, as New Haven Mayor John DeStefano's corporation counsel, didn't end so well. DeStefano fired Cofrancesco for signing off on an illegal, interest-free lead-abatement loan to one of his City Hall aides. Cofrancesco, along with another dismissed city attorney, Martin Echter, has since become an aggressive litigator against the city.

A call to Cofrancesco's East Haven law office went unreturned.

Posted by byagla at 3:35 PM

0 comments

EXHIBIT 3

courant.com/news/local/hc-ctalmon1118.artnov18,0,3021688.story

Courant.com

New East Haven Mayor Puts Focus On Ethics

By KIM MARTINEAU

Courant Staff Writer

November 18, 2007

EAST HAVEN

Minutes after she was declared mayor, April Capone Almon was offered her first gift.

The TV cameras had cleared out of the firehouse and a giddy crowd of supporters lined up to congratulate her. One woman, eyeing the mayor's French twist hairstyle, suggested a trip to her hairdresser before the inauguration. Mention my name, she offered. After an awkward pause, Capone Almon apologized.

"My first executive order is no gifts, no entertainment, no bar tabs," Capone Almon said. "I'd have to pay him."

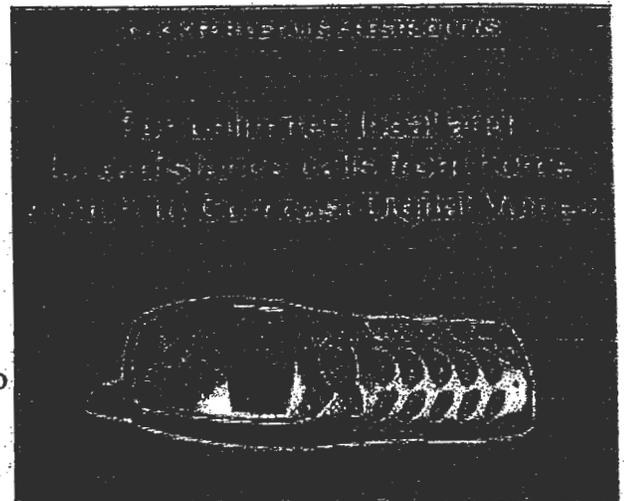
In a town where political favors are an accepted part of civic life, Capone Almon had just gotten her first taste of the temptations that often come with public office. Campaigning for clean government was one thing. Changing the political culture — even in her own party — was another. Yet expectations ran high as the 32-year-old Democrat was sworn into office Saturday, the youngest mayor to take office in East Haven and also the first woman.

"It's a challenge, and there will be people who won't like it — the people benefiting," said John Cascio, a sharply dressed police sergeant who helped on the campaign. "When it's changed, it will have a huge impact on how people view the town, and the citizens will appreciate that."

Eight days after the election, on Wednesday night, Capone Almon was formally declared mayor following a third tally of ballots. After a decade in office, Republican Joe Maturo, a retired firefighter, had lost by just 25 votes. Though the mayoral race was a squeaker, Democrats easily won control of all three elected boards — the town council, finance board and school board — signaling a broad mandate for change.

The drama of the recount, livened by jokes of hanging chads, was familiar turf for Capone Almon. For a full week she hovered around town hall, in mayoral limbo, meeting employees and interviewing candidates for several job openings.

Capone Almon was first elected to political office two years ago, landing a seat on the town council. As



the lone Democrat on the 15-member board, she developed a reputation for speaking out on unpopular development projects. Her assertiveness drew the attention of two cops on the midnight shift.

A year ago, in the break room of the police department, Cascio and Officer Jeff Strand hatched a plan to unseat the five-term mayor. Morale in the department was abysmal. Officers complained about outdated equipment and pressure to fix tickets and police reports for the mayor and his cronies. They wanted a new chief but first, they needed to oust Maturo.

The cops envisioned the winning candidate, in a town where "The Sopranos" have a loyal following, as a 45-year-old Italian man. But after debating their options, they came around to the candidate in plain view: the councilwoman with the breezy Billie Holiday song, "April in Paris," on her cellphone. Over dinner at the Guilford Mooring, the two cops and Capone Almon — then a coordinator in customer service for Verizon Wireless — began to strategize.

"She had a public voice," said Strand, bald and built like a football player. "She was honest and she was willing to work hard."

Their investigative skills proved indispensable. The cops exposed links between contracts and campaign contributions — standard political fare. But it was their idea to request the mayor's calendars under the Freedom of Information Act that struck gold — confirming that Maturo spent five weeks vacationing in Florida in March. Relentlessly, Capone Almon questioned the mayor's work ethic — along with dozens of items mysteriously blacked out from his schedule. Her message struck a chord.

"This is a blue-collar town where people go to work every day to pay their taxes," said Patty Cofrancesco, a Democrat and lawyer. "The idea they had an absentee-mayor was too much to take."

Now in office, Capone Almon wants to end a tradition of gifts and special favors. "You'll see a Jodi Rell-like focus on ethics, and you'll see the laws change," promised mentor Michael Lawlor, a veteran lawmaker who lives in town.

Maturo's top administrators have been fired and Cofrancesco, former corporation counsel for New Haven, has been named town attorney. Her law firm represents two police officers suing Chief Leonard Gallo — a point of contention for Gallo.

Under state law, the chief's job is protected, which is why Capone Almon, with great diplomacy, says she hopes Gallo will welcome the changes she plans. Reached Friday, Gallo said the department has improved under his watch — becoming more diverse — and that he plans to stay. Before Maturo appointed him chief, Gallo worked for the New Haven Police Department where, at one point, he headed the city dog pound.

When Capone Almon promises the mayor's office will look "very different" when she moves in, she means it literally. The carpeting in Maturo's office, infused with years of cigarette smoke, will be ripped out, the walls repainted yellow and a somber conference table replaced by a pair of sofas, bought with her own money.

"I'm not going to be remodeling on the taxpayers' dime," she said.

For the few Republicans to survive the election, it's now their turn to be skeptical.

"She's made a lot of promises she's going to have a difficult time keeping — like cutting taxes," said Councilman Fred Parlato, a retired gas company supervisor. "If she can do it, I'll work with her."

EXHIBIT 4

HAND DELIVERED

March 6, 2006

Police Chief Leonard Gallo
East Haven Police Department
471 North High Street
East Haven, CT 06512

Re: Anthony DeMaio

Dear Chief Gallo:

I am in receipt of your letter of February 27, 2006.

Permit me to respond to the same.

I have always enjoyed a good working relationship with the East Haven Police Department. In general, I find the East Haven Police officers that I have dealt with to be thoroughly professional, hard-working and knowledgeable about their subject matter.

Such was not the case in my dealings with Officer Joseph Mulhern on December 15, 2005.

When I received the subject letter in the mail, I contacted the East Haven Police Department to report the same and to request that a police officer come to my office to investigate the matter.

When Officer Mulhern arrived a few minutes later, the first thing that he said was that at the time that the call came in, he was at Palmer's Jewelers picking up his girlfriend's engagement ring. He recognized my secretary, who was seated in a nearby office, as a neighbor of his in a local condominium complex. He spent more time showing my secretary the engagement ring, telling her how it was designed, and how he intended to give it to his finance that evening, than he spent talking to me.

He also offered that he was about to end his shift in a matter of one half hour which led me to believe that he really wasn't interested in spending a lot of time

devoted to the investigation of my complaint. He took a cursory look at only the last paragraph of the letter, which I had pointed out to him, and said that he didn't find anything threatening about it. He then called his supervisor to run a portion of the letter by him. He phrased the question to his supervisor as follows: "Sarge, you don't find this threatening do you?" It was at that point that I was firmly convinced that Officer Mulhern wasn't about to do anything for me. He then offered that he would contact Mr. DeMaio by telephone and tell him to "stay away from me."

Thereafter, Judge Robert Skolnick of the Superior Court for the Judicial District of New Haven at New Haven, granted my Motion to Withdraw my appearance from Mr. DeMaio's civil action. At that time, Judge Skolnick reviewed the letter and found it to be threatening, thereby substantiating the need for me to get out of the case.

Subsequent to the granting of the Motion to Withdraw, Mr. DeMaio renewed his contact with me, albeit, through legal channels, by filing a Motion to Reargue my Motion to Withdraw from the case. I firmly believe that had Officer Mulhern pursued my criminal complaint, Mr. DeMaio would not have felt, "empowered," to be pursuing a Motion to Re-argue in the civil forum. That is presently pending in the Superior Court and it will once again force me to encounter Mr. DeMaio in a legal setting.

Please note, Chief Gallo that after the unsatisfactory treatment that I got from Officer Mulhern, I showed the letter to other police officers who are associated with other police departments and I also told them about the manner in which this complaint had been handled. All were uniform in their assessment that it should have been handled differently by Officer Mulhern by taking my complaint, and then leaving it up to the State's Attorney's office to decide whether or not to prosecute. When Officer Mulhern wouldn't even take the complaint, he acted as Prosecutor, Judge and Jury, in one fell swoop.

I do not believe that the Connecticut General Statutes contemplate that his role as a police officer be so all-encompassing.

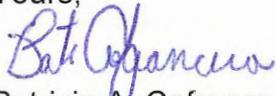
It was in the course of a telephone conversation with Town Attorney Lawrence Sgrignari on an unrelated matter that I raised this issue. I was reluctant to put the matter in writing directly to you because you are presently a principal in at least one matter that I am handling, as well as a potential defendant in other matters. I, therefore, chose to deal directly with your counsel, as opposed to you, a course of conduct which I believed more appropriate under the circumstances, even in the face of your self-described "open door policy."

Law Offices of Patricia A. Cofrancesco
General Practice of Law

I sincerely hope that in the name of all concerned, that the tenuous judgment call which Officer Mulhern and you have made is the correct one. I also hope that on a going forward basis, Officer Mulhern exhibits more sensitivity and compassion toward victims than was exhibited by him previously. I am certain that there will be instances in the future where others who are in similar circumstances who do not have access to either the Town attorney or the Police Chief are left with the arbitrary decision of a police officer not to pursue their complaint, thereby leaving them as identifiable victims and vulnerable to further threats, but with no protection.

I have elected not to file a civilian complaint in this matter because I want to continue to enjoy a good working relationship with the East Haven Police Department, and I am less than confident that the East Haven Board of Police Commissioners will embrace a decision any different than yours.

Yours,



Patricia A. Cofrancesco

PAC:c

cc: Attorney Lawrence Sgrignari

EXHIBIT 5

MEMO

TO: CHIEF GALLO

FROM: PATRICIA COFRANCESCO

RE: FOI REQUEST-PAUL LIGUORI

DATE: APRIL 14, 2008



I am in receipt of your memo of 4-7-08 regarding an FOI Request from Sgt. Paul Liguori.

As you know, I previously represented Sgt. Liguori.

Because I am therefore conflicted out from addressing this request, I have forwarded the same to Town Attorney James Cirillo for a response. You should be hearing from him shortly. Thank you.

JAMES F. CIRILLO, JR.
ATTORNEY AT LAW
128 Chestnut Street
Branford, Connecticut 06405
Telephone: (203) 488-9828
Facsimile: (203) 488-8744

E-MAIL: cirillolaw@aol.com

MEG BRENNAN, Paralegal

April 30, 2008

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Chief Leonard L. Gallo
East Haven Police Department
471 North High Street
East Haven, CT 06512

RE: PAUL LIQUORI vs. LEONARD L. GALLO, ETAL
NNH-CV-08-5018640-S

Dear Chief Gallo:

As Assistant Corporation Counsel for the Town of East Haven, I am writing to you concerning the above-referenced lawsuit. In the Complaint, the plaintiff makes various claims against you, including claims for punitive damages for acts that are alleged to have been willful, wanton and/or malicious in nature or performed with reckless disregard for the plaintiff's rights. These allegations include defamation, libel and/or libel per se, as to the plaintiff, Paul Liquori. This letter is intended to advise you of your rights and responsibilities concerning that lawsuit.

These are only claims and have not been proven. This letter is not intended to express or convey any opinion or conclusion as to the strength or weakness of any of the claims set forth in the complaint, or of the truth of any of the claims concerning your actions.

Section 7-101a of the Connecticut General Statutes requires the Town of East Haven to protect you and save you harmless from financial loss and expense, including legal fees and costs, arising out of any lawsuit instituted against you claiming a violation of someone's civil rights. Because the complaint alleges that your actions were committed in the course of performing your duties for the Town of East Haven, the Town of East Haven is required to provide you with a defense to the claims in the complaint. However, the file reflects that you

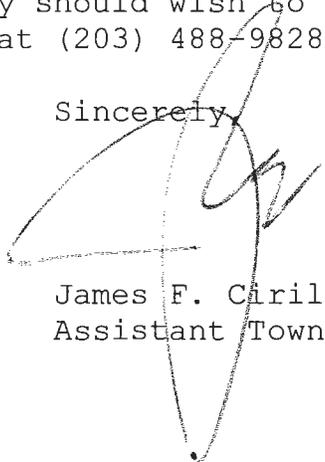
have engaged the Law Firm of Dolan & Luzzi, LLC to represent you in the above lawsuit and this office will cooperate with your attorneys in the defense of this action.

However, I must also inform you that the Town of East Haven's obligation to defend you, and its obligation to pay damages from any judgment, are not identical. While Connecticut law requires a municipality to protect and defend officers and employees who are sued, the law does not require municipalities to pay punitive damages on behalf of its officers and employees. Furthermore, Section 7-101a(b) of the Connecticut General Statutes provides that if a judgment enters against you based on actions found to have been "willful, wanton or malicious", then the Town of East Haven would not be liable to you for any financial loss or expense resulting from such acts. In other words, the Town of East Haven would not be required to pay that judgment on your behalf, and would not be liable to you for the damages awarded against you. In addition, the Town of East Haven would be entitled to seek reimbursement from you of the costs and expenses incurred in providing you with a defense to a lawsuit, if any.

Again, these are only claims and have not been proven. This letter is not intended to express or convey any opinion or conclusion as to the strength or weakness of any of the claims set forth in the complaint, or of the truth of any of the claims concerning your actions.

If you or your attorney should wish to discuss these issues with me, please contact me at (203) 488-9828.

Sincerely,



James F. Cirillo, Jr.
Assistant Town Counsel

JFCjr/mab

EXHIBIT 6

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: **PAUL RIZZA**
DIRECTOR OF FINANCE

FROM: **CHIEF LEONARD L. GALLO**

RE: **TRANSFER OF FUNDS**

DATE: **5/3/2007**

I respectfully request to be put on the next Agenda of the Honorable Board of Finance regarding the following transfers:

\$90,000 to 01 332 -0190 (overtime wages) from 01-332 0110 Wages

\$2000.00 to 01-332-0561 (vehicle supplies & parts from 01-332-0645 (Water Co. Rental)

\$9000.00 to 01-332-0561 (vehicle supplies & parts from 01-332-0130 (Temp Wages)

\$9000.00 to 01-332-0561 (vehicle supplies & parts from 01-332-0115 (Dis/cross.guards)

\$3000.00 to 01-332-0561 (vehicle supplies & parts from 01-3320-0175 (Educ. Incentive)

\$90,000 is needed for overtime to the end of the fiscal year.

\$23,000 is needed for the outfitting of three newly purchased 2007 Police Vehicles. These vehicles must be equipped with the newest police equipment to include, Whelan LED emergency overhead lights, LED back booth lights, flashbacks, wigwags and side view mirror LED flashing lights. Also, the interior has the rear prisoner seats which are made of hardened fiberglass which is necessary to transport prisoners for their protection and the officers protection. The interior is also equipped with a heavy duty roll bar and a prisoner cage to protect the officer.

Installation of this equipment is a tedious process and many hours are devoted to accomplish this task and also we have to remove the older equipment from vehicles which we no longer use in patrol, Each vehicles costs approximately \$8200.00 for equipment and installation, to include all the above as well as Lap Tops, mounts, antennas and equipment console.

Respectfully Submitted

EXHIBIT 7

RECEIVED FOR FILING
DEC 10 2007
TOWN CLERK'S OFFICE
EAST HAVEN, CONN.

Christine C. Leary
TOWN CLERK

Town of East Haven
Board of Finance
Special Meeting
November 5, 2007

Mayor April Capone Almon called the Special Meeting of the Board of Finance to order at 7:03pm with the following members present: Anthony Serio, Brendan Geelan, Noreen Clough, Charles Schlegel, Paul Karbowski and Richard DePalma. Also present were Director of Finance Paul Rizza, Director of Administration and Management Paul Hongo, Police Chief Len Gallo, Fire Chief Doug Jackson, Town Council Chairman Paul Thompson, Democratic Town Committee Chair Gene Ruocco, Democratic Town Committee Vice-Chair Carol Scalse, Jim Krebs, Ralph Mauro and Walter Link.

2. Election of Officer for the Board of Finance – Mr. DePalma moved to recommend that Anthony Serio be elected as Vice-Chairman of the Board of Finance based on his tenure with the Board; seconded by Dr. Schlegel; carried unanimously.

3. Discussion and approval of Meetings to be scheduled for Regular Board of Finance Meetings for the year of 2008. Mr. Serio moved to approve the following schedule of meetings for 2008 to be held at 7:30pm in the Mario Giaimo/Joseph Vitale Conference Room:

Wednesday January 16, 2008
Wednesday February 20, 2008
Wednesday March 19, 2008
Wednesday April 16, 2008
Wednesday May 21, 2008
Wednesday June 18, 2008
Wednesday July 16, 2008
Wednesday August 20, 2008
Wednesday September 17, 2008
Wednesday October 15, 2008
Wednesday November 19, 2008
Wednesday December 17, 2008

Motion carried unanimously.

4. Registrar of Voters – Mr. Serio moved to approve the following transfer needed to cover the costs of the second recount; seconded by Mr. DePalma.

TO: 01-110-0115 PT Wages	\$7,850	
FROM: 01-885-0689 Contingency		\$7,850

Mr. Rizza advised that these costs were to cover salaries for the counters as well as everyone that was required by law to be in attendance for the recount. Mr. Karbowski questioned whether it was at the same rate for the general election and Mr. Rizza replied yes. Motion carried unanimously.

Mr. Karbowski requested an updated account summary; Mr. Rizza will mail it by the weekend.

5, Police Department – Mr. Serio moved to approve the following transfer needed to cover costs associated with the Nexgen Maintenance Contract; seconded Ms. Clough.

TO: 01-332-0657 Data Process/Software \$15,000
 FROM: 01-332-0110 Wages \$15,000

Chief Gallo explained that Nexgen provides and maintains the department's with software system with a maintenance contract that includes 24 hour service as well as software updates. Mr. DePalma questioned whether all computers in police cars were operational and Chief Gallo responded yes, that there are 14 vehicles with active updated software. Mr. Karbowski asked whether this was a bid situation and Chief Gallo replied that they were on the State Bid List and that the Town was offered a discount.

Mr. Serio asked why there was such a large balance in the Wages account and Chief Gallo explained that several officers are off on injuries and that the wage account was augmented by other accounts.

Mr. DePalma questioned whether any of this amount was past due and Chief Gallo advised that it is for 2 six-month periods at \$7,500 each. Motion carried unanimously.

6. Police Department – Mr. DePalma moved to waive the reading of the following transfer needed to cover various costs; seconded by Dr. Schlegel; carried unanimously.

Mr. DePalma moved to recommend the following transfer to the Town Council for approval; seconded by Dr. Schlegel.

TO:	01-332-0190 Overtime	\$200,000	
	01-332-0530 Gas & Fuel	10,000	
	01-332-0440 Motor Vehicles	<u>2,765</u>	
		\$212,765	
FROM:	01-332-0110 Regular Salaries		\$132,500
	01-332-0115 Part Time Wages		15,000
	01-332-0130 Temp Wages		5,000
	01-332-0131 Perfect Attendance		3,000
	01-332-0132 Shift Differential		4,000
	01-332-0140 Longevity		2,000
	01-332-0175 Education Incentive		2,000
	01-332-0192 Replace Vacation Days		34,000
	01-332-0350 Prof. Dev. & Training		2,500
	01-332-0510 Photocopy/Printing		2,000
	01-332-0561 Vehicle Parts		2,765
	01-332-0570 Bldg. & Grounds Maintenance		1,000
	01-332-0592 Traffic Signs		<u>7,000</u>
			\$212,765

Mayor Capone Almon advised that during her first week in office she worked with the transition team, the Director of Administration and Management, the Director of Finance, the Police and Fire Chiefs, the Town Engineer and department heads and did some basic housekeeping to prevent potential shortfalls. She added that the following transfers are a result of this function.

Mr. DePalma noted that funds are being transferred from the 190 Replacement Vacation Days account when \$45,000 was recently transferred to that account. Chief Gallo advised that he has fulfilled personnel up to 53, which generated a brief discussion on the new recruits in terms of the process and hours needed to become certified.

Mr. Geelan requested a copy of the Town Charter for new members.

Ms. Clough questioned whether these transfers would hold the department through the fiscal year. Chief Gallo said he felt the department could live with these transfers through the fiscal year as long as the department stays healthy and injured officers return to work. He added that if an emergency arises he would work with the Mayor and the Director of Finance to make the appropriate transfers. Dr. Schlegel noted that new officers would be hired at a lower grade and rate of pay, which should give the department some leeway in the wage account.

Chief Gallo added that he has been able to live within his budget for the last ten years. Mr. Karbowski asked for the balance in the 190 Overtime account and Mr. Rizza replied it was approximately \$35,000, which should last about 4 to 5 weeks.

Mr. DePalma asked whether the 440 Motor Vehicle account was the account that funds for purchasing vehicles came from. Mr. Rizza advised that this account is used for vehicle purchasing and outfitting. Mr. DePalma asked whether the work costing \$2,765 being requested for the 440 Motor Vehicle has already been completed and the Chief replied yes. Mr. DePalma expressed concern that the work was done before the approval and that it was not on the original agenda. Mr. Karbowski asked whether there was a purchase order generated and certified for the expense and Mr. Rizza replied yes, but that it has not been paid as yet.

Mr. DePalma moved to amend the above transfer to omit the transfer of \$2,765 to 01-332-0440 Motor Vehicle from 01-332-0561; seconded by Ms. Clough; carried unanimously.

Dr. Schlegel moved to accept the above transfer as amended and recommend to the Town Council for approval; seconded by Ms. Clough; motion as amended carried unanimously.

7. Fire Department – Mr. Serio moved to recommend the following transfer needed to cover various costs to the Town Council for approval; seconded by Mr. DePalma.

TO: 01-334-0561 Vehicle Supplies	\$	5,000
01-334-0190 Overtime Wages		<u>108,725</u>
		\$113,725
From: 01-334-0110 Regular Salaries		\$ 54,725
01-334-0115 Part Time Wages		1,000
01-334-0150 Vacation Days		20,000
01-334-0160 Holiday Pay		10,000
01-334-0165 Personal Days		3,000
01-334-0350 Prof. Dev. & Training		5,000
01-334-0540 Photographic & Signs		1,500
01-334-0575 Clothing & Uniform		6,000

01-334-0662 Vehicle Repair	5,000
01-334-0681 Physicians & Medical	3,000
01-334-0691 Accreditation Services	2,500
01-334-0694 Other Contractual	5,000
	<u>\$113,725</u>

Mr. Karbowski questioned the transfer to supplies and Chief Jackson explained that the department has used more supplies this year because one firefighter is a truck mechanic and is doing most repairs on vehicles, which is saving the department money.

Dr. Schlegel asked why the Accreditation Services account was wiped out and Chief Jackson replied that although accreditation would help the department achieve a better rating, the funds had not been used to date, and that he would like to get this back in his budget in the future.

Mr. DePalma asked if the Overtime account would be sufficient through the fiscal year and the Chief said he thought it would be barring any unanticipated events in the department.

Mr. Serio questioned the balance in the Regular Salaries account and Chief Jackson replied that there are 4 vacancies and salaries for replacements are taken from the Overtime account. Motion carried unanimously.

8. Public Works - Mr. Serio moved to recommend the following transfer needed to cover various costs to the Town Council for approval; seconded by Ms. Clough.

TO: 01-224-0130 Temp. Wages	\$ 4,300	
01-224-0530 Gasoline & Diesel	50,000	
01-224-0561 Vehicle Supplies	20,000	
01-224-0563 Tire & Tubes	4,000	
01-224-0644 Rental Equipment	1,000	
01-224-0664 Tires & Road Service	2,000	
	<u>\$ 81,300</u>	
FROM: 01-224-0110 Regular Salaries		\$ 72,300
01-224-0570 Bldg. & Ground Maintenance		7,000
01-224-0565 Motor Oil		2,000
		<u>\$ 81,300</u>

Mr. Rizza advised that before the Town Engineer departed his employment at the Town, he submitted the above recommended transfers based on account shortages or surpluses. He added that he and Ralph Mauro concurred with the requests and recommended them to the Mayor.

Ms. Clough questioned the balance in Regular Salaries and Mr. Rizza indicated that there was a surplus based on men out on injury. Ms. Clough then questioned the Temp Wages and Mr. Rizza advised that this account was for seasonal staff.

Mr. Serio asked whether this would carry the department through the fiscal year and Mr. Rizza assured that it would. Motion carried unanimously.

9. Building Maintenance – Ms. Clough moved to approved the following transfer needed to cover various costs; seconded by Mr. Serio.

TO: 01-229-0694 Other Contractual Ser.	\$10,000	
FROM: 01-229-0190 Overtime Wages		\$ 3,000
01-229-0115 Part Time Wages		3,000
01-229-0638 Equip. Maintenance		2,000
01-229-0660 Bldg. Maintenance		<u>2,000</u>
		\$10,000

Mr. Geelan asked what the Other Contractual Services account was used for and Mr. Rizza advised that maintenance such as plumbing and boiler work for Town buildings is referred to private contractors. He added that regular building maintenance is performed by staff of the Public Works Department. Mr. Geelan asked for an account summary to assist with making decisions on these transfers. Mr. Rizza stated that he would be mailing them to Board of Finance members by this weekend and that regarding the Other Contractual Account it was budgeted at \$35,000 and to date \$23,000 has been spent, \$4,500 has been encumbered, leaving a balance of \$7,300. He added that this transfer would give this account \$17,300, which would be sufficient to finish the fiscal year. Motion carried unanimously.

Discussion and Possible Approval of a New Position in Public Service. Mayor Capone Almon stated that during the transition period it was determined that there were several capital projects spread among many departments of the Town and it was difficult to get a handle on the status of each project. She added that last year five engineering firms were hired to assist with capital improvement projects that cost the Town nearly \$700,000, that some of it could have been done by the Town Engineer, which would represent a major cost saving. Mayor Capone Almon proposed to develop a critical position to work with the Town Engineer on capital improvement projects to assure that money appropriated for expenses and equipment are properly managed.

Mr. DePalma asked whether the position would be of the project manager type or financial administration. Mayor Capone Almon stated that it would be a combination of both finance and hands-on management coordination. She added that she has filled the position of Director of Administration and Management but not the Assistant position as yet.

Dr. Schlégel asked whether the supervising of operations and projects would come under the purview of the Public Works Department. The Mayor replied that this position would be more hands-on and that its creation might enable her to eliminate other positions. Dr. Schlegel commented that the number of capital improvement projects was not that extensive at this time adding though that there are more projects with the Board of Education. Mayor Capone Almon indicated that the Downtown Revitalization project is only in its 2nd phase and that the Candelight and 200 Tyler Avenue projects are anticipated.

Mr. Geelan said he understood the Mayor's desire and need to mold her staff in a more efficient manner, but was confused about what she was requesting the Board to do this evening. He then questioned asked whether the Board of Finance had the authority to approve positions. Dr. Schlegel advised that any new position would have to be recommended by the Board of Finance to the Town Council for a budget amendment, and a resolution would be required. He added that the entire process would take 2 to 3 months to

complete. Mr. Geelan thought that more information was needed, particularly how the position would be funded.

Dr. Schlegel suggested that this person be put in the assistant administrative position and Mr. Karbowski added that this person can be assigned any duties the Mayor desired. Dr. Schlegel added that for the time being, until the assistant administrative position is filled with someone to the Mayor's qualifications, she could appoint the person she has in mind for this new position to the assistant administrative position and the duties could be specific to what she is looking for. The appropriate position and budget changes would have to wait until the new fiscal year and be presented to the Town Council for approval.

The Mayor indicated again that she would like this person to work with Public Works in order to move the administration forward as quickly as possible and that she would like to make some changes in positions. She added that she wanted to make sure this was done correctly.

Mr. Karbowski added that the Mayor can hire a person up to the current funded salary and can adjust it in the next fiscal year.

The Mayor presented a job description for the new position. Discussion followed regarding this position including salary, which the Mayor indicated would be from \$75,000 to \$85,000, and funding of this position for the next six months.

No action was deemed necessary on this item.

Mr. Karbowski asked to revert back to item 2 of the agenda and moved to add the election of the Clerk for the Board of Finance; seconded by Ms. Clough; carried unanimously. Mr. Karbowski, after receiving the Mayor's approval moved that Sharon Willard continue as Clerk for the Board of Finance; seconded by Mr. Geelan; carried unanimously.

With no further business to discuss Ms. Clough moved adjournment at 8:15pm; seconded by Mr. DePalma.

Respectfully submitted,



Sharon Willard
Recording Secretary



RECEIVED
DEC 21 2007

TOWN CLERK'S OFFICE
EAST HAVEN, CONN.

Christine C. Leary
TOWN CLERK

EAST HAVEN

FINANCE DEPARTMENT

PAUL S. RIZZA

Director of Finance

MEMORANDUM

TO: Candy Criscuolo, Finance Department

FROM: Sharon Willard, Clerk, Board of Finance *Sharon Willard*

DATE: December 19, 2007

RE: DECEMBER SPECIAL MEETING

Thank you for bringing to my attention the incorrect date on the minutes recorded in the Town Clerk's Office for the December 5, 2007 Special Meeting. Enclosed you will find a corrected first page of the minutes to reflect the change from November 5 to December 5, 2007 that can be recorded in the Town Clerk's Office if necessary. Also enclosed is a full copy of the corrected minutes.

CORRECTED MINUTES
Town of East Haven
Board of Finance
Special Meeting
December 5, 2007

RECEIVED FOR FILING
DEC 21 2007
TOWN CLERK'S OFFICE
EAST HAVEN, CONN.
Christine C. Leary
TOWN CLERK

Mayor April Capone Almon called the Special Meeting of the Board of Finance to order at 7:03pm with the following members present: Anthony Serio, Brendan Geelan, Noreen Clough, Charles Schlegel, Paul Karbowski and Richard DePalma. Also present were Director of Finance Paul Rizza, Director of Administration and Management Paul Hongo, Police Chief Len Gallo, Fire Chief Doug Jackson, Town Council Chairman Paul Thompson, Democratic Town Committee Chair Gene Ruocco, Democratic Town Committee Vice-Chair Carol Scalese, Jim Krebs, Ralph Mauro and Walter Link.

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Wednesday June 18, 2008
Wednesday July 16, 2008
Wednesday August 20, 2008
Wednesday September 17, 2008
Wednesday October 15, 2008
Wednesday November 19, 2008
Wednesday December 17, 2008

Motion carried unanimously.

4. Registrar of Voters – Mr. Serio moved to approve the following transfer needed to cover the costs of the second recount; seconded by Mr. DePalma.

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FROM: 01-885-0689 Contingency		\$7,850

Mr. Rizza advised that these costs were to cover salaries for the counters as well as everyone that was required by law to be in attendance for the recount. Mr. Karbowski questioned whether it was at the same rate for the general election and Mr. Rizza replied yes. Motion carried unanimously.

Mr. Karbowski requested an updated account summary; Mr. Rizza will mail it by the weekend.

EXHIBIT 8

MEMO



EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512

TO: HONORABLE MAYOR
APRIL CAPONE ALMON

FROM: CHIEF LEONARD L. GALLO

RE: MEETING FOR POLICE DEPARTMENT OVERVIEW

DATE: 1/14/2008

Dear Mayor Almon:

With the upcoming budget at our doorstep I am requesting to meet with you personally about department finances and the future mission of the East Haven Police Department. I am respectfully requesting that you block an hour of your time within this week so we may discuss all facets of police deployment, finances, present and future equipment, and generally speaking all areas of police services.

I am further requesting your personal input and direction as the towns executive officer so you and I may construct a reasonable and prudent plan that will best serve the East Haven general public and supply the necessary tools to facilitate public safety.

Your immediate attention is requested on this matter and I will make myself available pursuant to your schedule.

Thanking you in advance for your anticipated cooperation.

Respectfully Submitted

Chief Leonard L Gallo
East Haven Police Department

Apprs 1/17/08
Cancelled by Mayor Jan 16, 2008
Jan 24 Meeting
Mayor held
Eric's
States Quo from her on 1000 the PD.

**HONORABLE MAYOR
APRIL CAPONE ALMON
CHIEF LEONARD L. GALLO**

12/6/2007

FEDERAL FORFEITURE

Mayor,

I have enclosed copies of recent Federal Forfeiture, which in part will be earmarked for the East Haven Police Department to be utilized in compliance with Federal guidelines.

These funds are for the sole use of law enforcement and for the police agencies which receive this funding. In order for you to get a better look at what these rules and regulations are, I have enclosed a copy of the Federal Guidelines for your review. I have sent an additional copy of the guidelines to Attorney Cofrancesco, along with the original federal forfeiture paperwork. The Town Attorney or legal counsel must sign this documentation so this funding can be electronically transferred to the Federal Forfeiture Account of the East Haven Police Department, Account number 47-3-310. The Director of Finance will supervise the funding to that account.

I know you will have additional questions and I would be happy to answer them at your earliest possible convenience. If you require additional information there is an e-mail site for the DOJ usdoj.gov/criminal/afmls/

This is standard operating procedure for forfeiture funds that is practiced by every police department since its inception in the early 80's.

ATTORNEY PATRICIA COFRANCESCO

12/6/2007

CHIEF LEONARD L. GALLO

FEDERAL FORFEITURE

You are in possession of the original Federal Forfeiture documents which need to be signed off by legal counsel for the Town of East Haven so they may be transferred electronically to Federal Forfeiture Account number 47-3-310. These monies will be used to fund police operations in a variety of areas that have been checked off in Box Number 4 on the federal applications of transfer.

I have enclosed for you a guide for the Federal Forfeiture Sharing Rules & Regulations. I have additionally notified Mayor Almon and supplied her with the same information. As you know, Federal Forfeiture and sharing of those monies is standard operating procedure for all police departments since the early 80's.

I would appreciate your cooperation on this matter as there may be a time limit for this funding. If you need additional information please feel free to call me at (203) 468-3214.

EXHIBIT 9



EAST HAVEN

RECEIVED FOR FILING
JAN 15 2008
TOWN CLERK'S OFFICE
EAST HAVEN, CONN.
Christine C. Leary
TOWN CLERK

The East Haven Town Council held a Certain Public Hearings Scheduled for January 8, 2008, at 7:00 p.m. at the East Haven Community Center, 91 Taylor Avenue, East Haven in order to transact the following:

Chairman Thompson called the public hearing to order at 7:00 p.m.
Roll call – 13 Present 2 Absent (Arpino and Toothe)

Vice Chairman DePalma read the following ordinance in its entirety:

“AN ORDINANCE TRANSFERRING \$210,000.00 TO POLICE DEPARTMENT OVERTIME, AND GAS AND FUEL ACCOUNTS FROM VARIOUS POLICE DEPARTMENT ACCOUNTS.”

Councilmen Arpino and Toothe arrived at 7:03 p.m.

Chairman Thompson recognized Vincent Camera, 43 Forbes Place, who asked why the amount of overtime is such a large amount.

Chief Leonard Gallo addressed the question with regard to this transfer. The department has had numerous and serious injuries and in addition to the injuries there have been a number of retirements but we do have recruits at the academy now and some that are not on the road yet but riding along. It takes almost an entire year before these officers can work alone. The overtime account is being transfer from regular salaries because those salaries are now being utilized by overtime due to being short staff.

Mr. Camera asked if officers are retiring can you plan for being short staffed.

Chief Gallo indicated he can not replace an officer until he is informed of the retirement and when it takes place. Currently, there are 6 field officers in training and 2 at the academy.

Councilman Cofrancesco asked about the accounts being left short and there is only 31,000 in one account and this states there is 34,000.

Ralph Mauro, Assistant Director of Administration and Management address the Council stating that during the transition period we were aware that there were problems which would create these shortfalls and as a result there would be some large transfers for police, fire and public works. We went over every item and under our instruction decided on these transfers. He believes that the police will be back for additional transfers.

Councilman McKay asked if the Regular Salary Account will leave the account short.

Chief Gallo indicated that every day an officer is out injured the insurance company pays into that account.

Councilman McKay asked how much money is in the contingency account. Mr. Mauro indicated that there was \$500,000 but after paying out the retroactive pay to the police department we are left with \$130,000.

Councilman Parlato stated that Chief Gallo has always articulated his transfers and kept the administration aware of his position.

Councilman Badamo stated that there are 4 new officers in the field and 2 at the academy and will you be in full strength by June and do you have any officers on special assignment.

Chief Gallo stated the 2 in the academy need numerous hours on the road before they will be able to ride alone and the other 4 in the field are working towards that and we do have officers on special assignment. We were prepared with for the retirements but the training process for new officers is about 1 year.

Councilman Anania stated that we are doing these transfer early in the year, we should address this during the budget process.

Vice Chairman DePalma (Sergeant DePalma) indicated some of the overtime is unforeseeable. For example recently we had an ice storm and there were 30 accidents within one shift the department was required to call in numerous officers which resulted in overtime.

Councilman Badamo asked if the officer on the beach is called in for overtime.

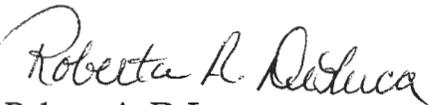
Chief Gallo indicated that he is.

Councilman Parlato moved to adjourn the hearing.

Councilman McKay seconded the motion.

Voice vote – all in favor. None opposed. No abstentions.

Respectfully submitted,



Roberta A. DeLuca
Temporary Council Clerk



EAST HAVEN

RECEIVED FOR FILING
JAN 15 2008
TOWN CLERK'S OFFICE
EAST HAVEN, CONN.
Charabeth C. Leary
TOWN CLERK

The East Haven Town Council held a Certain Public Hearings Scheduled for January 8, 2008, immediately following the previously scheduled public hearing. at the East Haven Community Center, 91 Taylor Avenue, East Haven in order to transact the following:

Roll call – 15 Present.

Vice Chairman DePalma read the following ordinance in its entirety:

AN ORDINANCE TRANSFERING \$81,300.00 TO VARIOUS PUBLIC SERVICE ACCOUNTS FROM THE PUBLIC SERVICE REGULAR SALARIES, BUILDING AND MAINTENANCE AND MOTOR OIL ACCOUNTS”

Councilman Parlato indicated that after working in that department there are unforeseen costs.

Councilman McKay moved to adjourn the hearing.
Councilwoman Donahue seconded the motion.
Voice vote – all in favor. None opposed. No abstentions.
Public hearing closed at 7:30 p.m.

Respectfully submitted,

Roberta A. DeLuca
Temporary Council Clerk



RECEIVED FOR FILING
JAN 15 2008
TOWN CLERK'S OFFICE
EAST HAVEN, CONN.

Christina DeLuca
Town Clerk

EAST HAVEN

The East Haven Town Council held a Certain Public Hearings Scheduled for January 8, 2008, immediately following the previously scheduled public hearing. at the East Haven Community Center, 91 Taylor Avenue, East Haven in order to transact the following:

Roll call – 15 Present.

Vice Chairman DePalma read the following ordinance in its entirety:

“AN ORDINANCE TRANSFERRING \$113,725.00 TO VEHICLE SUPPLIES AND OVERTIME WAGES FROM VARIOUS FIRE DEPARTMENT ACCOUNTS”

Ralph Mauro indicated that this is similar to the Police Department and that his department went over all the account with Chief Jackson and he felt that he would be okay until the end of the year.

Councilman Riolino stated that the Fire Department is down 3 firefighters.

Mr. Mauro stated that due to a minimum man power clause they can not work short resulting in overtime.

Councilman McKay moved to adjourn the hearing.
Councilwoman Donahue seconded the motion.
Voice vote – all in favor. None opposed. No abstentions.

Respectfully submitted,

Roberta A. DeLuca

Roberta A. DeLuca
Temporary Council Clerk



EAST HAVEN

RECEIVED FOR FILING
JAN 15 2008
TOWN CLERK'S OFFICE
EAST HAVEN, CONN.

Christine C. Leary
TOWN CLERK

The East Haven Town Council held its Regularly Scheduled Meeting January 8, 2008, at 7:30 p.m. or immediately following certain scheduled public hearing at the East Haven Community Center, 91 Taylor Avenue, East Haven in order to transact the following:

Chairman Thompson called the meeting to order at 7:48 p.m.

Roll call – 15 Present

Pledge of Allegiance

Chairman Thompson asked for a moment of silence on behalf of the men and women who serve in the armed forces.

Paul Hongo, Jr., addressed the council on behalf of Mayor Capone Almon regarding the recent activities of her office.

Councilman McKay moved to accept the minutes from the two (2) previous meetings.

Councilman Parlato seconded the motion.

Roll call vote – all in favor. None opposed. No abstentions

Motion carried unanimously.

Clerk indicated no correspondence submitted.

Item #1

Vice Chairman DePalma made the following motion: be it resolved that per the recommendation of the Tax Collector, the following tax refunds are hereby approved:

- a. Ralph Street, 124 Estelle Road, East Haven, Connecticut in the amount of \$1,132.50 due to a Veterans Exemption.
- b. Beth Graham/CAB East, LLC in the amount of \$796.16
- c. Beth Graham, a credit in the amount of \$1,273.70 for a Jaguar.

BE IT RESOLVED that per the recommendation of the Tax Collector, the following tax bill is hereby being removed from the tax list:

- a. George Stavrou in the amount of \$2,208.12.

Councilman McKay seconded the motion.

No public comment.

No council comment.

Roll call vote – all in favor. None opposed. No abstentions

Motion carried unanimously.

Councilman McKay requested a Republican Caucus at 7:58 p.m.

Member included are Councilpersons; Anania, Massaro, Parlato, and McKay.
The members came out of Republican Caucuses at 8:03 p.m.

Item #2

Vice Chairman DePalma made the following motion: be it resolved that an ordinance entitled "AN ORDINANCE TRANSFERRING \$210,000.00 TO POLICE DEPARTMENT OVERTIME, AND GAS AND FUEL ACCOUNTS FROM VARIOUS POLICE DEPARTMENT ACCOUNTS" is hereby approved.

Councilman McKay seconded the motion.

No public comment.

No council comment.

Roll call vote – all in favor. None opposed. No abstentions

Motion carried unanimously.

Item #3

Vice Chairman DePalma made the following motion: be it resolved that an ordinance entitled "AN ORDINANCE TRANSFERRING \$113,725.00 TO VEHICLE SUPPLIES AND OVERTIME WAGES FROM VARIOUS FIRE DEPARTMENT ACCOUNTS" is hereby approved.

Councilman Badamo seconded the motion.

No public comment.

No council comment.

Roll call vote – all in favor. None opposed. No abstentions

Motion carried unanimously.

Item #4

Vice Chairman DePalma made the following motion: be it resolved that an ordinance entitled "AN ORDINANCE TRANSFERRING \$81,300.00 TO VARIOUS PUBLIC SERVICE ACCOUNTS FROM THE PUBLIC SERVICE REGULAR SALARIES, BUILDING AND MAINTENANCE AND MOTOR OIL ACCOUNTS" is hereby approved.

Councilman Toothe seconded the motion.

No public comment.

No council comment.

Roll call vote – all in favor. None opposed. No abstentions

Motion carried unanimously.

Item #5

Vice Chairman DePalma made the following motion: be it resolved that in accordance with the provisions of the Town Charter of the Town of East Haven, Samuel Giglio is hereby appointed as a member of the Board of Selectman for a term to expire November 14, 2009.

Councilman Riolino seconded the motion.

No public comment.

No council comment.

Roll call vote – all in favor. None opposed. No abstentions



Motion carried unanimously.

Item #6

Vice Chairman DePalma made the following motion: be it resolved that in accordance with the provision of the Town Charter of the Town of East Haven, Noreen Campbell Parlato is hereby appointed as a member of the Board of Selectman for a term to expire November 14, 2009.

Councilman McKay seconded the motion.

No public comment.

No council comment.

Roll call vote – 14 in favor. None opposed. One (1) abstention (Parlato).

Motion carried.

Item #7

Vice Chairman DePalma made the following motion: be it resolved, that in accordance with the provisions of the Town Charter of the Town of East Haven, Albert Fucci is hereby appointed as a member of the Board of Selectman for a term to expire November 14, 2009.

Councilman Albis seconded the motion.

No public comment.

No council comment.

Roll call vote – all in favor. None opposed. No abstentions

Motion carried unanimously.

Item #8

Vice Chairman DePalma made the following motion: be it resolved, that in accordance with the provisions of the Town Charter of the Town of East Haven, Rev. Karen Johnson is hereby appointed to fill the unexpired term of Rev. Gilbert Wilkes on the Board of Ethics for a term to expire February 1, 2009.

Councilman Riolino seconded the motion.

No public comment.

No council comment.

Roll call vote – all in favor. None opposed. No abstentions

Motion carried unanimously.

Item #9

Vice Chairman DePalma made the following motion: be it resolved, that the Town Council of the Town of East Haven requests that Mayor April Capone Almon, assist it in the creation of a Clean

Energy Task Force to define a strategy for the Town to meet a goal of twenty (20%) percent clean, renewable energy by 2010.

Councilwoman Donahue seconded the motion.

Chairman Thompson recognized Sarah Morrill, Community Development Coordinator, who explained that this is to launch a campaign to commit by 2010 with 100 resident to participate in the program. They already have 32 residences sign up.

Councilman Toothe asked if anyone could take part.

Ms. Morrill stated it is open to those who pay an electric bill, even if they rent.

Chairman Thompson asked where the residents could get information.

Ms. Morrill indicated that the information is online and through her office as well or by call the utility. She further stated that there are different sources of renewable energy which can make the municipality eligible for a solar plan for one of its buildings or to change the lighting accompanied with timers.

Councilman Riolino indicated that the homeowner is responsible for signing up and the money goes into a fund that will be matched by the state.

Councilman McKay asked if this is only for UI customers.

Ms. Morrill indicated that it is for CL&P customers as well.

No public comment.

Roll call vote – all in favor. None opposed. No abstentions

Motion carried unanimously.

Item #10

Vice Chairman DePalma made the following motion: be it resolved, that Douglas F. Jackson, Fire Chief/Emergency Management Director East Haven requests that Mayor April Capone Almon, be authorized to act on behalf of the Town of East Haven in the signing of documents relating to the Connecticut Department of Emergency Management and Homeland Security (DEMHS). This will enable Mayor Capone Almon to sign off on Memoranda of Understanding and the like with DEMHS.

Councilwoman Donahue seconded the motion.

Chairman Thompson recognized Sarah Morrill Community Development Coordinator, who is working with Chief Jackson. The town is a Project Impact town appointed FEMA and the homes along Cosey Beach Avenue are eligible to be raised above the flood zone. One (1) homeowner is going forward with the raising of the home therefore, the town must ask for an extension on the program that had lapsed.

No public comment.

No council comment.

Roll call vote – all in favor. None opposed. No abstentions

Motion carried unanimously.



Item #11

Vice Chairman DePalma made the following motion: be it resolved, that the Town Council acting as the Legislative Body of the Town of East Haven endorses the Regional Performance Incentive Program Proposal entitled: "*Regional Solid Waste Disposal Beyond Resource Recovery, 20 year Contracts expiring within the next three years in most of the South Central Connecticut Regional Council of Governments*" referenced in Section 8 of Public Act 07-239 (An Act Concerning Responsible Growth) and further authorizes Mayor April Capone Almon to execute such attendant documents as may be required.

Councilman Arpino seconded the motion.

No public comment.

No council comment.

Roll call vote – all in favor. None opposed. No abstentions

Motion carried unanimously.

Item #12

Vice Chairman DePalma made the following motion: be it resolved , that the Town Council acting as the Legislative Body of the Town of East Haven endorses the Regional Performance Incentive Program proposal entitled: "*A South Central Connecticut Regional Website Portal: A One Stop Service for marketing, Economic and Business Development in the South Central Region*" referenced in Section 8 of Public Act 07-239-(An Act Concerning Responsible Growth) and further authorizes Mayor April Capone Almon to execute such attendant documents as may be required.

Councilwoman Badamo seconded the motion.

Chairman Thompson recognized Board of Finance Member Dr. Charles Schlegel who stated that this is a really good program which will upgrade the town's website at no cost to the town through COG. It is a benefit to the town.

Councilmen Riolino and Cofrancesco asked if this website promotes only East Haven or a combination of town.

Dr. Schlegel indicated it is for all the member towns.

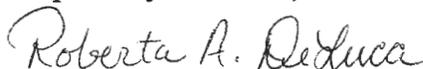
Councilman McKay moved to adjourn.

Councilman Albis seconded the motion.

Voice vote – all in favor. None opposed. No abstentions.

Meeting adjourned at 8:43 p.m.

Respectfully submitted,



Roberta A. DeLuca

Temporary Council Clerk

EXHIBIT 10

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: **PAUL RIZZA**
DIRECTOR OF FINANCE

DATE: **2/25/2008**

FROM: **CHIEF LEONARD L. GALLO**

RE: **PRESENT BUDGET**

A large, stylized handwritten signature in black ink, appearing to be "L. Gallo", is written over the "FROM" line and extends upwards into the "TO" line.

Dear Paul:

Recently we have discovered that due to transfers during the transition period we will be short a full two weeks of salary pay in department budget 01 332 0110. The recommended transfers from the transition team were deposited into overtime salary account 01 332 0190. Mr. Mauro and I have discussed this shortfall and we will all need to discuss this matter further.

Additionally, account 01 332 0190 (overtime wages) judging from past pay records, contains approximately three more pay periods for overtime. This account will be out of funds within that time period.

It is extremely important that we discuss this matter as soon as possible.

EXHIBIT 11



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

February 22, 2008

Mr. Ralph Mauro
Mayor's Office

RE: Damaged Police Vehicles

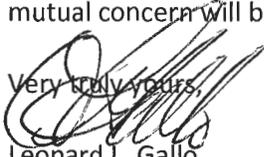
Dear Mr. Mauro:

I am responding to your letter of February 8, 2008 concerning damaged police vehicles. I appreciate your extra effort to try and get this matter of damaged police vehicles facilitated in a timely fashion. However, there apparently was a miscommunication concerning the notification to the Town attorney of vehicles that needed repair. Captain LaBanca, operations officer for the East Haven Police Department, sent four letters and accident reports concerning damaged police vehicles on November 26, 2007, December 7, 2007, January 10, 2008 and January 25, 2008. All letters were sent to Attorney Cofrancesco. I have included those letters for your review.

On February 1, 2008 I reminded Attorney Cofrancesco previous to the code enforcement meeting, of police vehicle damage reports. A brief meeting followed in your office shortly after the code enforcement meeting. Present at that meeting were, Attorney Cofrancesco you and myself. On February 11, 2008 a meeting was held in the Mayor's Office with Attorney Cofrancesco, yourself, Captain LaBanca and I. At this meeting we came up with a course of action on how we would handle damage to police vehicles. On February 22, 2008 individuals who have bid packet's responded to the East Haven Police Department to make their application and bids to fix the aforementioned vehicles.

You can be assured of anticipated cooperation on the part of the department as we will not willfully or maliciously commit charter violations. Your cooperation on this matter and on all other matters of mutual concern will be greatly appreciated.

Very truly yours,


Leonard L. Gallo
Chief of Police

c.c. Mayor April Capone Almon
Mr. Paul Hongo
Mr. Paul Rizza
Detective Thomas Russell Local 1662

Address all communications to the Chief of Police



MEMORANDUM

February 8, 2008

To: Chief Gallo,
From: Ralph Mauro
Re: Damaged Vehicles

Earlier this week, the town attorney Patty Confrancesco, you and I had a brief meeting. Our conversation was directly related to the cars which you told us were involved in accidents and were not in operation. This was the first time that the town attorney and I were made aware of this issue. At this time we told you to provide us with a list of these vehicles, the extent of the damage, and the location of the vehicles. In order for us to make a decision how to proceed with fixing the cars and put them back into operation.

In our first department meeting in the mayor's office back in November, we stated that we were put on a spending freeze. However, we made it clear to all departments that emergency situations and safety issues are of utmost importance and we will in no way hinder the operation of the town, and so far we have been very cooperative with all departments on these issues.

I want to make sure that we are very clear on this issue. We will make every attempt to help every department with their needs. However, we are not going to allow any charter violations. If you can tell us about the issues as they come up I will assist you and any other department personally to help the town move in a positive direction. Therefore, I am requesting the list of all the vehicles which are in need of repairs by Monday, February 11, 2008 by 4pm. If you can not put it in writing please call me so we can get the process going on getting the cars fixed.

CC: Mayor April Capone Almon
Tom Russell- Police Union
Paul Hongo
Paul Rizzo

07-19665

November 26, 2007

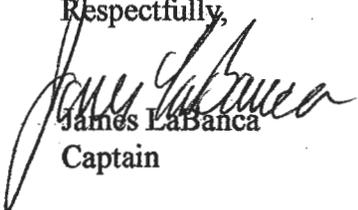
Attorney Patricia A. Cofrancesco
89 Kimberly Ave
East Haven, CT 06512

Dear Attorney Cofrancesco:

On November 25, 2007 Officer Kevin Klarman was operating a marked police vehicle and attempted to stop a vehicle on Main St in East Haven. The suspect vehicle refused to stop and at one point rammed the police unit. The suspect and the passenger fled on foot and were later apprehended. Officer Klarman received minor injury. East Haven Police Unit #40 received minor damage and is in need of repair. The suspect vehicle was not insured at the time.

The accident report is enclosed.
Please call with any questions.

Respectfully,



James LaBanca

Captain

*ATTACHED IS THE ESTIMATE OF DAMAGES ON THIS VEHICLE

December 7, 2007

Attorney Patricia A. Cofrancesco
89 Kimberly Ave
East Haven, CT 06512

Dear Attorney Cofrancesco:

On December 4, 2007 Officer Danielle Germe was responding to a call for service at 12 Carmen St., East Haven. While attempting a right turn onto Tyler St the lap top tray swung across trapping her hand into the steering wheel. Officer Germe was unable to control the police vehicle and struck a parked car. Officer Germe was not injured but the police vehicle # 16 received minor damage and is in need of repair.

The lap top tray was inspected and it was determined that the locking latch was apparently defective. This problem has been addressed and a new locking latch installed. The accident report is enclosed.

Please call with any questions.

Respectfully,

James LaBanca
Captain

***ATTACHED IS THE ESTIMATE OF DAMAGES ON THIS VEHICLE**

08-00428

January 10, 2008

Attorney Patricia A. Cofrancesco
89 Kimberly Ave
East Haven, CT 06512

Dear Attorney Cofrancesco:

On January 8, 2008 Sergeant Edward Lennon was operating a marked police vehicle and was involved in a motor vehicle accident. Sgt Lennon received minor injury and damage to car #16 was minor and is in need of repair. The investigating supervisor was unable to determine fault for the accident.

The accident report and estimate of damage are enclosed.

Please call with any questions.

Respectfully,

James LaBanca
Captain

January 25, 2008

Attorney Patricia A. Cofrancesco
89 Kimberly Ave
East Haven, CT 06512

Dear Attorney Cofrancesco:

On January 19, 2008 Officer Kevin Klarman was operating a marked police vehicle and attempted to stop a vehicle involved in an incident East Haven. The suspect vehicle refused to stop and at the point of apprehension rammed the police unit. The suspect fled on foot and was apprehended.

Officer Klarman received injury to his back. East Haven Police Unit #32 received heavy front end damage and is in need of repair. The police vehicle has been taken out of service.

The suspect vehicle was not insured at the time.

The accident report and estimate of damages are enclosed. EH Case #08001019
Please call with any questions.

Respectfully,

James LaBanca
Captain



EAST HAVEN

MEMORANDUM

February 8, 2008

To: Chief Gallo,
From: Ralph Mauro
Re: Damaged Vehicles



Earlier this week, the town attorney Patty Confrancesco, you and I had a brief meeting. Our conversation was directly related to the cars which you told us were involved in accidents and were not in operation. This was the first time that the town attorney and I were made aware of this issue. At this time we told you to provide us with a list of these vehicles, the extent of the damage, and the location of the vehicles. In order for us to make a decision how to proceed with fixing the cars and put them back into operation.

In our first department meeting in the mayor's office back in November, we stated that we were put on a spending freeze. However, we made it clear to all departments that emergency situations and safety issues are of utmost importance and we will in no way hinder the operation of the town, and so far we have been very cooperative with all departments on these issues.

I want to make sure that we are very clear on this issue. We will make every attempt to help every department with their needs. However, we are not going to allow any charter violations. If you can tell us about the issues as they come up I will assist you and any other department personally to help the town move in a positive direction. Therefore, I am requesting the list of all the vehicles which are in need of repairs by Monday, February 11, 2008 by 4pm. If you can not put it in writing please call me so we can get the process going on getting the cars fixed.

CC: Mayor April Capone Almon
Tom Russell- Police Union
Paul Hongo
Paul Rizzo

East Haven Town Hall

<h1>FAX</h1>	<p>Date: <u>March 24, 2008</u></p> <p>Number of Pages inc. Cover Sheet: <u>2</u></p>
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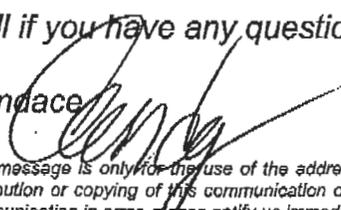
<p>To: <u>Captain Jim LaBanca</u></p> <p>Attention: _____</p> <p>Phone: _____</p> <p>FAX # <u>3829</u></p>	<p>From: <u>Candace Criscuolo</u></p> <p>TOWN OF EAST HAVEN FINANCE DEPT.</p> <p>250 MAIN STREET - EAST HAVEN, CT</p> <p>06512</p> <p>PHONE: (203) 468-3210</p> <p>FAX: (203) 468-3851</p>
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PER YOUR REQUEST	URGENT	FOR YOUR REVIEW	REPLY A.S.A.P.	PLEASE COMMENT
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Captain:

Here is spread sheet for the Auto Repair Re-Bid # 08-13.

Call if you have any questions.

Candace 

This message is only for the use of the addressee and may contain confidential and privileged information. Any dissemination, distribution or copying of this communication other than by the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy all copies of this communication.

Town of East Haven

Re-Bid # 08-13 3-20-2008 @ 10:00 Auto Body Repair Police Vehicles Mandatory 3/14/08 @ 10:00 Walk Thru No Charge for Specification	<u>Bidder # 1</u>	<u>Bidder # 2</u>	<u>Bidder # 3</u>
	<i>Dave Mattei's Collision 509 Laurel Street East Haven, CT 06512 Dave Mattei Tel # (203) 469-5750 Fax # (203) 469-5750</i>	<i>Auto Specialist Inc. 401 Elm Street West Haven, CT 06516 David Wakefield Tel # (203) 934-1127 Fax # (203) 931-0082</i>	<i>New Haven Auto Body 480 Short Beach Road East Haven, CT 06512 William Snow Tel # (203) 467-7346 Fax # (203) 467-1657</i>
Police Vehicle #			
93	850.00	1,776.70	2,371.80
32	5,015.37	5,895.72	6,657.45
18	561.90	851.60	798.20
24	272.40	1,192.28	302.89
26	3,083.56	2,621.86	3,474.36
21	339.50	838.10	688.00
14	507.90	434.20	647.70
28	773.90	934.00	961.20
Total Bid	11,404.53	14,544.46	15,901.60
Bid Bond N/R	N/R	N/R	N/R

East Haven Town Hall

FAX	Date: <u>March 24, 2008</u> Number of Pages inc. Cover Sheet: <u>2</u>
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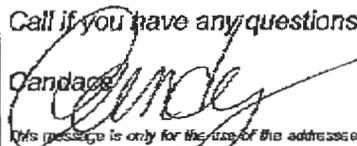
To: <u>Police Chief Gallo</u> Attention: _____ Phone: _____ FAX # <u>3829</u>	From: <u>Candace Criscuolo</u> TOWN OF EAST HAVEN FINANCE DEPT. 250 MAIN STREET - EAST HAVEN, CT 06512 PHONE: (203) 468-3210 FAX: (203) 468-3851
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PER YOUR REQUEST	URGENT	FOR YOUR REVIEW	REPLY A.S.A.P.	PLEASE COMMENT
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Chief,

Here is spread sheet for the Auto Repair Re-Bid # 08-13.

Call if you have any questions.

Candace 

This message is only for the use of the addressee and may contain confidential and privileged information. Any dissemination, distribution or copying of this communication other than by the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy all copies of this communication.

Town of East Haven

Re-Bid # 08-13 3-20-2008 @ 10:00 Auto Body Repair Police Vehicles Mandatory 3/14/08 @ 10:00 Walk Thru No Charge for Specification	Bidder # 1	Bidder # 2	Bidder # 3
	Dave Mattei's Collission 509 Laurel Street East Haven, CT 06512 Dave Mattei Tel # (203) 469-5750 Fax # (203) 469-5750	Auto Specialist Inc. 401 Elm Street West Haven, CT 06516 David Wakefield Tel # (203) 934-1127 Fax # (203) 931-0082	New Haven Auto Body 480 Short Beach Road East Haven, CT 06512 William Snow Tel # (203) 467-7346 Fax # (203) 467-1657
Police Vehicle #			
93	850.00	1,776.70	2,371.80
32	5,015.37	5,895.72	6,657.45
18	561.90	851.60	798.20
24	272.40	1,192.28	302.89
20	3,083.56	2,621.86	3,474.36
21	339.50	838.10	688.00
14	507.90	434.20	647.70
28	773.90	934.00	961.20
Total Bid	11,404.53	14,544.46	15,901.60
Bid Bond N/R	N/R	N/R	N/R

EXHIBIT 12

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: **MR. RALPH MAURO**

FROM: **CHIEF LEONARD L. GALLO**

RE: **UNPAID BILL**

DATE: **3/5/2008**

Dear Mr. Mauro;

In February of 2008 I received a past due bill for \$2764.36. (see enclosed) I gave you the original bill several weeks ago and asked for your advise. On March 5, 2008 a member of the Public Works Department brought this bill to my office as somehow it was in their paperwork.

Please advise me of the status of this bill as soon as possible.

Thank you for your attention to this matter.

c.c. Mr. Paul Hongo

FLEET AUTO SUPPLY
1869 MAIN STREET

BRIDGEPORT CT 06604

FOREIGN & DOMESTIC PARTS • MACHINE SHOP SERVICE • QUICK DELIVERY
VISIT US AT OUR NEW LOCATION
757 1ST AVE. (REAR BUILDING)
WEST HAVEN, CT 06516

INTEREST OF 1 1/2% MONTHLY ON PAST DUE BALANCES

DELIVERED BY	DELIVERY	PICK-UP
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NO CASH REFUNDS
ALL RETURNS MUST BE ACCOMPANIED BY THIS INVOICE
ALL RETURNS SUBJECT TO A 10% HANDLING CHARGE
NO RETURNS ON ELECTRICAL PARTS & TOOLS
NO RETURNS ON SPECIAL ORDERED ITEMS
WARRANTY COVERS REPLACEMENT ONLY

Any warranties on the products sold hereby are those made by the manufacturers. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products, cores must be returned within Thirty (30) days after date of invoice in order to receive core credit; otherwise the sale will be considered final and for the cores received will issue a core bank memo.

SOLD TO EAST HAVEN POLICE DEPT.
471 NORTH HIGH STREET
EAST HAVEN CT 06512

SHIP TO

CHARGE	INVOICE
DATE	TIME
11/20/07	14148
	REPRT

CUSTOMER NO. 009028	BILLED BY 19	SALESMAN 0	TERMS MONTHLY	PURCHASE ORDER CAR NEW 31	SPECIAL INSTRUCTIONS	PAGE: 3
------------------------	-----------------	---------------	------------------	------------------------------	----------------------	---------

QTY. SOLD	BK. ORD.	LINE	PART NUMBER	DESCRIPTION	LIST	UNIT PRICE	EXTENDED	T	D
2			HAVC-MCB	MIC BRACKET	13.00	11.05	22.10		
1			HAVCCUP2-I	CUP	39.00	33.15	33.15		
1			HAVC-SM-SA-1	MTG BRKT W/SWING AR	97.00	82.45	82.45		
1			HAVC3090-7	PLATFORM W/ C3065-3	196.00	166.60	166.60		
1			HAVC3334-1	HAVIS SHIELD	0.00	45.00	45.00		
1			TES435822	NEW CHARGE GAURD	109.00	85.80	85.80		
1			PRGD3825	TRUNK ORGANIZER	0.00	249.00	249.00		
25			LB2LABOR	TECH #2 PER HOUR LA	0.00	89.00	2225.00		
1			WHEHA02FRB	RED / BLUE FR. HALO	599.00	359.40	359.40		
1			WHEHA02R4	REAR 4LAMP RED SYST	799.00	479.40	479.40		

NEW PATROL CAR #31 VIN #2FAHP71V58X122843
FLEET AUTO SUPPLY IS A STATE OF CT CONTRACT
HOLDER #02PSX0046AW

*Bal. Due
2764.36*

	SUB TOTAL 8798.59	CORE	TAX	MISC. 2225.00	FREIGHT	TOTAL
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FLEET AUTO SUPPLY

1869 MAIN STREET

BRIDGEPORT CT 06604

FOREIGN & DOMESTIC PARTS • MACHINE SHOP SERVICE • QUICK DELIVERY

VISIT US AT OUR NEW LOCATION

757 1ST AVE. (REAR BUILDING)

WEST HAVEN, CT 06516

INTEREST OF 1 1/2% MONTHLY ON PAST DUE BALANCES

DELIVERED BY	DELIVERY	PICK-UP

NO CASH REFUNDS

ALL RETURNS MUST BE ACCOMPANIED BY THIS INVOICE

ALL RETURNS SUBJECT TO A 10% HANDLING CHARGE

NO RETURNS ON ELECTRICAL PARTS & TOOLS

NO RETURNS ON SPECIAL ORDERED ITEMS

WARRANTY COVERS REPLACEMENT ONLY

Any warranties on the products sold hereby are those made by the manufacturers. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products, cores must be returned within Thirty (30) days after date of invoice in order to receive core credit; otherwise the sale will be considered final and for the cores received will issue a core bank memo.

SOLD TO

SHIP TO

EAST HAVEN POLICE DEPT.
471 NORTH HIGH STREET

EAST HAVEN

CT 06512

TYPE	INVOICE
CHARGE	4490
DATE	TIME
11/20/07	14:48
	REPRT

CUSTOMER NO. 009028	BILLED BY 19	SALESMAN 0	TERMS MONTHLY	PURCHASE ORDER CAR NEW 31	SPECIAL INSTRUCTIONS
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QTY. SOLD	BK. ORD.	LINE	PART NUMBER	DESCRIPTION	LIST	UNIT PRICE	EXTENDED	T	D
1			WHESWBRR0B485	RED BLUE WECAN LIBE	3175.00	1900.80	1900.80		
1			WHESTPKT47	CROWN VIC MOUNT	79.00	47.40	47.40		
1			WHESA315P	100 WATT SPEAKER	237.00	142.20	142.20		
1			WHESAK17	CROWN VIC SPK BKT	30.00	18.00	18.00		
1			WHESFP0SC6	HEADLIGHT FLASHER	69.00	39.00	39.00		
1			WHEULF20	LED FLASHER	0.00	46.80	46.80		
2			WHERVR03ZCR	VERT RED TIR 3	0.00	49.80	99.60		
2			WHE4EGRILB	BLACK PEDESTAL HOUS	54.00	33.60	67.20		
1			WHE40BB5SCR	400 DUPL. LIN. BLUE	0.00	150.00	150.00		
1			WHE40RR5SCR	400 DUPL LIN. RED R	0.00	150.00	150.00		
2			WHES30HACP	PUSH IN CLEAR SRT0B	59.99	27.30	54.60		
2			WHES30HAC	SCREW TYPE HA238	47.50	28.50	57.00		
4			WHEEXT15	15FT EXTENSION CABL	28.00	18.00	72.00		
1			WHECSP690	6 OUTLET 90WATT	204.00	126.60	126.60		
1			WHECCSRN2	CENCOM GOLD	1195.00	717.00	717.00		
1			WHECCMICX20	MIC EXT CEN COM	87.00	52.20	52.20		
1			WHEI02LR8LT	REAR T / A INNER ED	0.00	899.00	899.00		

SUB TOTAL	CORE	TAX	MISC.	FREIGHT	TOTAL
*****	CONTINUED ON NEXT PAGE	*****			

FLEET AUTO SUPPLY
 1869 MAIN STREET
 BRIDGEPORT CT 06604

FOREIGN & DOMESTIC PARTS • MACHINE SHOP SERVICE • QUICK DELIVERY
 VISIT US AT OUR NEW LOCATION
 757 1ST AVE. (REAR BUILDING)
 WEST HAVEN, CT 06516

INTEREST OF 1 1/2% MONTHLY ON PAST DUE BALANCES

DELIVERED BY	DELIVERY	PICK-UP

NO CASH REFUNDS
ALL RETURNS MUST BE ACCOMPANIED BY THIS INVOICE
ALL RETURNS SUBJECT TO A 10% HANDLING CHARGE
NO RETURNS ON ELECTRICAL PARTS & TOOLS
NO RETURNS ON SPECIAL ORDERED ITEMS
WARRANTY COVERS REPLACEMENT ONLY

Any warranties on the products sold hereby are those made by the manufacturers. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products, cores must be returned within Thirty (30) days after date of invoice in order to receive core credit; otherwise the sale will be considered final and for the cores received will issue a core bank memo.

SOLD TO EAST HAVEN POLICE DEPT. SHIP TO
 471 NORTH HIGH STREET
 EAST HAVEN CT 06512

CHARGE	INVOICE 90
DATE 11/20/07	TIME 14:48
	REPT

CUSTOMER NO. 009028	BILLED BY 19	SALESMAN 0	TERMS MONTHLY	PURCHASE ORDER CAR NEW 31	SPECIAL INSTRUCTIONS	PAGE: 2
------------------------	-----------------	---------------	------------------	------------------------------	----------------------	---------

QTY. SOLD	BK. ORD.	LINE	PART NUMBER	DESCRIPTION	LIST	UNIT PRICE	EXTENDED	T	D
1			WHEMBPC98RB	RED BLUE LED CV MIR	398.00	187.20	187.20		
1			GERGRAPHICS	GERBER VINYL	0.00	400.00	400.00		
1			PRGP2614	PROGARD CAGE	0.00	541.00	541.00		
1			PRGS6107FP	BUCKET SEAT PROTECT	0.00	44.00	44.00		
1			PRGS6001F	PRISONER SEAT	0.00	335.00	335.00		
1			PRGS6051F	PLASTIC FLOOR PAN	0.00	155.00	155.00		
1			PRGV6011F-9	DOOR PANEL & WINDOW	0.00	279.00	279.00		
1			HAVC3190	EQUIPMENT TRAY	166.00	149.99	149.99		
1			HAVC-TM-CV	32" TRAC MOUNT BASE	119.00	105.00	105.00		
1			HAVCSM830	HAVIS SHIELD	260.00	221.00	221.00		
1			HAVC-ARM-3-TM	TRAK MNT ARM REST	113.00	96.05	96.05		
1			HAVC-LP-2	2 OUTLET POWER STRI	0.00	28.05	28.05		
1			HAVC-FP-15	1.5" FILLER PANEL	10.00	8.00	8.00		
2			HAVC-FP-3	3INCH FILLER PANEL	0.00	10.00	20.00		
1			HAVCEB25XTL1P	XTL EQUIP. BRKT	0.00	25.00	25.00		
1			HAVCEB40CCS1P	CEN COM BRAKT	0.00	25.00	25.00		
2			HAVC-MC	MIC CLIP	10.00	8.50	17.00		

SUB TOTAL	CORE	TAX	MISC.	FREIGHT	TOTAL
*****CONTINUED ON NEXT PAGE*****					

EXHIBIT 13

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: **MR. PAUL HONGO**
DIRECTOR OF ADMIN. & MANAGEMENT

FROM: **CHIEF LEONARD L. GALLO**

RE: **VEHICLE REPAIRS**

DATE: **3/25/2008**

Dear Paul:

I am following up on our brief discussion yesterday with some recommendations for future auto body repairs on police vehicles and perhaps all town vehicles. The present situation requires a bid process, which amounts to lengthy time and requires some severe damaged vehicles to be dead lined (out of service) until the repairs are made. Thus far, there have been two bid processes, one with complications, over a period of months. In order to facilitate quicker repair of these vehicles I would like to recommend the following for consideration.

The Town of East Haven should advertise for only East Haven auto body repair dealers who are interested in performing this service. Once dealers are known and approved by the town, then the town can ensure fairness in distribution of town auto body work.

The Town should strongly consider hiring a licensed insurance auto repair adjuster to perform evaluations on all town vehicles in need of auto body repair. He/she should be consulted on the basis of need. The adjuster can submit the claims to the town and to the authorized auto body shops. He/she can also ensure that after the work is done that it has been completed up to specifications. Checks and balances are required pursuant to town regulations.

The Police Department will continue to do its reports and investigations, submitting them to the Town Clerk and to the Town Attorney.

There are additional details that we should discuss in person, or at a staff meeting, on this particular matter.

Please feel free to contact me on this matter or any other matter of mutual concern.

c.c. Mayor April Capone Almon

EXHIBIT 14

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: **MR. PAUL RIZZA**
DIRECTOR OF FINANCE

FROM: **CHIEF LEONARD L. GALLO**

RE: **SHORTAGE IN ACCOUNTS**

DATE: **4/4/2008**

Dear Paul:

I have gone over the Wage Account (01 332 0110) and it appears that we will be short approximately \$55,000 to the end of this fiscal year.

I have also gone over the Overtime Account (01 332 0190) and it also appears we will be short approximately \$75,000 to the end of this fiscal year.

Anticipated overtime will be for the Memorial Day Parade and the Veterans Fireworks which will come up in June. In the past both of these overtime days have been expensive and have accounted for approximately \$25,000 in overtime.

At the present time the new addition of police officers have helped slow down some of the overtime pay. However, injury, sickness and contractual obligations are always a factor.

I believe transfers will be needed for these two accounts.

Please advise.

EXHIBIT 15

Law Offices of Patricia A. Cofrancesco
Attorney Martin S. Echter
General Practice of Law

MEMO

TO: CHIEF LEONARD GALLO
FROM: PATRICIA A. COFRANCESCO, TOWN ATTORNEY
RE: APPLICATION FOR TRANSFER OF FEDERALLY FORFEITED PROPERTY
DATE: APRIL 17, 2008

Pursuant to your memo of April 11, 2008, received April 16, 2008, enclosed please find fully executed "Application for Transfer of Federally Forfeited Property."

Thank you.

*No memo on file
from me on
Echter et al.*

EXHIBIT 16

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: **MR. PAUL RIZZA**
DIRECTOR OF FINANCE

FROM: **CHIEF LEONARD L. GALLO**

RE: **MOTORCYCLE PERSONNEL OUTFITTING**

DATE: **9/10/2008**

Paul:

Commissioner Brow has raised at the last Board of Police commissioners meeting the issue of outfitting additional motorcycle operators for the departments motorcycle. We would have to outfit individuals who are selected with leather gear, helmet, boots and other additional items that would be estimated at \$1000.00 per operator.

If it is advisable to proceed the department would utilize 01 332 0575 to complete this task.

Please advise at your earliest possible convenience on this matter.

c.c. Ralph Mauro
Board of Police Commissioners

EXHIBIT 17

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: **MR. PAUL HONGO**
DIR. OF ADMIN. & MANAGEMENT

FROM: **CHIEF LEONARD L. GALLO**

RE: **SRO FUNDING**

DATE: **9/19/2008**

A handwritten signature in black ink, appearing to be 'L. Gallo', is written over the 'FROM' line of the memo.

Paul,

With the assignment of the SRO officer at the high school, the department will be short an officer on patrol. However, the department is presently budgeted for 53 and potentially for a fifty-fourth slot. If the fifty-fourth slot has been funded, and upon approval from the town, I can make steps for recruitment.

Please advise me at your earliest convenience regarding this matter.

EXHIBIT 18

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: **JIM KEELEY**
ACCOUNTING SUPERVISOR

DATE: **9/24/2008**

FROM: **CHIEF LEONARD L. GALLO**

RE: **SHORTAGES IN ACCOUNTS**

A handwritten signature in black ink, appearing to be 'L. Gallo', written over the printed name 'CHIEF LEONARD L. GALLO'.

Mr. Keeley:

I received your letter of 9/19/08 concerning shortages in janitorial service account (01-332-0660). The department has applied for in the recent departmental budget for the appropriate money of \$22,788.00. Additionally, finance went out to bid for these services and only one bidder applied for the aforementioned monies. The account you referred to is short \$2788.00. Additionally, the department was cut by several hundred thousands dollars in budget leaving us no additional monies to transfer from.

Moreover, the department will be short based upon projections, monies in 0190 (overtime) 0110 (wages) 0530 gas and 0132) shift differential. These are a few of the accounts that will be short the appropriate monies for department operation.

If any transfers are to be made I would need the advice and authorization by you, the finance director, board of finance and town council.

Please advise me at your earliest convenience on how you wish to proceed on these matters.

c.c. Mr. Paul Rizza

Memorandum

To: LEONARD GALLO, POLICE CHIEF
From: JIM KEELEY, ACCOUNTING SUPERVISOR *JK*
Date: 09/19/2008
Re: ACCT. 01-332-0660
cc: Paul Rizza

In preparing the Town's recent batch of P.O.'s, I noticed that building maintenance services paid to The Cleaning Co. are \$1,899/ mo.. This amount totals \$22,788 for the fiscal year. I see that you requested the \$22,788 in the budget; however, the Council only approved \$20,000 leaving you short \$2,788 in the account. I do not know from looking at the invoice if this is a contract or not. If it is a contract, you will need to request a transfer of funds at some point. If it is not, perhaps you have other options to stay within the budgeted amount. Either way, I figured it best to apribe you of the situation once it came to my attention.

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: **MR. RALPH MAURO**
ASST. DIR. ADMIN. & MANAGEMENT

FROM: **CHIEF LEONARD L. GALLO**

RE: **SHORTAGE IN ACCOUNTS/MEETING**

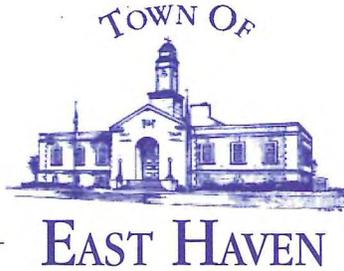
DATE: **10/8/2008**

Ralph,

I am sending you this memo in reference to my original memo to Mr. James Keeley on 9/24/08 with a c.c. to Mr. Paul Rizza concerning shortages in accounts. Additionally, I am responding to your letter of September 29, 2008 concerning yearly appropriations and expected shortages in accounts. After meeting with you on October 2, 2008 my concerns are still there that the department has been underfunded for overtime, gasoline and shift differential. We will no doubt have shortages in these accounts and need to address this matter at your earliest convenience. Unexpected long term injuries and recent promotions will effect and have effected the overtime accounts.

There is no question that I will be out of money for overtime accounts within the next 90 days or less. Please advise.

c.c. Mayor Almon
Paul Rizza
James Keeley



ADMINISTRATION & MANAGEMENT

RALPH MAURO
Assistant Director

To: Leonard Gallo, Chief of Police

From: Ralph Mauro

CC: April Capone Almon, Mayor;
Paul Rizza, Finance Director

Date: September 29, 2008

After reviewing your expenditures for this fiscal year, I am requesting we meet regarding a few of your accounts. I have major concerns with the overtime account; it seems that the expenditures are going to be way over and above what the yearly appropriations are, If you maintain the current level of expenditures you will be out of money within 3-4 months.

Last fiscal year we instituted a program where you sent us daily overtime reports, I have not seen these for a few months, I think that we have to get these reports daily in order to know what is going on in this account.

Please set up a time as soon as possible with myself and Paul Rizza so we can discuss this matter.

*Reports are
sent on a daily
basis to the CFO*

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: **JIM KEELEY**
ACCOUNTING SUPERVISOR

FROM: **CHIEF LEONARD L. GALLO**

RE: **SHORTAGES IN ACCOUNTS**

DATE: **9/24/2008**

Mr. Keeley:

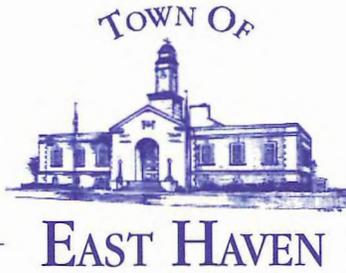
I received your letter of 9/19/08 concerning shortages in janitorial service account (01-332-0660). The department has applied for in the recent departmental budget for the appropriate money of \$22,788.00. Additionally, finance went out to bid for these services and only one bidder applied for the aforementioned monies. The account you referred to is short \$2788.00. Additionally, the department was cut by several hundred thousands dollars in budget leaving us no additional monies to transfer from.

Moreover, the department will be short based upon projections, monies in 0190 (overtime) 0110 (wages) 0530 gas and 0132) shift differential. These are a few of the accounts that will be short the appropriate monies for department operation.

If any transfers are to be made I would need the advice and authorization by you, the finance director, board of finance and town council.

Please advise me at your earliest convenience on how you wish to proceed on these matters.

c.c. Mr. Paul Rizza



ADMINISTRATION & MANAGEMENT

RALPH MAURO
Assistant Director

TO: Chief Gallo
FROM: Ralph Mauro
DATE: October 14, 2008

Chief, I would like to suggest that you go through your budget and look at the accounts in which you have a surplus. I would request transfers from those accounts to your overtime account. Please take a look at where your problems are in the overtime account and try to curve it as much as possible. There should also be a meeting with myself, Paul Rizza and you so that we can come up with a plan so that you will not over expend the accounts.

Thank you,
Ralph Mauro

*Speak to
Ralph - meeting w/ Rizza
on Thursday 0900 - 10/23/08
RJ*

EXHIBIT 19

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: **PAUL HONGO**
DIRECTOR OF FINANCE

DATE: **2/2/2009**

FROM: **CHIEF LEONARD L. GALLO**

RE: **PROJECTED SHORTAGES IN POLICE ACCOUNTS**

Dear Mr. Rizza:

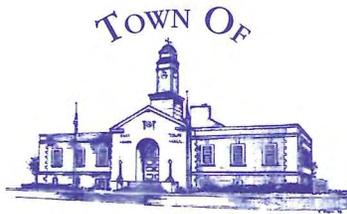
Pursuant to our recent discussion and past discussions concerning finances, the department without a doubt is not going to make the 2008-09 budget. In particular, account 0190, overtime account, is almost completely devoid of all monies. We have discussed this many times with Mr. Mauro, Mr. Hongo and the Honorable Mayor Almon, at different intervals starting from September 2008. Simply stated, the department will need, on an approximate basis, \$300,000.00 in order to fulfill the demands for service for the remainder of fiscal year 2008-09. As you are aware, the department was cut \$286,000.00 on our original budget proposal of 2008-09.

As requested, I have gone through our accounts with Mrs. Williams, who has been handling these accounts for over 25 years, and we have projected to an approximate level that \$70 to 80,000.00 may be available in account 01 332 0110 (wages) during the remainder of this fiscal year. This surplus will be in part due to School Resource Payment and two recent retirements. As you and other administrators are well aware, the department has suffered an abnormal amount of personnel who have been injured in the line of duty, which has caused a huge drain upon the overtime accounts. There are a number of different issues that also effect the department budget. I will amplify at our next meeting.

At this writing the present 01 332 0190 (overtime budget) and the \$47,000 transfer that was authorized in January is near depleted. In short, the department has reached a critical financial dilemma and cannot sustain the overtime budget without additional funding.

After many conversations with you and Mr. Mauro and other administrators, no alternative has been given to me on how these accounts will be supplemented. Therefore, I must request to either appear before the Board of Finance and Honorable Town Council or consult with you and others for whatever your immediate remedy may be. **Please advise me as soon as possible, there are ten (10) more pay periods left in this fiscal year.**

c.c. Honorable Mayor April Capone Almon
Mr. Paul Hongo
Mr. Ralph Mauro



EAST HAVEN

FINANCE DEPARTMENT

Memorandum

Date: December 29, 2009

To: Leonard Gallo, Police Chief

From: Thomas Thompson, Director of Finance

Subject: AT & T Bills/ Transfer

In order to pay the AT & T bill (PO # 155758) for \$ 703.01 and for the remainder of the year we need to make transfers from line items within your department. After looking at your budget line items # 01-332-0510 (\$2,000 budgeted, \$ 0 spent and line item # 01-332-0540 (\$3,500 budgeted and \$ 0 spent. I feel we have enough of room to transfer \$ 1,250.00 from each account into the AT&T Account # 01-332-0658. The \$ 2,500.00 transfer should cover the remaining AT&T bills.

At this point I am not going to transfer any budgeted amount from other departments. The budget was passed in April and we cannot change it now.

*CC: April Capone Almon, Mayor
Paul Hongo, Director, Deputy Community Affairs
Ralph Mauro, Assistant Director, Deputy Community Affairs*

TT/cmc

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: **MR. PAUL RIZZA**
DIRECTOR OF FINANCE

DATE: **2/6/2009**

FROM: **CHIEF LEONARD L. GALLO**

A handwritten signature in black ink, appearing to be 'L. Gallo', written over the printed name.

RE: **TRANSFER OF FUNDS/POLICE OVERTIME**

Dear Paul:

Pursuant to our lengthy discussion and based upon your financial guidance, I am submitting a transfer request of \$60,000 from Police Account 01 332 0110 (salaries) to 01-332-0190 (overtime wages)

We are basing this transfer on the potential surplus of monies from salaries (110) due to reimbursed money for the School Resource Officer (SR0) from the Board of Education and two department retirements, that are still funded in the salary account.

This transfer will only accommodate several weeks of police overtime and additional monies will be needed. The department is in critical financial standing.

Your advise, and advise from the administration, is always welcome. However, the long term remedy has still not been discussed.

If I can be of additional assistance please call upon me.

TOWN OF EAST HAVEN REQUEST FOR BUDGETARY TRANSFER OF FUNDS

DEPARTMENT NAME EAST HAVEN POLICE DEPT.

DATE 2/6/09

FUND NAME _____

FUND NUMBER _____

TO: ACCOUNT	ACCOUNT NAME	AMOUNT	FROM: ACCOUNT	ACCOUNT NAME	AMOUNT
01 332 0190	OVERTIME WAGES	60,000	01 332 0110	WAGES	60,000
TOTAL		60,000	TOTAL		60,000

JUSTIFICATION: Provide detailed and specific reasons for this transfer.

This should include future budget impact on both the "to" and the "from" accounts. Attach additional information if necessary.

Needed for overtime wages

Signature-Department Head 

Approvals:

DIRECTOR OF FINANCE

BOARD OF FINANCE / CLERK

TOWN COUNCIL / CLERK

DATE APPROVED _____

DATE APPROVED _____

DATE APPROVED _____

★ ★ ★ FINANCE DEPARTMENT USE ONLY ★ ★ ★

Transfer # _____ Date Entered ____ / ____ / ____ Entered by _____

Goldenrod- Department Copy
Pink-Reply copy
Yellow-Board / Council
White Finance
firms-1 (9 / 92)

EXHIBIT 20



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



**Honorable Board of
Police Commissioners**

**TOWN OF EAST HAVEN
BOARD OF POLICE COMMISSION MEETING
FEBRUARY 24, 2009**

The Regular Monthly Meeting of the Honorable Board of Police Commission was held on Tuesday, February 24, 2009 at the East Haven Senior Center.

Meeting called to order at 7:00 p.m. by Vice-Chairman Frederick Brow

Roll Call: Virginia Williams, Secretary

Commissioners Present: Vice-Chairman Brow, Commissioner Joseph Civitello, Commissioner James Krebs and Commissioner Frank Piergrossi. Chairman Romano was absent.

Vice-Chairman Brow welcomed Mr. James Krebs and stated he comes with many years of experience.

Mr. Krebs thanked Vice-Chairman Brow and stated that he looks forward to being an active member.

1. Reorganization of the Board of Police Commissioners

Commissioner Piergrossi made a motion to nominate Vice-Chairman Frederick Brow as Chairman of the Board of Police Commissioners, seconded by Commissioner Krebs,

Vice-Chairman Brow asked if there were any other nominations for Chairman. Having none. Nominations were closed



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Roll Call Vote: Commissioner Civitello, Yes
Commissioner Piergrossi, Yes
Commissioner Krebs, Yes
Vice-Chairman Brow, Yes

Motion carried. Chairman Brow thanked the board for their vote of confidence and stated he would restore confidence at the East Haven Police Department. He also thanked Commissioner Romano for his service as Chairman.

A motion was made by Commissioner Krebs to nominate Commissioner Civitello as Vice-Chairman of the Board of Police Commissioners, seconded by Commissioner Piergrossi

Chairman Brow asked if there were any other nominations for Vice-Chairman. Having none, nominations were closed.

Roll Call Vote: Commissioner Piergrossi, Yes
Commissioner Krebs, Yes
Commissioner Civitello, Yes
Chairman Brow, Yes

All congratulated Vice-Chairman Civitello.

Chairman Brow stated that he would review board meeting procedures and implement some new procedures.

Beginning with the March meeting the Board of Police Commissions secretary, Virginia Williams, will read aloud all correspondence. After the meeting is called



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

to order and roll call taken we will recite the Pledge of Allegiance and then have a moment of silence in memory of all deceased members of the East Haven Police Department.

The meeting will follow Roberts Rules of Order.

The Public will be allowed to speak during a designated public comment period.

Board members may suggest agenda items through the chair.

Only Board Members will send Board correspondence, through the chair.

Only the appointed members of the Board of Police Commissioners and the Boards secretary will sit at the Board's meeting table.

At the Board of Police Commissions March meeting this Board respectfully requests the Chief of Police to reestablish submitting a written report to the Board of Police Commissioners. This report will keep the Board apprised of the overall conditions of the Department; including but not limited to personnel, fleet, building and grounds and department finances. The report will keep us apprised of:

1. The cost of overtime for the month
2. Sick time usage
3. Personnel out injured
4. Personnel disciplined or suspended
5. Report monthly mileage of each police car
6. Report police cars out of service/accidents/damage to cars
7. Report crime index/any significant arrests
8. Report on special assignments
9. Report on any training
10. Report on any new equipment

Address all communications to the Chairman of the Board of Police Commissioners



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Chairman Brow asked for a motion to accept the minutes of January 27, 2009 as received and if there were any omissions or corrections.

A motion was made by Commissioner Civitello to accept the minutes of January 27, 2009, seconded by Vice-Chairman Civitello. Roll Call Vote. All in favor.

Chairman Brow asked for a motion to accept the departmental reports for February, and if there were any omissions or corrections.

A motion was made by Vice-Chairman Civitello to accept the departmental reports, seconded by Commissioner Krebs. Roll Call Vote. All in favor.

Chairman Brow thanked Inspector Nappi on completing four more policies and also for intervening with the repair of 16 police vehicles, which had been neglected.

The board concurred that a letter of thanks be sent to Mr. Roy Sharky, seconded by Vice-Chairman Civitello. All in favor. Motion carried.

Chairman Brow also wanted to thank Mr. Paul Hongo and Mr. Ralph Mauro for their coordinated efforts, regarding the repairing of these vehicles, and hoped this would never happen again.

Vice-Chairman Brow also stated that the Detective Division Report is to be directed to the Board inasmuch as none was received this month, due to the absence of Captain LaBanca.

PUBLIC COMMENT



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Mr. Robert Funney, 37 Wood Terrace addressed the Board and asked that at the end of Wood Terrace it is difficult to make a right or left hand turn. He was asking for some type of signage in this area.

Chairman Brow asked Chief Gallo to look into this matter.

Chief Gallo addressed the board at this time and stated that the department is in need of a Police Sergeant, that the funding was in place and it makes good financial sense. He also stated that he was denied to have this put on the agenda and asked why.

The board members made the following remarks:

Commissioner Krebs: Does not want to add any more to the budget due to financial constraints. He would have to look at it very hard and it would have to be proven to him.

Chief Gallo responded that the department is presently recruiting and that it would be only elevating one officer to sergeant.

Commissioner Piergrossi: Stated that he was concerned that if the State denies Sergeant Liquori's disability he may want to come back to work.

The Chief stated that once he was gone for 30 days he would have to be re-certified and go back to the academy again. The state has the final say regarding disabilities. The Chief also commented that he is confident Sergeant Liquori will get his disability.



• TOWN OF •
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

The Chief also asked the board to at least call for the Active Sergeant List so we can be prepared. He said it takes time once the Civil Service Commission gets the letter, have a meeting and then get back to us. This vacancy has caused a great deal of overtime.

Mr. Thompson, Chairman of the Town Council, addressed the board and stated that he understood what the Chief was saying and that the Mayor was trying to keep the overtime down at the police department.

Chief Gallo commented that he has received favorable comments from the Mayor regarding the up-coming budget and new equipment.

Chairman Brow stated that the board was taking a very close look at this and also mentioned that the town gets back 80% of an officers pay when they are out injured. He also commented that when an officer retires there is usually a settlement due him for sick days, vacation days and holidays, which can be costly.

Chief Gallo commented that the only thing that would come out of the department's budget would be the Holidays owed. He also stated that 66% is given back not 80% and that to date the department has not received insurance monies in the police budget.

Chairman Brow also responded to the Chiefs request for an active Sergeants list and stated that if we need the list we will act on it and that he would have to get costs on replacement.

Mr. John Sullo, 37 Coe Avenue once again addressed the board and asked for a decision tonight regarding the right to go on the Police Towing List.



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Chairman Brow stated that this has been discussed in the past and that the Zoning Board denied you and the board could not grant you towing if they denied your case.

Mr. Sullo mentioned that he may vacate his premises and go somewhere else.

Chairman Brow stated that if he vacated where he was he would still have to meet the requirements and that the denial from Zoning stays in the location you're at.

Commissioner Krebs continued that the Board of Police Commission cannot override any other Board or Commission. The Zoning Board of Appeals made a ruling that you were not fulfilling their requirements so therefore you must get approval from them. All concurred

Chief Gallo addressed the board once again and asked why he was denied being put on the Agenda regarding sending Civil Service for an active list for Sergeant.

Chairman Brow stated that he covered this in detail with the Chief the week before.

Commissioner Krebs stated that it was not imperative that we act on it this evening.

Chairman Brow asked for a motion to put it on the agenda, per the Chiefs request. No one made the motion.

Chairman Brow stated that we now move forward.



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Mr. Robert Celentano, Fireline Towing, addressed the board and stated that the Chief once had three names on the towing list and that the board removed the cap to four. He asked that the cap be reconsidered and go back to three. He mentioned the present economy, etc.

Chairman Brow stated that they had voted to hold it at four.

Vice-Chairman Civitello stated that it was not fair to create a monopoly and that if Mr. Celentano's business is solely dependent on the East Haven Police Department, that would be his choice. He felt that anyone qualified should be on the towing list.

Correspondence

1. Margaret Thomas: Re: Noise meter
2. Mayor Almon: Thank you to officer Brochu
3. State of Ct. Dept. of Transportation: Re: North High/Mill
4. Margaret Raccio: Thank you to Officer Emerman

Commissioner Krebs asked the Chief if there was a time schedule regarding the Traffic Signal on Mill and No. High.

The Chief responded that they are slow but that it was completely funded by the Federal Government and all the town would have to pay would be the electricity.

Chairman Brow mentioned the letter from Mrs. Thomas regarding the noise meters.

Chief Gallo responded that he has ordered two noise meters from forfeiture monies.



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Commissioner Piergrossi asked that a letter be sent to Mr. Robert Celentano and to the officers mentioned in this evening's correspondence. They all represent the department well.

A motion was made by Commissioner Piergrossi that letters be sent from the Board to Mr. Celentano, Officer Brochu and Officer Emerman, seconded by Vice-Chairman Civitello. All in favor.

Chairman Brow mentioned the memo from the Chief regarding Officer Christopher Perez who was ordered to active duty by the United States Air Force. He asked about his salary, etc.,

The Chief stated that the he will not be getting full salary. The difference is made up and that the Compensation Director will be taking care of this. He also commented that he would be going to England for a period of 60 days at this time unless something changes.

COMMITTEE REPORTS

Chairman Brow stated that this would be taken up under New Business.

UNFINISHED BUSINESS

To consider and act upon Four Policy and Procedures.

A motion was made by Commissioner Piergrossi to accept Policy and Procedure Number 2009-3 Civilian Complaint, 2009-4 Extra Duty Supernumerary, 2009-5 Cash Bond Procedure and 2009-6 Scuba Team, seconded by Commissioner Krebs. Roll Call Vote. All in favor.

Address all communications to the Chairman of the Board of Police Commissioners



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Commissioner Piergrossi mentioned the corner of Bradley and Main (Red Jack Garage) that they are having a hard time coming out of the driveway due to people parking.

He asked that a "Do Not Block Driveway" sign be erected. The Chief will review same.

Commissioner Piergrossi also asked the Chief if some of the items discussed, regarding Officer Vecellio's, letter was taken care of. The Chief stated that what can be done is being done. The Chief stated that we will be getting new cameras in the rear, which was discussed with Mr. Mauro, Assistant Director of Administration & Management.

Chairman Brow asked Chief Gallo if the water fountain in the foyer of the building would be repaired. He felt it would alleviate an officer coming out into the foyer if someone wished to have some water.

The Chief commented that he believed the water fountain was in a state of disrepair. Mr. Limoncelli from Public Services was looking to see what could be done, if anything. It's a very old unit.

Chairman Brow stated that he would need a 2/3rd. vote of the board to put an item on the Agenda, which would be the Procedure Regarding Department Vehicles.

Commissioner Krebs made a motion to add this item to the agenda, seconded by Vice-Chairman Civitello. Roll call vote. All in favor.

A motion was made by Chairman Brow that the Board respectfully requests that



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

1. The Chief submit a written report monthly to the board.
2. That the Captain submits a more detailed report, since monthly reports are redundant and limited information was reported on the vehicle fleet.
3. That the Inspector continues his written monthly report.

Seconded by Commissioner Piergrossi. Roll call vote. All in favor.

Discussion/action regarding General order 2009-1 Tasers-Less than lethal Weapon.

Chief Gallo explained the General Order and stated that the use of the Taser was relatively perfected. He commented that the tasers (10) were purchased out of Task Force and Forfeiture monies. He went on to say that it was Calea researched and that he worked with Armorer Sergeant Montagna and Sergeant Lennon. There are strict guidelines on when and when not to use. A discussion with the Fire Chief was also held regarding the prongs. Sergeant Montagna is the instructor and will be attending another school and then the officers will be trained.

Commissioner Piergrossi thanked the Chief for his concern for police personnel and that it was well written.

Commissioner Civitello asked how many other departments have them. Chief Gallo responded quite a few and that they have to be trained properly. Discussion followed.

A motion was made by Commissioner Piergrossi to accept General Order 2009-1 Tasers-Less than Lethal Weapon, seconded by Commissioner Krebs. Roll Call Vote. All in favor.



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Chairman Brow asked for a motion to Consider and Act upon a procedure regarding departmental vehicles.

He stated that the purpose of this procedure is for the accountability and security of all police vehicles. Officers assigned to territories are assigned to specific patrol vehicles. When the officer returns the vehicle to police headquarters his relief normally uses the same assigned vehicle. However, in cases where the additional patrol vehicles, which are not in use, these vehicles must be locked and the keys secured in the radio room. This also pertains to vehicles that are assigned to officers in specific assignments, DARE and SRO Officers. These vehicles are to be picked up at headquarters at the beginning of their tour of duty and returned to police headquarters at the end of their tour of duty.

This procedure also must be adhered to by officers working plainclothes detail. These unmarked cars are to be used during their tour of duty and then returned to police headquarters, locked and keys secured in the Detective Bureau.

The only individuals exempt from this procedure is the Chief of Police, the Inspector and Captain of Patrol.

A motion was made by Commissioner Krebs to adopt this procedure, seconded by Vice-Chairman Civitello. Roll Call Vote. All in favor.

Commissioner Krebs commented that it was a good policy and that all vehicles should be located at the police department. It would also give maintenance an opportunity to check these cars out.



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



**Honorable Board of
Police Commissioners**

A motion was made by Commissioner Krebs to adjourn, seconded by Commissioner Piergrossi. All in favor. Chairman Brow adjourned meeting at 8:10 p.m.

Respectfully Submitted,

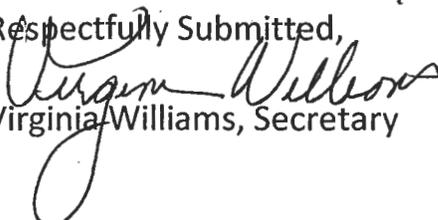

Virginia Williams, Secretary

EXHIBIT 21

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: **MR. PAUL RIZZA**
FINANCE DIRECTOR

FROM: **CHIEF LEONARD L. GALLO**

RE: **SHORTAGES IN VARIOUS ACCOUNTS**

DATE: **3/13/2009**

Mr. Rizza:

I am requesting to be placed upon the next Board of Finance Meeting to discuss what plan of action the Town of East Haven is going to take to fund the shortage in police accounts herein attached to this memo.

Presently the projection is that we will be short in several of the police department accounts. Shift Differential, Gas Account and Overtime Wages. Mrs. Williams has prepared a bookkeeping report with projections that will approach \$195,000 that will be needed to complete the fiscal year budget of 2008-09.

I have been consistent in sending memos bringing attention to this problem starting in September 2008 and at this juncture after several meetings, many internal transfers and allocation of forfeiture funds, the department is at critical financial standing. **In short, we will not make the 08-09 Budget without additional funding.**

To date, the department has done all that it can to supply internal transfers, however an unusual amount of loss time and the high demand for police service makes it impossible to meet the demands of public safety without financial guidance.

An immediate response is necessary as the department will be out of funding for the overtime account (01 332 0190) on the next payroll date of March 26, 2009. We are completely open to any dialog and financial advice that will help us achieve the aforementioned goal. (see enclosed)

c.c. Mayor April Capone Almon
Mr. Paul Hongo
Mr. Ralph Mauro

TRANSFERS NEEDED IMMEDIATELY

(Transfers sent down to Mr. Jim Keeley on 3/13/09, see attached)

01 332 0561 VEHICLE REPAIRS/parts
01 332 0662 VEHICLE MAINTENANCE
01 332 0568 FOOD/FOOD SUPPLIES FOR PRISONERS & K-9

ACCOUNTS THAT WILL BE SHORT AND WILL NEED TRANSFERS IMMEDIATELY

<u>01 332 0132</u>	SHIFT DIFFERENTIAL	WILL BE SHORT APPROXIMATELY \$7000.00
01 332 0530	GAS ACCOUNT	WILL BE SHORT APPROXIMATELY \$5000.00
01 332 0660	THE CLEANING CO.	I HAVE PUT A TRANSFER IN FOR \$2788.00 ON 3/13/09. THIS ACCOUNT WAS SHORT TO MEET THE CONTRACT NEEDS TO END OF FISCAL YEAR. (Memo attached explaining history of this shortage)
01 332 0190	OVERTIME WAGES	THERE ARE 7 MORE PAY PERIODS TO THE END OF THE FISCAL YEAR.

**AT APPROXIMATELY 15,000 TO 19,000 EACH PAY PERIOD THIS ACCOUNT WILL BE SHORT \$133,000 (AT 19,000 PER PAYPERIOD)
AN ADDITIONAL \$50,000 (POSSIBLE PLUS) WILL ALSO BE NEEDED FOR SHIFT DIFFERENTIAL WHICH HAS RUN APPROXIMATELY \$7500.00 PER MONTH**

FOR A TOTAL OF \$183,000 NEEDED FOR OVERTIME

NEEDED FOR ALL THE ABOVE: \$195,000

TOWN OF EAST HAVEN REQUEST FOR BUDGETARY TRANSFER OF FUNDS

DEPARTMENT NAME EAST HAVEN POLICE DEPT.

DATE 3/13/99

FUND NAME _____

FUND NUMBER _____

TO: ACCOUNT	ACCOUNT NAME	AMOUNT	FROM: ACCOUNT	ACCOUNT NAME	AMOUNT
01 332 0561	VEHICLE REPAIRS	2000.00 ✓	01 332 0657	DATA PROCESS ✓	2000.00
TOTAL		2000.00	TOTAL		2000.00

JUSTIFICATION: Provide detailed and specific reasons for this transfer.

This should include future budget impact on both the "to" and the "from" accounts. Attach additional information if necessary.

Needed for various vehicle repairs

Signature—Department Head _____

Approvals:

DIRECTOR OF FINANCE

BOARD OF FINANCE / CLERK

TOWN COUNCIL / CLERK

DATE APPROVED _____

DATE APPROVED _____

DATE APPROVED _____

★ ★ ★ FINANCE DEPARTMENT USE ONLY ★ ★ ★

Transfer # _____ Date Entered ____ / ____ / ____ Entered by _____

Goldman, Department Conv
Dink, Board
Vallou, Board / Council
NICTORIBITICM, White, Finance

PAUL RIZZA
DIRECTOR OF FINANCE
CHIEF LEONARD L. GALLO

3/3/2009

FEDERAL FORFEITURE FUNDS TO BE USED FOR TRAINING

Paul,

In an effort to curb or assist the Town of East Haven on overtime cost, I have sought permission from the FBI to utilize forfeiture funds (47-3-310) for specialized training that will not supplant budgetary line items. In doing so I have obtained permission from Ms. Jane Domboski FBI Forfeiture Office New Haven, who in turn has sought permission from the FBI in Washington, that a request for this usage for Taser Training only has been approved and is proper.

If there is additional information required please feel free to call upon me.

c.c. Mayor April Capone Almon
Mr. Paul Hongo
Mr. Ralph Mauro

4668.00 used for overtime Payroll 19

**MR. PAUL RIZZA
DIRECTOR OF FINANCE
CHIEF LEONARD L. GALLO**

2/6/2009

TRANSFER OF FUNDS/POLICE OVERTIME

Dear Paul:

Pursuant to our lengthy discussion and based upon your financial guidance, I am submitting a transfer request of \$60,000 from Police Account 01 332 0110 (salaries) to 01-332-0190 (overtime wages)

We are basing this transfer on the potential surplus of monies from salaries (110) due to reimbursed money for the School Resource Officer (SRO) from the Board of Education and two department retirements, that are still funded in the salary account.

This transfer will only accommodate several weeks of police overtime and additional monies will be needed. The department is in critical financial standing.

Your advise, and advise from the administration, is always welcome. However, the long term remedy has still not been discussed.

If I can be of additional assistance please call upon me.

PAUL RIZZA
DIRECTOR OF FINANCE
CHIEF LEONARD L. GALLO

2/2/2009

PROJECTED SHORTAGES IN POLICE ACCOUNTS

Dear Mr. Rizza:

Pursuant to our recent discussion and past discussions concerning finances, the department without a doubt is not going to make the 2008-09 budget. In particular, account 0190, overtime account, is almost completely devoid of all monies. We have discussed this many times with Mr. Mauro, Mr. Hongo and the Honorable Mayor Almon, at different intervals starting from September 2008. Simply stated, the department will need, on an approximate basis, \$300,000.00 in order to fulfill the demands for service for the remainder of fiscal year 2008-09. As you are aware, the department was cut \$286,000.00 on our original budget proposal of 2008-09.

As requested, I have gone through our accounts with Mrs. Williams, who has been handling these accounts for over 25 years, and we have projected to an approximate level that \$70 to 80,000.00 may be available in account 01 332 0110 (wages) during the remainder of this fiscal year. This surplus will be in part due to School Resource Payment and two recent retirements. As you and other administrators are well aware, the department has suffered an abnormal amount of personnel who have been injured in the line of duty, which has caused a huge drain upon the overtime accounts. There are a number of different issues that also effect the department budget. I will amplify at our next meeting.

At this writing the present 01 332 0190 (overtime budget) and the \$47,000 transfer that was authorized in January is near depleted. In short, the department has reached a critical financial dilemma and cannot sustain the overtime budget without additional funding.

After many conversations with you and Mr. Mauro and other administrators, no alternative has been given to me on how these accounts will be supplemented. Therefore, I must request to either appear before the Board of Finance and Honorable Town Council or consult with you and others for whatever your immediate remedy may be. **Please advise me as soon as possible, there are ten (10) more pay periods left in this fiscal year.**

c.c. Honorable Mayor April Capone Almon
Mr. Paul Hongo
Mr. Ralph Mauro

**MR. PAUL RIZZA
DIRECTOR OF FINANCE
CHIEF LEONARD L. GALLO**

12/4/2008

SHORTAGES IN ACCOUNT

Dear Mr. Rizza:

I am requesting to be placed upon the December 17, 2008 meeting of the Board of Finance to discuss supplement into account 01-332-0190 (overtime wages) as the department has now reached emergency levels of shortage in that account. Very shortly, the department will be out of money in that account and I really do not have additional monies within the framework of the existing budget that I may be able to draw from. Financial advice is needed.

The department presently has outstanding bills to the Fall Festival for \$14,465.39, which has not been paid and to the Board of Education for additional security, which at the writing of this letter will be approximately \$7000.00, which upon payment will be placed back into the 01 332 0190 account.

The estimated levels of shortage by finance for overtime account is approximately \$311,000 to complete the remainder of the fiscal year. Additionally, some \$25,000 to \$30,000 will be necessary for police overtime for the Memorial Day Parade and the June Fireworks.

I will be as prepared as I can be for the upcoming meeting and welcome any financial advice beforehand.

I am strongly advising you that I will need this emergency funding in order to keep in compliance with the Town Charter and public safety needs.

I have enclosed additional memos.

**MR. RALPH MAURO
ASST. DIR. ADMIN. & MANAGEMENT
CHIEF LEONARD L. GALLO**

10/8/2008

SHORTAGE IN ACCOUNTS/MEETING

Ralph,

I am sending you this memo in reference to my original memo to Mr. James Keeley on 9/24/08 with a c.c. to Mr. Paul Rizza concerning shortages in accounts. Additionally, I am responding to your letter of September 29, 2008 concerning yearly appropriations and expected shortages in accounts. After meeting with you on October 2, 2008 my concerns are still there that the department has been underfunded for overtime, gasoline and shift differential. We will no doubt have shortages in these accounts and need to address this matter at your earliest convenience. Unexpected long term injuries and recent promotions will effect and have effected the overtime accounts.

There is no question that I will be out of money for overtime accounts within the next 90 days or less. Please advise.

c.c. Mayor Almon
Paul Rizza
James Keeley

**JIM KEELEY
ACCOUNTING SUPERVISOR
CHIEF LEONARD L. GALLO**

9/24/2008

SHORTAGES IN ACCOUNTS

Mr. Keeley:

I received your letter of 9/19/08 concerning shortages in janitorial service account (01-332-0660) The department has applied for in the recent departmental budget for the appropriate money of \$22,788.00. Additionally, finance went out to bid for these services and only one bidder applied for the aforementioned monies. The account you referred to is short \$2788.00. Additionally, the department was cut by several hundred thousands dollars in budget leaving us no additional monies to transfer from.

Moreover, the department will be short based upon projections, monies in 0190 (overtime) 0110 (wages) 0530 gas and 0132) shift differential. These are a few of the accounts that will be short the appropriate monies for department operation.

If any transfers are to be made I would need the advice and authorization by you, the finance director, board of finance and town council.

Please advise me at your earliest convenience on how you wish to proceed on these matters.

c.c. Mr. Paul Rizza

EXHIBIT 22



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

October 23, 2009

Mr. Thomas Thompson
Director of Finance
250 Main Street
East Haven, CT 06512

Dear Mr. Thompson:

On September 2, 2009 you sent me a letter indicating that the department was 50% drawn on our 01 332 0190 (overtime account)

In March of 2009 I addressed the Honorable Town Council and the Board of Finance and requested \$650,000 in overtime monies. Subsequently, that amount was refused and \$300,000 was placed in the present fiscal budget. In short, the department is grossly underfunded for the mission it must accomplish.

The department is presently short 3 full time officers and contrary to the Honorable Town Councils demand we have still not received insurance monies from police officers compensation fund as has been ordered by the Town Council. I have recently been informed that our Town/Department request for six additional Police Officers from the Presidential stimulus package has not been approved and at this writing remains questionable.

I have had extensive meetings with the Mayor, Mr. Mauro, Mr. Hongo, Mr. Rizza, Board of Police Commissioners and yourself over the last two years, regarding department overtime. I have had the last meeting as recent as three weeks ago in your office with Mr. Hongo, Mr. Mauro and yourself. I am awaiting the expertise from the aforementioned persons to help find an appropriate solution for these matters. Additionally, I am enclosing a new negotiation which has been authorized by the Town through Mr. Hongo and Mayor Almon with Police Local 1662. In respect to the present administration, a letter dated October 5, 2009 on clarification of Article XV-Hours of Work is in actuality what the department needs to function at minimal safety levels. However, the ramifications of this particular negotiation have already shown, in the last month, a spiked increase in necessary overtime for officers.

It continues to puzzle me and my secretary Mrs. Williams, who has been managing department accounts for over 25 years, how the town can send letters to the department telling me that I would be out of

Address all communications to the Chief of Police



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

money if I continue to supply necessary police deployment, and then have a negotiation which results in additional overtime spending. I would like to add that I have not been part of the aforementioned negotiations.

The Town Charter that you refer to Chapter V11, Section V11, specifically D and G, states that I must have additional appropriations otherwise I will be in violation of said charter. I am informing you Chapter 104, Municipal Police and Fire Protection, Part 1, Police Departments, that Connecticut General Statute 7-277 of State Law makes the towns appropriately responsible to bear all expenses for its Police Department. The Town Charter cannot supersede State Law.

I will not belabor this point any longer other than that I have cooperated to my maximum level in an attempt to reduce overtime. Inspector Gaetano Nappi, a 42 year veteran of the East Haven Police Department, has taken over operations in the Police Department and has done his maximum best to curb police overtime. We, as a team, can do no more without risking safety levels of our public in our jurisdiction. I will now require additional funds or transfers or other available monies wherever the town and you see as warranted in order to complete the fiscal year of 2009-10. I wish to inform you in a formal manner by way of this letter, that without additional funding or appropriate transfers, we will not make financial responsibilities for the department during this fiscal year.

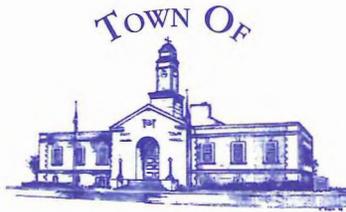
Please advise at your earliest possible convenience on what course of action you and the town will develop.

Respectfully Submitted,

Leonard L. Gallo
Chief of Police

c.c. Mayor April Capone Almon
Mr. Paul Hongo, Director of Town Affairs
Mr. Ralph Mauro, Assistant Director of Town Affairs
Honorable Board of Police Commissioners
Honorable Town Council, Chairman & Vice-Chairman

Enc. (2)



EAST HAVEN
Memorandum

FINANCE DEPARTMENT

Thomas Thompson, CPA, CFP
Director of Finance

Date: September 2, 2009
To: Leonard Gallo, Police Chief
From: Thomas Thompson, Director of Finance
Subject: Over Time

Dear Chief:

Thank you for the memo on August 24, 2009 concerning the overtime and the detail sheet you gave me.

I was going through all of your budget accounts and noticed that after only 2 months into the new fiscal year, you are the only department that has spent 50 % of your total overtime budget for this fiscal year.

As a department head you are responsible for the expenditures which take place within your budget, which is why I am directing this to you. I am not going to allow any line item over expenditures for this Fiscal Year. Therefore, I suggest that we schedule a meeting as soon as possible to discuss your budget and how to curve your overtime spending.

It is very clear in the Town Charter in Chapter VII Section 7, specifically D & G in regards to authorizing additional expenditures over and above the approved appropriations.

Please let me know in advance when we can meet.

Sincerely

Thomas Thompson
Director of Finance
TT/cmc

CC: April Capone Almon, Mayor
Paul Hongo, Director, Deputy Community Affairs
Ralph Mauro, Assistant Deputy Community Affairs

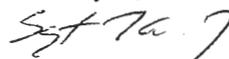
East Haven Police Union • Local 1662

P.O. Box 120033
471 North High Street
East Haven, CT 06512
(203) 468-3820

Dear Mr. Hongo,

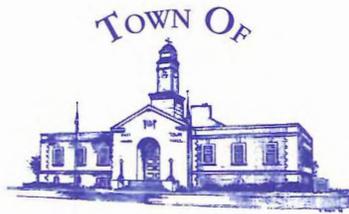
I am writing this letter in response to a letter I received from the chief that he wrote to Mr. Thompson. In this letter he mentioned the agreement we made on Clarification of Article XV-Hours of Work dated October 5, 2009. The chief states that "the ramifications of this particular negotiation have already shown, in the last month, a spiked increase in necessary overtime for officers". I believe that this statement was premature. It took some time to put our agreement in place and there were some days that were already scheduled prior to our agreement which we could not take back because officers had prior commitments or plans. I have seen improvements since our agreement especially over this past week and we will continue to see improvements. The new schedules are in place and we will honor and have honored our agreement made on October 5, 2009. The new schedules speak for themselves. Although we are making every effort to help in this area, I also feel that this department is grossly underfunded at no fault to yours (we had no long term plan and received nothing from the previous administration). A higher overtime expenditure is needed for us to improve in areas where we are lacking. History here has shown that it is cheaper to pay such services in overtime rather than to bring up current staffing levels to meet today's demand. I feel that you and the current administration have made positive improvements and are willing to move forward with advancements for the Police Department (i.e. added detective, grant money, \$100,000 study, camera system, Agreement Article XV (Staffing Levels Enjoyed in the Past) and the funding for five vehicles which we desperately need to maintain). In closing the members of local 1662 are committed to providing quality services to the citizen's of East Haven, improving the working conditions at the EHPD and we would like to be and should be involved in future planning for this police department. We welcome discussion on this matter.

Thank you,



Sgt Frank Montagna
President Local 1662

c.c. Mayor April Capone-Almon
Mr. Ralph Mauro
Mr. Thomas Thompson
Board of Police Commissioners
Mr. Paul Thompson
Mr. Gary Depalma
Chief Gallo



EAST HAVEN

FINANCE DEPARTMENT

Thomas Thompson, CPA, CFP
Director of Finance

Memorandum

Date: September 2, 2009

To: Leonard Gallo, Police Chief

From: Thomas Thompson, Director of Finance

Subject: Cell Phones

Dear Chief;

When I started working for the Town on June 29th we discussed cell phone use in the police department and you indicated to me the following cell phones that could be discontinued;

- 1) H.S. Patrol 996-5559*
- 2) Patrol 410-1515*

Please let me know if this is still the case.

Sincerely

Thomas Thompson
Director of Finance
TT/cmc

CC: April Capone Almon, Mayor
Paul Hongo, Director, Deputy Community Affairs
Ralph Mauro, Assistant Deputy Community Affairs

the notice thereof. Neither the resolution nor any other instrument by which a pledge created need be recorded.

P.A. 85-478, S. 9, 10.)

CHAPTER 104

MUNICIPAL POLICE AND FIRE PROTECTION

PART I

POLICE DEPARTMENTS

Sec. 7-274. Establishment of town police commissions. Any town may, by ordinance, establish a board of police commissioners to be elected, in accordance with the provisions of section 9-201 or to be appointed by the council or board of directors of a town, the common council or other body empowered to make ordinances of a city, the board of burgesses of a borough or the board of selectmen of a town not having a council or board of directors, provided in a town having both a board of selectmen and a representative town meeting such ordinance may designate the representative town meeting as the appointing authority, for the purpose of organizing and maintaining a police department in such town. Such board shall consist of three, five or seven electors, all of whom shall be resident taxpayers of such town. Such commissioners shall be sworn to the faithful performance of their duties and shall serve without compensation, but their actual expenses and disbursements incurred in the performance of their duties shall be paid from the town treasury.

(1949 Rev., S. 656; 1953, S. 260d; 1957, P.A. 13, S. 19; P.A. 73-138, S. 1, 2; P.A. 74-209.)

History: P.A. 73-138 permitted board to be appointed as well as elected; P.A. 74-209 clarified appointment provisions by designating specific appointing authorities.

Cited. 144 C. 21. Cited. 171 C. 553.

Upon establishment of board by town meeting, no vacancy exists when members are to be elected at the "next town election". 19 CS 316. Cited. 31 CS 145. Cited. 38 CS 419.

Sec. 7-275. Meetings of commissioners. Vacancies. The board of police commissioners shall elect one of its number to be chairman and one member to be clerk and they shall hold regular meetings and keep records of the same. Meetings shall be held upon the call of the chairman or of a majority of the members of the board. A majority of the members of the board shall constitute a quorum. In the event of any vacancy upon the board, the board of selectmen shall have authority by majority vote to fill such vacancy until the next town election, at which election a member shall be elected for the unexpired term of the term.

(1949 Rev., S. 658; 1953, S. 261d.)

See Sec. 9-1 for applicable definitions.

Cited. 144 C. 27.

Cited. 19 CS 316.

Subsec. (6):

Cited. 193 C. 59.

Sec. 7-276. Powers of commissioners. Such boards shall have all of the powers conferred upon by the general statutes to boards of police commissioners, shall have general management and supervision of the police department of such town and of the property

and equipment used in connection therewith, shall make all needful regulations for the government thereof not contrary to law and may prescribe suitable penalties for the violation of any such regulation, including suspension or removal from office of any officer or member of such police department. Such board shall have the sole power of appointment, promotion and removal of the officers and members of such police department, under such regulations as it adopts for the purpose, and such appointees shall hold office during good behavior and until removed for cause upon written charges and after hearing. The members of such police department shall have all such authority with respect to the service of criminal process and the enforcement of the criminal laws as is vested by the general statutes in police officers and constables.

(1949 Rev., S. 659.)

Cited. 171 C. 553. Cited. 217 C. 73. Cited. 227 C. 363. Cited. 229 C. 703. Statutory policy committing selection, direction and dismissal of police officers to town is not inconsistent with grievance procedure in collective bargaining agreement covering discipline of police officers. 255 C. 860.

Cited. 41 CA 649.

Offices of police commissioner and chief of police are incompatible and, upon acceptance of one, other office is vacated. 21 CS 294. A de novo hearing on the merits does not contravene statute since only the power of appointment, promotion and removal of police officers is exclusively reserved to the commissioners. 31 CS 87. Cited. Id., 145.

Sec. 7-277. Town to bear expense. The expenses, salaries and all costs of maintenance and equipment for such police department shall be paid by such town in the same manner as other expenses of the town government.

(1949 Rev., S. 660.)

Sec. 7-277a. Police assistance agreements. (a) The chief executive officer of any town, city or borough or his designee may, whenever he determines it to be necessary in order to protect the safety or well-being of his municipality, request the chief executive officer of any other town, city or borough to furnish such police assistance as is necessary to meet such situation and the chief executive officer, or chief of police or board of police commissioners or other duly constituted authority with the approval of the chief executive officer of the municipality receiving such request may, notwithstanding any other provision or requirement of state or local law, assign and make available for duty in such other municipality, under the direction and command of an officer designated for the purpose, such part of the police forces under his control as he deems consistent with the safety and well-being of his municipality. Any policeman so provided, while acting in response to such request, shall have the same powers, duties, privileges and immunities as are conferred on the policemen of the municipality requesting assistance. Unless waived in writing by the chief executive officer of the municipality supplying assistance pursuant to a request under this section, such municipality shall be reimbursed for all expenditures incurred in providing such assistance by the municipality making such request, including payments for death, disability or injury of employees and losses or damages to supplies or equipment incurred in providing such assistance. Any municipality, upon the approval of the chief executive officer and, where required by charter or ordinance, the governing body of such municipality, may enter into an agreement with any other municipality or municipalities, with respect to requesting and supplying such assistance and reimbursing or receiving reimbursement for the same.

(b) The chief executive officer of any institution which maintains a special police force, established under the provisions of section 10a-142, and the chief of police of the Office of State Capitol Police, established under the provisions of section 2-1f, may enter into an agreement with one or more municipalities to furnish or receive police assistance under the same conditions and terms specified in subsection (a) of this section for agreements between municipalities.



ADMINISTRATION & MANAGEMENT

PAUL J. HONGO, JR.
Director

To: Frank Montagna, President Police Union – Local 1662

Cc: April Capone Almon, Mayor
Ralph Mauro, Assistant Deputy Director of Town Affairs
Leonard Gallo, Chief of Police
Tom Thompson, Director of Finance
Fred Brow, Chairman – Board of Police Commissioners
Paul Thompson, Chairman – Town Council

From: Paul J. Hongo, Jr., Deputy Director of Town Affairs

Date: October 5, 2009

RE: Clarification of Article XV – Hours of Work

As a follow-up to our meeting on Friday October 2, 2009, in which the Town solicited the Union's input to help control expenses (most notably overtime expenses), I have given careful consideration to the Union's concern regarding clarification of Article XV – Hours of Work.

Section 6 – Selection of Shifts, paragraph 10 states, *The Chief shall make every effort to maintain no less than the same patrol strength as has been enjoyed in the past*, and although the Contract states, *This shall not be construed as a minimum manpower clause*, the Town concurs the parties need to set the record straight in terms of identifying and agreeing to the definition of, *no less than the same patrol strength as has been enjoyed in the past*.

To that end, it is my understanding the department has historically scheduled at least one (1) police officer to work patrol in each of the Town's four (4) sectors on both the A Squad (12 am to 8:30 am) and B Squad (8 am to 4:30 pm), and the same plus one (1) additional police officer on the C Squad (4 pm to 12:30 am) to patrol between sectors and be available to bring prisoners in for processing. Additionally, in the past the aforementioned numbers have not included the Duty Sergeant.

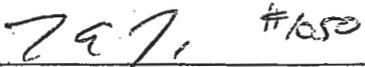
In an effort to put this matter to rest so we can move forward and focus our collective attention on other pending issues that are of mutual interest to both parties (including more discussion about current staffing levels and the affect it has on departmental overtime), I am requesting your signature below as the Union's concurrence regarding the definition of, *no less than the same patrol strength as has been enjoyed in the past.*

For the Town of East Haven



Paul J. Hongo, Jr.
Deputy Director of Town Affairs

For the Union



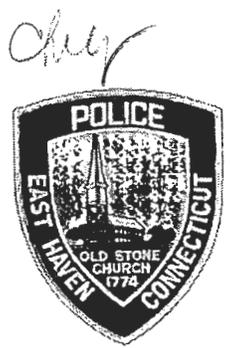
Frank Montagna
President, Police Union - Local 1662

EXHIBIT 23

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: **MR. THOMAS THOMPSON**
DIRECTOR OF FINANCE

FROM: **CHIEF LEONARD L. GALLO**

RE: **TRANSFER OF FUNDS**

DATE: **11/9/2009**

Dear Mr. Thompson:

As a result of several meetings with Town administrators and yourself and pursuant to a final meeting of November 6, 2009 a transfer will be made into department accounts. The last meeting of November 6, 2009 between yourself, Mr. Mauro, Mr. Hongo, Mr. Krebs, Mrs. Williams and myself, the agreed amount to be transferred for the time being is \$229,000 into the overtime wage account 01 332 0190. A review of department accounts will be made once again in February/March 2010.

The department will do all that can be done to minimize overtime accounts. However, as was discussed at the meeting, mandatory training is eminent and will take place during this year and every year thereafter and unexpected injuries or sickness cannot be anticipated.

c.c. Mr. Paul Hongo
Mr. Ralph Mauro
Board of Police Commissioners

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: **BOARD OF FINANCE**

DATE: **11/9/2009**

FROM: **CHIEF LEONARD L. GALLO**

RE: **FINANCE MEETING NOVEMBER 18, 2009**

A handwritten signature in black ink, appearing to be "L. Gallo", is written over the "FROM" and "RE" lines of the memo header.

Dear Honorable Board:

Regrettably I will not be able to make your meeting of November 18, 2009 as I will not be available and out of Town. I have discussed this matter with Mr. Thompson and Mr. Hongo who will explain this transfer of funds to the Honorable Board.

c.c. Mr. Thomas Thompson, Director of Finance



EAST HAVEN

FINANCE DEPARTMENT

Memorandum

Date: November 05, 2009

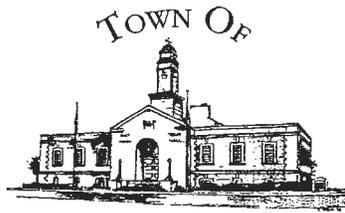
To: Leonard Gallo, Police Chief

From: Thomas Thompson, Director of Finance TT

Subject: Over Time

After talking with you on Monday I am enclosing a copy of my October 27th memo. Please let me know when we can meet to go over this (ASAP).

*CC: April Capone Almon, Mayor
Paul Hongo, Director, Deputy Community Affairs
Ralph Mauro, Assistant Director, Deputy Community Affairs*



EAST HAVEN

FINANCE DEPARTMENT

Memorandum

Date: October 27, 2009
To: Leonard Gallo, Police Chief
From: Thomas Thompson, Director of Finance
Subject: Over Time

The Town Council approved \$ 300,000 in your overtime, but they also instructed to put back any worker's compensation coming in to be credited to your 110 account (regular wages) which, should give you additional funds in that account. Also, the Captain's position has not been filled so that should give you additional monies in that account (110 account regular wages).

So this is my suggestion, let's schedule an appointment to:

- 1) Go over all your accounts to determine how much money you are going to have left over.
- 2) Decide on how much money to transfer.

I noticed after our last meeting with Paul and Ralph the overtime has been reduced to a reasonable level which if it was like this from the beginning (July 1st) we would not have a problem.

Also the Town Council made a decision to budget your regular wage account for \$ 3,610,802 and your overtime account for \$ 300,000, and you are supposed to live within those budgeted amounts.

After our meeting, if you want to be placed on the agenda for additional funds please instruct me and I will do so.

Sincerely

Thomas Thompson
Director of Finance
TT/cmc

CC: April Capone Almon, Mayor
Paul Hongo, Director, Deputy Community Affairs
Ralph Mauro, Assistant Director, Deputy Community Affairs

EXHIBIT 24



OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

Chief Gallo
East Haven Police Department

December 8, 2009

Chief,

Per our discussion on December 7, 2009

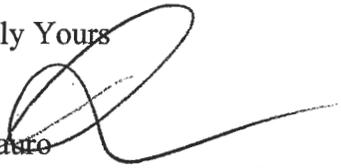
In light of the receipt for an additional \$84,000 for police forfeiture; we talked about still using \$9,250 for one (1) car from general fund money which you have in your budget, then we were going to use monies needed to outfit the rest of the cars from forfeiture and also police training from this same account. You can also acquire additional police radios which you needed to add to the radios you already have that Erica received through Grants from capitol account # 81-3-009-24.

I think at this time we should proceed with the following as soon as possible:

1. Retrofit the cars
2. Set up training
3. Purchase the remaining radios

Thank you for your consideration on this matter

Very Truly Yours



Ralph Mauro
Assistant Deputy Director of Town Affairs

Cc: Paul Hongo, Deputy Director of Town Affairs
Board of Police Commissioners



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

December 16, 2009

Mr. Ralph Mauro
Assistant Deputy Director of Town Affairs
250 Main Street
East Haven, CT 06512

Dear Mr. Mauro:

Pursuant to our conversations and subsequently to your letter of December 8, 2009, police vehicles are being outfitted at this time for service. Training has been set up and Mr. Thompson has received purchase orders for the outfitting of vehicles out of forfeiture account and the purchase of portable radios from the appropriate account that you have noted. Account No. 81-3-009-24 will be utilized for the purchase of the remaining portable radios needed for the East Haven Police Department. At your request, all purchase orders have already been filed and the department has set up training. (letter enclosed)

Thank you for your prompt attention on this matter and the excellent cooperation of the Finance Department.

Sincerely,

Leonard L. Gallo
Chief of Police

c.c. Paul Hongo, Director of Town Affairs
Mr. Thompson, Director of Finance
Board of Police Commissioners

EXHIBIT 25

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: **MR. THOMAS THOMPSON**
DIRECTOR OF FINANCE

FROM: **CHIEF LEONARD L. GALLO**

RE: **BUDGET**

DATE: **2/4/2010**

I am in receipt of your letter of February 4, 2010 regards to budget preparation. It appears to me that after our conversation of February 1, 2010 that there was a misunderstanding on when the department budget was to be submitted. We have both acknowledged that the town may not be able to hire additional personnel, which was the hold up for department expenditures.

I hope this clears up any matter or any misunderstanding.

Cordially yours



EAST HAVEN

FINANCE DEPARTMENT

Memorandum

To: Police, Chief Leonard Gallo

From: Thomas Thompson, Director of Finance 

Date: February 04, 2010

Subject: Your Department Budget Forms

Per East Haven Town Charter all Department Budget requests are to be received by my Office no later than February 3, 2010. As of today your Budget is late.

Please submit your Budget NOW. I will not accept any further delays.

If you need assistance in your Budget preparation please call me ASAP.

CC:

April Capone Almon, Mayor

Paul Hongo, Deputy Director Community Affairs

Ralph Mauro, Assistant Deputy Director Community Affairs

James Dougherty, Chairman, Town Council

TT/cmc

EXHIBIT 26

June 13, 2006

Dear Commissioners:

This evening at a Special Meeting of the Honorable Board of Police Commissioners finds the commission reviewing an Internal Investigation involving Supernumerary Officer Robert Nappe. Supernumerary Officer Robert Nappe is alleged to have committed a violation of General Order 2004-2 and the facts of that investigation are before you. The facts of this incident are as follows:

On May 25, 2006 Officer Nappe was working as a Supernumerary Officer at the North High Street Bridge performing traffic duties and public safety operations at that intersection for the O & G Corporation. Officer Nappe was assigned to E.H.P.D. Car #10. Several times during the course of the day Officer Nappe was found to be sleeping or otherwise inattentive to his duties by an O& G Forman. Officer Nappe was alleged to have fallen asleep or otherwise not attending to his duties at least three times during the course of the day. A fourth encounter with [redacted] been completely documented.

The incident involving Officer Nappe was reported to his shift supervisor [redacted] reported to me and at this point I

Nappe

at Gary DePalma, who in turn reported to me. The incident was then investigated into this conduct.

Lt. Jay Falcioni investigated the incident and prepared a case file for your review, which is now before you. After I personally reviewed this case file Officer Nappe was summoned to my office on June 9, 2006 and represented by his attorney Patricia CoFrancesco. The purpose of this meeting was for a review of the internal matter in question and not a disciplinary hearing. Town Attorney Lawrence Sgrignari represented me. That interview resulted in giving a written order for Officer Nappe to appear before the Honorable Board on June 13, 2006 to address this matter. Officer Nappe was ordered to appear in front of the board in full E.H.P.D. uniform of the day. It was a short meeting in which Officer Nappe denied all allegations and claimed that the Police Union has sanctioned him for two weeks of not being assigned extra duty work. Officer Nappe has alleged to have appealed this matter but to whom is questionable since he is not a member of Local 1662 and does not enjoy any benefits thereof.

On June 9, 2006, time approximate 1400 hrs. I personally called the O & G foreman who had made the original complaint against Officer Nappe. I found the O & G foreman to be both creditable and honest in his statements to me concerning the conduct of Officer Nappe. According to the O & G foreman, Officer Nappe had fallen asleep, twice in the morning of May 25, 2006, once in the afternoon and at all three times the O & G foreman had to bang upon the window to get his attention for Officer Nappe to complete his assignments. The foreman went on to state that there was an incident involving an irate female civilian in the afternoon who approached Officer Nappe's car concerning the safety factors of the exit ramp of 52 onto North High Street. That matter has not been documented completely. The O & G foreman, who is not aware of Officer Nappe either personally or professionally, stated that Officer Nappe had his hands folded, chin upon his chest, head down, with the vehicle running and the windows closed on at least two occasions and every time the foreman had to wake him. Officer Nappe was in full uniform. Each time the foreman would wake him; Officer Nappe was given instructions to let out construction vehicles and then return to his vehicle. The construction foreman states he has had no previous involvement with Officer Nappe, nor did he have any previous encounters with Officer Nappe to his knowledge. The foreman for O & G has given a written statement to Lt. Jay Falcioni concerning this investigation. The O & G foreman is fearful of police retaliation concerning his involvement in this matter. I have personally assured him and have given him my private cell number in the event that he has any matters of concern.

Upon further examination of this file Officer Nappe, in the preparation of his payment slip, failed to include the use of a East Haven Police Department vehicle #10 that could have cost the department monies owed for the use of such equipment. That matter has been cleared administratively and payment will be made.

Supernumerary Officer Robert Nappe was called in to meet with Lt. Jay Falcioni to give a statement in regards to this incident on June 4, 2006. The officer filed for 5 hours of overtime. The officer was again called to the Office of the Chief for an internal review on June 9, 2006 and again filed for 5 hours of overtime for that meeting. The officer is not a member of Local 1662 Police Union or its bargaining unit and the overtime slips submitted to him are under review.

In a recent news article concerning this investigation Officer Nappe is quoted in the newspaper as stating “the asleep on the job charges aren’t true, although he may have laid his head back while on his lunch break” these remarks have not been verified other then by newspaper article.

Officer Nappe and his attorney have been given a copy of this investigation in preparation for his defense.

FACTUAL CONCLUSIONS:

Supernumerary Officer Robert Nappe is not a member of E.H.P.D. Police union Local 1662 and is not entitled to any of the rights of the current contractual bargaining agreement.

Officer Nappe has filed for overtime concerning his appearance for an internal inquiry and for a review with the Chief of Police for the total of 10 overtime hours. That matter is presently under review.

Supernumerary Officer Robert Nappe was assigned an extra duty job for the O & G Corporation on May 25, 2006 at 0700 hrs. operating Car #10.

Officer Nappe failed to add car payment to his extra duty payment slip for usage of the E.H.P.D. vehicle. (\$160.00 for 8 hrs)

Officer Nappe was assigned to traffic duties at the North High Street Bridge.

Officer Nappe has given a written statement denying all allegations.

Local Police Union 1662 does not have authority on department discipline. However, in their sanctioning of extra work against Officer Nappe adds additional credence to the allegations concerning his conduct.

General Order 2004-2 states very clearly policy, procedures and potential discipline “Police Officers extra duty work/Supernumerary Police Officers and Crossing Guards.”

The O & G foreman has been found credible, honest and factual in his accounts of the incident. He has given a written and oral statement concerning this matter. He has been totally cooperative throughout this investigation, and although not threatened, fears police retaliation. I have given personal assurances on this matter.

Officer Robert Nappe has received Grade A payment for extra work, in the form of 8 hours of payment of \$315.08 from the O & G account.

Officer Nappe has clearly violated General Order 2004-2 as “Police Officers assigned to all extra duty work shall report promptly to their duty assignment and shall be attentive to their traffic position. They will diligently perform their duties for pedestrian and vehicular safety. Police Officers shall not be engaged in conduct that shall divert them from their appointed task of public safety”. Additionally, “Police Officers shall not engage in conduct which shall be deemed in the judgment of the Chief of Police shall be contrary to good discipline or order.”

The Chief of Police can only suspend Police Officers for up to 10 days without pay pursuant to guidelines at this juncture. All other violations by Police Officers /Supernumerary Officers are presented to the Honorable Board of Police Commissioners for their review and judgment.

RECOMMENDATIONS:

After careful review of this matter I have found that the information contained in these files, witness interviews and review of department general orders, that Officer Nappe has clearly violated General Order 2004-2. It is my recommendation that his inattentive behavior at his traffic position has jeopardized public safety and has undermined the hard working reputation of all East Haven Police Officers. As the Chief Officer of this department it is my firm recommendation that the services of Per Diem/Supernumerary Employee Robert Nappe is no longer needed by this department. I am respectfully submitting this file and my recommendation to the Honorable Board of Police Commissioners for their final judgment on this matter.

Respectfully Submitted

Leonard L. Gallo, Chief of Police

EXHIBIT 27



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

April 4, 2008

Honorable Mayor April Capone Almon
250 Main Street
East Haven, CT 06512

Re: Robert Nappe

Dear Mayor:

Pursuant to our recent discussion concerning Robert Nappe and his reinstatement to the Police Department, several matters must come to your attention. Mr. Nappe, as you know, was a victim of a pedestrian accident on or about August 19, 2006 and subsequently has sued for medical reasons through the law offices of Patricia Cofrancesco. He has also returned from Iraq in the war zone. In lieu of the fact that you have ordered, and will reaffirm that order, to reinstate Mr. Nappe we have discussed some liability issues to safeguard the Town.

I have scheduled a medical examination for Mr. Nappe on Monday, April 7, 2008 at 11:00 a.m. and a psychological examination on Wednesday, April 9, 2008 at 12:00 noon. I know you are in agreement with these matters as is Mr. Hongo.

Cancelled by Mayor

However, it is my professional opinion, and I am strongly encouraging you, to wait for the results of these examinations previous to Mr. Nappe returning to work. Additionally, I want a written legal opinion and representation from an attorney on this matter to avoid any legal conflict. Liability for the town is my concern as well as it is yours. I would appreciate your cooperation on this matter.

Respectfully

Leonard L. Gallo
Chief of Police

C.c. Mr. Paul Hongo, Director of Administration & Management

*The Mayor on 4/4/08
opted to not accept the proposed
medical or psychological test
& has chosen to have him go
to doctor's
1:30 PM Hongo / Mayor /
Mauro / Miller / Russo
Present.*

APR-08-2008 13:08

P.007

EAST HAVEN BOARD OF POLICE COMMISSIONERS : SUPERIOR COURT

: JUDICIAL DISTRICT OF NEW HAVEN

vs. : AT NEW HAVEN

TOWN OF EAST HAVEN, and APRIL CAPONE ALMON : APRIL 7, 2008

ORDER OF EX PARTE TEMPORARY INJUNCTION

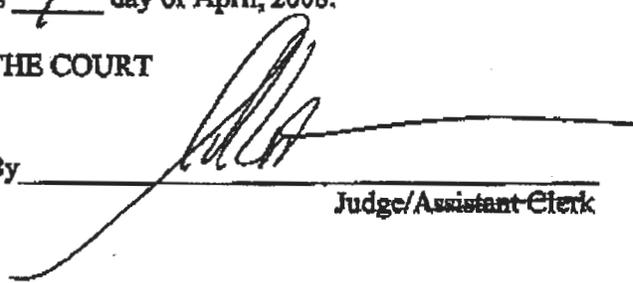
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NOW, THEREFORE, BY THE AUTHORITY OF THE STATE OF CONNECTICUT, the defendants, TOWN OF EAST HAVEN and APRIL CAPONE ALMON, are hereby commanded and strictly enjoined under penalty of law, henceforth and until further Order of the Superior Court, from taking any further action to interfere with, undermine, hinder the prosecution of or withdraw the Appeal; from taking any further action to interfere with, undermine or usurp the Plaintiff's decision-making authority with regard to the appointment of Nappe as an East Haven Police Officer; and, from taking any action to hire Nappe as an East Haven Police Officer without the advance consent and approval of the Plaintiff.

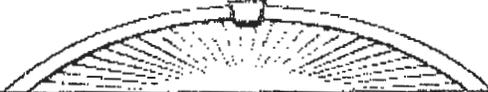
Dated at New Haven, Connecticut, this 7th day of April, 2008.

THE COURT

By



Judge/Assistant Clerk



BERCHEM, MOSES & DEVLIN, P.C.
WAKE, SEE, DIMES, BRYNICZKA & BLOOM

FACSIMILE TRANSMITTAL SHEET

TO:	Leonard Gallo, Chief	FROM:	Mark J. Kovack
COMPANY:	East Haven Police	DATE:	04/04/08
FAX NUMBER:	203-468-3829	TOTAL NO. OF PAGES INCLUDING COVER:	2
RE:	YOUR REFERENCE NUMBER:		
	East Haven Board of Police Commissioners v. Town of East Haven, et al.		

Chief Gallo:

At the request of my client in the above-referenced matter, transmitted herewith is a copy of the injunction granted by the court.

MJK

Nappe happy to be back on the job

E. Haven officer fought 4 years to be reinstated

By Mark Zaretsky
Register Staff

EAST HAVEN — Police Officer Bob Nappe was thrilled to be back in blue and on the job Monday after a four-year battle to regain the job he reluctantly retired from in 2004.

The Board of Police Commissioners had refused to grant him a one-year leave of absence to take a job training Iraqi police recruits.

However, an injunction that a lawyer for the Board of Police Commissioners is said to have obtained could render Nappe's victory temporary.



Brad Horrigan/Register

East Haven police Officer Bob Nappe was back on the job Monday.

The lawyer, Mark Kovack, whom the police board hired after Mayor April Capone Almon announced plans to settle the board's Supreme

Court appeal of a lower court ruling to rehire Nappe despite the board's objections, did not return calls for comment.

Lawrence Sgrignari, the former town attorney who represents the police board in other matters, said Kovack told him he had got an injunction late Monday afternoon. But Sgrignari had no further details.

Even with the possibility of an injunction blowing in the wind, Nappe, 50, said he couldn't be happier.

East Haven: Nappe back on job after 4-year fight

Continued from A1

"If they get an injunction, they get an injunction," he said. "But meanwhile, I'm on the job."

He said he spent much of the day practicing on the department's shooting range and familiarizing himself with some laws and procedures including a new computerized records system.

"I was a little nervous coming in this morning," said Nappe, a certified paramedic who formerly headed the department's dive team. "I was a little anxious."

But "a lot of the men have been really receptive," Nappe said. "There's just a lot of new guys" who weren't on the force four years ago.

He said he talked with Chief of Police Leonard Gallo, who previously opposed Nappe getting his job back.

Gallo deferred comment to the mayor.

But what really has made Nappe happy is "the people of East Haven," he said. "I didn't realize how happy it made some people that they've got me back on the job." He said he has been hearing from people everywhere he goes.

Nappe also said he was pleased because "now Connecticut can be used as a precedent" for other states "because we have a precedent-setting case, and I'm back in uniform," and other police officers from other places who

left their jobs for similar purposes "can be back in uniform."

Capone Almon was unaware of any injunction Monday afternoon but said, "I'm completely within my rights as mayor and we're going forward. Right now, I want Chief Gallo, Officer Nappe and all of our staff at the Police Department to focus on what they do best, which is law enforcement and public safety in the town of East Haven."

She said she was at the Police Department Monday morning for roll call and Nappe "was very excited, very happy to be back. ... He had a new radio and a new badge. ... He will be issued a department firearm. ... He will receive whatever training" he needs.

"Part of my message to him was, 'This is not your fight anymore. You go back to being a police officer. The legal battles are mine, and they're going to be very short-lived, because there is no merit to any of this.'"

Capone Almon recently announced that the town had agreed to drop its Supreme Court appeal of a lower court ruling to rehire Nappe. Nappe agreed not to pursue any claim to \$90,000 in back pay that could be due him.

Police board Chairman Pasquale "Pat" Romano and others, including Town Council Minority Leader Ken McKay, R-1, have accused the mayor of circumventing the police board and overstepping her authority.

New Haven Register

FOUNDED 1812

INCORPORATING THE JOURNAL-COURIER, FOUNDED 1755

A Journal Register Company Newspaper

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EDITORIAL

Let high court hear Nappe appeal

East Haven's mayor's decision to restore retired cop's job creates a legal thicket.

If her interpretation of the law is correct, East Haven Mayor April Capone Almon could have waited for the state Supreme Court to restore Robert Nappe, a retired police officer, to his job.

Instead, she has made a political decision to give Nappe his job back now. Almon is determined to fulfill a campaign pledge in an election she won with the support of the police union.

Nappe retired and went to work as a security training officer in Iraq after the police commission refused to grant him a leave of absence.

When he returned from Iraq, Nappe sought his old job. He won a Superior Court judgment returning him to work, which the police board appealed. The board rightly felt that one officer's personal interests should not dictate police personnel policy.

Nappe's case is similar to that of a Bristol police sergeant who retired to work in Iraq. In that case, a Superior Court judge rejected the sergeant's appeal to have his police job restored.

Almon's political decision already has created a new legal tangle. The police board's attorney, Lawrence C. Sgrignari, has challenged Almon's withdrawal of the board's appeal and Almon's removal of him as the board's attorney.

In Sgrignari's Supreme Court brief, he cites past precedent for a board's having independent counsel when there is a conflict with Town Hall.

Put another way, what's the point of having an independent board if the mayor can unilaterally override its decisions?

After her election in November, Almon had asked Sgrignari, the former town counsel, to continue to represent the board in its appeal.

Now, the police board has hired a Milford law firm to represent it in conflicts with the mayor.

Almon set the stage for another potential legal battle when her supporters on the Town Council amended the budget to create a position on the police force designed for Nappe to fill.

The charter has conflicting language on the legality of this action. At one point, it specifies the budget can only be amended after a public hearing. Corporation Counsel Patricia Cofrancesco says she researched the law and the council's action was legal. Cofrancesco was Nappe's lawyer before she took the town job and vowed not to be involved in matters concerning him.

Beyond the legal thicket that keeps growing over Nappe's quest for his old job is the question of whether he is fit to serve.

In November 2007, Nappe filed a lawsuit seeking damages for injuries he suffered in 2006 when he was struck by a car in New Haven. According to the suit, Nappe suffered dental injuries and a fractured jaw. In addition, the lawsuit claims Nappe had a constant ringing in his right ear, and suffered from nightmares, anger, depression and fear. Some of the injuries and aftereffects were likely to be permanent.

Anger, depression, fear?

Almon should have waited for the Supreme Court decision.



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

April 3, 2008

Police Chief Leonard Gallo
East Haven Police Department
471 North High Street
East Haven, CT 06512

RE: Robert Nappe

Dear Chief Gallo:

I am writing with reference to the above-entitled matter.

As you may know, New Haven Superior Court Judge Angela Robinson entered an Order in 2007 that Robert Nappe be reinstated as a Police Officer.

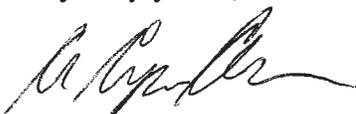
The Board of Police Commissioners took an Appeal, which has since been withdrawn.

Accordingly, please do that which is necessary to put Officer Nappe on your Department work schedule as soon as possible and to provide him with any and all necessary Department-issued equipment, as well as his badge.

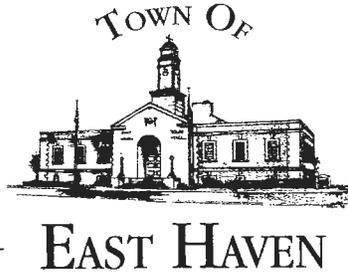
Should you have any questions or concerns regarding this directive, please feel free to contact me.

Thank you.

Very truly yours,



Mayor April Capone Almon



OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

April 3, 2008

Police Chief Leonard Gallo
East Haven Police Department
471 North High Street
East Haven, CT 06512

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Should you have any questions or concerns regarding this directive, please feel free to contact me.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "A. Capone Almon", is written over the typed name of the Mayor.

Mayor April Capone Almon



OFFICE OF THE MAYOR
APRIL CAPONE ALMON
Mayor

To: Chief Gallo

From: Mayor April Capone Almon

ACA

Date: April 9, 2008

CC: Paul Hongo, Director of Administration and Management;
Ralph Mauro, Asst. Director of Administration and Management;
Thomas Russell, East Haven Police Union

The town was notified yesterday of the entry of a temporary Ex Parte Rite of Injunction filed by the East Haven Board of Police Commissioners with a hearing scheduled for April 21, 2008.

Accordingly, and given the arguable parameters of the Court Order that is presently in place, the town cannot effect any steps which would support the employment of Robert Nappe as an East Haven Police Officer.

Based upon the present state of the litigation between the parties, and in an effort to avoid the appearance as well as the reality of the town violating any questionable court order, you are hereby directed to remove Robert Nappe's name from your department's work schedule pending further notification from the court.



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

April 4, 2008

Honorable Mayor April Capone Almon
250 Main Street
East Haven, CT 06512

Re: Robert Nappe

Dear Mayor:

Pursuant to our recent discussion concerning Robert Nappe and his reinstatement to the Police Department, several matters must come to your attention. Mr. Nappe, as you know, was a victim of a pedestrian accident on or about August 19, 2006 and subsequently has sued for medical reasons through the law offices of Patricia Cofrancesco. He has also returned from Iraq in the war zone. In lieu of the fact that you have ordered, and will reaffirm that order, to reinstate Mr. Nappe we have discussed some liability issues to safeguard the Town.

I have scheduled a medical examination for Mr. Nappe on Monday, April 7, 2008 at 11:00 a.m. and a psychological examination on Wednesday, April 9, 2008 at 12:00 noon. I know you are in agreement with these matters as is Mr. Hongo.

However, it is my professional opinion, and I am strongly encouraging you, to wait for the results of these examinations previous to Mr. Nappe returning to work. Additionally, I want a written legal opinion and representation from an attorney on this matter to avoid any legal conflict. Liability for the town is my concern as well as it is yours. I would appreciate your cooperation on this matter.

Respectfully

Leonard L. Gallo
Chief of Police

C.c. Mr. Paul Hongo, Director of Administration & Management



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

April 7, 2008

Honorable Mayor April Capone Almon
250 Main Street
East Haven, CT 06512

Dear Mayor Almon:

On April 7, 2008 I have re-instated Officer Robert Nappe to the East Haven Police Department based upon your directive and pending any court litigation that may follow. I will follow your lawful orders and the orders of the court as I always have in the past.

Pursuant to our discussions please have your legal staff submit to POSTC (Police Officer Standards & Training Council) the required decision, in writing, from the Board or court reinstating officer Nappe to our roster. This is a POSTC regulation for certification of all Connecticut Police Officers. Additionally, I would appreciate a copy for department files.

Sincerely,

Leonard L. Gallo
Chief of Police

C.c. Mr. Paul Hongo, Director of Administration & Management
POSTC Letter enclosed



State of Connecticut
Police Officer Standards and Training Council
Connecticut Police Academy



April 4, 2008

Chief Leonard L. Gallo
East Haven Police Department
471 North High Street
East Haven, CT 06512

SUBJECT: Hiring of Part-Time Employees – Reinstatement of Employees

Dear Chief Gallo:

It is the POST Council policy that if an employee leaves the employment of their agency (resigned or retired) and are gone from employment within that agency for more than thirty (30) days, if they want to return they must meet the entry-level requirements of the Council (polygraph, physical fitness, background etc). The exception is when an employee is terminated and either the State Labor Board orders the employee reinstated or a Court of Law orders the employee reinstated. The decision (in writing from the Board or Court) shall accompany the letter from the Town requesting the person be added back on to the roster. Any training missed during their absence must be made up prior to going back on the road and dealing with the public.

In furtherance of this it is this agencies understanding that one employee, Robert M. Nappé, Cert.#6246, has been ordered back to work by the Court and this person had in fact attended review credit training in 2006 (52 Hours) and his current triennial certification period does not lapse until June 30, 2009 . This employee would only be required to make up any firearms training he missed (if any) during his absence (terminated 6-26-06 to date rehired).

If you should have any further questions please contact me at (203) 427-2606 anytime.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Pfeifer".

Gary Pfeifer
Compliance Officer
Certification Division

cc: Thomas E. Flaherty, Executive Director

APR-08-2008 13:08

P.007

EAST HAVEN BOARD OF POLICE
COMMISSIONERS

: SUPERIOR COURT

: JUDICIAL DISTRICT
OF NEW HAVEN

vs.

: AT NEW HAVEN

TOWN OF EAST HAVEN,
and APRIL CAPONE ALMON

: APRIL 7, 2008

ORDER OF EX PARTE TEMPORARY INJUNCTION

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Dated at New Haven, Connecticut, this 7th day of April, 2008.

THE COURT

By _____

Judge/Assistant Clerk

APR-08-2008 13:08

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: AT NEW HAVEN

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and APRIL CAPONE ALMON

: APRIL 7, 2008

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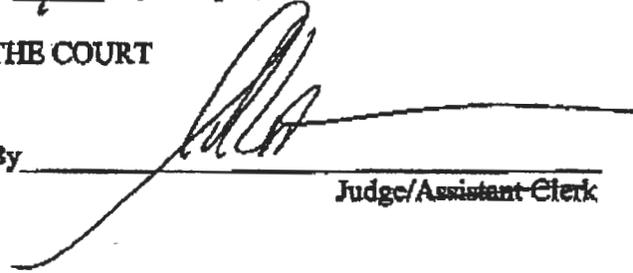
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Dated at New Haven, Connecticut, this 7th day of April, 2008.

THE COURT

By



Judge/Assistant Clerk

Martin H. Klein, Ph.D.
Licensed Clinical Psychologist

21 Rice Terrace Suite 313
Branford, CT 06405
(203) 481-4000

April 8, 2008

RE: Robert Nappe (DOB:10/04/1957)

To Whom It May Concern:

I have seen Mr. Robert Nappe today for a psychological evaluation. It is my expert opinion that Mr. Nappe is psychologically fit for any type of police duty effective immediately.

Sincerely Yours,



Martin H. Klein, Ph.D.



CHAPEL MEDICAL GROUP, P.C.

1308 CHAPEL STREET

NEW HAVEN, CONNECTICUT 06511

April 8, 2008

RICHARD J. BARSE
M.D.

To Whom It May Concern:

WAYNE S. WARREN
M.D.

Re: Robert Nappe
D/B: 10/4/57

PATRICK ASIEDU
M.D.

After a thorough physical examination of Mr. Robert Nappe on April 8, 2008, I certify that he is physically fit for active police duty.

SUNIL G. MENON
M.D.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Asiedu'.

Patrick Asiedu, M.D., PhD.

JENNIFER J. FLYNN
A.P.R.N.

PA/dh

PHONE (203) 865-5111
FAX (203) 562-2368

Nappe happy to be back on the job

E. Haven officer fought
4 years to be reinstated

By Mark Zaretsky
Register Staff

EAST HAVEN — Police Officer Bob Napp was thrilled to be back in blue and on the job Monday after a four-year battle to regain the job he reluctantly retired from in 2004.

The Board of Police Commissioners had refused to grant him a one-year leave of absence to take job training Iraq police recruits.



Brad Horrigan/Register

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However, a injunction through a lawyer for the Board of Police Commissioner is said to have obtained could render Napp's victory temporary.

The lawyer Mark Kovack, whom the police board hired after Mayor April Capor Almon announced plans to settle the board's Supreme Court appeal of a lower court ruling to reinstate Napp despite the board's objections, did not return calls for comment.

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East Haven: Nappe back on job after 4-year fight

Continued from A1

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He said he talked with Chief of Police Leonard Gallo, who previously opposed Nappe getting his job back.

Gallo deferred comment to the mayor.

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EDITORIAL

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By Jean Falbo-Sosnovich
Register Correspondent

SEYMOUR — Dozens of parents urged the Board of Finance Tuesday to stop shortchanging their children and restore money to the proposed school budget.

About 75 people attended a public hearing on the town's overall \$49.7 million budget for fiscal 2008-09, which includes \$29.1 million for the Board of Education.

The budget, as a whole, prom-

ises a minimal tax increase of about \$2 per week, and would raise the tax rate by about a half mill. That translates into an increase of about \$105 more in taxes next year for a home assessed at \$210,000.

Many parents, however, said they are willing to pay more if it means their children don't have to sacrifice, and fear the school system will move backward.

"We're doing ourselves a disservice. ... The \$2-a-week increase is a noble pursuit, but I

don't think it's a wise one," said Christine Pelletier.

Gretchen Robinson agreed, saying, "I would rather work an extra hour or two so my children don't have to sacrifice their education. ... Let's invest in the future or else it will come back to bite us."

The school board initially requested a \$1.6 million increase, and the proposal calls for a \$942,000 increase.

Finance Board Chairwoman Trish Danka, who has children

in the system, said she'd love to give more money to everyone, but her board's job is to consider everyone feeling the pinch in their pocketbooks.

"We also have to think about those people who have to make the painful decision about whether to buy medicine or groceries," Danka said. "We know we're not going to make everyone happy. This budget allows the town to continue to move forward, and not go backwards."

Frank Loda urged that \$25,000 be scrapped from the \$240,000 budgeted for legal fees, while Jane Kudasik said she cannot afford a \$2 per week increase and urged that the school budget be reduced further.

Residents will vote on the budget from 6 a.m. to 8 p.m. April 24 at the community center.

First Selectman Robert Koskelowski urged everyone to support the plan, saying, "It's a lean budget that will keep us just above water."

Police union to file grievance in Nappe case

By Mark Zaretsky
Register Staff

EAST HAVEN — A conflict over the town's rehiring of police officer Bob Nappe deepened Tuesday when the police union jumped in on Nappe's behalf after the town received an injunction the police board obtained to prevent further action to rehire Nappe.

The union plans to file a grievance today on Nappe's behalf, saying he was denied due process. It also will file a prohibited practice complaint with the state labor board, said the union president, Detective

Tom Russell.

"He was hired back, he started Monday morning, and then this afternoon he was told not to come to work anymore..." Russell said.

It was unclear Tuesday whether Nappe, 50, who returned to work Monday and Tuesday for the first time in the four years since he retired to take a one-year job training Iraqi police recruits, would be at work today.

The injunction, signed by Superior Court Judge Jonathan Silbert, states that Mayor April Capone Almon and the town are enjoined from taking "any further action ... to interfere with,

undermine, hinder the prosecution of or withdraw" the police board's appeal of a lower court order to rehire Nappe.

It also enjoins them "from taking any further action to interfere with ... the Plaintiff's decision-making authority" or "any action to hire Nappe ... without the advance consent and approval" of the board.

It is "certainly our position that he ought not be working at all because we don't think the town had the legal right to reinstate him from the get-go," said the police board's lawyer, Mark J. Kovack,

"Well, my attorneys and I vehemently disagree," said Capone Almon.

Nappe reluctantly retired in 2004 after the police board refused to grant him a one-year leave of absence. He said his union advised him to show up for work today — and Capone Almon said the injunction is unclear, the town is seeking clarification and she expects Nappe to be at work.

"I was told by my union president to show up for work tomorrow," said Nappe. "I may get sent home, but I'm going to work."

"If these people think they're going to get to me by doing this,

they're wrong," Nappe said. "If I had the resolve to go to Iraq for a year and then come back and fight for three years to get my job back ... I have the resolve to get through this."

Capone Almon announced the week before last that the town agreed to drop its Supreme Court appeal. Nappe agreed not to pursue any claim to \$90,000 in back pay.

Police board Chairman Pasquale "Pat" Romano and others, including Town Council Minority Leader Ken McKay, R-1, accused the mayor of circumventing the police board and overstepping her authority.

Esty, Adinolfi to face off for 103rd House District seat

By Luther Turmelle
North Bureau Chief



Esty



Adinolfi

CHESHIRE — Elizabeth Esty, a two-term Democratic Town Council member, will challenge Republican incumbent Al Adinolfi for his seat representing the 103rd House District.

Esty announced her bid for the seat in appearances Monday

in the three towns that make up the district: Cheshire, Wallingford and Hamden. While acknowledging Adinolfi's record of service during four terms representing the district, Esty said she believes voters are looking for "new energy, new ideas."

"I think we can do better," Esty said. "We can come up with a

new way of doing things."

Esty said she is hoping that voters will look at her track record of consensus-building on the Town Council.

"I'm working for everybody in the communities I hope to serve, not just one party," she said.

Adinolfi, who is a retired manager from DNE Technologies in

Wallingford, launched his bid for a fifth term in Hartford last December. Adinolfi said he will run on his record.

"I think I've done a lot on variety of issues," Adinolfi said.

One area that Esty and Adinolfi are likely to differ over is public safety issues.

Adinolfi has been active in looking for changes in the state's

APR-08-2008 13:08

P.007

EAST HAVEN BOARD OF POLICE
COMMISSIONERS

: SUPERIOR COURT

: JUDICIAL DISTRICT
OF NEW HAVEN

vs.

: AT NEW HAVEN

TOWN OF EAST HAVEN,
and APRIL CAPONE ALMON

: APRIL 7, 2008

ORDER OF EX PARTE TEMPORARY INJUNCTION

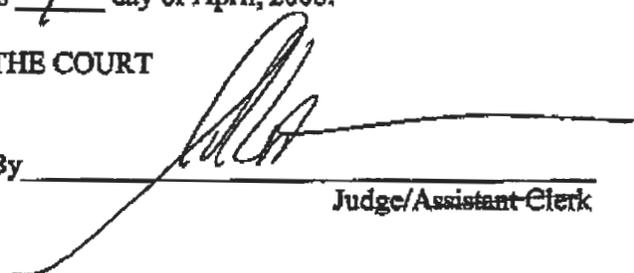
The foregoing Application for Ex Parte Temporary Injunction and Affidavit having been considered by the Court, and it appearing for good cause shown that a temporary ex parte injunction should be issued without bond;

NOW, THEREFORE, BY THE AUTHORITY OF THE STATE OF CONNECTICUT, the defendants, TOWN OF EAST HAVEN and APRIL CAPONE ALMON, are hereby commanded and strictly enjoined under penalty of law, henceforth and until further Order of the Superior Court, from taking any further action to interfere with, undermine, hinder the prosecution of or withdraw the Appeal; from taking any further action to interfere with, undermine or usurp the Plaintiff's decision-making authority with regard to the appointment of Nappe as an East Haven Police Officer; and, from taking any action to hire Nappe as an East Haven Police Officer without the advance consent and approval of the Plaintiff.

Dated at New Haven, Connecticut, this 7th day of April, 2008.

THE COURT

By



Judge/Assistant Clerk



BERCHEM, MOSES & DEVLIN, P.C.
WAKE. SEE. DIMES, BRYNICZKA & BLOOM

FACSIMILE TRANSMITTAL SHEET

TO: Leonard Gallo, Chief	FROM: Mark J. Kovack
COMPANY: East Haven Police	DATE: 04/04/08
FAX NUMBER: 203-468-3829	TOTAL NO. OF PAGES INCLUDING COVER: 2
RE: East Haven Board of Police Commissioners v. Town of East Haven, et al.	YOUR REFERENCE NUMBER:

Chief Gallo:

At the request of my client in the above-referenced matter, transmitted herewith is a copy of the injunction granted by the court.

MJK

EXHIBIT 28

RYAN & RYAN, LLC

Labor, Employment and Immigration Law

NEW HAVEN • NEW LONDON

900 Chapel Street, Suite 621
New Haven, Connecticut 06510
Phone: 203.752.9794
Fax: 203.785.1547

DAVID A. RYAN, JR.
david.ryan@ryan-ryan.net
203.752.9794 ext. 14

February 28, 2008

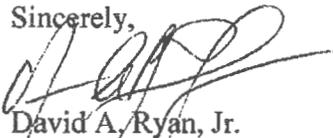
Frank J. Kolb, Jr.
Kolb & Associates, PC
49 High Street
East Haven, CT 06512

Re: *Town of East Haven*

Dear Attorney Kolb:

I have completed my investigation regarding an alleged charter violation related to purchase orders and the outfitting of four police cars. Enclosed please find the investigation report, which was submitted to Mayor Almon. Also enclosed, per your request, are notes of interviews relating to the purchase order issue.

Sincerely,



David A. Ryan, Jr.

Enclosures

RYAN & RYAN, LLC

Labor, Employment and Immigration Law

NEW HAVEN • NEW LONDON

900 Chapel Street, Suite 621
New Haven, Connecticut 06510
Phone: 203.752.9794
Fax: 203.785.1547

PRIVILEGED AND CONFIDENTIAL

MEMORANDUM

TO: April Capone Almon
Mayor
Town of East Haven

FROM: David A. Ryan, Jr., Esq.
Ryan & Ryan, LLC

DATE: February 26, 2008

RE: Independent Investigation
Police Department Purchase Orders

You asked me to conduct an investigation concerning certain Town of East Haven ("Town") Police Department purchase orders related to the outfitting of four police cars. The investigation was specifically focused on whether the purchases made by Chief Leonard Gallo on behalf of the Town's Police Department violated the Town Charter or the Town's budgetary process. In addition, you requested that I address in my report any other related issues that were uncovered during my investigation. This memorandum summarizes the investigation by (1) providing a summary of the conclusions reached, (2) outlining relevant provisions of the Town Charter, (3) describing the process of the investigation, and (4) setting forth my conclusions based on the facts that were found.

Summary

The initial question presented is whether the manner in which the purchase orders relative to four vehicles were processed violated the Town Charter or the Town's budgetary process. I conclude in answer to this question that both the Town Charter and the Town's budgetary process were violated in connection with the processing of the purchase orders. However, I also conclude that, in the past, proper procedures for making purchases have not been followed and those purchases have not been questioned and/or have been approved. I find that, because proper procedures were not always followed and because there is no evidence to indicate

otherwise, Chief Leonard Gallo's actions, although improper and in violation of the Town Charter, were not taken with any illicit intent.

Another issue which arose during my investigation concerns a purchase made by Chief Gallo on behalf of the Police Department from a company known as Nexgen Solutions ("Nexgen"). The question presented was whether Chief Gallo's act in executing a contract with Nexgen and the processing of purchase orders in connection with the Nexgen purchase violated the Town Charter, the Town's budgetary process or your directive issued on December 5, 2007 concerning department purchases. I conclude in answer to these questions that the Town Charter, the Town's budgetary process and your directive concerning department purchases were violated in connection with the execution of the Nexgen contract and the processing of the Nexgen purchase orders. Again, however, I find that there is no evidence that Chief Gallo's actions were taken with illicit intent.

Town Charter

Chapter VI, Section 7(C) of the Town Charter describes the powers and duties of the Town's Chief of Police. Paragraph (C) provides in pertinent part: "The Chief of Police shall be appointed and removed by the Mayor in accordance with State Statutes. . . . He shall enforce rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof."

Chapter VII, Section 7 of the Town Charter addresses expenditures and accounting. Paragraph (A) provides: "No purchase shall be made by any department, board, commission or officer of the Town, except through the Finance Department. The Director of Finance shall record the amount of purchase and contracts for future purchases as encumbrances against the appropriation from which they are paid."

Paragraph (D) provides in relevant part: "The several departments, commissions, officers and boards of Town shall not involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated therefore until the matter has been approved by the Council."

Paragraph (G) provides: "Every payment knowingly made in violation of the provisions of this Charter shall be deemed illegal and every official authorizing or making such payment, or taking part therein, and every person receiving such payment, or any part thereof, shall be jointly and severally liable to the Town for the full amount so paid or received. If any officer or employee of the Town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take any part therein, such action shall be cause for his removal."

Summary of Investigation Process

The investigation into the Police Department purchases included a review of the following documents: The Town Charter, the purchase orders in question, invoices, memoranda from you to Paul Rizza and from Paul Rizza to you dated December 18, 2007, a memorandum from you to all Town department heads dated November 19, 2007, Board of Finance meeting minutes for December 5, 2007, delivery receipt acknowledgements for four police cars, Police Department Vehicle Fleet list, and a memorandum from Chief Leonard Gallo to Finance Director Paul Rizza dated May 3, 2007 requesting a transfer of funds.

The investigation also included interviews with the following persons: Chief Leonard Gallo; Chief Gallo's Administrative Assistant, Virginia Williams; Captain James LaBanca; Inspector Gaetano Nappi; Lieutenant Henry Butler; Assistant Director of Administration and Management Ralph Mauro; Director of Finance Paul Rizza; and retired Detective and former police union president Troy Raccuia.

- **Purchase Orders and Invoices**

Two purchase orders were prepared for the outfitting of four police cars. Purchase Order No. 147164 is dated 11/29/07 and is signed by Chief Gallo. This purchase order relates to the purchase of emergency and other equipment for the police cars from Fleet Auto Supply ("Fleet") and the installation of the equipment by Fleet. At the top of the purchase order form, there is a reference to fund account number: 01 332 0440. Fleet's State Contract Bid number is also listed on the purchase order. New Car numbers 21, 32 and 16 are listed on the purchase order beneath the date of 11/20/07. The cost to outfit each car with emergency equipment is \$11,023.59; for a total cost of \$33,070.77 to outfit the three cars.

Fleet invoice numbers 4487, 4490 and 4488 dated November 20, 2007 are attached to Purchase Order number 147164. The attached invoices detail the equipment installed in each car and the price for each item. On the invoices, under the words "Purchase Order", there is a reference to a car number rather than a purchase order number. The invoices attached to Purchase Order number 147164, reference "New Car 32", "New Car 31" and "New Car 21".

The second purchase order prepared for the outfitting of the police cars is numbered 147166. This purchase order is also dated 11/29/07 and is signed by Chief Gallo. Fleet is listed as the vendor and Fleet's state contract bid number is referenced. New Vehicle number 16 is listed on the purchase order beneath the date of 11/20/07. There is no fund account number referenced in the box indicated for such information. However, there are two fund account numbers listed in the middle of the form. On the same line as fund account number 01 332 0440 is the amount of \$8259.23. On the next line, across from fund account number 01 332 0561 is the amount of \$2764.36. The total amount is \$11,023.59. Attached to Purchase Order Number 147166 is Fleet invoice number 4485 dated 11/20/07. Under the words

“Purchase Order” on Fleet invoice number 4485, there is no reference to a purchase order number or car number.

- **Board of Finance Meeting Minutes, Memoranda and Other Documents**

- **Memorandum to Department Heads.** On November 19, 2007, you issued a memorandum to all department heads ordering a purchase freeze. You ordered that all pending purchase orders for goods and services ordered but not received be submitted to the Finance Office no later than December 5, 2007. The November 19, 2007 memorandum states: “The purpose for this action is to encumber the funds prior to payment.” The memorandum also provides procedures for emergency purchases.
- **Board of Finance Meeting Minutes.** According to the minutes from a Board of Finance Special meeting on December 5, 2007¹, there was a discussion related to the transfer of funds to fund account number 01-332-0440 (“440”) among members of the Board of Finance, Chief Gallo and Director of Finance Paul Rizza. At the meeting, Board member Richard DePalma questioned the request for a transfer of \$2,765 to the 440 account. Specifically, Mr. DePalma asked whether that account was used for purchasing new vehicles. Mr. Rizza responded that the account is used for purchasing and outfitting vehicles. Mr. DePalma then asked whether the work costing \$2,765 had been completed. Chief Gallo replied “yes”. Mr. DePalma expressed concern that the work was done before the fund transfer was approved. Mr. Rizza explained that a purchase order had been generated and certified for the expense but that the invoice had not been paid. As a result of these discussions, the Board denied the request for a transfer of \$2,765 into the 440 account.
- **Memorandum From Paul Rizza.** In response to your request, Paul Rizza conducted a review of the purchase orders, invoices and the fund account in question. As outlined in Mr. Rizza’s memorandum dated December 18, 2007, as of December 1, 2007 account 440 had a balance of \$41,330.48. The total cost for outfitting the four police cars, as listed on Purchase Order numbers 147164 and 147166 and the attached invoices, was \$44,094.84. This resulted in a shortage of \$2,765.
- **Memorandum from Chief Gallo.** In a memorandum from Chief Gallo to Mr. Rizza dated May 3, 2007, Chief Gallo requested a transfer of funds into account 01-332-0561 (“561”) “vehicles

¹ Initially, the meeting minutes were incorrectly dated November 5, 2007. The date was later corrected.

supplies and parts” for purchases associated with the outfitting of three newly-purchased police cars.

- **Interviews**

In the course of the investigation, interviews were conducted with Chief Leonard Gallo; the Chief’s Administrative Assistant, Virginia Williams; Captain James LaBanca; Inspector Gaetano Nappi; Lieutenant Henry Butler; Assistant Director of Administration and Management Ralph Mauro; Director of Finance Paul Rizza; and retired Detective and former police union president Troy Raccuia. These individuals were questioned about their knowledge related to the purchases in question and/or their knowledge of past and present procedures for Police Department purchases.

Factual Findings And Determinations

The factual findings as to each issue are described below along with my conclusions.

- **Fleet Auto Purchases**

In the fall of 2007, the Police Department purchased from Warnock Automotive four new Ford Crown Victoria cars to use as police cars. As purchased from Warnock Automotive, the cars are not outfitted with emergency or other police equipment. The cars were delivered to Fleet for outfitting on October 12, 2007. Fleet worked on outfitting the cars in October and/or November 2007.

On November 19, 2007, you held a meeting with the department heads to discuss the Town’s finances. Chief Gallo attended the meeting. You requested that the department heads make no further purchases and submit documentation for pending purchases to the Finance Department. Later that day, you issued a memo directing the department heads to submit pending purchase orders to the Finance Office no later than December 5, 2007, for the purpose of encumbering the funds prior to payment.

On or about November 21, 2007, Ralph Mauro met with Chief Gallo and the Chief’s Administrative Assistant, Virginia Williams, to discuss Police Department finances and potential requests to the Board of Finance for transfers to and from line item accounts. During the meeting, Chief Gallo told Mr. Mauro that Fleet was working on outfitting four police cars but did not specifically communicate that a transfer would be needed to cover the expense for Fleet’s work in outfitting the four police cars.

On or about November 20, 2007, the Police Department contacted Fleet and requested invoices² for the work being performed and equipment installed on the four cars. On or about the same day, Fleet sent the requested invoices to the Police Department. On November 29, 2007, Virginia Williams prepared Purchase Order numbers 147164 and 147166. When Ms. Williams was preparing the purchase orders she became aware that there were not sufficient funds in the 440 account to cover the invoices from Fleet for the four cars. Ms. Williams informed Chief Gallo of the insufficient funds in the 440 account, "motor vehicles", and told Chief Gallo that there were funds available in the 561 account "vehicle supplies and parts". Chief Gallo authorized allocating a portion of the expense for outfitting one of the cars to the 440 account and the remaining portion of the expense for outfitting that car to the 561 account. Chief Gallo signed purchase orders 147164 and 147166. The purchase orders, with attached invoices, were submitted to the Finance Department prior to December 5, 2007 as instructed by the November 19, 2007 memo.

Both Mr. Rizza and Mr. Mauro reviewed the purchase orders received from the departments, including those received from the Police Department. Mr. Mauro and Mr. Rizza discussed the purchase orders received from the Police Department for the work performed and equipment installed by Fleet. Mr. Mauro talked to Chief Gallo regarding purchase order 147166, which split the expense between the 440 account and the 561 account and informed him that the allocation was improper. Mr. Mauro said that he was going to request a transfer from the Board of Finance in the amount of \$2,764.00 into account 440.

On or about November 28, 2007, Fleet's work on two of the four cars was completed. Lieutenant Butler picked up the two cars from Fleet and drove them to the police station. On or about December 8, 2007, the other two cars were delivered from Fleet to the police station.³ On the same day or the day after the cars were delivered, the officers began using the cars.

On December 5, 2007, the Board of Finance held a special meeting. During the meeting, the Board discussed the transfers requested for the Police Department. In response to Mr. DePalma's question, Chief Gallo acknowledged that the work on the police cars had already been performed although there were insufficient funds in account 440 "motor vehicles" and a transfer of funds into that account to cover the expense had not yet been approved. The Board did not grant the requested transfer of funds into the 440 account.

² There is no evidence to verify that the police department obtained an estimate from Fleet for the work on the four cars before the work was performed. Further, no person interviewed recalled receiving an estimate for the work prior to the work being performed.

³ It should be noted that, while the Vehicle Identification Numbers ("VIN") as shown on Fleet's invoices and the Delivery Acknowledgement Receipt from Warnock correspond, those VIN numbers do not correspond to the same cars listed on the police department's Vehicle Fleet list. For example, the VIN number for car number 21 as shown on the Fleet invoice is listed as the VIN number for car number 31 on the department's Vehicle Fleet list.

The Finance Department has not processed Purchase Order 147166 and has not paid Fleet's invoice, which is attached to that purchase order. It is the Finance Department's position that the entire expense is properly allocable to the 440 account, in which there are currently insufficient funds.

- **Proper Procedure**

The following is the proper procedure for making purchases: obtain an estimate from the vendor; ensure that there are sufficient funds in the proper line item account; if there are insufficient funds in the proper line item account, request and obtain a transfer from the Board of Finance; prepare a purchase order; submit the completed purchase order to the Finance Department; if the purchase order is approved then the items may be purchased or the work may be performed; and submit an invoice to the Finance Department for payment. However, in the past (last five to ten years), purchases have been made and work, on a few occasions, has been performed prior to submitting a purchase order to the Finance Department. In addition, in the past five to ten years, account number 561 "vehicle supplies and parts" has been used for expenses incurred in outfitting new police cars.

Based upon the investigation conducted, I have concluded that Chief Gallo committed a violation of the Town Charter and Town budgetary procedures when he caused the purchase of equipment and services relating to the outfitting of four police cars without having sufficient funds in the proper line item account to make said purchase. Despite the fact that Chief Gallo either had knowledge that there were insufficient funds for the purchase in the proper line item account or did not take care to ensure that sufficient funds were available in the proper line item account, Chief Gallo proceeded with the purchase and authorized Fleet to perform the work. Although I conclude that Chief Gallo's actions were improper and in violation of the Town Charter and the Town's budgetary procedures, there is no evidence that Chief Gallo took these actions with illicit intent. This conclusion is based in part on my finding that, in the past, despite the fact that proper procedures for making purchases have not been followed those purchases have not been questioned or have been approved.

I am recommending discipline for Chief Gallo because it is my opinion that he neglected his responsibilities as they relate to making purchases for the Police Department. Chief Gallo is aware that the proper procedure would have been to obtain an estimate for the work and submit a completed purchase order to the Finance Department prior to authorizing Fleet to perform the work on the cars. Instead of following this procedure, Chief Gallo authorized the performance of the work without first submitting the purchase order to the Finance Department and without the Finance Department's approval. Further, Chief Gallo was, or should have been, aware that there were insufficient funds in the 440 motor vehicle account to outfit the four cars. It is Chief Gallo's responsibility to ensure that there are sufficient funds in the proper line item account before he authorizes a purchase. Chief Gallo is also responsible for ensuring that purchase orders are properly

completed. Any uncertainty regarding the proper procedure for making a purchase or the proper line item account to use for a certain purchase should have been addressed with the Finance Department before the purchase or work was authorized and/or performed.

Town Charter Chapter VI, Section 7(C) specifies that the Mayor has appointment and removal powers for the Town's Chief of Police in accordance with State Statutes. Although I have been asked to investigate this issue, I have not been directed to make a recommendation as to the specific level of discipline that I believe is warranted. Therefore, I will not make such a recommendation. I do, however, recommend that, in ascertaining the level of discipline appropriate for Chief Gallo, you consider the fact that Town Charter Chapter VII, Section 7(G) provides in part: "If any officer or employee of the Town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take any part therein, such action shall be cause for his removal." I also recommend that, in ascertaining the appropriate level of discipline, you consider the following: (1) a Charter violation is a serious infraction; (2) in the past, although proper procedures for making purchases have not been followed, those purchases have not been questioned and/or have been approved; and (3) there was no evidence that Chief Gallo had any illicit intent related to the purchases at issue.

- **Nexgen Solutions Purchase**

In the course of my investigation into the issue of the Police Department purchase orders related to work performed by Fleet, I learned of a purchase made by Chief Gallo on behalf of the Police Department from Nexgen. In my investigation of the matter involving Nexgen, I reviewed a purchase order, a network installation and maintenance agreement entered into with Nexgen and an invoice from Nexgen dated May 9, 2007. I also interviewed Chief Gallo about the matter.

On June 28, 2007, Chief Gallo executed a contract for services with Nexgen on behalf of the Town without any authority to do so. Under the terms of the agreement, Nexgen agreed to provide network maintenance and support services for Nexgen software and hardware products which are installed in the police cars and in a central database in the police station. The term of the contract is July 1, 2007 to July 1, 2008. Although Nexgen does not appear to be on the state contract bid list, Nexgen is likely the sole provider for the service and maintenance of its products. Therefore, it does not appear to be necessary for the Town to put the work out to bid.

An invoice dated May 9, 2007 in the amount of \$15,000 addressed to "Joe Slain" was received by the police department. The invoice indicates that the amount due is for "annual maintenance for one year from contract acceptance." There is a handwritten notation on the invoice indicating that it is for the period 7/1/07 to 7/1/08.

Purchase order 147186 lists Nexgen as the vendor, describes the item purchased as "annual maintenance for one year 7/1/07 to 7/1/08" and states the total amount as \$15,000. The purchase order is signed by Chief Gallo and is dated 12/7/07. Although this expense was incurred and work was being performed many months before the meeting held on November 19, 2007, the purchase order, with the attached invoice, was not submitted to the Finance Department by the December 5, 2007 deadline.

At the Board of Finance meeting held on December 5, 2007, Chief Gallo explained the Police Department's need for Nexgen's maintenance and support services and requested a transfer to cover the expense. The Board granted Chief Gallo's request.

Based upon the investigation conducted into this matter, I have concluded that Chief Gallo failed to submit information concerning the Nexgen purchase to the Finance Department by December 5, 2007 as directed in the memo from you to all department heads dated November 19, 2007. Chief Gallo also executed a contract with Nexgen on behalf of the Town although he was not authorized to do so. When Chief Gallo was questioned about this issue, he could not identify any authority for having executed the contract. In addition to having executed the Nexgen contract without authority, Chief Gallo failed to follow proper budgetary procedures when he failed to submit a purchase order to the Finance Department before making the purchase from Nexgen. Again, however, I find that there is no evidence that Chief Gallo's actions were taken with illicit intent. This conclusion is based in part on my finding that, in the past, purchases have been made prior to submitting a purchase order to the Finance Department and those purchases have not been questioned and/or have been approved.

I am recommending discipline for Chief Gallo in connection with this issue because Chief Gallo executed a contract for services without any authority to do so. In addition, Chief Gallo committed a Charter violation when he authorized Nexgen to perform services before submitting the purchase order to the Finance Department for approval. Further, Chief Gallo failed to comply with your directive and submit the Nexgen invoice and purchase order to the Finance Department by December 5, 2007.

As I mentioned previously, I have not been asked to make a recommendation as to the specific level of discipline that I believe is warranted in these circumstances. Therefore, I will not make such a recommendation as it relates to the Nexgen purchase. I do, however, recommend that, in ascertaining the level of discipline appropriate for Chief Gallo, you consider the following: (1) Chief Gallo executed a contract on behalf of the Town without authority; (2) in the past, although proper procedures for making purchases have not been followed, those purchases have not been questioned and/or have been approved; (3) failure to follow directives can be a serious offense; and (4) there was no evidence that Chief Gallo had any illicit intent related to the purchase at issue.

Please contact me if you have any questions regarding the contents of this memorandum.

East Haven Police
Purchase Order Investigation
January 9, 2008

Interview with Virginia Williams

Chief mentioned a couple of times subject of her coming for interview
Chief initially thought they were being interviewed together; Chief said he wouldn't tell her what to say
This morning, 2 days after he knew she was coming for interview, Chief told her that she knows he has always been on the up and up, not worried about anything; she didn't respond
Chief appears to be very worried
Chief said when he got off the phone with DAR that this is all about Fair Auto
Chief has said, in general, about certain officers – 'will never make Lieutenant' (inferring won't promote him)
Mike Sorbo, Jay Falsiano, Cpt. LaBanca are his favorites
Cpt. orders cars
Chief will ask her to do p.o.; she usually completes p.o. after she gets an invoice; only Chief signs p.o.
Not involved in purchase of cars; Cpt and Chief did that
V did p.o. for purchase of cars
When cars involved, Cpt. involved, involves Henry Butler (who likes cars)
Cars arrive, officers take cars to Fleet; Henry might take one car
Cpt. must have called Fleet; Chief wouldn't have called
Cpt. will usually give her the invoice
Warnock did not send bill for cars; V asked Cpt why she didn't have bill; Cpt. called and got bill (84,000)
V doesn't know when cars were delivered; maybe early fall; Cpt would know
Chief doesn't really touch bills; bills come in the mail; V pays the bill, does p.o.s; Chief signs
(Fleet auto used to be Fair auto)
Fleet bills always broken out by vehicle; Cpt might have asked them to break them out
Doesn't know if town dealt with Fleet in prior administration (Cpt would know)
(Re: p.o. with 3 vehicles – car 21, car 32, car 16) she (Virginia) gets bill, prepares p.o.; most of Fleet auto bills come in the mail, sometimes outstanding bill faxed; she types out all info on p.o.; date on p.o. will be date that she prepared it;

(Re: why 2 p.o.s) There wasn't enough money in acct, so she did 2 p.o.s; she saw the entire bill; discovered not enough money in acct; told Chief not enough money; talked to Chief in person; told Chief enough money for 3 cars; Chief said 'take it out of 2 accounts'; have done transfers before; didn't do transfer this time; Ralph saw p.o.; was in meeting with Chief, Krebs, Ralph Mauro, Paul Rizza when they were moving money out of accts, Chief said I need more money for vehicles; Ralph said ok; after finance meeting, Chief told her 'this is b.s.; what do they think, Gallo bought himself a car. I made a mistake. I'm only doing this for the town so the guys can have the cars.'

It is true that the Chief ordered cars without the money being there; a lot of times things are ordered without the money being there; will tell Chief, need to request a transfer; Chief requests a transfer using standard memo
She asked Chief how he made out at Board of Finance; Chief said 'so I made a mistake. I didn't do it for myself, did it so cars could get on the road.'
Cars were already on the road when p.o. went in
Doesn't know when cars came back from Fleet (Cpt would know); doesn't know if anyone checks to see if things in the car that Fleet charged for

(Re: preparation of p.o.) V said we don't have enough money in acct for 4 cars only 3; Chief said do 2 p.o.s - 3 cars on 1 and 1 on the other; p.o. with 3 cars has fund acct number, p.o. with 1 car does not; did not put fund acct number on 2nd invoice because not enough \$ in the acct; Chief did not tell her not to put fund acct number on 2nd invoice; handwriting on p.o.s is not hers; when Chief told her to do 2 p.o.s, split accts she didn't question it because she didn't think there was anything wrong with that; now realizes it was wrong because it was done after the fact, already had the cars, money wasn't in the acct; transfer should have been made
She keeps a copy of everything; she scribbled out acct numbers on her blue copy of p.o.; Chief asked her why; she said because she thought Board was going to do a transfer
Did both p.o.s on the 29th
Didn't hear everything that was said in meeting with Ralph, Chief, Paul about requesting transfer
Chief told her that he spoke to Ralph and he (Ralph) was going to add the extra money for the cars

(Re: invoices from Fleet) Invoices came by mail to dept.; she keeps a copy and sends originals to Finance Dept at town hall
April took office 19th; invoices dated 20th; cars had been on the road a while
She never has conversations with Fleet auto; Cpt communicates with Fleet
Cpt very close with Fleet; doesn't ever remember Chief calling Fleet; Chief might direct Cpt to call Fleet
Knows that April held meeting on the first business day she was in office; Chief mentioned that he had to go to the meeting; saw memo that there was a freeze; Chief told her 'we're not to buy one thing. There's a freeze on everything.' Chief didn't say anything about existing bills; she typed up other p.o.s to encumber other funds; didn't do that with Fleet; bill came in from Fleet; that's why she did p.o.
Chief would know it's going to be a big bill; Chief saved money in 440 acct, wanted to buy car; used money to outfit cars; short \$2700; she didn't see any problem with taking money that they were short from 561 acct; knows what the problem is now
Usually does p.o.s on the same day as she gets the invoices
Always put the date of the invoice on the p.o.; neither Cpt nor Chief said that they called Fleet
Cpt didn't talk to her about p.o. after Board of Finance meeting
Cars were there 1 month or more before they got invoice
Chief didn't say anything to her about this issue after he told her that he made a mistake (right after Board of Finance meeting)

Her idea to take money out of 561 not the Chief's; she said 'we have plenty of money in 561, we could take it out of there'; Chief said 'fine'; Chief wouldn't have known there is money in that acct

Chief told her day 1 – you are never to sign a p.o.; prior to that she (V) would sign

She will do transfer; tell Chief what she is doing and why; Chief okays

Cpt talks to 1 person at Fleet

No one in dept talked to her about p.o. issue

East Haven Police
Charter Violation Investigation
January 17, 2008

Interview with Cpt. James LaBanca

Present with Cpt. LaBanca: Attorney Richard Goudis, AFSCME Council 15; Detective Tom Russell (union rep.).

(Re: Charter violation investigation)
DAR –complaint has to do with the outfitting of cars

Looks to see who is awarded state bid; finds out what going price is; submits info to Chief; gets p.o. before cars are purchased
He gives Virginia info; Virginia prepares p.o.; original goes to town hall
New cars were delivered to the dept unfinished probably in Nov.; salespeople send sheets saying you can expect delivery on certain date
New cars went directly to Fleet Auto
Lt . Butler went to check to see that cars had on them what they were supposed to have
Fleet auto submits bill for equipment
Cars purchased from Warnock; sometimes some equipment is ordered to come with cars; other equipment is purchased from Fleet
He and Butler determine what is purchased for cars from Fleet
Before Fleet starts work, Cpt asks for estimate of costs; estimate usually faxed; don't think we got a fax this time
Butler spent a lot of time there this time, talking about what they needed for the cars
Sometimes Fleet submits a bill; Virginia would have those
Sometimes Fleet will start work without a purchase order
This year, some cases where bills are submitted without purchase order
Once he gets estimate from Fleet, tells Virginia
Sometimes p.o.s were done and sometimes they were not; has happened for a couple of years
Under prior Chief, cars purchased from Miller Ford; sometimes work was done before p.o.
Sometimes he submits info on price to Virginia and sometimes directly to Chief

East Haven Police
Charter Violation Investigation
January 18, 2008

Interview with Inspector Gaetano ("Guy") Nappi

DAR – Asked to investigate 2 complaints; won't tell you specifically what the complaint is; first complaint involves cars and alleged charter violation

Held the rank of Inspector; treated as second in command under prior Chief Criscoulo
In bargaining unit

There was a deputy chief at some point; opted not to fund that position; Inspector asked if he wanted to be deputy chief but he wanted to stay as Inspector, stay in the union

For the last 2 years, has had no involvement in purchase of new vehicles; knows dept purchased new vehicles

Has been out injured since May 29th, going back to work on Tuesday; for a period of time went into work 2-3 hours week

To the best of his knowledge, cars delivered at the end of July beginning of Aug; went to Fleet then came back in November; doesn't know if equipment was checked; Computers are delivered to Fleet for installation; after cars delivered, computer people and Lt Joseph Slane work to get onboard computers online

He works with people that radios are purchased from, state contract; once radios come in, they are delivered to Fleet for installation

Can tell when 1st car appeared by number cars were given; desk people (Lt or Sgt on desk) would have records (dispatch sheets) that show who assigned to which cars; have those sheets going back 3 years; Lt is in charge of each shift; Lt usually on desk; Lts report to Cpt;

In purchasing radios, he would tell chief or Virginia the amount; makes sure money is in place, purchase order is in place; they would approve, prepare p.o.; he would deliver p.o. for purchase

Often left out of the loop; not a good rapport with the Chief

More involved in operation of dept under Criscoulo; used to have daily meetings

If Chief Criscoulo said buy radios, he would get price quote, tell Chief, submit quote, p.o. obtained

Nothing was ever ordered without a p.o. in place under Criscoulo, to his knowledge for anything he was involved in; never heard about deviation from this process under Criscoulo

Chief has not discussed p.o. issue with him; Chief doesn't really discuss anything of consequence with him, talks to Cpt

LaBanca has said that he reports directly to Chief not to him

East Haven Police
Charter Violation Investigation
January 25, 2008

Interview with Paul Rizza

Never saw another dept head or former police chief not encumbering funds before work was done, authorized
Other dept heads can't bind town contractually, only Mayor

East Haven Police
Charter Violation Investigation
January 25, 2008

Interview with Ralph Mauro

DAR-Asked you to be here per request to my office to investigate 2 complaints, Mayor referred to my office; 1 complaint involves alleged Charter violation as it relates to p.o.s and line item transfers

Did transitional work for Mayor's office; first day of work approx 11/19
At meeting held by Mayor 11/19/07, 9-10:00 am; Chief in attendance; have attendance sheets; Mayor said she wanted to have accounting with invoices so she would know of expenditures not accounted for in expenditure reports; asked dept heads to tell us (him, Mayor) of outstanding invoices or encumbrances that wouldn't be reflected in expenditure reports; wanted by 3:00 that afternoon; that made very clear; other dept heads brought invoices up by 3:00; police dept did not bring any invoices, information by 3:00 that afternoon;

(Re: memo 11/19/07) Distributed after the meeting; memo doesn't say anything about coming in at 3:00 that afternoon because, some dept heads said they didn't have invoices yet; they told dept heads should know what you spent; told dept heads want to see invoices or know about expenditures by 3:00 that afternoon
Wanted to get clear picture of finances for the town

(Re: when he first dealt with Chief re: outfitting of 4 cars by Fleet) after 11/19 meeting started reviewing p.o.s; if over \$4,000, looked to see if work went out to bid; did this for every dept; worked on preparing transfers to go before Board of Finance during the week of the 19th; met with Virginia and Chief to go over transfers; Virginia and/or Chief didn't say anything about needing transfer, cars; near week of 12/5 he and Paul Rizza saw p.o. with 2 different numbers; met with Chief and Virginia after 11/20, same week; he, Paul Rizza were in attendance at meeting with Chief and Virginia; p.o.s on cars came down from PD approx 11/29; talked with Paul about p.o.s; believes Paul talked with Chief about improper allocations on p.o.s, told Chief had to do a transfer

Worked as deputy director of finance for approx 20 yrs; worked for Paul, Carl Clini

Was at board of finance meeting re: transfer for cars; believes board of finance member asked Chief if there was an over-expenditure, would have to look at minutes
If state contract, don't have to go out to bid; if company only does one kind of work like put bars on top of cars on state bid, other work would have to go out to bid; everything has to be on state bid or put out to bid; if you take a state bid, state bid has to reflect exactly what you're doing; e.g. if putting up fence, state bid will specify height of fence, kind of fence; on car invoices, several items, all items have to be on state bid; bid has to be awarded by state for that year

When he previously worked in East Haven, had to compare state bid with what work he wanted

Believes there is a website showing state bids; dept head responsible for making sure that work is on state bid

Charter violation because work was done before funds available

During his time with East Haven, doesn't believe any dept heads signed contracts that bind that town; Mayor signatory on town contracts

Chief talked to him before this interview about subject of interview, 2 or 3 days ago;
Chief said he (Ralph) messed him up with transfer with police cars; Ralph told him way it was done wasn't proper in order to reflect budgeting; has notes of conversation; Ralph can get notes of conversation

East Haven Police
Charter Violation Investigation
January 28, 2008

Interview with Chief Leonard Gallo

[Discussion re: potential for conflict asserted by Attorney Kolb]

Attorney Kolb will discuss language used by chief, Nexgen, outfitting of police vehicles and purchase orders; anything else they choose not to discuss; DAR agreed that Attorney Kolb won't have to go through FOI to get interview notes after investigation is concluded

Attorney Kolb raised issues re: potential conflict, present and future; reserves right to raise these issues in the future

July 3, 1998 appointed Chief; prior to that worked in patrol dept for state; 27 years New Haven police officer; Commander highest rank achieved in New Haven; Commander is 3rd highest rank –Chief, Major, Commander; commanded a patrol division, 200-300 people; no deputy chief when he arrived in East Haven; when he arrived Nappi, LaBanca under him; Nappi in charge of staff and LaBanca in charge of operations; pretty much equal status

He signs purchase orders; Virginia prepares them for him; sometimes Inspector or Cpt or Lt Slane might check on certain equipment; for vehicles, doing business for Warnock who has been on State bid for at least 10 yrs; has a state bid number, bidding already done, can purchase from them for price that is the same across the state

If approved state bidder for Ford Crown Vic, can purchase for that price, don't have to go out to bid for that item

Paul Rizza was finance director when Chief started; Paul taught Chief how to do things with purchase orders; told Chief 3 ways you can do things – sole provider -only one company makes item needed, state contract, bid list; sole provider example –Nexgen; has discussed with Paul issue of Nexgen being a sole provider, doesn't remember if that conversation with Paul was before Nexgen contract was signed; (Chief shown copy of Nexgen contract) this contract was for fixing of car computers, central database, software updates; this was the first year he had contract with Nexgen; prior to that PD had someone who could work on car computers, retired; talked to Paul about bill for Nexgen; present budget to Paul then goes to Board of Finance; (Re: purchase order for Nexgen; Nexgen invoice –date 5/9/07, past due notation); doesn't know what 'past due' is about; this is just an estimate; thought they were doing something gratis; Nexgen wasn't doing something for them before 7/1; that isn't the original bill; original bill said \$7500 for part of the time \$7500 for another part, maybe 6 months; Lt. Slane works on the computer, needs more seasoning with computers; Lt is under the Cpt, 4th in rank; Chief, Inspector, Cpt, Lt; Inspector and Cpt are equal in performance of duties but not in rank; Cpt takes

care of operations; Inspector takes care of staff, Inspector has been ill, off injured for 8 months

Nexgen probably performed work under contract between July and December; doesn't know why bill wasn't submitted in June; purchase order is after transfer was done; probably better to do purchase order earlier if work was being done

(Re: Nexgen contract signed by Chief) Signed contract; thought he had power to bind the town; thought he had authority; doesn't sign union contract, mayor signs; can't remember if he signs other contracts; always signed anything for the dept unless noted that he couldn't; not sure if anyone said he could sign it; no one at Board of Finance told him he could sign the contract; thought maybe Mayor said he could sign it, doesn't really remember any conversation; thought it was a reasonable thing to do; doesn't remember signing other contracts; no one ever said he didn't have authority to sign

(Re: contract signed before July '07, why Nexgen purchase order delayed) In July didn't have money in account but it was approved in the budget; always told if money in account could go with it; doesn't think aside from Nexgen and car purchase other purchases where work done before purchase order; Nexgen wanted contract signed; bill came in looked like bill was for \$7500 but it was actually 2 installments for \$7500 each; had \$7500 in budget but not \$15000; needed the equipment; in the past was always allowed to request transfer to board of finance; doesn't remember why transfer not requested in July or Aug; bill came to him; has no idea why invoice is dated 5/9/07; doesn't have copy of the other invoice showing \$7500 in 2 installments; thinks that invoice was sent in May to let him know what bill was going to be; work was not being done at that time to the best of his knowledge; they were doing work between July and Dec on this contract; Paul might have copy of other invoice or maybe Virginia; thinks he told Paul that he needed the \$15000 transfer; doesn't remember telling Paul about Nexgen contract; not sure if he kept contract or sent it to Paul; he signed contract

Nexgen is the only provider for Nexgen equipment; have the best police software; didn't go out to bid because they were the sole provider for Nexgen equipment

Sal Naziado is the general manager, signed contract on behalf of Nexgen; thinks he signed contract in his office; thinks Nexgen sent him contract and he sent it back; thought he was doing the right thing

Floodquist (used to work on computers for PD) retired; Joe Slane took over; Slane not the same level as Floodquist;

Doesn't remember why he had to get transfer; may have overextended line item b/c of buying computers for squad cars

Chief wants to note – buying for the needs of the dept, public safety; has no other intentions

May have told Board of Finance that they needed Nexgen to do work on computers; thinks Nexgen charges less than they charge other towns; thinks Nexgen is on state bid list, not sure

(Re: meeting of dept heads 11/19) Was in attendance at meeting; other dept heads were in attendance and Ralph Mauro; doesn't remember Ralph or Mayor saying they wanted invoices by 3:00 that afternoon; did get memo; got everything together as soon as he could and rushed it in; met with Ralph, Virginia, Krebs on the 21st or 22nd; discussed finances of PD at that time; doesn't remember if he told Ralph about Nexgen invoice at that time; didn't take any notes; doesn't think Virginia took any notes; thinks he previously discussed with Paul or Ralph Nexgen work; at that meeting told Ralph that he had cars "being done"; got cars in October; cars sent to Fleet; there were outstanding bills on them

(Re: purchase orders for outfitting cars) Same things go into every car; Lt. Butler knows what has to go into car; he (Chief) gives green light, his responsibility; these are state bid prices, bid contract number on the top of p.o.; look on line at state website for state bid list; invoice is dated 11/20/07; Ralph asked to make sure he got bills in; Mayor asked that they come in by Dec 5th; Virginia or Cpt may have called Fleet to get the invoices; invoices get mailed to Virginia; thinks he signed the purchase orders on the 29th; doesn't know when Virginia got invoices; told Ralph at meeting on 21st or 22nd that he had cars being worked on; told Virginia or Cpt to get invoices for cars to get to Ralph/Mayor; two accts 440 or 561; 440 for new cars; if they run short for new cars in 440 have used 561 many times over the years; *can provide copies of other p.o.s where they used 561 for new cars in the past; computed price of cars, realized he was going to be short money in 440, went to 561; Virginia said there was money in 561 so he said that's great, use that; put p.o.s together, Virginia found money in 561; used that acct several times in the past; last year transferred money into 561 to outfit the car; last year bought 2 or 3 cars, transferred money from different accounts and put into 561 then outfitted new cars; 561 acct has been used in the past for work done by Fleet to outfit newly-purchased vehicles; thinks he has some transfer slips that show that;

Brought p.o.'s to Ralph; next day Ralph said \$2700 has to be transferred into 440 acct; felt Ralph knew what he was talking about; said okay; Ralph said 'you need the cars'; doesn't remember having conflicts with Ralph prior to this; Ralph always in a rush; never signed transfer request; Ralph did it;

(Chief shows DAR transfer request, minutes of finance meeting) He never asked for any transfer (other transfers besides transfer for cars); Ralph did it; went to Board of Finance meeting; DePalma asked if work had already been done; he said 'yes'; not going to lie to Board of Finance or anyone else; just did what he was told; doesn't sign anything unless he knows exactly what he's signing; Ralph was at board of finance meeting; Paul was also there, at table; Mayor was there; later being told he might be charged with charter violation; Chief notes – charter violation is something done with malice aforethought

Doesn't remember after Board of Finance meeting if he talked to Paul; said at meeting that these were the recommended transfers by the transition team, repeated that at the town council meeting; doesn't know why it's not in the Board of Finance meeting minutes; minutes changed from time they were first typed; when he went to get meeting minutes, there was a letter from Roberta re: corrections; doesn't know if minutes changed; first page of minutes discusses Nexgen; Nexgen is both a sole provider and on the state bid list for the work they are doing for the PD; basically, Nexgen is on call to fix things for PD; knows he said 'these are the transfers recommended by transition team' and that is not in the minutes; thinks he said it sometime after DePalma asked question; all of those monies transferred and he never requested the transfer

Doesn't know if he told Paul 'I made a mistake'

(Re: Nexgen issue discussed at 12/5 board of finance meeting; p.o. dated after that meeting) That's because they didn't pay Nexgen until transfer went through; in the past sometimes waited until transfer went through to do p.o.; most of the time had the money in there; didn't spend money until transfer approved; probably talked to Paul, knew he needed the money

Wants to know why Ralph wanted money to be transferred when in the past money has been used from parts

Cars weren't all done at the time he talked to Ralph about p.o.; Ralph only had to tell him not to do that and he (Chief) could have stopped work on the cars and got the transfer; figured Ralph knew what he was doing; Ralph could have told him to stop work on the cars

First 2 cars got on the street about 11/29; the second 2 on the street 12/8; by that time transfer already done; didn't realize there was going to be an issue like this

Doesn't remember talking to Paul or Ralph about having to change something he thought was correct; felt set up by Ralph; doesn't know if Ralph knows DePalma; why didn't Ralph speak up at Board of Finance meeting; thought split up of accts was okay; when he has split up accts before, Paul has processed; has 2 examples of instances when 561 acct used for outfitting new cars;

(Re: whether Cpt reported to Chief Criscoulo) Jimmy (Criscoulo) straightened that out a long time ago; (Chief gives DAR copy of standing orders);

(Chief gives DAR example of where 561 acct used for transfer)

Has 6 weeks of vacation per year; Mayor Maturo told him 6 weeks; increased from 4-5-6 weeks; Virginia keeps track of his time – vacation personal and sick; reports vacation, personal time directly to the Mayor (Maturo and Almon); Mayor Maturo told him time carries over because he's management; (Atty Kolb notes that practice of roll over goes

way back for dept heads); once per year total amt of time gets reported to Sharon; has about 55 vacation days

Doesn't know if he ever used the words 'whore', 'f-ing whore' in the PD bldg in the last 2 years; probably wouldn't say that in front of women; doesn't know if he used the word 'douchebag'; doesn't remember using those words in reference to the current Mayor; doesn't remember saying anything of that kind, if he did probably would have remembered it; doesn't usually talk like that; doesn't believe he did; no one ever told him he used those words and they were offended by it; 'we are talking about freedom of speech here, right?'

East Haven Police
Charter Violation Investigation
January 30, 2008

Interview with Troy Raccuia

DAR – Asked by the Mayor to conduct 2 investigations; one deals with purchase orders

(Re: Nexgen product) PD was test dept, Alpha, installed and maintained for free back when Criscoulo was Chief; Floodquist was in charge of records, worked on computers, worked part-time for Nexgen at one time; his opinion that Nexgen would have to service product, no one else could do it

East Haven Police
Charter Violation Investigation
January 30, 2008

Interview with Lt. Henry Butler

DAR: Mayor has asked him to conduct a couple of investigations; you seem to be relevant in one

Police officer in East Haven; 21 yrs.; approx 1 yr as Lt; before that Sgt 5 yrs; prior to that canine handler for 17 yrs; never held office in the union

Town purchased 4 cars in fall 2007; Chief told him to go down to look at new products at Fleet Auto; Bill at Fleet Auto shows him new equipment; knows a lot about equipment in the cars; Bill makes recommendation to him on what they put in; Bill puts everything they talked about on paper as a proposal and sends to chief; some things Chief agrees with and some things he wouldn't and would take stuff off list; he (Lt) does not get copy of proposal that goes to Chief; believes he went there in June and got cars in October; have had same basic equipment in the cars from year to year; prices change every year

Saw Bill from Fleet auto come in with a stack of stuff, brought to the Cpt

Cpt might ask him to pick up a car

He drove cars from Fleet to PD; Cpt told him they were ready; keep log sheet to know where cars are; cars delivered to Fleet 10/12; car #32 and #16 first on log sheet 11/28/07; car #31 and car #21 on log sheet 12/8/07

He doesn't check that all equipment is in cars; doesn't know if anyone does; he just checks to make sure equipment in cars work – lights, etc; if anything not working, reports that to Cpt; never noticed that anything was missing; after Chief gets proposal he deals with Fleet, doesn't talk to Lt again about it; they (Chief and Fleet) go back and forth on proposals; reason for gap in time between all cars on the road, recall, something wrong with blower heat control; Fleet sent them to have that problem fixed;

2 Lts share tiny office two doors down from Cpt; just put coat in office then spend time in main control room; works 4pm-12

Before he became Lt (4-12 shift) he did more with the cars
Promoted to Lt Oct or Nov 06

He drove 2 cars to PD on 12/8

Cpt told him to go check to make sure cars delivered to Fleet; 4 Cars directly delivered to Fleet on 10/12/07

r,
h
Cpt asked him a couple of weeks ago if he remembered when they first got the cars so he looked on log sheets

EXHIBIT 29



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

To: Leonard L. Gallo, Chief of Police

Cc: April Capone Almon, Mayor
Ralph Mauro, Assistant Director of Administration & Management
Thomas Russell, President Police Union – Local 1662

From: Paul J. Hongo, Jr., Director of Administration & Management

Date: May 29, 2008

RE: Administrative Overtime (Captain LaBanca)

The purpose of this memo is to request the immediate *cease and desist* of administrative overtime (five (5) hours per week) for Captain James LaBanca. This request is being made as a result of a formal investigation.

I realize there is some history regarding this matter; however, there is no formal document of record that clearly defines the terms and conditions associated with Captain LaBanca's administrative overtime; therefore, the additional five (5) hours shall not be granted.

In the coming weeks, a formal meeting will be scheduled to discuss the results of the investigation, as well as determine whether or not there is a need for administrative overtime.

If you have any questions regarding this matter, please do not hesitate to call me.

Thank you.

EXHIBIT 30



To: Thomas Russell, President East Haven Police Union – Local 1662
Richard Gudis, Staff Attorney – AFSCME Council 15
Leonard L Gallo, Chief of Police

Cc: April Capone Almon, Mayor
David A. Ryan, Jr., Town Attorney

From: Paul J. Hongo, Jr., Director of Administration & Management

Date: June 10, 2008

RE: Performing Additional Operational Functions

Although it has been a standard practice for more than five (5) years, there is no documentation to support the verbal agreement between the Town of East Haven and the Police Union – Local 1662 for the extra pay afforded to the Police Captain position.

That being said, I have drafted the following language I believe articulates the spirit and intent of what was verbally agreed upon; and if accepted by both parties, shall be incorporated into the 2005-2010 Labor Agreement. Please let me know your thoughts.

Thank you.

Performing Additional Operational Functions

In addition to performing his/her normal duties and responsibilities, the Police Captain shall also be responsible for performing additional operational functions such as being available to address the police officers at either the beginning or end of their respective shift, to coordinate operational activities with other police departments and agencies, including the State Police, and to receive calls at anytime during the day or evening, as well as on weekends, holidays, and in extreme circumstances, while on vacation.

In return for performing the additional operational functions, the Police Captain shall receive special compensation of twenty-five dollars (\$25.00) per day, which equates to one hundred seventy-five dollars (\$175.00) per week.

East Haven Police Union • Local 1662

P.O. Box 120033
East Haven CT 06512
(203) 468-3820

Shift Commanders and Department Heads :

The Union requests that all supervisors and shift commanders who contact the Captain or Inspector via phone on their day off or off duty hours submit an overtime slip (5 hours) for each call. Please indicate time, date, case number or reason for call (ie: problem with building, public works etc.) on the overtime slip. All supervisors are requested to submit these slips until further notice.

Thank you,

Thomas Russell
President Local 1662

East Haven Police Union • Local 1662

P.O. Box 120033
East Haven CT 06512
(203) 468-3820

Paul Hongo,

Approximately 4 years ago Local 1662 and Chief Gallo entered into an agreement regarding Captian LaBanca's added duties and responsibilities. These duties were first implemented by Chief Criscuolo and included but not limited to overseeing the Detective Bureau as well as patrol.

This agreement stated that Captain LaBanca was afforded the opportunity to work additional overtime each week to be paid according the current CBA. This over time was not to exceed 5 hours a week or an average of 1 hour a day. The understanding was that Captain LaBanca would apply this overtime as needed.

This overtime would also encompass the numerous calls from shift commanders during his off duty time. The Union has documented phone calls to the Captain while he was on vacation, death days and sick days. The town expressed concerns regarding this overtime in January 2008 and had not issued a cease and desist until May 28, 2008.

As you are aware the Union has made every attempt to resolve the town's concerns over the last 7 months.

At this time the Union demands that the Town negotiate any and all impact associated with the pending cease and desist.

Thank you,

Thomas Russell, *President Local 1662*

CC Chief Gallo

Captain LaBanca



EAST HAVEN

ADMINISTRATION & MANAGEMENT

PAUL J. HONGO, JR.

Director

**MEMORANDUM OF AGREEMENT
BETWEEN
THE TOWN OF EAST HAVEN
AND
AFSCME COUNCIL #15, LOCAL 1662**

THIS MEMORANDUM OF AGREEMENT is between the Town of East Haven, hereinafter referred to as “the Town”, and AFSCME, Council #15, Local 1662 hereinafter referred to as “Union”.

For the purpose of working overtime directly related to a state or federally funded grant, the Town and Union agree Article XI – Overtime and Article XII – Extra Police Duty of the 2005-10 Labor Agreement shall not apply.

Instead, the parties agree the terms and conditions of the state or federally funded grant shall determine the method of payment for working said overtime.

The Town and Union concur this Agreement is being made without prejudice or precedent for future claims.

For the Town

Date

For the Union

Date

EXHIBIT 31



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.

Director

To: Leonard L. Gallo, Chief of Police
James LaBanca, Captain
Guy Nappi, Inspector
Virginia Williams, Confidential Secretary – Police Department
Thomas Russell, President Police Union – Local 1662

Cc: April Capone Almon, Mayor
Sharon Costello, Staff Accountant

From: Paul J. Hongo, Jr., Director of Administration & Management

Date: July 28, 2008

RE: Clarification – Performing Additional Operational Functions Agreement

The purpose of this memo is to clarify the intent of the *Performing Additional Operational Functions Agreement*, dated June 1, 2008.

The twenty-five dollar (\$25) stipend was negotiated (when assigned by the Chief of Police) to compensate the Police Captain, or the Inspector, or other designee for being available to receive work-related calls at anytime during the day or evening, as well as on weekends, holidays, and in extreme circumstances, while on vacation. In return, Police Union – Local 1662 agreed to forgo the five (5) hour minimum overtime provision outlined in Article XI – Overtime, Section 3 of the 2005-10 Labor Agreement for this purpose only.

Aside from this issue, Captain LaBanca has been assigned by Chief Gallo to work an additional hour each day (from 7am to 8am) for which he shall be paid in accordance with Article XI – Overtime, Section 2 of the 2005-10 Labor Agreement.

In closing, I want to reiterate these are two (2) separate issues, one having nothing to do with the other. Please do not hesitate to call me if you have any questions or concerns regarding this matter.

Thank you.



EAST HAVEN

ADMINISTRATION & MANAGEMENT

PAUL J. HONGO, JR.

Director

MEMORANDUM OF AGREEMENT
BETWEEN
THE TOWN OF EAST HAVEN
AND
AFSCME COUNCIL #15, LOCAL 1662

THIS MEMORANDUM OF AGREEMENT is between the Town of East Haven, hereinafter referred to as "the Town"; and AFSCME, Council #15, Local 1662 hereinafter referred to as "Union".

The Town and Union agree to incorporate the following language into the 2005-10 Labor Agreement. In doing so, the parties agree it satisfies the spirit and intent of what was verbally agreed upon, and has been the standard practice for more than five (5) years.

Performing Additional Operational Functions

When assigned by the Chief of Police –

In addition to performing his/her normal duties and responsibilities, the Police Captain, or the Inspector, or other designee shall also be responsible for performing additional operational functions such as being available to coordinate operational activities with other police departments and agencies, including the State Police, and to receive calls at anytime during the day or evening, as well as on weekends, holidays, and in extreme circumstances, while on vacation.

In return for performing the additional operational functions, the Police Captain, or the Inspector, or other designee shall receive special compensation of twenty-five dollars (\$25.00) per day.

The Town and Union concur this Agreement is being made without prejudice or precedent for future claims.

For the Town

6/1/08

Date

For the Union

6-1-08
Date



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

To: Leonard L. Gallo, Chief of Police
James LaBanca, Captain
Guy Nappi, Inspector

Cc: April Capone Almon, Mayor
David A. Ryan, Jr., Town Attorney
Virginia Williams, Confidential Secretary – Police Department
Sharon Costello, Staff Accountant
Thomas Russell, President Police Union – Local 1662

From: Paul J. Hongo, Jr., Director of Administration & Management

Date: June 1, 2008

RE: Agreement – Performing Additional Operational Functions

The purpose of this memo is to inform you of the Town's decision to pay the Police Captain, or the Inspector, or other designee assigned by the Chief of Police a stipend of twenty-five dollars (\$25.00) per day for performing additional operational functions. See attached Memorandum of Agreement.

The effective date of the twenty-five dollar (\$25.00) stipend shall be Sunday June 1, 2008.

Please do not hesitate to call me if you have any questions regarding this matter.

Thank you.



EAST HAVEN

ADMINISTRATION & MANAGEMENT

PAUL J. HONGO, JR.

Director

To: Leonard L. Gallo, Chief of Police
James LaBanca, Captain
Guy Nappi, Inspector
Virginia Williams, Confidential Secretary – Police Department
Thomas Russell, President Police Union – Local 1662

Cc: April Capone Almon, Mayor

From: Paul J. Hongo, Jr., Director of Administration & Management

Date: July 28, 2008

RE: Call-Out Notification Form

In an effort to facilitate the processing of the twenty-five dollar (\$25) stipend, I have created a triplicate-copy *Call-Out Notification Form* (see attached) that should be completed for each day the Police Captain, or the Inspector, or other designee is assigned to:

perform additional operational functions such as being available to coordinate operational activities with other police departments and agencies, including the State Police, and to receive calls at anytime during the day or evening, as well as on weekends, holidays, and in extreme circumstances, while on vacation.

As you can see, one copy goes to payroll (Virginia Williams), another copy goes to the Department (Chief Gallo) and the third copy is forwarded to the Mayor's Office.

Additionally, I am requesting the twenty-five dollar (\$25) stipend be paid one (1) pay period in arrears. As an example, the August 1, 2008 paycheck shall include a twenty-five dollar (\$25) stipend for every eligible day between Sunday July 13th and Saturday July 26th.

(The upcoming Friday July 18, 2008 paycheck shall include a twenty-five dollar (\$25) stipend for every eligible day between Sunday June 1st and Saturday July 12th.)

In closing, please do not hesitate to call me if you have any questions or concerns regarding this matter.

Thank you.

EXHIBIT 32



EAST HAVEN

FINANCE DEPARTMENT

Memorandum

Date: November 19, 2009

To: Leonard Gallo, Police Chief

From: Thomas Thompson, Director of Finance 

Subject: Over Time

I want you to know your transfer was **TABLED** last night at the Board of Finance meeting. The Board of Finance had questions for you concerning the overtime.

As of November 19, 2009 pay date your overtime account (# 01-332-0190) has a balance of \$ 35,163.00.

Please understand I will not process any payments for accounts that are over spent, doing so would be a Charter Violation. Therefore, please let me know how you want to proceed?

Please let me know in advance when we can meet.

CC: April Capone Almon, Mayor
Paul Hongo, Director, Deputy Community Affairs
Ralph Maurc, Assistant Director, Deputy Community Affairs

TT/cmc



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



**Honorable Board of
Police Commissioners**

November 23, 2009

Mr. Thomas Thompson
Director of Finance
250 Main Street
East Haven, CT 06512

Dear Mr. Thompson:

In March of 2009 at the final meeting of the Honorable Town Council I advised them that the department needed to train over 2/3rd of the department personnel to accomplish State Mandated Certification. At the request of the Town Administration, Mr. Mauro, training was withheld for that year. Additionally Firearms Training was withheld for the last fiscal year. At this juncture 11 officers must receive State Mandated Training. Every Police Officer, all 50 presently active, must receive Firearms Training with the new weapons purchased by the town. 10 officers must be recertified State Mandated Collect Training. Almost all training bears an overtime cost to the department. All of this information has been given to the Honorable Board of Finance, Honorable Town Council, the City Administration and the Honorable Board of Police Commissioners.

My request for overtime in the 01 332 0190 account was for \$650,000. The Town Administration gave me \$300,000. In short, I will not make this fiscal year without several needed transfers to maintain minimum safety manpower for policing our streets.

I am requesting an emergency meeting with the Honorable Board of Finance as soon as possible. Without these transfers, and I am referring to your letter of November 19, 2009 whereas the department would have a Charter Violation. If there is a potential for a Charter Violation there must be action on your part immediately. My initial request for transfer was tabled at the November 18th meeting, subsequent to a meeting with yourself, Mr. Hongó, Mr. Krebs, Mr. Mauro, Virginia Williams and myself. At that meeting I was advised that the persons in that room would answer any and all questions to the Honorable Board of Finance, as I could not attend.



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon

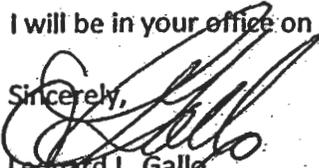


**Honorable Board of
Police Commissioners**

I will not be held responsible for any potential Charter Violation for which I have made proper and efficient notification in a timely manner to the City Administration about the present department financial situation.

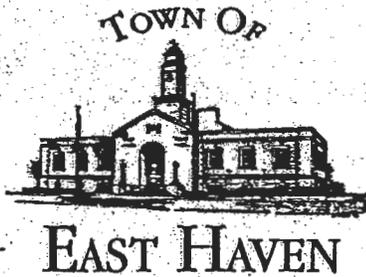
I will be in your office on November 24, 2009 at 9:00 a.m. to discuss this matter further.

Sincerely,


Leonard L. Gallo
Chief of Police

c.c. Mayor April Capone Almon
Mr. Paul Hongo
Mr. Ralph Mauro

EXHIBIT 33



ADMINISTRATION & MANAGEMENT

PAUL J. HONGO, JR.
Director

To: Leonard Gallo, Chief of Police
Frank Montagna, President – Police Union Local 1662

Cc: April Capone Almon, Mayor
Ralph Mauro, Assistant Deputy Director of Town Affairs
Tom Thompson, Director of Finance
Patricia Cofrancesco, Town Attorney
David Ryan, Labor Attorney
The Honorable Board of Police Commissioners

From: Paul J. Hongo, Jr., Deputy Director of Town Affairs

Date: January 11, 2010

RE: Allegations of Unnecessary Overtime

Several disturbing allegations have recently been brought to my attention regarding the day-to-day operations of the East Haven Police Department, and what makes them most disturbing is that they may be the cause of unnecessary overtime.

Although Article XI – Overtime, Section 6 of the 2005-2012 Labor Agreement states, *Whenever an officer is unable to report for his/her regularly scheduled tour of duty due to either sickness or injury, then that officer will not be eligible for an overtime assignment until twenty-four (24) hours from the end of the shift avoided*, I have been told officers are calling out sick and subsequently being called in to work overtime within the twenty-four (24) hour period.

Similarly, although Article XII – Extra Police Duty, Section 7 states, *Whenever an officer is unable to report for his/her regularly scheduled tour of duty due to either sickness or injury, then that officer will not be eligible for an Extra Duty assignment until twenty-four (24) hours from the end of the shift avoided*, I have been told officers are calling out sick and subsequently working an Extra Duty assignment within the twenty-four (24) hour period.

In an effort to prove or disprove this is occurring, I am requesting a list of sick leave taken by every member of the Department dating back to July 1, 2009, followed by the dates, times and nature of their subsequent work assignments. For the record, Article VI – Sick Leave, Section 7 states, *Sick Leave Records. A list showing the sick leave taken*

and accumulated of all members of the Department shall be posted and said list shall be updated every two (2) months by the Department; therefore, my request should not be as difficult as it may appear since the data already exists.

I have also been told that some officers are intentionally making motor vehicle arrests at the end of their respective shifts for the sole purpose of securing overtime to complete the arrest process. Once again, in an effort to prove or disprove this is occurring, I am requesting a list of motor vehicle arrests dating back to July 1, 2009 that resulted in an officer working overtime. In doing so, please include the name of the supervisor responsible for authorizing the overtime.

Although I thought we had addressed this next item and had put it to rest, I am being told some officers are still leaving their shift early to perform Extra Duty assignments. This practice, if it is occurring, is completely unacceptable; particularly if it is creating overtime for another officer to come in early and cover the last hour or two of the vacated shift. In an effort to prove or disprove this is occurring, I am requesting copies of the work schedules and Extra Duty assignment time slips dating back to July 1, 2009.

While this next item may not be related to overtime, it is certainly a lost opportunity for additional revenue for the Department if it is true. I have been told the Department is not billing residents in accordance with Article III – Alarm Systems, Sections 12-41 through 12-44 of the Code of Ordinances for the Town of East Haven (see attached). According to the ordinance, a maximum of five (5) false alarms per person, firm or corporation shall be allowed per calendar year. In an effort to prove or disprove this is occurring, I am requesting a list of reported false alarms dating back to January 1, 2009.

In closing, I would appreciate your prompt and immediate attention to this extremely important matter. Please call me as soon as the information I requested is available.

Thank you.



ADMINISTRATION & MANAGEMENT

PAUL J. HONGO, JR.
Director

January 25, 2010

Leonard Gallo
Chief of Police
471 North High Street
East Haven, CT 06512

RE: January 11, 2010 Memo

Dear Chief Gallo:

On January 11, 2010 the Mayor delegated her authority to me to send a memo to you after I received several disturbing allegations regarding the day-to-day operations of the East Haven Police Department. To date, I have not received a reply. Please advise me as to why you have not responded to my memo.

Enclosed is a copy of my original memo. Please provide me answers to each one of the items I questioned within five (5) business days (no later than 4 pm on Monday February 1, 2010).

Additionally, the Town is moving forward with the Anti-Blight Ordinance that was recently approved by the Town Council. To that end, *Notice of Violation* ticket books have been disseminated to all the Blight Enforcement Officers, as well as to the East Haven Police Department for distribution. Please make certain every sworn Member of the East Haven Police Department has received their individually labeled ticket books, and advise me accordingly.

I await your reply.

Sincerely,

Paul J. Hongo, Jr.
Deputy Director of Town Affairs

Cc: April Capone Almon, Mayor
Ralph Mauro, Assistant Deputy Director of Town Affairs
Tom Thompson, Director of Finance
Patricia Cofrancesco, Town Attorney
David Ryan, Labor Attorney
The Honorable Board of Police Commissioners



EAST HAVEN

ADMINISTRATION & MANAGEMENT

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Director

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471 North High Street
East Haven, CT 06512

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Sincerely,

Paul J. Hongo, Jr.
Deputy Director of Town Affairs

Cc: April Capone Almon, Mayor
Ralph Mauro, Assistant Deputy Director of Town Affairs
Tom Thompson, Director of Finance
Patricia Cofrancesco, Town Attorney
David Ryan, Labor Attorney
The Honorable Board of Police Commissioners

(b) In the event that any such vehicles are removed from any premises in accordance with subsection (a) of this section, the town shall dispose of said vehicles and its contents in accordance with any applicable laws at the time of said removal.

(c) In addition to the penalties set forth in section 12-25, a property owner who fails to comply with the provisions of this article shall be responsible for all costs and expenses incurred in the removal of said vehicle and all costs and expenses incurred in the enforcement of this article or the collection of any fine, including reasonable attorney's fees. (Ord. No. 416, § 10, 8-2-88)

Sec. 12-25. Penalties.

(a) The owner of property upon which any vehicle found to be in violation of section 12-18 of this article is located, where said vehicle has not been removed within thirty (30) days of receipt of notice of violation, shall be subject to a fifty dollar (\$50.00) per day fine, payable to the treasurer of the municipality, and shall be responsible for any costs associated with removal, including expenses on account of notification pursuant to this article regarding any such vehicle. The town shall have a lien upon the property of any person for the total amount of fines, charges and expenses on account of notification regarding and/or removal of any abandoned, inoperable, or unregistered vehicles from such property where fines, charges and expenses remain unpaid for more than thirty (30) days after notice thereof. Said fines, charges and expenses may be collected in the manner provided by law for the collection of delinquent taxes.

(b) Any person who interferes with the enforcement officer or any other duly authorized agent of the town when engaged in the performance of their duties pursuant to the provisions of this article may be subject to arrest and prosecution as provided by law. (Ord. No. 416, § 11, 8-2-88)

Secs. 12-26—12-40. Reserved.

ARTICLE III. ALARM SYSTEMS*

Sec. 12-41. Intent and purpose.

It is the intent and purpose of this article to provide minimum standards and regulations applicable to users and installers of burglar, fire, hold-up and automatic telephone dialer alarms within the town; to provide penalties for noncompliance; and to encourage the installation of protective alarm systems in all dwellings and commercial structures. (Ord. No. 423, § 1, 9-6-88)

*Editor's note—Ordinance No. 423, enacted Sept. 6, 1988, was nonamendatory of the Code; hence, inclusion of §§ 1—4 thereof as Art. III, §§ 12-41—12-44, was at the discretion of the editor.

Sec. 12-42. Definitions.

As used in this article:

Alarm system means an assembly of equipment and devices (or a single device, such as a solid state unit, which may operate from a 110-volt AC line) arranged to signal the presence of a hazard requiring urgent attention and to which police or fire department personnel are expected to respond. This includes all burglar alarms, fire alarms, hold-up alarms and automatic telephone dialer alarms, except this does not include smoke detectors which do not signal outside an alarmed premises or alarm systems on motor vehicles.

Alarm user means any person, firm or corporation on whose premises any alarm system is maintained within the town.

Automatic telephone dialing device refers to an alarm system which automatically sends, over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

False alarm means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employees or agents. Such terminology does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes or other normally infrequent violent conditions or acts of God. Excluded from this section are false alarms which are transmitted with a criminal, malicious or mischievous intent. Such violations will be prosecuted under the applicable General Statutes of the State of Connecticut.

In the event of any dispute as to the interpretation or applicability of any provision of this article, or as to the amount of any fee or fine payable hereunder, the determination of the chief of police shall be final. (Ord. No. 423, § 2, 9-6-88; Ord. No. 558, § 2, 10-5-93)

Cross reference—Rules of construction and definitions generally, § 1-3.

Sec. 12-43. Requirements.

(a) Any person, firm or corporation installing an alarm system within the town shall register with the police department at least ten (10) days prior to the anticipated installation. All existing alarm systems shall be registered with the police department. A registration fee of ten dollars (\$10.00) per system, payable to the town, shall be payable at the police department at the time of registration. If a system is not registered within the time set forth in this section, then a late fee of ten dollars (\$10.00) shall be payable in addition to the registration fee.

(b) No alarm system shall be installed by other than a licensed person or other person meeting the requirements set forth in the building and electrical codes of the State of Connecticut. No alarm system shall be installed unless an electrical permit to install an alarm system has been obtained from the town building official, or his designated representative, as is required by the building and electrical codes of the state.

(c) Alarm users having existing automatic telephone dialing devices shall comply with G.S. § 7-282b.

(d) Automatic telephone dialing devices in existence as of, or prior to, the effective date of Ordinance No. 423, enacted September 6, 1988, shall be programmed to special telephone numbers, which are to be designated by the chief of police. An automatic telephone dialing device shall not be programmed to dial 911.

(e) No person, firm or corporation shall hereafter install an automatic telephone dialing device within the town of terminating at the police department.

(f) All alarm systems, as defined in this article, which sound an audible signal which may be heard outside of the protected premises, shall be equipped with a device which shall limit the duration of such audible signal to not more than thirty (30) minutes in accordance with section 22a-69-5.1 of the Administrative Regulations of the Department of Environmental Protection of the State of Connecticut.

(g) A maximum of five (5) false alarms per calendar year shall be allowed from any alarm system of any person, firm or corporation. Upon the occurrence of a sixth false alarm and for each false alarm thereafter during a calendar year, such person, firm or corporation shall pay to the town a user fee of twenty-five dollars (\$25.00). No user fee shall be payable with respect to any alarm originating from a building owned or occupied by the town or any of its agencies. (Ord. No. 423, § 3, 9-6-88; Ord. No. 558, §§ 3, 4, 10-5-93)

Sec. 12-44. Violations and penalties.

Any person, firm or corporation found to be in violation of subsection 12-43(e) of this article shall be fined twenty-five dollars (\$25.00).

Any person, firm or corporation who shall fail to pay a user fee, which has been assessed as provided in subsection 12-43(g) of this article, within thirty (30) days shall be fined fifty dollars (\$50.00). Each delinquent user fee shall be a separate offense.

Any person, firm or corporation found to be in violation of any other provision of this article shall be fined fifty dollars (\$50.00). (Ord. No. 423, § 4, 9-6-88; Ord. No. 558, § 5, 10-5-93)

Secs. 12-45–12-50. Reserved.

ARTICLE IV. NOISE*

Sec. 12-51. Statement of purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or

*Editor's note—Ord. No. 551, adopted July 6, 1993, did not specifically amend this Code; hence, inclusion of §§ 1–6 as Ch. 12, Art. IV, §§ 12-51–12-56, was at the discretion of the editor.



ADMINISTRATION & MANAGEMENT

PAUL J. HONGO, JR.
Director

January 25, 2010

Leonard Gallo
Chief of Police
471 North High Street
East Haven, CT 06512

RE: January 11, 2010 Memo

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Cc: April Capone Almon, Mayor
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To: Leonard Gallo, Chief of Police
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Date: January 11, 2010

RE: Allegations of Unnecessary Overtime

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In closing, I would appreciate your prompt and immediate attention to this extremely important matter. Please call me as soon as the information I requested is available.

Thank you.

(b) In the event that any such vehicles are removed from any premises in accordance with subsection (a) of this section, the town shall dispose of said vehicles and its contents in accordance with any applicable laws at the time of said removal.

(c) In addition to the penalties set forth in section 12-25, a property owner who fails to comply with the provisions of this article shall be responsible for all costs and expenses incurred in the removal of said vehicle and all costs and expenses incurred in the enforcement of this article or the collection of any fine, including reasonable attorney's fees. (Ord. No. 416, § 10, 8-2-88)

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In the event of any dispute as to the interpretation or applicability of any provision of this article, or as to the amount of any fee or fine payable hereunder, the determination of the chief of police shall be final. (Ord. No. 423, § 2, 9-6-88; Ord. No. 558, § 2, 10-5-93)

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(b) No alarm system shall be installed by other than a licensed person or other person meeting the requirements set forth in the building and electrical codes of the State of Connecticut. No alarm system shall be installed unless an electrical permit to install an alarm system has been obtained from the town building official, or his designated representative, as is required by the building and electrical codes of the state.

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(d) Automatic telephone dialing devices in existence as of, or prior to, the effective date of Ordinance No. 423, enacted September 6, 1988, shall be programmed to special telephone numbers, which are to be designated by the chief of police. An automatic telephone dialing device shall not be programmed to dial 911.

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Any person, firm or corporation who shall fail to pay a user fee, which has been assessed as provided in subsection 12-43(g) of this article, within thirty (30) days shall be fined fifty dollars (\$50.00). Each delinquent user fee shall be a separate offense.

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***Editor's note**—Ord. No. 551, adopted July 6, 1993, did not specifically amend this Code; hence, inclusion of §§ 1–6 as Ch. 12, Art. IV, §§ 12-51–12-56, was at the discretion of the editor.

EXHIBIT 34

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: **MR. THOMAS THOMPSON**
FINANCE DIRECTOR

DATE: **1/13/2010**

FROM: **CHIEF LEONARD L. GALLO**

RE: **MEMORANDUM JANUARY 13, 2010/SHIFT OVERTIME**

Dear Mr. Thompson;

Thank you very much for going to great lengths to produce your recent analysis of police shift overtime. However, I am in absolute disagreement and understand that you may be at a disadvantage concerning department resources and deployment of personnel.

For the record, overtime is not distributed for any other purpose other than for emergency, mandatory reports, mandatory shift and dispatching fulfillment in accordance with Contractual and Public Safety requirements.

I know you are going on vacation and will return on the 22nd. and when you do please contact me so we can discuss this further.

Thank you for your attention on this matter.

EXHIBIT 35

CONFIDENTIAL

CONFIDENTIAL

RYAN & RYAN, LLC
900 Chapel Street, Suite 621
New Haven, Connecticut 06510

FAX

Complaint #2

Date: January 16, 2008

Number of pages including cover sheet: 5

To: Chief Gallo

From: David A. Ryan, Jr.

Fax: 468-3829

Phone: 203-752-9794

Fax: 203-785-1547

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Jan 11 08 04:28p

TOWN OF EAST HAVEN

2034683372

P. 1



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

Attorney David Ryan
 Ryan and Ryan, LLC
 900 Chapel Street, Suit 621
 New Haven, CT
 06510

January 11, 2008

Dear David:

I've attached the memorandum from Patricia A. Cofrancesco dated January 9, 2008 regarding Police Department overtime. I also have attached a complaint from Police Officer Jeffrey Strand dated December 31, 2007. I hereby request that your office investigate the issues contained in these memoranda for potential charter violations as well as, any other general process issues.

If you find other issues relative to these memoranda please include them in your report to me.

Please contact me if you have any questions regarding this letter.

Thank you for your time.

Sincerely,


 April Capone Almon
 Mayor

Jan 11 08 04:28p

TOWN OF EAST HAVEN

2034683372

P.2

VIA EMAIL: mayor.towneh@att.net

January 9, 2008

Mayor April Capone Almon
East Haven Town Hall
250 Main Street
East Haven, CT 06512

Re: Police Officer Jeff Strand

Dear Mayor Capone Almon:

I received the attached email from Police Officer Jeff Strand. Given the fact that it is an employment related matter, I would strongly recommend that it be referred to labor counsel Dave Ryan for his review and handling.

Thank you.

Very truly yours,

Patricia A. Cofrancesco

PAC:cf

Enc.

Cc: Attorney Dave Ryan

VIA EMAIL: david.ryan@ryan-ryan.net

Jan 11 08 04:28p

TOWN OF EAST HAVEN

2034683372

p. 3

Complainant:
Jeffrey R. Strand
30 Mustang Drive
Guilford, CT 06437
203-453-9520

December 31, 2007

Law Offices of Patricia Cofrancesco
89 Kimberly Avenue
East Haven, CT 06512
203-467-6003

Dear Attorney Cofrancesco:

In December 2007, I contacted East Haven Town Hall pursuant with the provisions "Connecticut's Freedom of Information Act" requesting documentation reflecting the payroll records for Captain James LaBanca/East Haven Police Department. Based on a review of the information received, I believe an investigation is required to determine why Chief Leonard Gallo authorized thousands of dollars in undocumented overtime for Cap't LaBanca over a four year period from 2004 – 2007, including approval of overtime regardless if hours were actually earned. All documentation is attached for your review.

Specifically, it's my assertion that Chief Gallo authorized guaranteed overtime for the purpose of increasing Cap't LaBanca's annual salary and retirement pension. Normal work hours assigned to the Capt's office are: Eight (8) a.m. to Four (4) p.m., Monday – Friday. For years past, Chief Gallo has authorized Cap't LaBanca to be paid one hour of guaranteed overtime per day by allowing him to begin work at Seven (7) a.m. LaBanca is paid at a time and one-half (1 ½) rate for a total of Ten (10) hours of guaranteed overtime per bi-weekly pay period. To my knowledge, this arrangement was never negotiated with East Haven Police Union Local 1662.

Per standard operating procedure, employees must complete an overtime slip with an authorized signature for all hours worked in excess of the regularly assigned workday. Chief Gallo and Cap't LaBanca have conspired to bypass this procedure for these hours. Rather than Chief Gallo and/or Cap't LaBanca verbally submit the Ten (10) guaranteed overtime hours for

Jan 11 08 04:28p

TOWN OF EAST HAVEN

2034683372

P. 4

each payroll period to the Chief's secretary, Virginia Williams. Ms. Williams calculates the individual payroll for each employee and submits a total payroll form to the Chief for his authorization before sending to the Finance Dept for processing.

In addition, it's common practice for Chief Gallo to authorize overtime pay for Cap't LaBanc regardless whether hours are actually worked. For example, an analysis of Cap't LaBanc's payroll and attendance records indicate Chief Gallo authorized that he be paid the one hour of guaranteed overtime/day even when out of office for declared vacation, sick, business injury, and death days.

My request for this investigation is indeed germane as it goes to the expenditure of public funds and the ethical conduct of public officials. Please therefore investigate this matter at your earliest convenience.

Thank you.

Cordially,

Jeffrey R. Strand

EXHIBIT 36

Mr. Paul Hongo
Director of Administration
Town of East Haven, Connecticut
RE: Outstanding Issues

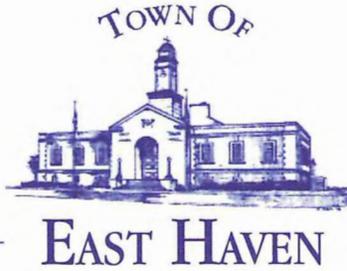
August 28,2008

Mr. Hongo,

Pursuant to a meeting with Mayor Almon, yourself, and me on July 1,2008 and your letter of July 7,2008, we have successfully resolved "outstanding issues" resulting with no further action to be taken on these matters. Clarification on these issues is that the investigations involving Possible Charter Violations in the Nexgen Contract of 2007-2008 and Purchase and Outfitting of new Police vehicles, initiated by the Town, and Overtime for the Captain of Police initiated by Police Officer Jeffery Strand (RET.) through Town Attorney Patricia Cofrancesco have all been successfully and completely resolved with mutual agreement of complete closure with no further action to be taken. Both investigations have involved Attorney David Ryan, Town Labor Attorney. Attorney Richard Gudis of Union Local 1662 is also in agreement that these matters are closed.

Sincerely,

Chief Len Gallo
East Haven Police



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

To: Leonard L. Gallo, Chief of Police

Cc: April Capone Almon, Mayor

From: Paul J. Hongo, Jr., Director of Administration & Management

Date: July 7, 2008

RE: Outstanding Issues

The purpose of this memo is to advise you the matters discussed with you on Tuesday July 1, 2008 have been completely resolved. As a result, no further action shall be taken.

In closing, I appreciate your willingness to meet and help facilitate a mutual resolution for everyone involved.

Thank you.



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

To: Paul Rizza, Finance Director
Leonard L. Gallo, Chief of Police

Cc: April Capone Almon, Mayor
David A. Ryan, Jr., Town Attorney
Virginia Williams, Confidential Secretary – Police Department
Thomas Russell, President Police Union – Local 1662

From: Paul J. Hongo, Jr., Director of Administration & Management

Date: June 24, 2008

RE: Agreement – Performing Additional Operational Functions

The purpose of this memo is to inform you of the Town's decision to pay the Police Captain position a stipend of twenty-five dollars (\$25.00) per day for performing additional operational functions. See attached Memorandum of Agreement.

The effective date of the twenty-five dollar (\$25.00) stipend shall be Sunday June 1, 2008.

Please do not hesitate to call me if you have any questions regarding this matter.

Thank you.



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

**MEMORANDUM OF AGREEMENT
BETWEEN
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AND
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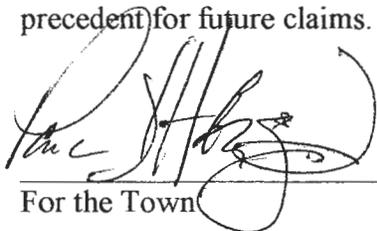
The Town and Union agree to incorporate the following language into the 2005-10 Labor Agreement. In doing so, the parties agree it satisfies the spirit and intent of what was verbally agreed upon, and has been the standard practice for more than five (5) years.

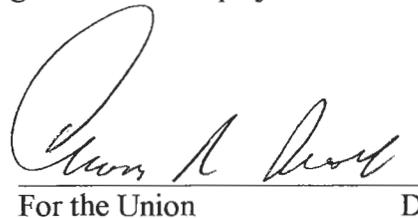
Performing Additional Operational Functions

In addition to performing his/her normal duties and responsibilities, the Police Captain shall also be responsible for performing additional operational functions such as being available to address the police officers at either the beginning or end of their respective shift, to coordinate operational activities with other police departments and agencies, including the State Police, and to receive calls at anytime during the day or evening, as well as on weekends, holidays, and in extreme circumstances, while on vacation.

In return for performing the additional operational functions, the Police Captain shall receive special compensation of twenty-five dollars (\$25.00) per day.

The Town and Union concur this Agreement is being made without prejudice or precedent for future claims.


For the Town _____ Date 6/26/08


For the Union _____ Date 6-26-08



ADMINISTRATION & MANAGEMENT

PAUL J. HONGO, JR.

Director

To: Thomas Russell, President East Haven Police Union – Local 1662
Richard Gudis, Staff Attorney – AFSCME Council 15
Leonard L Gallo, Chief of Police

Cc: April Capone Almon, Mayor
David A. Ryan, Jr., Town Attorney

From: Paul J. Hongo, Jr., Director of Administration & Management

Date: June 10, 2008

RE: Performing Additional Operational Functions

Although it has been a standard practice for more than five (5) years, there is no documentation to support the verbal agreement between the Town of East Haven and the Police Union – Local 1662 for the extra pay afforded to the Police Captain position.

That being said, I have drafted the following language I believe articulates the spirit and intent of what was verbally agreed upon; and if accepted by both parties, shall be incorporated into the 2005-2010 Labor Agreement. Please let me know your thoughts.

Thank you.

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In return for performing the additional operational functions, the Police Captain shall receive special compensation of twenty-five dollars (\$25.00) per day, which equates to one hundred seventy-five dollars (\$175.00) per week.



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
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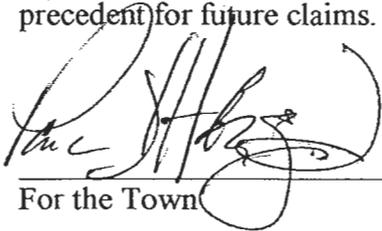
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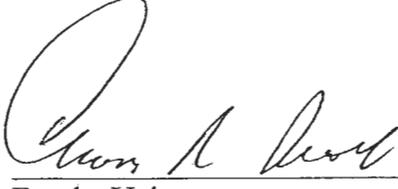
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For the Town _____ Date 6/26/08


For the Union _____ Date 6-26-08

East Haven Police Union • Local 1662

P.O. Box 120033
East Haven CT 06512
(203) 468-3820

Paul Hongo,

Approximately 4 years ago Local 1662 and Chief Gallo entered into an agreement regarding Captian LaBanca's added duties and responsibilities. These duties were first implemented by Chief Criscuolo and included but not limited to overseeing the Detective Bureau as well as patrol.

This agreement stated that Captain LaBanca was afforded the opportunity to work additional overtime each week to be paid according the current CBA. This over time was not to exceed 5 hours a week or an average of 1 hour a day. The understanding was that Captain LaBanca would apply this overtime as needed.

This overtime would also encompass the numerous calls from shift commanders during his off duty time. The Union has documented phone calls to the Captain while he was on vacation, death days and sick days. The town expressed concerns regarding this overtime in January 2008 and had not issued a cease and desist until May 28, 2008.

As you are aware the Union has made every attempt to resolve the town's concerns over the last 7 months.

At this time the Union demands that the Town negotiate any and all impact associated with the pending cease and desist.

Thank you,

Thomas Russell, *President Local 1662*

CC Chief Gallo

Captain LaBanca



EAST HAVEN

ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, J

Director

To: Leonard L. Gallo, Chief of Police

Cc: April Capone Almon, Mayor
Ralph Mauro, Assistant Director of Administration & Management
Thomas Russell, President Police Union – Local 1662

From: Paul J. Hongo, Jr., Director of Administration & Management

Date: May 29, 2008

RE: Administrative Overtime (Captain LaBanca)

The purpose of this memo is to request the immediate *cease and desist* of administrative overtime (five (5) hours per week) for Captain James LaBanca. This request is being made as a result of a formal investigation.

I realize there is some history regarding this matter; however, there is no formal document of record that clearly defines the terms and conditions associated with Captain LaBanca's administrative overtime; therefore, the additional five (5) hours shall not be granted.

In the coming weeks, a formal meeting will be scheduled to discuss the results of the investigation, as well as determine whether or not there is a need for administrative overtime.

If you have any questions regarding this matter, please do not hesitate to call me.

Thank you.

East Haven Police Union • Local 1662

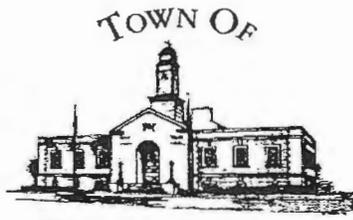
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EAST HAVEN

ADMINISTRATION & MANAGEMENT

PAUL J. HONGO, JR.

Director

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EAST HAVEN

ADMINISTRATION & MANAGEMENT

PAUL J. HONGO, JR.

Director

1662
Union
file

To: Leonard L. Gallo, Chief of Police

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Date: July 7, 2008

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EAST HAVEN

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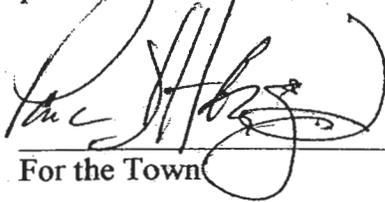
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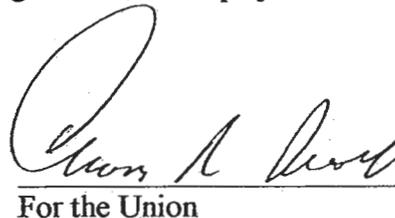
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For the Town _____ Date 6/26/08


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EAST HAVEN

ADMINISTRATION & MANAGEMENT

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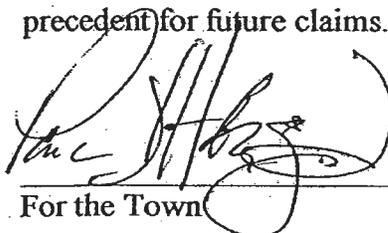
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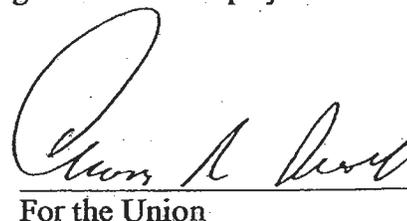
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EAST HAVEN

ADMINISTRATION & MANAGEMENT
PAUL J. HONGO

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To: Leonard L. Gallo, Chief of Police

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ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

To: Paul Rizza, Finance Director

~~Leonard Gallo, Chief of Police~~

Cc: April Capone Almon, Mayor

David A. Ryan, Jr., Town Attorney

Virginia Williams, Confidential Secretary – Police Department

Thomas Russell, President Police Union – Local 1662

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ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

To: Leonard L. Gallo, Chief of Police
Cc: April Capone Almon, Mayor
From: Paul J. Hongo, Jr., Director of Administration & Management
Date: July 7, 2008
RE: Outstanding Issues

A handwritten signature in dark ink, appearing to read "P. Hongo, Jr.", is written over the "From:" line of the memo.

The purpose of this memo is to advise you the matters discussed with you on Tuesday July 1, 2008 have been completely resolved. As a result, no further action shall be taken.

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Thank you.



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.

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To: Paul Rizza, Finance Director
[REDACTED]

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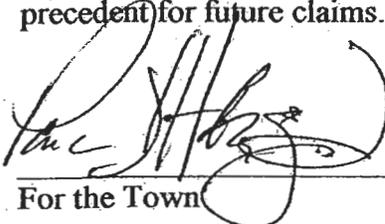
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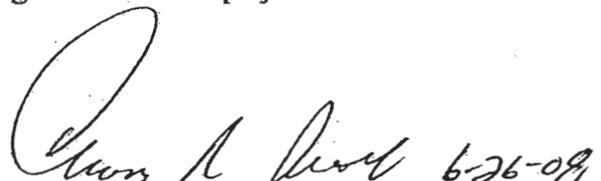
Performing Additional Operational Functions

In addition to performing his/her normal duties and responsibilities, the Police Captain shall also be responsible for performing additional operational functions such as being available to address the police officers at either the beginning or end of their respective shift, to coordinate operational activities with other police departments and agencies, including the State Police, and to receive calls at anytime during the day or evening, as well as on weekends, holidays, and in extreme circumstances, while on vacation.

In return for performing the additional operational functions, the Police Captain shall receive special compensation of twenty-five dollars (\$25.00) per day.

The Town and Union concur this Agreement is being made without prejudice or precedent for future claims.


For the Town Date 6/26/08


For the Union Date 6-26-08



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

To: Thomas Russell, President East Haven Police Union – Local 1662
Richard Gudis, Staff Attorney – AFSCME Council 15
Leonard L Gallo, Chief of Police

Cc: April Capone Almon, Mayor
David A. Ryan, Jr., Town Attorney

From: Paul J. Hongo, Jr., Director of Administration & Management

Date: June 10, 2008

RE: Performing Additional Operational Functions

Although it has been a standard practice for more than five (5) years, there is no documentation to support the verbal agreement between the Town of East Haven and the Police Union – Local 1662 for the extra pay afforded to the Police Captain position.

That being said, I have drafted the following language I believe articulates the spirit and intent of what was verbally agreed upon; and if accepted by both parties, shall be incorporated into the 2005-2010 Labor Agreement. Please let me know your thoughts.

Thank you.

Performing Additional Operational Functions

In addition to performing his/her normal duties and responsibilities, the Police Captain shall also be responsible for performing additional operational functions such as being available to address the police officers at either the beginning or end of their respective shift, to coordinate operational activities with other police departments and agencies, including the State Police, and to receive calls at anytime during the day or evening, as well as on weekends, holidays, and in extreme circumstances, while on vacation.

In return for performing the additional operational functions, the Police Captain shall receive special compensation of twenty-five dollars (\$25.00) per day, which equates to one hundred seventy-five dollars (\$175.00) per week.



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.

Director

**MEMORANDUM OF AGREEMENT
BETWEEN
THE TOWN OF EAST HAVEN
AND
AFSCME COUNCIL #15, LOCAL 1662**

THIS MEMORANDUM OF AGREEMENT is between the Town of East Haven, hereinafter referred to as “the Town”, and AFSCME, Council #15, Local 1662 hereinafter referred to as “Union”.

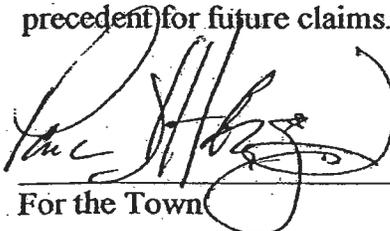
The Town and Union agree to incorporate the following language into the 2005-10 Labor Agreement. In doing so, the parties agree it satisfies the spirit and intent of what was verbally agreed upon, and has been the standard practice for more than five (5) years.

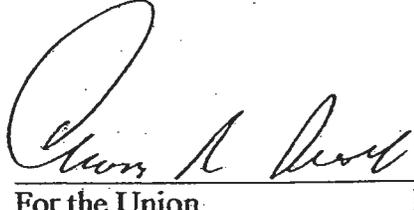
Performing Additional Operational Functions

In addition to performing his/her normal duties and responsibilities, the Police Captain shall also be responsible for performing additional operational functions such as being available to address the police officers at either the beginning or end of their respective shift, to coordinate operational activities with other police departments and agencies, including the State Police, and to receive calls at anytime during the day or evening, as well as on weekends, holidays, and in extreme circumstances, while on vacation.

In return for performing the additional operational functions, the Police Captain shall receive special compensation of twenty-five dollars (\$25.00) per day.

The Town and Union concur this Agreement is being made without prejudice or precedent for future claims.


For the Town 6/26/08
Date


For the Union 6-26-08
Date

East Haven Police Union • Local 1662

P.O. Box 120033
East Haven CT 06512
(203) 468-3820

Paul Hongo,

Approximately 4 years ago Local 1662 and Chief Gallo entered into an agreement regarding Captian LaBanca's added duties and responsibilities. These duties were first implemented by Chief Criscuolo and included but not limited to overseeing the Detective Bureau as well as patrol.

This agreement stated that Captain LaBanca was afforded the opportunity to work additional overtime each week to be paid according the current CBA. This over time was not to exceed 5 hours a week or an average of 1 hour a day. The understanding was that Captain LaBanca would apply this overtime as needed.

This overtime would also encompass the numerous calls from shift commanders during his off duty time. The Union has documented phone calls to the Captain while he was on vacation, death days and sick days. The town expressed concerns regarding this overtime in January 2008 and had not issued a cease and desist until May 28, 2008.

As you are aware the Union has made every attempt to resolve the town's concerns over the last 7 months.

At this time the Union demands that the Town negotiate any and all impact associated with the pending cease and desist.

Thank you,

Thomas Russell, *President Local 1662*

CC Chief Gallo

Captain LaBanca



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO

D

To: Leonard L. Gallo, Chief of Police

Cc: April Capone Almon, Mayor
Ralph Mauro, Assistant Director of Administration & Management
Thomas Russell, President Police Union – Local 1662

From: Paul J. Hongo, Jr., Director of Administration & Management

Date: May 29, 2008

RE: Administrative Overtime (Captain LaBanca)

The purpose of this memo is to request the immediate *cease and desist* of administrative overtime (five (5) hours per week) for Captain James LaBanca. This request is being made as a result of a formal investigation.

I realize there is some history regarding this matter; however, there is no formal document of record that clearly defines the terms and conditions associated with Captain LaBanca's administrative overtime; therefore, the additional five (5) hours shall not be granted.

In the coming weeks, a formal meeting will be scheduled to discuss the results of the investigation, as well as determine whether or not there is a need for administrative overtime.

If you have any questions regarding this matter, please do not hesitate to call me.

Thank you.

East Haven Police Union • Local 1662

P.O. Box 120033
East Haven CT 06512
(203) 468-3820

Shift Commanders and Department Heads :

The Union requests that all supervisors and shift commanders who contact the Captain or Inspector via phone on their day off or off duty hours submit an overtime slip (5 hours) for each call. Please indicate time, date, case number or reason for call (ie: problem with building, public works etc.) on the overtime slip. All supervisors are requested to submit these slips until further notice.

Thank you,

Thomas Russell
President Local 1662



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

To: Paul Rizza, Finance Director

~~Thomas Russell, Chief of Police~~
Cc: April Capone Almon, Mayor
David A. Ryan, Jr., Town Attorney
Virginia Williams, Confidential Secretary – Police Department
Thomas Russell, President Police Union – Local 1662

From: Paul J. Hongo, Jr., Director of Administration & Management

Date: June 24, 2008

RE: Agreement – Performing Additional Operational Functions

The purpose of this memo is to inform you of the Town's decision to pay the Police Captain position a stipend of twenty-five dollars (\$25.00) per day for performing additional operational functions. See attached Memorandum of Agreement.

The effective date of the twenty-five dollar (\$25.00) stipend shall be Sunday June 1, 2008.

Please do not hesitate to call me if you have any questions regarding this matter.

Thank you.

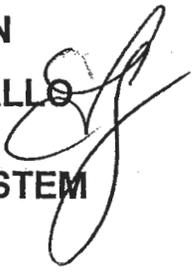
EXHIBIT 37

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: HONORABLE MAYOR
APRIL CAPONE ALMON

FROM: CHIEF LEONARD L. GALLO 

RE: SOFTWARE/RADIO SYSTEM

DATE: 9/19/2008

Dear Mayor:

I have been advised by Inspector Nappi that during the fiscal budget preparation that the department was in need of updated software for our radio system.

We have requested this in the normal budget process however the money was not funded. At a recent Board of Police Commissioners Meeting commissioner Brow raised the issue of software. We are waiting for an engineering report from Motorola on cost and need.

I have sent (and enclosed) a memo to Mr. Rizza concerning this matter. He has advised me that there is no funding available and that I should discuss it with you.

Please advise me at your earliest convenience.

c.c. Ralph Mauro, Assistant Dir. of Admin. & Management

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: PAUL RIZZA
DIRECTOR OF FINANCE

FROM: CHIEF LEONARD L. GALLO

RE: SOFTWARE/ RADIO SYSTEM

DATE: 9/11/2008

I have been advised by Inspector Nappi that during the fiscal budget preparation the department is in need of updated software for the Motorola Radio System. The money requested was not approved in budget. At a recent Board of Police Commissioners meeting Commissioner Brow raised the issue once again of software.

At this juncture Motorola is going to provide us with an engineering report through Northeastern Communications on the need for this software which has the approximate cost of \$10,000 plus or minus. I am in favor of this update, however, the department lacks funding.

Please advise us on this matter as soon as possible.

c.c. Ralph Mauro, Assistant Director of Admin. & Management

Encl.

*Len:
I am not aware
of any funding
available for this
type of project.
I would advise
you to discuss this
program with the
Mayor.
Paul*

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: PAUL RIZZA
DIRECTOR OF FINANCE

FROM: CHIEF LEONARD L. GALLO

RE: SOFTWARE/ RADIO SYSTEM

DATE: 9/11/2008

I have been advised by Inspector Nappi that during the fiscal budget preparation the department is need of updated software for the Motorola Radio System. The money requested was not approved budget. At a recent Board of Police Commissioners meeting Commissioner Brow raised the issue once again of software.

At this juncture Motorola is going to provide us with an engineering report through Northeastern Communications on the need for this software which has the approximate cost of \$10,000 plus or minus. I am in favor of this update, however, the department lacks funding.

Please advise us on this matter as soon as possible.

c.c. Ralph Mauro, Assistant Director of Admin. & Management
Encl.

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: CHIEF LEONARD L. GALLO

DATE: 9/11/2008

TO:

FROM: INSPECTOR GAETANO J. NAPPI *G. Nappi*

FROM:

RE: SOFTWARE/RADIO SYSTEM

RE:

Enclosed you will find a letter from Motorola dated August 12, 2008 regarding the Software Platform which supports the base radio station located at 471 North High Street. As indicated in the report Motorola no longer supports this software system and it can no longer replace this software because of its age.

Motorola recommends the immediate replacement to avoid a catastrophic failure of the radio system which would cause our system to be out of service for a minimum of several days. Our radio service company, Northeastern Communications, has already had an engineering assessment completed and they sent the report to the Engineering Department of Motorola. Motorola is in the process of suggesting two types of software which may be a Windows Platform or their new Vista Software. It is their opinion that upon completion of this engineering study the appropriate software will be recommended and installed so we can service this system well into the future.

The projected cost of replacing this software is approximately \$10,000.00. I am still awaiting the engineering report and upon receiving same will immediately inform you.



MOTOROLA

August 12, 2008

Inspector Nappi
Town of East Haven
471 North High Street
East Haven, CT 06512

Dear Inspector Nappi,

Thank you for your valued business as a Motorola Service Agreement customer.

This letter is to advise you that the support of replacement parts for your Windows NT Platform Centracom Console w/Windows NT has been discontinued. Also, the NT Platform is no longer supported through Motorola's System Support Center. Motorola's Worldwide Parts organization will no longer guarantee the availability of spare parts to support these products, and as the existing stock is depleted, it will not be replenished.

It is our intent to continue to provide our Motorola Service Agreement customers with replacement products and services of the highest possible quality, for as long as materials are available.

With this in mind, it is our hope that you will begin to consider the upgrade of your equipment at your earliest convenience. Please contact your local Motorola Manufacture Representative, Dennis Vieira at (203) 568-6935 to address this issue.

Sincerely,

Joe Couture

Motorola, Inc.

Customer Support Manager

cc: Dennis Vieira

NORTHEASTERN Communications Inc.

27 Wesley Drive
Trumbull, Connecticut 06611

QUOTATION

Phone (203) 268-9754 • Fax (203) 268-0691
E-Mail: dvieira@norcomct.net
Main Office 1-800-223-9008

Prepared For:

Inspector Nappi
East Haven Police Department
471 N. High St.
East Haven, CT. 06512

PHONE: (203) 372-4500

Prepared By: Dennis Vieira

Email: dvieira@norcomct.net

Pricing as per Motorola State Contract # A-99-001.

Date: 09/19/08

QTY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
	B1879 CENTRACOM GOLD SOFTWARE REFRESH PACKAGE.		
2	X77 ADD: SOFTWARE REFRESH, 16 /0 OR COMPARATOR.	\$465.00	\$930.00
2	X71 ADD: SOFTWARE REFRESH, STAT ALERT.	\$465.00	\$930.00
3	X69 ADD: SOFTWARE REFRESH, COIM OR LOMI.	\$744.00	\$2,232.00
7	X49 ADD: SOFTWARE REFRESH, BIM.	\$372.00	\$2,604.00
2	TT2067 CERTIFIED GOLD ELITE WORKSTATION VISTA.	\$2,295.00	\$4,590.00
1	TT2068 CERTIFIED ELITE INTERFACE SERVER.	\$4,500.00	\$4,500.00
1	TECHNICAL SERVICES.	\$4,183.91	\$4,183.91
	TOTAL SYSTEM COST		\$19,969.91

Notes:

Refresh upgrade includes existing 2 position console as well as existing spare boards kit.

Motorola will release a new version console software next quarter. We recommend that this upgrade wait for the new release scheduled for January 2009.

Limit of Liability:

Northeastern Communications, Inc. will not be liable for any damages, including any lost profits, lost savings, loss of use, loss of life or other incidental, consequential or liquidated damages arising out of the use or inability to use a product or service, even if Northeastern Communications, Inc. or its employee has been advised of the possibility of such damages or for any claim by any other party. Northeastern Communications, Inc. will have its liability limited to the repair or replacement of the original equipment supplied or refund of fees paid for the original equipment or services rendered.

TERMS: NET 30 Days.

DELIVERY: 3-4 Weeks.

PRICE VALIDITY: 120 Days.

WARRANTY: 1-Year.

Pricing, Descriptions, Quantities, Conditions and Terms have been read and agreed to.

Quotation Accepted By: _____ Title: _____ Date: _____
(Signature of Authorizing Person)

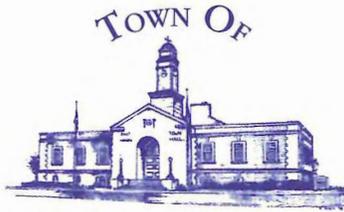
"Serving your communication needs for over 40 years"



MOTOROLA

Authorized Radio System
Specialist

EXHIBIT 38



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

April 3, 2008

Hand-delivered

Chief Leonard E. Gallo
471 North High Street
East Haven, CT 06512

Re: Pre-Disciplinary Hearing

Dear Chief Gallo:

Please be advised that a pre-disciplinary hearing will be held on **Thursday, April 10, 2008 at 2:00 p.m.** in my office to determine whether or not your employment with the Town of East Haven will continue. Mayor April Capone Almon will be the hearing officer.

The charges against you are:

Misconduct.

Violations of the Town of East Haven's Charter and its budgetary process in connection with the processing of Purchase Orders as they relate to outfitting four (4) police vehicles;

Violations of the Town of East Haven's Charter, its budgetary process and the Mayor's directive concerning department purchases in connection with the execution of the Nexgen Contract and the processing of the Nexgen Purchase Orders; and

Violations of the Town of East Haven's Charter and its budgetary process in connection with the improper allocation of expenses and unauthorized work.

April 3, 2008
Chief Leonard E. Gallo
Re: Pre-Disciplinary Hearing
Page Two

At this hearing you will be given the opportunity to respond to the charges set forth in this letter. You are entitled to Union representation.

Sincerely,

April Capone Almon
P.S.A.

cc: James F. Cirillo, Jr., Esq. - Assistant Town Counsel



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

April 3, 2008

Hand-delivered

Chief Leonard E. Gallo
471 North High Street
East Haven, CT 06512

Re: Pre-Disciplinary Hearing

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The charges against you are:

- Misconduct.** Violations of the Town of East Haven's Charter and its budgetary process in connection with the processing of Purchase Orders as they relate to outfitting four (4) police vehicles;
- Violations of the Town of East Haven's Charter, its budgetary process and the Mayor's directive concerning department purchases in connection with the execution of the Nexgen Contract and the processing of the Nexgen Purchase Orders; and
- Violations of the Town of East Haven's Charter and its budgetary process in connection with the improper allocation of expenses and unauthorized work.

April 3, 2008
Chief Leonard E. Gallo
Re: Pre-Disciplinary Hearing
Page Two

At this hearing you will be given the opportunity to respond to the charges set forth in this letter. You are entitled to Union representation.

Sincerely,

April Capone Almon
PSA

cc: James F. Cirillo, Jr., Esq. - Assistant Town Counsel

KOLB & ASSOCIATES, P.C.
ATTORNEYS and COUNSELORS - AT - LAW

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

VIA FACSIMILE ONLY 488-8744

May 20, 2008

James F. Cirillo, Jr., Esq.
128 Chestnut Street
Branford, CT 06405


FAXED
5/21/08
11:02am km

RE: Town of East Haven / Chief Leonard Gallo

Dear Attorney Cirillo:

Thank you for your alleged response dated May 19, 2008.

I beg to differ with you that the dismissal process is allowed pursuant to the Charter of the Town of East Haven and I respectfully assert that the notice provisions have not been complied with because I have not received in accordance with Section 7-278 of the Connecticut General Statutes a notice in writing of the specific grounds for such dismissal. I do not consider your statements to be complete because for instance you fail to state that the Chief is bound by line item expenditures viz a viz within his budgetary expenses. With regard to paragraph 3c you fail to make reference to what violations concerning the town's budgetary process in connection with improper allocation of expenses and unauthorized work but you fail to state what work that was.

With regard to 3b, it is clear from everything reported that the signature on the Nexgen Contract was entered into well before the administration of April Capone Almon entered office.

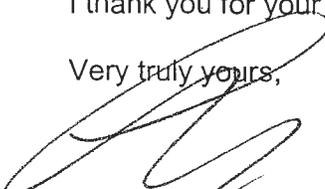
Please explain what you mean by the pre-disciplinary hearing is not an evidentiary hearing and the burden upon the Mayor is one of probable cause. Section 7-278 specifically states that the Chief has an opportunity to be heard in his own defense personally or by counsel.

I also like to know what you rely upon in choosing to say that the burden is upon the Mayor but is only one of probable cause.

As soon as I receive a response I would be happy to schedule the hearing.

I thank you for your anticipated cooperation in this regard.

Very truly yours,


FRANK J. KOLB, JR., ESQ.
FJK:jh
cc: Chief Leonard Gallo

JAMES F. CIRILLO, JR.
ATTORNEY AT LAW
128 Chestnut Street
Branford, Connecticut 06405
Telephone: (203) 488-9828
Facsimile: (203) 488-8744

E-MAIL: cirillolaw@aol.com

MEG BRENNAN, Paralegal

May 19, 2008

Frank J. Kolb, Jr., Esq.
KOLB & ASSOCIATES
49 High Street
East Haven, CT 06512

RE: CHIEF LEONARD E. GALLO

Dear Attorney Kolb:

In response to your recent communication in the above-captioned matter, I make the following comments and statements:

1. The Mayor is given the authority to conduct a Pre-Disciplinary Hearing under the Charter of the Town of East Haven as well as C.G.S. § 7-278;

2. The specific section of The Charter that is alleged to have been violated is Chapter VII, Section 7 (A through G);

3. The allegations of misconduct include the following:

a. The processing of purchase orders as they relate to outfitting four (4) police vehicles, which occurred on or about November 20, 2007 and November 29, 2007;

b. The alleged violation of the Mayor's directive concerning department purchases in the execution of the Nexgen Contract and the processing of purchase orders, which also took place on or about the same time frame; and

c. The alleged violations concerning the Town's budgetary process in connection with improper allocation of expenses and unauthorized work during the period of October, 2007 and November, 2007;

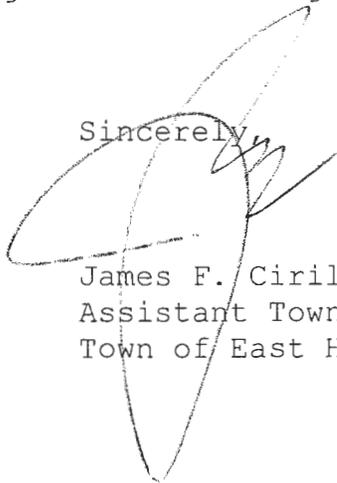
Frank J. Kolb, Jr., Esq.
KOLB & ASSOCIATES
May 19, 2008
Page Two

4. As a result of the alleged violations, the Town was adversely affected by virtue of insufficient funds in the 440 account, as well as the 561 account, resulting in a deficiency for which the Board of Finance did not grant the requested transfer; and

5. The Pre-Disciplinary Hearing is not an evidentiary hearing and the burden upon the Mayor is one of probable cause.

For your reference, I have enclosed herewith a copy of the Notice from the Mayor dated April 3, 2008. After you have reviewed the enclosed information, please contact me so that we can arrange for the hearing sometime during the week of May 26, 2008.

Sincerely,



James F. Cirillo, Jr., Esq.
Assistant Town Counsel
Town of East Haven

JFCjr/mab
Encl.

Cc: Mayor A. Capone-Almon

KOLB & ASSOCIATES, P.C.
ATTORNEYS and COUNSELORS - AT - LAW

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

VIA FACSIMILE ONLY 488-8744

May 28, 2008

James F. Cirillo, Jr., Esq.
128 Chestnut Street
Branford, CT 06405

RE: Town of East Haven / Chief Leonard Gallo

Dear Attorney Cirillo:

For your ready reference I attach hereto a copy of Mayor Capone Almon's correspondence to Chief Gallo dated April 3, 2008 indicating that he was entitled to Union representation.

In earlier correspondence I asked for an explanation in that regard, however, I have never received one. An explanation of that would be greatly appreciated and is herewith requested.

On December 3, 2007 correspondence was received from Attorney Cofrancesco by the Chief in his capacity as a town officer directing that the Chief address his request for legal opinions to Attorney Cofrancesco, in writing, at the above address although no address was printed above.

The date of December 3, 2007, Mayor April Capone Almon directed correspondence to the Chief indicating that she has reviewed the matter with labor counsel (David Ryan) and determined that an investigation should be conducted within the department. In same correspondence, Chief Gallo was referred to labor counsel, Attorney David Ryan, for any questions or comments concerning the Cascio matter. On December 31, 2007, Mayor April Capone Almon addresses the Chief and indicates that he should forward all grievances to Paul Hongo and Attorney David Ryan and the Mayor specifically directed that the Chief was to seek their advice on grievances in the future. This creates somewhat of a dilemma in that Attorney Cofrancesco has a conflict of interest concerning the Chief and David Ryan also possesses a similar conflict as he is investigating the Chief at the request of the Mayor.

Kindly advise who represents who, when, where and how.

I also enclose herewith a copy of my correspondence dated January 30, 2008 to Attorney Ryan specifically asking questions to which I have received no response.

Attorney Ryan did respond to that correspondence telling me it was forwarded to Attorney Cofrancesco and I have yet to receive a response from her.

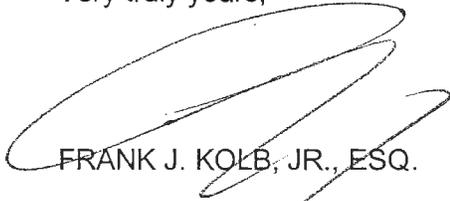
I make specific reference to your correspondence of February 13, 2008 from you to me and more particularly the third paragraph thereof wherein you state that the Charter further directs that those opinions can only be issued at the request of select town officers, the mayor, boards or town counsel, none of which include my client. Consequently, no opinion will be rendered by outside counsel who are not empowered to do so.

Your correspondence as well as the mayor's correspondence makes reference to charter violations by a person (department head chief) but in your earlier correspondence you said he was not a department head.

Quite simply, I don't think you can have it both ways.

I look forward to hearing from you.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read 'Frank J. Kolb, Jr.', written over the typed name.

FRANK J. KOLB, JR., ESQ.

FJK:jh

Enclosures



OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

April 3, 2008

Hand-delivered

Chief Leonard E. Gallo
471 North High Street
East Haven, CT 06512

Re: Pre-Disciplinary Hearing

Dear Chief Gallo:

Please be advised that a pre-disciplinary hearing will be held on **Thursday, April 10, 2008 at 2:00 p.m.** in my office to determine whether or not your employment with the Town of East Haven will continue. Mayor April Capone Almon will be the hearing officer.

The charges against you are:

Misconduct.

Violations of the Town of East Haven's Charter and its budgetary process in connection with the processing of Purchase Orders as they relate to outfitting four (4) police vehicles;

Violations of the Town of East Haven's Charter, its budgetary process and the Mayor's directive concerning department purchases in connection with the execution of the Nexgen Contract and the processing of the Nexgen Purchase Orders; and

Violations of the Town of East Haven's Charter and its budgetary process in connection with the improper allocation of expenses and unauthorized work.

April 3, 2008
Chief Leonard E. Gallo
Re: Pre-Disciplinary Hearing
Page Two

At this hearing you will be given the opportunity to respond to the charges set forth in this letter. You are entitled to Union representation.

Sincerely,

April Capone Almon
PSAD

cc: James F. Cirillo, Jr., Esq. - Assistant Town Counsel

KOLB & ASSOCIATES, P.C.
ATTORNEYS and COUNSELORS - AT - LAW

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

VIA FACSIMILE ONLY 785-1547

January 30, 2008

David A. Ryan, Jr., Esq.
Ryan & Ryan, LLC
900 Chapel Street, Suite 621
New Haven, CT 06510

RECEIVED
1/31/08
9:03am km

RE: Chief Gallo

Dear Attorney Ryan:

I enclose herewith a copy of page 13 of the Approved Charter of the Town of East Haven and I make specific reference to Section 1 – Legal Services Department. Please note that when making reference to the positions of Town Attorney and Assistant Town Attorney it specifically states that “he shall be the legal advisor of the Town Council, the Mayor, and all Town Officers, Boards and Commissions in all matters affecting the Town and shall upon written request furnish them with a written opinion on any question of law involving their respective powers and duties.”

As such, I would assume that you are an assistant town attorney and in the discharge of your duties it is you or your firm pursuant to said Charter who is responsible for advising Chief Gallo and issuing opinions at his request specifically pursuant to the Town Charter.

You may or may not have had the opportunity to review the Charter prior to our meeting, so I ask that you review same and correspond with me after you have had an opportunity and favor me with your thoughts in that regard.

On behalf of Chief Gallo as if this request was made directly by him and pursuant to the Town Charter he requests for written opinions as to the following issues:

1. Kindly advise with specific reference to Charter provisions and any and all other applicable statutes, rules or regulations, how line item budgetary transfers are to be made.
2. Advise under what Charter provisions or any other applicable state, federal or local law, with specificity, whether or not the Mayor is empowered to conduct an investigation of the Chief in any way, shape or form, at the taxpayer's expense.

3. Advise the Chief as to what procedures should be used in specifically disciplining and investigating the actions of Officer Casio of which you have been made aware.

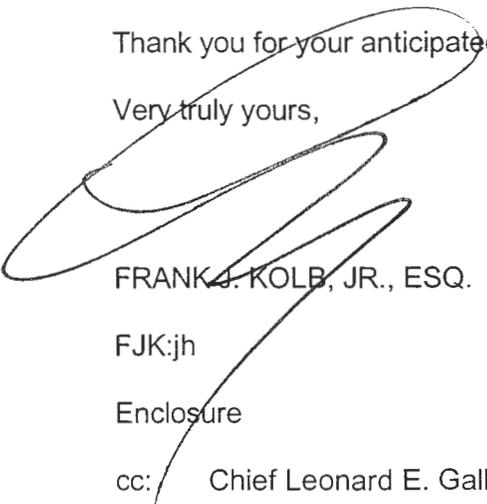
4. Please furnish a detailed explanation citing the union contract and the Town Charter as may be applicable as to whether or not a union member may circumvent the union to bring labor related issues and union related issues directly to the attention of the Town Attorney and/or mayor bypassing the provisions in the union contract, and if so, what disciplinary or other action do you recommend.

5. Under what provisions of the Town Charter or any other state, local, and federal law, may the Mayor commission an investigation of the Chief.

6. On behalf of Chief Gallo and in accordance with the Town Charter your advice as how to apply past policies and procedures to the same under the new administration.

Thank you for your anticipated prompt attention to the foregoing.

Very truly yours,



FRANK J. KOLB, JR., ESQ.

FJK:jh

Enclosure

cc: Chief Leonard E. Gallo

EXHIBIT 39



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

September 15, 2008

Mr. Leonard Gallo, Chief of East Haven Police Department
East Haven Police Department
471 North High Street
East Haven, Connecticut 06512

Re: Pre-Termination Hearing (Laudermill Hearing)

Dear Chief Gallo:

Your appearance pursuant to the attached Charges may necessitate legal representation on your part.

Thus far, during your employment with the Town of East Haven, you have been represented by Attorney Frank Kolb,

Please be advised that Attorney Kolb presently represents my husband and I.

There is therefore a conflict in his representation of you, and my role as the Hearing Officer in this Pre-Termination hearing.

That is a conflict that I am unwilling to waive.

You will therefore need to secure the services of another attorney.

Thank you.

Very truly yours,

Mayor April Capone Almon
ACA/jad

A TRUE COPY ATTEST:
PETER J. CRISCIUOLO, JR.
STATE MARSHAL NEW HAVEN COUNTY



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

September 15, 2008

PRE-TERMINATION HEARING
(Laudermill Hearing)

TO: Mr. Leonard Gallo, Chief of East Haven Police Department
East Haven Police Department
471 North High Street
East Haven, Connecticut 06512

Pursuant to the provisions of Connecticut General Statutes §7-278 (2008) you are hereby advised that a Hearing has been scheduled for September 24, 2008 at 3:13 p.m. in the Office of the Mayor at Memorial Town Hall, 250 Main Street, East Haven, Connecticut.

The purpose of the Hearing is to determine whether your employment with the Town of East Haven shall continue based upon the following charges:

CHARGE 1:

Violation of the Opinion #3 dated January 14, 2008 Town Policy concerning the destruction/retention of public records.

CHARGE 2:

Non-Compliance with the State of Connecticut record retention/destruction statute as referenced in said Opinion #3 directive of the Town Attorney.

CHARGE 3:

Commission of a Class A Misdemeanor, per Conn. General Statute §1-240.

I will be the Hearing Officer. This is your opportunity to present evidence in support of your position that your employment with the Town of East Haven should continue.

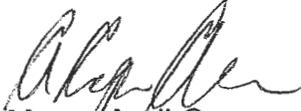
A TRUE COPY ATTEST:


PETER J. CRISCUOLO, JR.
STATE MARSHAL NEW HAVEN COUNTY

Mr. Leonard Gallo, Chief of East Haven Police Department
Page – 2 –
September 15, 2008

Thank you.

Very truly yours,



Mayor April Capone Almon
ACA/jad

A TRUE COPY ATTEST:



PETER J. CRISCUOLO JR.
STATE MARSHAL NEW HAVEN COUNTY



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

September 15, 2008

Mr. Leonard Gallo, Chief of East Haven Police Department
East Haven Police Department
471 North High Street
East Haven, Connecticut 06512

Re: Pre-Termination Hearing (Laudermill Hearing)

Dear Chief Gallo:

Your appearance pursuant to the attached Charges may necessitate legal representation on your part.

Thus far, during your employment with the Town of East Haven, you have been represented by Attorney Frank Kolb,

Please be advised that Attorney Kolb presently represents my husband and I.

There is therefore a conflict in his representation of you, and my role as the Hearing Officer in this Pre-Termination hearing.

That is a conflict that I am unwilling to waive.

You will therefore need to secure the services of another attorney.

Thank you.

Very truly yours,

Mayor April Capone Almon
ACA/jad



OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

September 15, 2008

PRE-TERMINATION HEARING
(Laudermill Hearing)

TO: Mr. Leonard Gallo, Chief of East Haven Police Department
East Haven Police Department
471 North High Street
East Haven, Connecticut 06512

Pursuant to the provisions of Connecticut General Statutes §7-278 (2008) you are hereby advised that a Hearing has been scheduled for September 24, 2008 at 3:13 p.m. in the Office of the Mayor at Memorial Town Hall, 250 Main Street, East Haven, Connecticut.

The purpose of the Hearing is to determine whether your employment with the Town of East Haven shall continue based upon the following charges:

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Non-Compliance with the State of Connecticut record retention/destruction statute as referenced in said Opinion #3 directive of the Town Attorney.

CHARGE 3:

Commission of a Class A Misdemeanor, per Conn. General Statute §1-240.

I will be the Hearing Officer. This is your opportunity to present evidence in support of your position that your employment with the Town of East Haven should continue.

A TRUE COPY ATTEST:

PETER J. CRISCIUOLO, PJ
STATE MARSHAL NEW HAVEN COUNTY

Mr. Leonard Gallo, Chief of East Haven Police Department
Page – 2 –
September 15, 2008

Thank you.

Very truly yours,



Mayor April Capone Almon
ACA/jad

A TRUE COPY ATTEST:

PETER J. CRISCILOLO, JR.
STATE MARSHAL NEW HAVEN COUNTY

KOLB & ASSOCIATES, P.C.
ATTORNEYS and COUNSELORS - AT - LAW

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

September 23, 2008

Mayor April Capone Almon
Town of East Haven
250 Main Street
East Haven, CT 06512

RE: Pre-Termination Hearing
Chief Leonard Gallo

Dear Mayor Capone Almon:

As a follow up to my correspondence of September 17, 2008 in response to your correspondence of September 15, 2008 concerning your request for a Pre-Termination Hearing, Chief Gallo and I decline your invitation to attend.

The reasons for this are multifaceted.

Specifically, and not intended to be all inclusive, the Chief is governed by the provisions of §7-278 of the Connecticut General Statutes.

That statute is set forth as Exhibit A attached hereto and made a part hereof.

Section 7-278 of the Connecticut General Statutes does not allow a Pre-Termination Hearing, it only allows a termination of the Chief of Police in accordance with the provisions of §7-278, which would be a public hearing with the right to subpoenas to have other people testify, etc. Your request for the Pre-Termination Laudermill Hearing is declined.

If you wish to proceed, it is requested that you proceed in accordance with §7-278 of the Connecticut General Statutes.

Further, you have alleged in your correspondence of September 15, 2008 directed to Chief Gallo that "during your employment with the Town of East Haven, you have been represented by Attorney Frank Kolb". You went on to state that "Please be advised that Attorney Kolb presently represents my husband and I." And you thereafter went on to state that you believed there was a conflict in my representation of the Chief and your role as a hearing officer in the Pre-Termination Hearing and this was a conflict that you were unwilling to waive.

I take your attempt to disqualify me as stated in your correspondence dated September 15, 2008 and in correspondence dated September 18, 2008, but not delivered to me until September 22, 2008, as a compliment to my legal abilities, and further seeking to deprive the Chief of those abilities.

In the correspondence dated September 18, 2008, you state that you were the hiring authority for Chief Gallo and, as such, it is your designated obligation to conduct the Pre-Termination Hearing. For your ready reference, I enclose herewith a copy of (C) The Chief of Police from the Town Charter and although I grant you that it does say the Chief shall be appointed and removed by the Mayor there is nothing in said paragraph that demands that you have the designated obligation to conduct the Pre-Termination Hearing as is noted below with my reference to §7-276. As I said earlier there is no provision for a Pre-Termination Hearing as regards to the Chief, it is merely a hearing pursuant to §7-278 of the Connecticut General Statutes.

As I have said before, I believe there is absolutely no conflict and that I represented you and your husband in a simple collection matter wherein I obtained the judgment completely favorable to you and your husband against a defendant who was then represented by one of your current assistant town attorney's James Cirillo. In short, you won the case and Attorney Cirillo's client lost.

Your correspondence of September 15, 2008 indicates that you are taking this matter as a personal matter, not in your official capacity as the Mayor of the Town of East Haven in furtherance of your desire to have the Chief removed which predated your election to office as mayor of this town as evidenced by the Hartford Courant article of November 18, 2007 which still remains on your website. By making you the hearing officer you create the alleged conflict that would not otherwise exist.

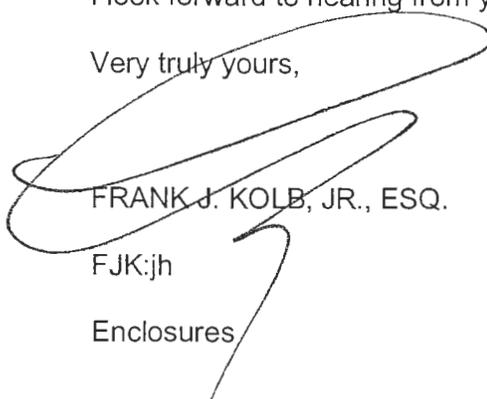
In the case of Anziano v. Board of Police Commissioner, 229 Conn. 703 (1994), it was discussed that C.G.S. §278, was provided to give the Police Chief statutory protection by having, written notice of the charges, a right to a hearing and a right to counsel. C.G.S. §7-276 can be read to allow the Police Commission to have the hearing. In addition, black letter law is that if the Mayor believes she has authority under local ordinance to hold a hearing, she must do so in accordance with State Statute because "if an ordinance frustrates the achievement of a State's objectives, the ordinance is pre-empted by Statute." Therefore, even if you wanted to conduct the hearing, you must comply with all of the mandates of C.G.S. §7-278.

You as the Mayor cannot usurp State Statute and are prohibited by law from doing so as the sole purpose of C.G.S. §7-278 is to give adequate notice, assure due process and avoid political vendettas.

In short, until such time as the issue of the conflict that you have raised is decided by either a court of competent jurisdiction or by the Connecticut Bar Association through an ethics opinion, I remain counsel for the Chief and because you have raised the issue of a conflict, I will be taking no further action, but because I remain the Chief's counsel and he is not willing to substitute counsel, I am asking that all matters concerning the Chief and my representation of him be put on hold to obviate the need of me filing for a temporary injunction.

I look forward to hearing from you or your counsel.

Very truly yours,



FRANK J. KOLB, JR., ESQ.

FJK:jh

Enclosures

EXHIBIT A

Sec. 7-278. Hearing prior to dismissal of municipal police head. Just cause requirement. Appeal. **No active head of any police department of any town, city or borough shall be dismissed unless there is a showing of just cause by the authority having the power of dismissal and such person has been given notice in writing of the specific grounds for such dismissal and an opportunity to be heard in his own defense, personally or by counsel, at a public hearing before such authority. Such public hearing, unless otherwise specified by charter, shall be held not less than five nor more than ten days after such notice. Any person so dismissed may appeal within thirty days following such dismissal to the superior court for the judicial district in which such town, city or borough is located. Service shall be made as in civil process. Said court shall review the record of such hearing, and, if it appears upon the hearing upon the appeal that testimony is necessary for an equitable disposition of the appeal, it may take evidence or appoint a referee or a committee to take such evidence as it directs and report the same to the court with his or its findings of fact, which report shall constitute a part of the proceedings upon which the determination of the court shall be made. The court, upon such appeal, and after a hearing thereon, may affirm the action of such authority, or may set the same aside if it finds that such authority acted illegally or arbitrarily, or in the abuse of its discretion, with bad faith, malice, or without just cause.**

(C) The Chief of Police.

The Chief of Police shall be appointed and removed by the Mayor in accordance with State Statutes. The Chief of Police shall assign all members of the department to their respective posts, shifts, details and duties. He shall enforce rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof. He shall be responsible for the efficiency, discipline and good conduct of all officers and employees thereof.

He shall be responsible for the efficiency, discipline and good conduct of the department and for

the care and custody of all property used by the department. Disobedience by any member of the Police Department to the lawful orders, rules and regulations of the Police Commission shall be grounds for dismissal or for other appropriate disciplinary action.

LIPPMAN & OUELLETTE, L.L.C.

ATTORNEYS AT LAW
142 TEMPLE STREET
NEW HAVEN, CONNECTICUT 06510

Tel: (203) 776-4546
Fax: (203) 776-4435

LAWRENCE OUELLETTE, JR.
ALAN S. TOBIN

IRA H. LIPPMAN
GLEN D. MORGAN
Of Counsel

**VIA FACSIMILE ONLY
469-5417**

October 2, 2008

Frank J. Kolb, Jr., Esq.
Kolb & Associates, PC
49 High Street
East Haven CT 06512-2315

Attn: Kory Kolb

Re: Town of East Haven v. Police Chief Leonard Gallo

Dear Mrs. Kolb:

As discussed and agreed in light of the newly-scheduled October 31st mediation date, the proposed town announcement for the October 3rd hearing has now been modified to read as follows:

Proposed Town Announcement re October 31, 2008 Hearing

In connection with the setting of a date for the statutory hearing, the town has agreed that notice of charges will be re-served following October 31, 2008 with a statutory hearing date to be set thereafter for a date in compliance with state statutes.

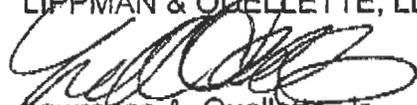
Accordingly, please make sure Attorney Kolb and his client has this revised announcement in the event that it is necessary to have to utilize and communicate the same in response to inquiries from the media.

Finally, please note that by separate cover I will send out a letter confirming

all terms and conditions that have been agreed upon to date by the parties in connection with the upcoming October 31, 2008 mediation.

Very truly yours,

LIPPMAN & OUELLETTE, LLC



Lawrence A. Ouellette, Jr.

LIPPMAN & OUELLETTE, L.L.C.

ATTORNEYS AT LAW
142 TEMPLE STREET
NEW HAVEN, CONNECTICUT 06510

Tel: (203) 776-4546
Fax: (203) 776-4435

LAWRENCE OUELLETTE, JR.
ALAN S. TOBIN

IRA H. LIPPMAN
GLEN D. MORGAN
Of Counsel

**VIA FACSIMILE ONLY
469-5417**

October 6, 2008

Frank J. Kolb, Jr., Esq.
Kolb & Associates, PC
49 High Street
East Haven CT 06512-2315

Re: Town of East Haven v. Police Chief Leonard Gallo

Dear Attorney Kolb:

This is to confirm the substance of our numerous telephone conversations during the past week at which time the following was mutually agreed upon:

1) That a non-binding all day mediation before Attorney Steven Mednick (as the chosen mediator) will take place at his office on October 29, 2008, to begin at 8:00 AM and to continue all day if necessary in an effort to conclude, if at all possible, a voluntary resolution of the pending issues between the parties.

2) That the existence of the mediation, as well as all discussions during the course of the mediation, will be kept strictly confidential. In this regard, the parties have further agreed that upon the mediator's return from vacation on October 14, 2008, said mediator shall prepare a confidentiality agreement on the subject, to be signed by the parties.

3) That prior to the signing of said confidentiality agreement and the mediation to follow, counsel for each side will be permitted an opportunity to contact the mediator for a short discussion to confirm to their satisfaction the mediator's ability to be fair and impartial in connection with the terms of the confidentiality agreement and the mediation to follow.

4) That both the Mayor as well as Police Chief Gallo will be required to attend the mediation in order to be available for all needed

decision making and related discussions with the mediator, but not for evidentiary/testimony purposes. If the mediation should go beyond 3:00 PM, however, a break in the mediation of approximately one to one and a half-hours may be necessary to the extent that one of the parties may be needed to officiate over a prescheduled, non-cancelable event.

5) That each side will initially be provided up to one hour and fifteen minutes, if needed, to present their position (with whatever evidence or non-compulsory testimony they may chose to utilize). Again, to the extent that this is a voluntary mediation, it is agreed that the proceeding is not to be used to compel testimony from either side, but to simply present their own best case with their own voluntary witnesses if deemed needed. While there is to be no cross-examination of each others witnesses, the mediator will be allowed to ask questions should he deem the same necessary in furtherance of the mediation.

6) that in order to address the discussed concern that the Mayor's participation in the mediation cannot later be utilized as a basis to disqualify her to sit as the hearing officer at any future pretermination hearing (in the event that the mediation is not successful), Attorney Kolb has agreed to have his client, Police Chief Leonard Gallo sign an appropriate waiver (to be prepared by the mediator upon his return from vacation) in which Police Chief Leonard Gallo will waive the Mayor's attendance and participation in the mediation hearing as a basis upon which to seek to disqualify her as a hearing officer in any future hearings. In connection with this agreement, however, it is further acknowledge by the parties that Attorney Kolb on behalf of his client is explicitly reserving any right Police Chief Leonard Gallo may have to attempt to disqualify the Mayor to sit as a hearing officer in any future pretermination hearing for any other basis.

7) That the hourly cost for the mediator is to be paid by the town.

If in your recollection there are any discussed terms or conditions that I have omitted, I would ask that you immediately advise in writing (upon your return to Connecticut) in order that we may ensure that our offices, and our respective clients, have the very same understanding and expectations as to this mutually agreed upon mediation. As discussed, it is my sincere hope that the mediation can resolve all issues so as to alleviate any further time and expense to our respective clients.

Very truly yours,
LIPPMAN & OUELLETTE, LLC


Lawrence A. Ouellette, Jr.
LAO/ljs

cc: Attorney Steven Mednick

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

VIA FACSIMILE ONLY 776-4435

October 7, 2008

Lawrence Ouellette, Jr., Esq.
Lippman & Ouellette
142 Temple Street
New Haven, CT 06510

RE: Chief Leonard Gallo

Dear Attorney Ouellette:

I have your correspondences dated October 2nd and October 6th.

I am somewhat confused in that I thought the matter was scheduled for October 31, 2008, however, your correspondence of October 6th indicates that the date is October 29, 2008. Kindly clarify this issue.

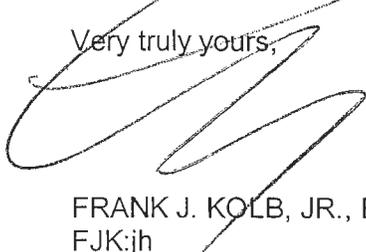
Should, a hearing pursuant to Section 7-278 of the Connecticut General Statutes be noticed by the town, and we certainly hope that it doesn't come to that, I ask you as counsel for the town, and the town and the mayor, etc. recognize that I have a previously scheduled out-of-state vacation wherein I am scheduled to leave the state on the 10th of November and return to the office on the 18th of November.

It is a condition of agreeing to this mediation that any statutory notices not be given during my aforesaid vacation period nor any hearings pursuant to said notice be scheduled during any vacation period. I do have vacations scheduled for December and January, however, I do not believe those are of any consequence at this time, but I do reserve my right to ask that my prearranged vacation schedule be recognized.

I also ask that should a hearing be noticed that the maximum statutory period for notification be utilized because if it does go to a hearing I told you that I would have to issue about 30 subpoenas.

I want to make it very clear that any writing prepared that is expected to be signed by either party shall be approved by both counsel and not just because it is prepared by the mediator does it have to be executed by either party.

Very truly yours,



FRANK J. KOLB, JR., ESQ.
FJK:jh

3:00
10/7/08

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

VIA FACSIMILE ONLY 776-4435

October 9, 2008

Lawrence Ouellette, Jr., Esq.
Lippman & Ouellette
142 Temple Street
New Haven, CT 06510

RE: Chief Leonard Gallo

Dear Attorney Ouellette:

I have your correspondence dated October 7, 2008 which I did not receive until the 9th of this month because you forwarded the correspondence dated the 7th to me on October 8th at 4:29 p.m. and I was on the golf course at that time. Nonetheless, that came after my correspondence to you dated October 8, 2008 which was sent to you via facsimile transmission at 12:38 p.m. A copy of same is enclosed herewith for your review.

You have said nothing different in your letter than you did in your phone message and my response is as contained in my correspondence to you dated October 8, 2008.

If, *arguendo*, the mediation was not successful on the 31st conceivably if the Town caused an immediate notice to issue, the hearing would fall smack dab in the middle of my planned vacation.

I am insisting upon your agreement not to schedule the hearing between my aforesaid November vacation period. This is the least you can do in light of the fact that I have consented to the mediation when I have every reason to believe that the Chief would prevail should it be a public hearing on the issue of just cause pursuant to Section 7-278 of the Connecticut General Statutes.

You should note if you read the Register today that I adhered to the agreement although not officially inked and made no further comment other than to say nothing was being scheduled until after the 31st. That I did on a gentleman's agreement and I ask that you agree to schedule the hearing, if any accordingly.

Don't bother corresponding because I will be out of the office from before you receive this correspondence until I return in the office on the 15th of October.

10/9/08
10:47 a.m.
H. J. Kolb, Jr.
Joseph Marotti

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

VIA FACSIMILE ONLY 776-4435

October 8, 2008

Lawrence Ouellette, Jr., Esq.
Lippman & Ouellette
142 Temple Street
New Haven, CT 06510

RE: Chief Leonard Gallo

Dear Attorney Ouellette:

I have your rather lengthy (two minute plus) phone message of October 7, 2008.

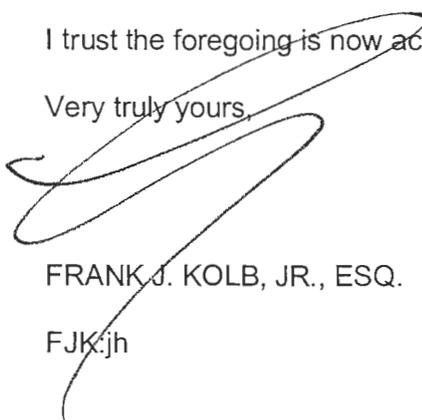
It would be greatly appreciated if in the future you could keep your messages to a minimum.

Your reading, as I understand it, of Section 7-278 is that it is mandatory that the hearing be held not less than five nor more than ten days after the notice. I personally see nothing that would prevent a waiver of that time period because of my planned vacation schedule for November, however, let me suggest quite simply that if notice is to be given of a hearing and as I said I certainly hope it doesn't become necessary to do such then that the notice be given such that the hearing will take place on either November 18, 20, 21, 24, 25 or 26.

Because I told you I have number of subpoenas to issue I would ask that the maximum notice period be given working backwards from the dates that I have just given you.

I trust the foregoing is now acceptable to you.

Very truly yours,



FRANK J. KOLB, JR., ESQ.

FJK:jh

~~RECEIVED~~
12-38
JF 10/8/08

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

VIA FACSIMILE ONLY 776-4435

October 21, 2008

Lawrence Ouellette, Jr., Esq.
Lippman & Ouellette
142 Temple Street
New Haven, CT 06510

RE: Chief Leonard Gallo

Dear Larry:

In preparation for the upcoming mediation, I would appreciate receiving the following:

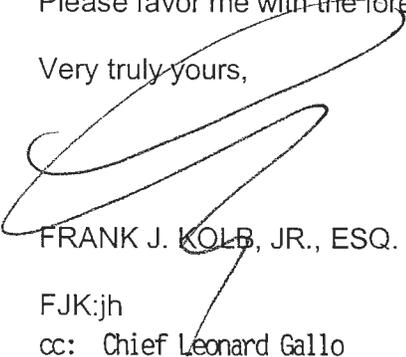
1. A copy of the employment agreement between the mediator and the town.
2. The town's allegations.
3. The town's "prayers for relief."

My mother tells me that I was born at night but I am sure you recognize that it was not last night.

I know when you originally approached me you approached me on the basis that we had a mutual interest in this case, however, as I initially suspected, it has become more apparent that you have assumed representation of the town somewhat adversarial to my client but that is why I represent him individually and I am not alleging any conflict.

Please favor me with the foregoing at your earliest opportunity.

Very truly yours,



FRANK J. KOLB, JR., ESQ.

FJK:jh

cc: Chief Leonard Gallo

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

VIA FACSIMILE ONLY 468-3372

December 24, 2008

Paul J. Hongo, Jr., Director
Town of East Haven
250 Main Street
East Haven, CT 06512

RE: My Client: Chief Gallo

Dear Mr. Hongo:

I wrote to you yesterday about several issues and as of this moment I have not been favored with a response.

I am sure by now you realize that I am not overjoyed at being ignored.

There are issues that need to be addressed.

The issue of the Chief having counsel appointed at the town's expense to whom he may seek legal advice on issues concerning legal matters encountered in the discharge of his duties is a paramount concern.

Further, the issue of the administration's attempted meddling in the police department's day to day operations also causes great concern to me both as the Chief's attorney and as a taxpayer of this town.

I very well understand budgetary concerns, however, there are several ways to look at these micro-managing and meddling issues and I address them as follows:

1. Would you tell the superintendent of schools to what classroom and what school a teacher should be assigned?
2. Would you tell the fire chief who should drive and who should ride in the fire truck?
3. Would you tell the public works department who should drive, who should use a saw, who should use a shovel, etc.?
4. Would you tell any department head which secretary should perform what tasks?

11:38 a.m.
JH
RECEIVED
12-24-08

I think the answer to all the foregoing would be no, but then I ask you why do you do this with the Chief of the police department?

Your concerns address overtime, however, the police department's budget was slashed by \$286,000.00 and yet the Chief within his budget was required to pay increased wages as a result of a negotiated union contract. The officers are entitled to their sums both retroactive as well as for their future, but that comes out of a budget that you have already slashed by \$286,000.00, and now you focus on police department overtime, interfering with the Chief's operation of the department which causes a decrease in public safety.

Also, we shouldn't forget the fact that the Mayor in rehiring Robert Nappi before he could return to active service and he couldn't attend to his work duties because of court action was later reinstated and a claim was made for retroactive pay which was paid in the amount of about \$22,000.00 from the police department budget.

We also have not addressed the issue although I have written in the past about it as to you and/or the Mayor granting to Roberta DeLucia over \$10,000.00 in sick time to which she was not entitled.

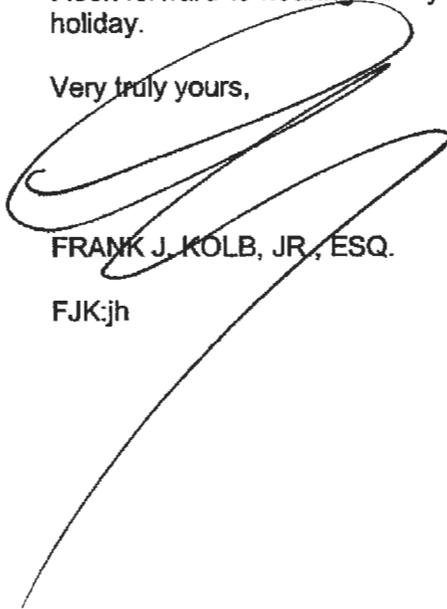
I see roofs going on buildings around town, but yet the target of your budgetary concerns is public safety. Your "no holdover edict" is just one example of compromising public safety.

I am appalled that you have money for other things including gifts to political allies, private investigators, frivolous attorney's fees, all which appear to be in furtherance of political vendettas and/or political promise fulfillment.

You seem to have an olive branch in one hand and an Uzi in the other.

I look forward to hearing from you by noon today at which time I will be closing my office for the holiday.

Very truly yours,



FRANK J. KOLB, JR., ESQ.

FJK:jh

**MEDIATION AGREEMENT
TOWN OF EAST HAVEN AND CHIEF LEONARD L. GALLO, EHPD**

Acting upon a grievance that could have potential impact upon pending legal actions commenced against the Town and the Chief of Police by an officer of the East Haven Police Department, the Mayor and Paul Hongo, the Deputy Director of Town Affairs, sealed and removed records from the East Haven Police Station in order to investigate and address related issues. During the ensuing period of time, the matter has been reviewed with the total cooperation of the Chief and the Mayor. Due diligence was exercised by the parties involved including a thorough and detailed review of all records, extensive discussions and analysis of the underlying actions and documents pertinent to this matter.

Moreover, the Town and the Chief had the full cooperation of Local 1662 of the East Haven Police Union and as a result of that assistance all of the records removed from personnel files have been fully restored. From the time of their transmittal by the Chief and at all times thereafter, the records in question were retained by the union in their files. During this review the Union provided the Town and the Chief with copies and, thus, the files were restored. Furthermore, it is evident from the content of the records that the Chief acted in accordance with written agreements to remove the records from the personnel files by the respective dates set forth in each of the matters.

The restoration of the records assures that the Town and the Chief may now proceed to comply both with the requirements agreed to in the records as well as the State Law and Town Wide Record Retention Procedures governing the destruction of public records. From now forward the Mayor's Office and the Chief will review, with each officer of the Police Department, all personnel records to assure the integrity of the files and on-going compliance with all laws and policies governing their destruction.

The Mayor and the Chief agree that the restoration of the records resolves this matter completely and that this mutually agreed upon resolution now assures compliance with all laws and policies in the instant matter as well as in the future. Moreover, Mayor Capone Almon and Chief Gallo hereby affirm their mutual support for each other with respect to their respective obligations to the people of the Town of East Haven and, further agree that this matter was best addressed in a context of cooperative resolution. This Statement and Agreement is the result of the thorough review and candid discussions that occurred by the parties both prior to and during mediation.

This Statement and Agreement of the parties will be released by the Mediator, Attorney Steven G. Mednick, on behalf of the Mayor and Chief (and with the consent of respective counsel) and represents the complete understanding and agreement of the parties as well as their definitive public statement on the matter, which relates to on-going legal proceedings.

Agreed to by the parties in three counterparts each of which is deemed an original and all of which constitute only one agreement,

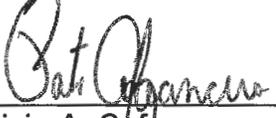
**MEDIATION AGREEMENT
TOWN OF EAST HAVEN AND CHIEF LEONARD L. GALLO, EHPD**

THE TOWN OF EAST HAVEN

By: 

April Capone Almon
Its Mayor

1 December 2008



Patricia A. Cofrancesco
Town Attorney

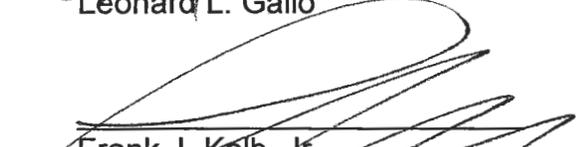
1 December 2008

CHIEF LEONARD L. GALLO



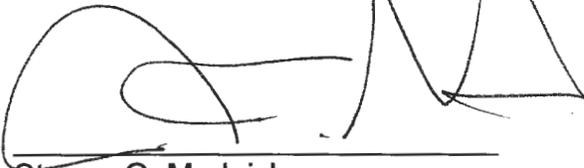
Leonard L. Gallo

1 December 2008



Frank J. Kolb, Jr.
Attorney for Leonard L. Gallo

1 December 2008



Steven G. Mednick
Mediator

1 December 2008



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

August 28, 2008

Honorable Mayor April Capone Almon
Mr. Paul Hongo, Director of Admin. & Management

Dear Mayor Almon and Mr. Hongo:

On August 28, 2008 I received a letter from Mr. Hongo for me to pack personnel files and to have them delivered to his office in a secured area.

I responded by letter that I strongly recommend that these files not be taken out of the confines of the East Haven Police Department but I would completely cooperate and invite interested parties to review them at the Police Department.

At 2:00 p.m. I spoke to Mr. Hongo who was with Mayor Almon at the station. I was being treated at the hospital at that time. Shortly thereafter I advised Mr. Hongo that I would be back at the station after the hospital treatment to retrieve the files. I called Mr. Hongo before responding to the station and told him I was on the way and upon arrival I met with Hongo and the Mayor and all files in my office were removed.

I demand to know why these files have been removed, to where, as the removal of these files may have legal ramifications for personnel issues. Furthermore I demand to have an attorney, who is not already conflicted, represent me on this issue.

I want to state this perfectly clear that I am not going to be held responsible for any files or items removed from my office.

Sincerely,

Leonard L. Gallo
Chief of Police

Address all communications to the Chief of Police

East Haven Police Department

471 North High St, East Haven CT 06512

(203) 4683820

SUPPLEMENTARY

CASE/INCIDENT REPORT

Report #: 0800015278 - 00039408

CFS NO. 0800015278	DAY 5	INCIDENT DATE 08/28/2008 Thru 08/28/2008	TIME 15:59	DATE OF RPT 09/09/2008	TIME OF RPT 08:29	TYPE OF INCIDENT ESCORT	INCIDENT CD 8310	INVESTIGATING OFFICER Inspector Nappi, Gaetano J.	BADGE NO. 1150	
DIVISION		DIVISION NO.		REFERENCE DIVISION	REFERENCE DIVISION NO.	CASE X-REFERENCE	UNIT ID	TYPIST 1150	DATE TYPED 09/09/2008	TIME TYPED 08:29
STREET NO. 00471	STREET NAME AND TYPE North High St East Haven			APARTMENT NO / LOCATION		INTERSECTING STREET NAME AND TYPE		STATUS Closed	TOWN CD 044	

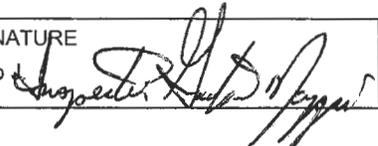
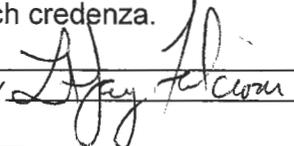
STATUS CODE C=COMPLAINANT V=VICTIM A=ARRESTEE J=JUVENILE H=OTHER M=MISSING W=WITNESS O=OFFENDER D=DRIVER S=SUSPECT P=POLICE OFFICER T=TOT

STATUS	NAME	SEX	RACE	D.O.B.	TELEPHONE	ADDRESS	OP STATE & NO.
P	Slane, Joseph	M	W	09/30/1970	Bus (203) 468 - 3820	471 North High Street East Haven CT	CT 214998801
H	Pizzarusso, Nicholas	M	W	11/24/1940		461 North High St East Haven CT	CT
C	CAPONE-ALMON, APRIL	F	W				CT
H	Williams, Virginia	F	W			471 North High St East Haven CT	CT
H	Wirtz, Larry	M	W			461 North High St East Haven CT	CT
H	Cunningham, Jim	M	W			461 North High St East Haven CT	CT
P	Gallo, Leonard						CT
P	Wambolt, Matthew					471 North High St East Haven CT	CT
H	Hongo, Paul	M	W			250 Main St East Haven CT	CT
H	Venditti, Vinnie	M	W			461 North High St East Haven CT	CT

On August 28, 2008 at approximately 14:30 hrs. Mayor April Capone Almon and Paul Hongo, Director of Administration & Management, came to police headquarters. The Mayor and Mr. Hongo had a brief conversation with Chief Gallo's secretary, Virginia Williams. Mayor Almon and Mr. Hongo then came into my office and requested this writer to open Chief Gallo's office. I was informed that they were going to remove personnel files and secure them at East Haven town hall.

While I was speaking with both parties, Chief Gallo called my office by phone. I had a brief conversation with the Chief regarding the DUI grant assignments. Then Mr. Hongo had a conversation with Chief Gallo. I was told that Public Services were being contacted and upon their arrival the files would be removed.

When we entered the Chief's office the following people were present: Mayor Almon, Mr. Hongo, Virginia Williams, Lieutenant Slane and this writer. The files to be removed were secured by this writer and Lieutenant Slane, masking tape was placed around each credenza.

OFFICER SIGNATURE Nappi, Gaetano 	SUPERVISOR SIGNATURE 	SUBSCRIBED & SWORN BEFORE ME: NOTARY  THIS <u>9</u> DAY OF <u>Sept</u> YR. <u>2008</u>
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East Haven Police Department

471 North High St, East Haven CT 06512

(203) 4683820

CASE/INCIDENT REPORT

SUPPLEMENTARY

Report #: 0800015278 - 00039408

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STREET NO. 00471	STREET NAME AND TYPE North High St East Haven		APARTMENT NO / LOCATION		INTERSECTING STREET NAME AND TYPE		STATUS Closed	TOWN CD 044	

We also placed our initials, time and date on tape. These files (which are contained in two credenzas) were locked.

The following individuals arrived from Public Services, Supervisor Nick Pizzorusso, Larry Wirtz, Jim Cunningham and Vinnie Venditte. The files were removed and placed on a Public Service truck.

When the files were placed on the Public Services truck, Officer Matthew Wambolt escorted the vehicle, containing the files, from Police Headquarters to Town Hall.

Note: This report was requested by Chief Gallo on September 8, 2008.

OFFICER SIGNATURE Nappi, Gaetano J. <i>Inspector Gaetano Nappi</i>	SUPERVISOR SIGNATURE <i>SF</i>	SUBSCRIBED & SWORN BEFORE ME: NOTARY <i>L. Jay Falcone</i>
THIS <u>9</u> DAY OF <u>Sept</u> YR. <u>2008</u>		



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

To: Richard Gudis, Staff Attorney – AFSCME Council 15
Thomas Russell, President Police Union – Local 1662

Cc: April Capone Almon, Mayor
David A. Ryan, Jr., Labor Attorney

From: Paul J. Hongo, Jr., Deputy Director of Town Affairs

Date: August 31, 2008

RE: East Haven Police Personnel Files

I am writing in response to your August 29, 2008 letter in which you inquired about the Town's decision to remove the East Haven Police Personnel Files from the office of Police Chief Leonard Gallo.

Following the advice of her legal counsel, the Mayor directed Inspector Guy Nappi and Lieutenant Joseph Slane to secure the two (2) locked file cabinets with masking tape. Acting as witnesses, both men initialed the masking tape and documented the date and time.

Upon completion, the Mayor directed Public Services personnel to load the two (2) file cabinets onto a box truck. With the assistance of a police escort, the box truck delivered the two (2) file cabinets to Town Hall. From there, the Public Services personnel carried the two (2) file cabinets off the box truck and into the Mayor's Office, where they will remain until this matter is resolved.

In terms of security, Town Hall, the entrance into the common area of the Mayor's Office, and the Mayor's Office itself is all separately monitored; in other words, you need to key in a security pass code to enter each area – it goes without saying the Town's number one priority is to preserve the integrity of these files.

I hope this information satisfies your concerns, as well as the concerns expressed by those you represent. As always, please do not hesitate to call me if you have any further questions regarding this matter.

Thank you.



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

To: Richard Gudis, Staff Attorney – AFSCME Council 15
Thomas Russell, President Police Union – Local 1662

Cc: April Capone Almon, Mayor
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Thank you.

EXHIBIT 40



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON
Mayor

September 18, 2008

HAND-DELIVERED

Frank J. Kolb, Jr., Esq.
Kolb & Associates, P.C.
49 High Street
East Haven, Connecticut 06512

**Re: Pre-Termination Hearing
Chief Leonard Gallo**

Dear Attorney Kolb:

On September 15, 2008 I wrote to you pointing out that your intended representation of Police Chief Leonard Gallo at his forthcoming Pre-Termination Hearing posed a conflict of interest because you also represent me and my husband in another, albeit, unrelated private matter. I also stated that I am unwilling to waive that conflict.

By letter dated September 17, 2008, you replied urging that the proper alternative was for me to recuse myself, just as when a judge may recuse himself or herself when a lawyer who represents the judge also represents a third party appearing as party in an unrelated matter before the judge.

For some reason you also – unnecessarily in my opinion – mock the source of the legal advice I have received in this matter, and further state that my staff's providing prompt notice to the media of the scheduling of the Pre-Termination Hearing calls into question my motives.

I must disagree with all your comments and again decline to waive the conflict.

1. Unlike the situation in which a judge may recuse himself or herself and know that some other judge will be legally available to take the case. I am not just another hearing officer. I am the hiring authority for Chief Gallo and as such it is my designated obligation to conduct the Pre-Termination Hearing. I therefore intend to fulfill my responsibility to conduct the Pre-Termination Hearing.



OFFICE OF THE MAYOR

APRIL CAPONE ALMON
Mayor

Frank J. Kolb, Jr., Esq.
Kolb & Associates, P.C.
Page – 2 –
September 18, 2008

2. There is undoubtedly a conflict of interest posed by your current intention to represent Chief Gallo at the Pre-Termination Hearing. The “Official Commentary” to Rule 1.7 of the Connecticut Rules of Professional Conduct, concerning “Conflict of Interest: Current Clients,” provides in relevant part, in the discussion sub-captioned “Identifying Conflicts of Interest: Directly Adverse”:

Loyalty to a current client prohibits undertaking representation directly adverse to that client without that client’s informed consent. Thus, absent consent, a lawyer may not act as advocate in one matter against a person the lawyer represents in some other matter, even when the matters are wholly unrelated. The client as to whom the representation is directly adverse is likely to feel betrayed, and the resulting damage to the client-lawyer relationship is likely to impair the lawyer’s ability to represent the client effectively. In addition, the client on whose behalf the adverse representation is undertaken reasonably may fear that the lawyer will pursue that client’s case less effectively out of deference to the other client, i.e., that the representation may be materially limited by the lawyer’s interest in retaining the current client. . . .

[Underlining added.]

While I am required to provide a full and fair hearing to Chief Gallo and fully intend to do so, the mere possibility that the results of the hearing might require that I ultimately take some action adverse to the Chief unavoidably creates the potential direct adversarial relationship that is the concern of the referenced Rule.

You would be ethically obligated to conscientiously represent Chief Gallo, especially in such a high-profile proceeding, without regard to its consequences to your other clients, and at some point you may feel it desirable to even question my motives.



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

Frank J. Kolb, Jr., Esq.
Kolb & Associates, P.C.
Page – 3 –
September 18, 2008

Indeed, the suggestion in your September 17, 2008 letter that my motives may be suspect merely because my staff gave prompt notice to the media of the scheduling of the Pre-Termination Hearing amply demonstrates that the tension created by the conflict in representing Chief Gallo and representing me and my husband, albeit in an unrelated matter, cannot be avoided or finessed. Moreover, that you offer that suggestion purportedly "as a private citizen" is a distinction without a difference. You are an attorney in your representation of me and my husband, not a private citizen, and you would be an attorney in your representation of Chief Gallo, not a private citizen. As an attorney you would be ethically bound to conscientiously and, if appropriate, aggressively represent the Chief wherever that may lead.

I hope that upon further reflection you will come to realize that there is no practical or ethical alternative but to have Chief Gallo promptly obtain the services of another attorney.

Very truly yours,

A handwritten signature in black ink, appearing to read "April Capone Almon".

Mayor April Capone Almon
ACA/jad

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

September 17, 2008

Mayor April Capone Almon
Town of East Haven
250 Main Street
East Haven, CT 06512

RE: Pre-Termination Hearing
Chief Gallo

Dear Mayor Capone Almon:

I have your correspondence dated September 15, 2008 directed to Chief Gallo concerning a Pre-Termination Hearing.

You are correct that I have represented and continue to represent Chief Gallo.

You are also correct that to some degree I presently represent you and your husband.

I respectfully submit to you that the conflict that you say you refuse to waive is not yours to refuse.

By way of example, if I were representing you and appeared before a judge who either I represented or was suing, it would be the judge who had to recuse him or herself as the hearing officer and not you who then be forced to discharge your own counsel and therefore depriving you of the right to choose your own counsel. Further, my representation is of you personally, not of the town. And there is absolutely nothing in my continued representation of you and your husband that would in any way give me any information that would benefit the Chief.

As a taxpayer, I strongly suggest that whoever gave you this legal advice refund any money they may have charged for issuing this opinion to you.

Your own corporation counsel and you have used the phrase "Chinese Walked" (sic) and I firmly believe that such would be the case here, if at all necessary, however, I don't think it is.

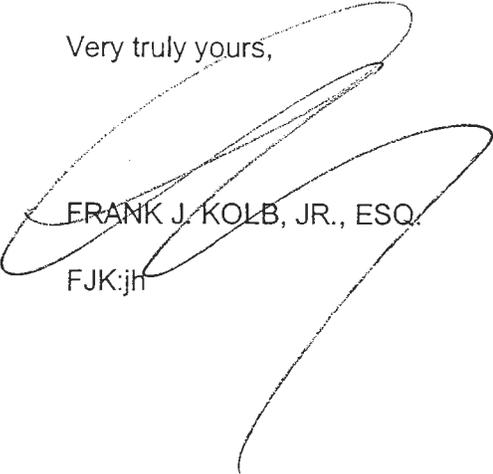
The Chief continues to evaluate his options in all regards concerning this matter. Further, as a private citizen, I ask you to consider the fact that the notice of this hearing was delivered to the media within hours of its delivery to the Chief. Certainly, your motives in doing such could easily be questioned as specifically designed to cause the Chief embarrassment and I certainly hope you realize that it sets up East Haven for ridicule from all the other towns for making "mountains out of molehills."

Further, I strongly suggest that before action is taken against the Chief you determine what the policies have been for years in all of the town departments on similar issues concerning that which you allege the Chief has violated.

I firmly believe that you will find that this has existed for numerous years in the fire department, the public works department, the schools department, and other departments of the town.

When the Chief has made a decision concerning issues you will be so informed.

Very truly yours,



FRANK J. KOLB, JR., ESQ.

FJK:jh

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

September 23, 2008

Mayor April Capone Almon
Town of East Haven
250 Main Street
East Haven, CT 06512

RE: Pre-Termination Hearing
Chief Leonard Gallo

Dear Mayor Capone Almon:

As a follow up to my correspondence of September 17, 2008 in response to your correspondence of September 15, 2008 concerning your request for a Pre-Termination Hearing, Chief Gallo and I decline your invitation to attend.

The reasons for this are multifaceted and all not stated herein.

Specifically, and not intended to be all inclusive, the Chief is governed by the provisions of §7-278 of the Connecticut General Statutes.

That statute is set forth as Exhibit A attached hereto and made a part hereof.

Section 7-278 of the Connecticut General Statutes does not allow a Pre-Termination Hearing and the discipline options you have stated, it only allows a termination of the Chief of Police in accordance with the provisions of §7-278, which would be a public hearing with the right to subpoenas to have other people testify, etc. Your request for the Pre-Termination Lauderhill Hearing is declined.

If you wish to proceed, it is requested that you proceed in accordance with §7-278 of the Connecticut General Statutes.

Further, you have alleged in your correspondence of September 15, 2008 directed to Chief Gallo that "during your employment with the Town of East Haven, you have been represented by Attorney Frank Kolb". You went on to state that "Please be advised that Attorney Kolb presently represents my husband and I." And you thereafter went on to state that you believed there was a conflict in my representation of the Chief and your role as a hearing officer in the Pre-Termination Hearing and this was a conflict that you were unwilling to waive. This alleged conflict is created by you attempting to hold a hearing not authorized by statute and making yourself the hearing officer.

I take your attempt to disqualify me as stated in your correspondence dated September 15, 2008 and in correspondence dated September 18, 2008, but not delivered to me until September 22, 2008, as a compliment to my legal abilities, and further seeking to deprive the Chief of those abilities.

In the correspondence dated September 18, 2008, you state that you were the hiring authority for Chief Gallo and, as such, it is your designated obligation to conduct the Pre-Termination Hearing. For your ready reference, I enclose herewith a copy of (C) The Chief of Police from the Town Charter and although I grant you that it does say the Chief shall be appointed and removed by the Mayor there is nothing in said paragraph that demands that you have the designated obligation to conduct the Pre-Termination Hearing as is noted below with my reference to §7-276. As I said earlier there is no provision for a Pre-Termination Hearing as regards to the Chief, it is merely a hearing pursuant to §7-278 of the Connecticut General Statutes.

As I have said before, I believe there is absolutely no conflict and that I represented you and your husband in a simple collection matter wherein I obtained the judgment completely favorable to you and your husband against a defendant who was then represented by one of your current assistant town attorney's James Cirillo. In short, you won the case and Attorney Cirillo's client lost.

Your correspondence of September 15, 2008 indicates that you are taking this matter as a personal matter, not in your official capacity as the Mayor of the Town of East Haven in furtherance of your desire to have the Chief removed which predated your election to office as mayor of this town as evidenced by the Hartford Courant article of November 18, 2007 which still remains on your website. By making you the hearing officer you create the alleged conflict that would not otherwise exist.

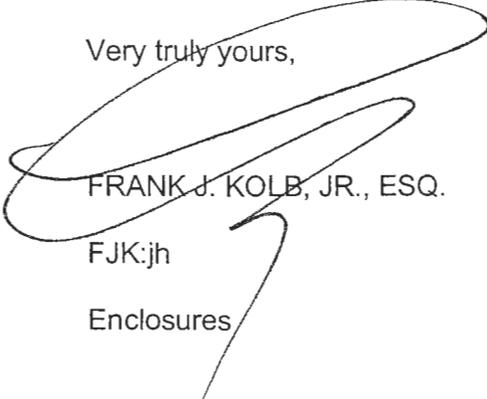
In the case of Anziano v. Board of Police Commissioner, 229 Conn. 703 (1994), it was discussed that C.G.S. §278, was provided to give the Police Chief statutory protection by having, written notice of the charges, a right to a hearing and a right to counsel. C.G.S. §7-276 can be read to allow the Police Commission to have the hearing. In addition, black letter law is that if the Mayor believes she has authority under local ordinance to hold a hearing, she must do so in accordance with State Statute because "if an ordinance frustrates the achievement of a State's objectives, the ordinance is pre-empted by Statute." Therefore, even if you wanted to conduct the hearing, you must comply with all of the mandates of C.G.S. §7-278.

You as the Mayor cannot usurp State Statute and are prohibited by law from doing so as the sole purpose of C.G.S. §7-278 is to give adequate notice, assure due process and avoid political vendettas.

In short, until such time as the issue of the conflict that you have raised is decided by either a court of competent jurisdiction or by the Connecticut Bar Association through an ethics opinion, I remain counsel for the Chief and because you have raised the issue of a conflict, I will be taking no further action, but because I remain the Chief's counsel and he is not willing to substitute counsel, I am asking that all matters concerning the Chief and my representation of him be put on hold to obviate the need of me filing for a temporary injunction.

I look forward to hearing from you or your counsel.

Very truly yours,



FRANK J. KOLB, JR., ESQ.

FJK:jh

Enclosures

EXHIBIT A

Sec. 7-278. Hearing prior to dismissal of municipal police head. Just cause requirement. Appeal. **No active head of any police department of any town, city or borough shall be dismissed unless there is a showing of just cause by the authority having the power of dismissal and such person has been given notice in writing of the specific grounds for such dismissal and an opportunity to be heard in his own defense, personally or by counsel, at a public hearing before such authority. Such public hearing, unless otherwise specified by charter, shall be held not less than five nor more than ten days after such notice. Any person so dismissed may appeal within thirty days following such dismissal to the superior court for the judicial district in which such town, city or borough is located. Service shall be made as in civil process. Said court shall review the record of such hearing, and, if it appears upon the hearing upon the appeal that testimony is necessary for an equitable disposition of the appeal, it may take evidence or appoint a referee or a committee to take such evidence as it directs and report the same to the court with his or its findings of fact, which report shall constitute a part of the proceedings upon which the determination of the court shall be made. The court, upon such appeal, and after a hearing thereon, may affirm the action of such authority, or may set the same aside if it finds that such authority acted illegally or arbitrarily, or in the abuse of its discretion, with bad faith, malice, or without just cause.**

(C) The Chief of Police.

The Chief of Police shall be appointed and removed by the Mayor in accordance with State Statutes. The Chief of Police shall assign all members of the department to their respective posts, shifts, details and duties. He shall enforce rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof. He shall be responsible for the efficiency, discipline and good conduct of all officers and employees thereof.

He shall be responsible for the efficiency, discipline and good conduct of the department and for

the care and custody of all property used by the department. Disobedience by any member of the Police Department to the lawful orders, rules and regulations of the Police Commission shall be grounds for dismissal or for other appropriate disciplinary action.

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

September 25, 2008

Mayor April Capone Almon
Town of East Haven
250 Main Street
East Haven, CT 06512

RE: Pre-Termination Hearing
Chief Leonard Gallo

Dear Mayor Capone Almon:

I have your correspondence of September 24, 2008 addressed to me and your correspondence of the same date addressed to Chief Gallo.

I thank you for same.

Several small problems to address.

1. I have prior plans to be out of the state commencing October 2nd and returning October 5th and then leaving the state again on October 9th and most likely returning on the 15th or 16th of October. I can furnish to you proof of these prior commitments. Kindly contact my office to arrange for a mutually convenient time for the hearing to proceed in accordance with the provisions of §7-278 of the Connecticut General Statutes.

2. I strongly suggest that you obtain a larger facility for the hearing to be conducted as any space that is available at the Memorial Town Hall, 250 Main Street, East Haven, Connecticut for the reasons as set forth herein will not have sufficient capacity to hold the expected number of persons expected to be in attendance for this Public Hearing.

3. I plan on calling something in the neighborhood of 25 to 30 witnesses and these witnesses will include yourself, but not be limited to, Patricia Cofrancesco, your town counsel, and Messrs. Hongo and Mauro.

You as the self appointed hearing officer will be called as a necessary witness.

The fact that I am calling you and your counsel is not meant to be taken lightly because I firmly believe that having you, your town counsel and other members of your staff testify is in conformity with the completion of the record in accordance with §7-278 of the Connecticut General Statutes.

I urge you to recuse yourself as the prosecutor and hearing officer in this matter. If you are truly interested in justice, then I suggest that you have a truly neutral hearing officer appointed through some neutral and unbiased organization such as the American Arbitration Association.

I look forward to hearing from you or any member of your staff may feel free to contact my office to discuss scheduling at a time other than October 3rd mutually convenient to all.

Very truly yours,

FRANK J. KOLB, JR., ESQ.

FJK:jh

EXHIBIT 41

**MR. PAUL HONGO
DIRECTOR OF ADMIN. & MANAGEMENT
CHIEF LEONARD L. GALLO**

8/28/2008

LEGAL REPRESENTATION

Dear Paul:

I have received your request for personnel files of August 28, 2008. You can expect my complete cooperation, however, i am strongly suggesting that these files not be removed from the East Haven Police Department and I am inviting you to come here and personally go through these files to complete your investigative effort.

I stand by my actions as one of good faith and at this juncture I am demanding legal representation to be provided by the town for an attorney of my choice, paid for by the Town of East Haven.

I have been consistently denied legal representation and I am demanding to be represented at this time.

EXHIBIT 42

Exclusive recording of East Haven Mayor

Updated: Thursday, 03 Sep 2009, 11:37 PM EDT
Published : Thursday, 03 Sep 2009, 10:57 PM EDT

- Story by: Erin Cox

East Haven (WTNH) - A recorded call of the East Haven Mayor railing about an officer, from her town's police force, could have criminal implications.

A source has given News Channel 8 the recordings; the recordings that could play a pivotal role on whether or not the mayor will be arrested.

"I have F***-ing had it," Mayor Capone Almon said on the recorded phone conversation.

The calls were made on July 19th when the mayor clashed with Officer Michael Sorbo over the towing of cars from the Town Beach. In his official report, Officer Sorbo claims the cars were blocking an exit. And, when the mayor arrives, she got in his face -- yelling and ordering him to stop.

At some point, the Mayor called the police sergeant on duty.

Mayor: "Hi Sgt Kattis, this is April and I'm down at the beach and Officer Sorbo is having cars towed out of the back lot."

Sgt. Kattis: "Yeah, he said cars can't by..."

Mayor: "What's that?"

Sgt. Kattis: "He said that cars can't get through and they're blocking..."

Mayor: "...saying cars can't get through."

Sgt. Kattis: "Yeah. He said they are jumping all over the grass and stuff and they can't get out of there."

Mayor: "They cant get out."

Sgt. Kattis: "Yeah."

Mayor: Well, ya' know, I will tell you, and I will have this talk with the Chief but I have f****-ing had it with Officer Sorbo playing cute down here at the beach; I've had it."

On Thursday, News Channel 8 played this portion of the recording for the mayor; she defends her actions and her language.

"It was being there in the moment and stepping into chaos and seeing East Haven taxpayers being treated unfairly," said the Mayor.

The Mayor points to a police department memo in June stating cars are not to be towed from the beach. Still, a state's attorney is now considering whether these calls are evidence the mayor interfered with her town's police department.

Cox: "Do you this helps your or hurts you?"

Mayor: "I do want the process to play out."

Meanwhile, the Chairman of the Police Commissioner has sent a letter to the East Haven Police Chief asking for a formal investigation of the incident; that letter has been passed onto the Chief State's Attorney.

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EXHIBIT 43

The New Haven Register (nhregister.com), Serving New Haven, CT

News

East Haven police seek to arrest mayor

Monday, August 31, 2009

By Mark Zaretsky, Register Staff

EAST HAVEN — Police are seeking a warrant for the arrest of Mayor April Capone Almon for interfering with a police officer in the highly controversial July incident in which she interceded as six vehicles were being towed from a town-owned beach parking lot and clashed with the police officer who ticketed them.

Chief of Police Leonard Gallo confirmed Monday evening that an arrest warrant affidavit has been submitted to New Haven State's Attorney Michael J. Dearington's office. He would not comment beyond that.

"It is in Mr. Dearington's office as we speak," Gallo said.

A similar application was submitted for one of the secretaries in Capone Almon's office, Erica Berg, who was with her at the time, the chief said.

Neither would face charges unless the application for a warrant is signed.

Capone Almon, a Democrat who is seeking a second term, said she had heard that police might be seeking a warrant "but I haven't been officially notified."

She defended her actions, saying, "I acted with common sense on behalf of the people of East Haven and I think that that's going to prevail in this situation."

Gallo, who had his own clashes with the mayor earlier in her first time in office — and at one point faced a termination hearing that ultimately ended with mediation — would not say which supervisor approved the warrant applications.

He did say it wasn't him.

"What does it matter?" Gallo asked initially, adding later, "It went through normal channels."

The officer involved, Michael Sorbo — who the mayor later ordered reassigned, ordering the two-person beach patrol that he was part of temporarily suspended — could not immediately be contacted. In Sorbo's police incident report about the ticketing and towing episode, he wrote that on July 19, "Both Mayor Capone Almon and Erica Berg interfered with my lawful duties as a police officer."

A source other than Gallo said that Sorbo initiated the warrant application.

Dearington did not immediately return calls for comment.

The half a dozen or so vehicles that Sorbo ticketed and ordered towed that day were blocking access in and out of the

parking lot, according to Sorbo's police report.

Read more in Tuesday's Register and here at nhregister.com.

URL: <http://www.nhregister.com/articles/2009/08/31/news/doc4a9c827678ca2193075341.prt>

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EXHIBIT 44

HOME > NEWS > POLITICS

East Haven Mayor Becomes Second Official Arrested This Week

By Andrew Pergam | Friday, Sep 4, 2009 | Updated 10:56 PM EDT



Mayor April Capone-Almon of East Haven, seen in this file photo, was arrested Friday afternoon.

Mayor April Capone-Almon and her assistant turned themselves in to East Haven's police Friday morning. They're accused of interfering with police in a July 19th incident.

Both women were processed and let go on a promise to appear in court. Hours later the Mayor found herself defending her actions on July 19th again, "I do believe that at all times I was acting in my authority and in the best interest of the people of East Haven."

The Mayor as been living under the shadow of a possible arrest for nearly a week. Friday the warrant was approved and the Mayor and her assistant Erica Berg were arrested.

They're accused of stopping an officer from towing cars at Cosey Beach on July 19th. Officer Michael Sorbo also claims the Mayor yelled at him and demanded the cars be returned to their owners.

Capone-Almon's lawyer, William Dow says the town charter is proof of her innocence, "it would appear from the town charter that she has the authority to do the acts for which she's accused."

Her assistant was charged with the same misdemeanor. The Mayor came to her defense during a press conference held outside of Town Hall, "she really had nothing to do with any of the process at all."

In the meantime Capone-Almon says the focus remains the same, "it's business as usual in the town of East Haven I will be doing what I do best which is supporting and fighting for the citizens and tax payers of our town."

She also says she is not worried about this arrest spilling into election season which is less than two months away, "that's really not my concern. My concern is the process which is believe in and I believe is fair- also the day to day operations of the town."

Capone-Almon and her assistant will be in court on September 16th. The Mayor says they plan to pled not guilty.

Find this article at:

<http://www.nbcconnecticut.com/news/politics/East-Haven-Mayor-Arrested-in-Towing-Flap-57280187.html>

Check the box to include the list of links referenced in the article.

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EXHIBIT 45



U.S. Department of Justice

Civil Rights Division

SYC:DHW:LES:AA:CLP:ALG:mrb
DJ 207-14-6

*Special Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

January 26, 2010

VIA FACSIMILE AND ELECTRONIC MAIL

Patricia A. Cofrancesco, Esq.
Town Attorney
Town of East Haven
89 Kimberly Avenue
East Haven, CT 06512

RE: Investigation of the East Haven Police Department

Dear Ms. Cofrancesco:

We write to follow up on our request for documents and information concerning the East Haven Police Department ("EHPD"). As you know, we submitted our request on December 8, 2009 as part of our investigation of the EHPD, pursuant to the pattern or practice provision of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, and the anti-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d. Consistent with our prior discussions, including at our initial meeting on December 1, 2009, we are committed to working with you and the EHPD to facilitate a complete and responsive production. In this regard, we have attempted to contact you several times to clarify any questions or concerns that you or EHPD personnel may have regarding our request, but have been unable to reach you. We would be grateful if you would call us back at your earliest convenience to discuss a mutually-agreeable time frame for production and to resolve any outstanding issues related to our request.

We look forward to speaking with you. Please feel free to contact me at (202) 616-6594. You may also contact attorneys Luis Saucedo at (202) 353-0299,

Amin Aminfar at (202) 307-0652, or Catherine Pugh at (202) 305-4074. Please note that attorney Kenyan McDuffie is no longer assigned to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Weiss', with a long horizontal flourish extending to the right.

Daniel H. Weiss
Deputy Chief
Special Litigation Section

cc: Leonard Gallo
Chief of Police
East Haven Police Department

John Hughes
Civil Chief
United States Attorney's Office for the District of Connecticut

EXHIBIT 46



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

April 19, 2010

Chief Leonard L. Gallo
East Haven Police Department
East Haven, CT 06512

RE: Department of Justice

Dear Chief Gallo

As you are aware the United States Department of Justice has returned their report to the town regarding the vulnerabilities in our Police Department.
Please submit your response to this report to me in writing by noon on Tuesday April 20, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "April Capone Almon".

Mayor April Capone Almon

CC: Paul Hongo, Jr., Deputy Director of Town Affairs
Ralph Mauro, Assistant Deputy Director of Town Affairs
Patricia Cofrancesco, Town Attorney



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

April 20, 2010

Honorable Mayor April Capone Almon
250 Main Street
East Haven, CT 06512

RE: Department of Justice

Dear Mayor Almon:

I am responding to your letter of April 19, 2010 concerning the DOJ Report. I did not receive this report until early afternoon of April 19, 2010 and only after reading your letter and calling Mr. Hongo to get a copy.

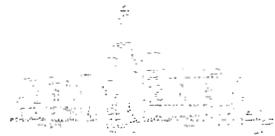
After reading the DOJ Report and your letter, I would like to say that the East Haven Police Department has cooperated to the fullest it can under these circumstances. We have had and will maintain an open posture and an all out attempt to correct any vulnerabilities concerning the East Haven Police Department. The DOJ has cited a number of different areas that they would like us to reform. The majority of these areas require policy changes and supervision. I will make a number of recommendations concerning this area as some are long range and some are short range goals.

1. Policy and Procedures
2. Insufficient Guidance on the application of force
3. Lack of formal requirements for reporting and reviewing of force
4. Citizens complaints and internal investigation
5. Early warning system for pro active detection
6. Community agreements
7. Training

Many of these items can be directly related to policies and procedures of which the Honorable Board and the department have been working to correct. It has become apparent that we need to address these matters in a more expeditious fashion. Therefore, I am recommending the following remedies.

1. I would like to contract a professional policy writer who has worked for other departments and has reconstructed their manuals, policies and procedures in the last few years. The payment for this matter can be absorbed from Federal Forfeiture Funds as long as permission is granted by the Town for the contracted employee. This professional will outline and tailor make practices,

Address all communications to the Chief of Police



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

policies and procedures for the East Haven Police Department working along with the Board of Police Commissioners, the Chief and Inspector.

2. The department is presently short a Captain, a Lieutenant and a Sergeant and will lose one officer to attrition in July and one officer overseas who will be returning in December and two officers in the academy. This shortage of personnel presents a difficulty for staffing. More importantly the absence of three supervisors should be addressed as soon as possible. I am requesting that you consult with the Board of Police Commissioners on facilitating this matter as soon as possible.
3. The Board of Police Commissioners and the Chief need to become more interactive with each other. I recognize the authority of the Board and hope that they will recognize my authority. It is my intention, along with your orders to facilitate a progressive program for the East Haven Police Department with the Boards cooperation.
4. I am recommending more interaction with me and Mr. Hongo so I may work on some short range goals to show progress. Mr. Hongo and I have a good working relationship and I would hope that you would allow him to help me facilitate some short range goals. Also included in the short range and long range goals would be interaction with the Board of Police Commissioners, Inspector Nappi, Attorney Cofrancesco and staff. Of late, there has been communication gaps between the Town Attorney and myself, specifically on matters of a meeting regarding towing policies, which I was not invited to, and a letter to the Board of Police Commissioners concerning the FOI Hearing in March, which I did not receive a copy of that letter. This letter was read aloud at the Board of Police Commissioners Meeting on March 30, 2010, to the general public without my review. The department needs and is respectfully asking for legal counsel when needed in both a pro active and reactive manner. (letters enclosed)
5. I have had contact with Mr. Ted LeMay of the Connecticut Police Accreditation Division who has recommended to me a policy writer named Ms. Linda Carlyn, who comes highly recommended. I will contact Ms. Carlyn concerning this matter. If Ms. Carlyn is not available I will research further and keep you advised.

You may recall over two years ago that in my initial overview report to you in 2007 of the East Haven Police Department, that future plans of the department were to seek accreditation from the State of Connecticut and CALEA, which is the commission on accreditation for law enforcement agencies. With your permission and support, this may be the opportune time to once again revisit and facilitate this very worthy goal. (2007 report enclosed, last two pages under training and future plans)

I will be meeting with the Branford Chief, John DeCarlo, who has used Ms. Carlyn in the past and was very complimentary. Some short range policies and goals may be accessible to us through this mutual



TOWN OF
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Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

cooperation. Again I will keep the Board of Police Commissioners advised and hopefully have their cooperation through your support.

Lastly, training of police officers is the most important aspect for any police department. You may recall last year budgetary constraints prohibited additional training which had to be continued to this fiscal year. The DOJ is recommending in house and additional training, some of which may be affordable, such as roll call and training films. Three supervisory officers in the department have already been trained to take charge of some of these matters. We will continue to train and accelerate the training as monetary support allows.

Obviously, some of these matters require funding, some may not. Additionally the department has some forfeiture money which I am more than willing to spend in the aforementioned areas I have described. Future training or funding for training must come with your support. I am going to contact the DOJ Community Relations Section to start some of our training and community relations and sensitivity interaction training, based upon their availability. You may recall, that they are a branch of the DOJ and have offered their services to me, which hopefully we will now enjoy.

I look forward to seeing you in the future about this matter and other matters of mutual interest.

Respectfully

Leonard L. Gallo
Chief of Police

c.c. Paul Hongo, Deputy Director Town Affairs
Ralph Mauro, Assistant Deputy Director of Town Affairs
Town Attorney Patricia Cofrancesco
Board of Police Commissioners



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

REPORT TO THE HONORABLE MAYOR APRIL CAPONE ALMON

CHIEF LEONARD L. GALLO
EAST HAVEN POLICE DEPARTMENT

11/07

Pursuant to your request I am giving you a basic overview report of the East Haven Police Department along with future plans for growth and efficiency.

PERSONNEL

The East Haven Police Department maintains 53 sworn personnel with one Chief, one Inspector, one Captain, four Lieutenants, nine Sergeants, four Detectives and the remainder are police officers. Additionally, there are six civilian employees, 3 are full time, one confidential secretary, two record room clerks, and one part time NIBRS proficient Clerk, along with two part time traffic maintenance persons. There are eleven crossing guards who operate on a per diem basis, ten with traffic positions and one floater. Note: presently there are six candidate police officers in training, four are scheduled to graduate in late December 2007, and two others scheduled to graduate in February 2008. Recruit police officers must have, by State Requirements, 400 additional field training hours by veteran field training officers before they are certified as police officers to ride alone.

STAFF PERSONNEL

Inspector Gaetano Nappi is in charge of administrative functions, crossing guards, equipment, forfeitures, record room, radios, time keeping and additional duties as assigned.

Captain James LaBanca is the operations officer in charge of all field directed operations including detective service, patrol, and vehicle maintenance and additional duties as assigned.

Each patrol shift is commanded by one field Lieutenant and two Sergeants with the exception of the 4 to 12 Shift which has a third Sergeant.

Lieutenant Michael DeRosa is the Shift Commander of the 12 a.m. to 8:30 a.m. Shift.

Lieutenant Jay Falcioni is the Shift Commander of the 8 a.m. to 4:30 p.m. Shift

Lieutenant Henry Butler is the Shift Commander of the 4:00 p.m. to 12:30 a.m.

Each Shift Commander has additional functions beside their normal duties of day to day field operations. Lt. Michael DeRosa is a Special Weapons Expert and is in charge of training and supervising Special Weapons personnel.

Lt. Jay Falcioni is a Special Weapons Supervisor and is co-commander with Lt. DeRosa for the SRT Team and Hostage Negotiations. He is in charge of school security, serving as the liaison officer for emergencies and oversees all towing operations and complaints.

Lt. Henry Butler oversees vehicle maintenance, safety equipment and is generally assigned to keeping up with emergency vehicle changes and service.

Lieutenant Joseph Slane serves as, keeper of the records in the East Haven Police Department Record Division. He is assigned to recruits, field training for officers, record retention, freedom of information and informational technology including but not limited to the department computer system, along with additional duties as assigned.

Sergeant Bruce Scobie is the commanding officer of the Detective Division who oversees all major cases and felonies committed in this jurisdiction. Additionally he is assigned to oversee youth investigations to successful fruition. We are presently short two detectives.

Detective Michael D'Amato is presently the lone Youth Detective conducting all investigations and overseeing all investigations involving youth and criminal behavior. He is a direct liaison to the East Haven School system. Detective D'Amato works closely with the departments DARE Officer.

DARE Officer Michael Sorbo is presently assigned to Drug and Alcohol Resistance Education and teaches classes and instructs the youth of our community in the East Haven School system. Officer Sorbo also mans the Police Sub-Station on Cosey Beach Avenue, which is also open to all personnel during their normal course of business.

PHYSICAL PLANT

The East Haven Police Department is now 33 years of age operating on a 24 hour 7 day a week basis. The East Haven Police Department in general and the physical plant is described as average. The building itself has aged considerably and is quite frankly an outmoded facility in need of many repairs and additions for future growth of the Police Department and our community. General described, the Police Station was built too small from the original plans and we are growing out of this facility. It is my projection that sometime between now and the next five years that a new facility should strongly be

considered. The Police Department at this juncture is generally functional. Although, many improvements have been made, more are necessary.

EQUIPMENT

The East Haven Police Department presently has 23 marked patrol cars, 6 plainclothes vehicles and one motorcycle. Included, we maintain one trailer for SRT (Search and Recovery Team) one prisoner conveyance van and one DIVE van. The department has recently taken shipment on four brand new police cruisers with State of the Art safety and computerized equipment. Those cruisers will be added to the ten additional late model vehicles that are also computerized. Several vehicles, and this is a constant dilemma, are being repaired or cannibalized for parts at any given time. The department has recently changed over all of our computerized mechanical equipment with State of the Art department servers and stand alone computers. All computerized gear is interfaced with radio cars in the street, thereby creating a complete circle of informational transmissions. The department maintains a contract with NEXGEN services who also serve the Connecticut State Police and almost all area towns. The East Haven Police through their radio system can communicate with all personnel in the New Haven County during times of emergency. Individual police cruisers can monitor transmissions from area towns where criminal activity may enter into our jurisdiction. Police Officers can do their individual reports, warrants, affidavits and car to car E-Mail with the new system. There are additional adjustments and continued maintenance that have to be accomplished to continue with this process. The system is meant for the possibility of silent dispatch for security reasons and for Homeland Security.

The East Haven Police Departments Detective Division has been remodeled in recent history and each detective has a portable lap top which can be hooked up into the department's central computers along with free standing computers which are equipped with internet service.

The department maintains a variety of special weapons and specifically designed bullet proof vests to equip its special weapons team. We have thermal imaging devices and a variety of equipment that will provide safety and efficiency for police officers in a hostage/barricade situation.

Budgeted monies for vehicles are largely used for brand new marked police cruisers. Plainclothes personnel utilize used vehicles which are purchased from the State Police and are in good condition. Generally speaking, a lion's share of budgeted vehicle monies is devoted to its primary use of marked police cruisers for safety and efficiency. Vehicles are turned over and sold under the direction of the finance department and monies are returned back to the department's car fund. However, some plainclothes vehicles are given to other departments within the City for their usage, as opposed to buying new cars for other departments. This is also supervised by the Finance Department and

administration. New vehicles and low mileage marked cruisers are a must as they are the safety life line for our police officers and mostly for response for our citizens needs.

TRAINING

Every police officer , including supernumeraries, are State Certified under Connecticut Statute 7-294 which mandates the requirements and licensing for all Connecticut Police Officers. Recruit Officers are given basic training for approximately six months and upon graduation from the Academy are given an additional 400 hours of FTO (Field Training Officers) supervision before certification of the recruit. In short you cannot be a Connecticut Police Officer and ride alone until almost 10 months of training has been completed. Additionally, veteran police officers have logged in thousands of man hours devoted strictly to training in recent history. Connecticut Police Officers are mandated to complete 60 hours of training within 3 years of certification to be re-certified for police service. Many police officers request or are selected for additional training based upon department needs and a desire by the officer to achieve. The East Haven Police Department prides itself on devoting our officers to be continually trained and educated in their chosen vocation in life.

FUTURE PLANS

There are a number of issues that presently affect the East Haven Police Department today. Most issues as you can imagine, require funding and commitment. However, if we are firmly committed to a several year plan of enhancement to the East Haven Police Department, I have some recommendations in this area. It is understood that funding will be an issue and patience on all sides a must.

Some recommendations that I am proposing are as follows:

1. The East Haven Police Department is in need of employee parking, equipment parking and a vehicle impound area. A building next door to the Police Department that is owned by the Town of East Haven can be razed to the ground and trees and land could be cleared to serve as an employee parking lot for both Public Services and the East Haven Police. This would free up the area behind the Police Department for cruiser/equipment and vehicle impound lot, or this area can be used in the future for an additional building to be attached to the present East Haven Police Headquarters.
2. Many police departments are presently changing the color of their marked cruisers to Black & White. Traditionally, the East Haven police cars have been white with the town colors of blue and gold as decals. Many police officers have voiced their opinion that they would like to see

the color of our squad cars changed to Black & White. It would cost approximately \$1000.00 for each vehicle.

3. Requirements for Connecticut Police Officers are getting longer with each legislative session and towns and cities can ill afford to hire more police officers which are coupled with a huge expense. Therefore, the logical solution for the Town of East Haven's Police Department is to negotiate with Local 1662 in the 2010 contract work schedules. Presently East Haven Police Officers work eight and one-half hour days, 4 days on duty, 2 days off duty which go in regression. Negotiations with Local 1662 for a 8 hour day, 5 on and 2 off, 5 on and 3 off, would have officers working less time on their days on and would give the town ten more shifts per officer, per year. This is a system that can work for our police department which will provide more officers on the shift reduce some overtime and give long off duty time for resting our officers. Police officers under this system will be able to use additional benefit days off in conjunction with this schedule. This is an item that should be negotiated and explored.
4. Supernumerary Officers in the East Haven Police Department, by union contract, are not allowed to work on the street with regular officers on patrol. They are only allowed to work extra duty assignments. Negotiations with Local 1662 should take place to allow fully trained certified police officers to be retained and to be hired to work on patrol and to fill vacancies when needed. This would also serve as a bank for certified police officers, with good work records, to be hired immediately when a full time officer retires. This type of system would save the town thousands of dollars and provide police officers to fill the full time ranks when necessary. This would require negotiations with Local 1662 and changes in the Civil Service System.
5. Certified officers from other departments can apply at the East Haven Police Department, but only when the testing procedure is available. Testing procedures by Civil Service take place in the fall and in the spring and then the certified list remains active for two years. Very few certified police officers apply. Relaxation or changes in the Civil Service Law would allow the East Haven Police Department to recruit Certified Police Officers when needed. Many police departments are recruiting in this area and we should have the same advantage. This is not to say that all of our rank and file would be filled with certified officers from other departments, but it could be a tool to be used when necessary.
6. A goal of mine, which I hope you will share, is that within the next several years we, as a police agency strive for national accreditation from the Commission on Accreditation for Law Enforcement Agencies. (CALEA) It is a glowing star for any police agency to possess this honor.

It would take several years to accomplish and the goals would be hard but attainable. It would mean a complete re-vamping of the East Haven Police Department in physical plant, training of personnel, operational policies, rules, regulations and generally the future of the way the East Haven Police will conduct business and safety requirements for its citizens. There is a large cost factor in this plan. However, the return on this investment is great in community pride and in our vocational development.

I hope this provides a bird's eye view of the East Haven Police Department and to some of the future intentions of this Chief. I would be happy to discuss this matter with you in person whenever time allows.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'L. Gallo', written in a cursive style.

Leonard L. Gallo
Chief of Police

EXHIBIT 47

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: **ATTORNEY PATRICIA COFRANCESCO**

DATE: **2/28/2008**

FROM: **CHIEF LEONARD L. GALLO**

RE: **CASE #07-17386--REQUESTED C.D. RECORDINGS**

Dear Attorney Cofrancesco:

As requested we have made a c.d. recording of the aforementioned police incident. Kindly contact me if additional information is required.

c.c. Mayor April Capone Almon
Mr. Paul Hongo
Mr. Ralph Mauro

Law Offices of Patricia A. Cofrancesco
Attorney Martin S. Echter
General Practice of Law

HAND DELIVERED

February 26, 2008

TO: Chief Leonard Gallo
FROM: Patricia A. Cofrancesco, Town Attorney
RE: Investigations

My investigator, Hank Guidone, awaits a response from Captain James LaBanca to his December, 2007 request for the CD containing all radio calls arising out of an incident ("pursuit" and/or "high speed chase,") that occurred on 10/16/07, involving the East Haven Police.

The Town's investigation cannot proceed without this critical information. Please advise at your earliest convenience.

Thank you.

Law Offices of Patricia A. Cofrancesco
Attorney Martin S. Echter
General Practice of Law

bcc: Mayor April Capone Almon
Ralph Mauro
Paul Hongo

Millennium Investigations LLC

P.O. Box 814
North Haven CT 06473-0814

Phone/Fax:(203) 234-2335

February 18,2008

Captain James LaBanca
East Haven Police Department
471 North High Street
East Haven CT 06512

RE: Case #07-17386 Pursuit 10/16/07

Dear Captain LaBanca,

Per our conversation on 1/31/08 regarding the above case I am requesting a copy of the Radio Calls which transpired during this incident. Calls between the Police Officer and the Dispatcher, The Officer and New Haven on the hot line, The Officer and the State Police or the Dispatcher any of those previously indicated are all pertinent to this case. As you know the Town has been served by those individuals whose vehicles were damaged.

Additionally those individuals have made claims for personal damages from injuries sustained due to their vehicles being struck by the subject fleeing from the Police. This recording(s) is an important factor in this suit and I would appreciate the copy as soon as possible so it can be reviewed.

Please contact me as soon as it is available and I will pick it up. Your cooperation in this matter is appreciated.

Professionally yours,



Hank F. Guidone
Town Investigator

CC: Mayor April Capone Almon
Chief Leonard Gallo
Town Attorney Patricia Cofrancesco

EXHIBIT 48



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

To: Leonard L. Gallo, Chief of Police
Cc: April Capone Almon, Mayor
From: Paul J. Hongo, Jr., Director of Administration & Management
Date: March 6, 2008
RE: March 10, 2008 Weekly Meeting

Since you will be unavailable to meet on Friday, I am requesting we meet on Monday March 10, 2008 at 1:30 pm to review and discuss the following items:

- 1) An Organizational Chart illustrating the *Chain of Command* under your direction. Please list the names and their respective Titles/Ranks.
- 2) Regarding your Memo dated March 6, 2008, please furnish me with a written copy of the "*normal procedures*" that are used to notify your commanding officers as a result of an emergency situation; as well as a copy of the list of emergency telephone numbers.
- 3) A copy of your 2008 Training/Testing Schedule, as well as a list of Department vacancies and available promotions.
- 4) A weekly overtime schedule that illustrates the actual overtime hours worked for the week before, as well as a schedule that illustrates the anticipated overtime hours for the upcoming week.

Lastly, I want to discuss your plans for encouraging police officers to enroll in a class that teaches Spanish.

In closing, please do not hesitate to call me if you have any questions regarding this matter.

Thank you.



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

To: Mr. Paul Hongo
Director of Administration and Management

From: Chief Len Gallo

March 14, 2008 Weekly Meeting

Paul,

I have enclosed an organizational chart with e-mail addresses titles and ranks. You have the new emergency numbers. The poster for the Spanish classes is included. You have the training details and the next quarterly details for the P.D. On the details as you can see there is some advanced vacation schedules for the officers however, there is not any way you can predict sickness, injury, or major incidents such as the shooting of last week. I can predict with some accuracy that if the Veterans Fireworks take place there will be an overtime expense. Size of the event and location will be a factor.

Normal procedures for notification may be, but is not limited to, serious crimes, injured officers, shootings, police car accidents, and armed suspects, emergency incidents that may affect the community. Other examples that occur during the business day will be to notify the Mayors office, Chief and the Captain of arrest(s) or incidents at schools. (Missing children, custodial problems). Communication being key to a teamwork effort. We are a 24/7/365 operation and exchange of information is of paramount importance to effective policing. I will be able to amplify this matter in person.

We presently have an active civil service list for the ranks of Police Officer "C", Sergeant and Detective. We are at full staff, with two vacancies in the Detective Rank and, depending on who is promoted, possibly one Sergeant position. If promotions take place we will still be at full complement of personnel. No retirements can be predicted and none are expected within this fiscal year.

As always, I am open to dialog on this or any other matter of mutual concern.

Chief Len Gallo



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.
Director

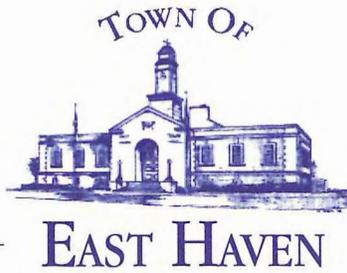
To: Leonard Gallo, Police Chief
Cc: April Capone Almon, Mayor
From: Paul J. Hongo, Jr., Director of Administration & Management
Date: March 11, 2008
RE: March 14, 2008 Weekly Meeting

I am requesting we meet on Friday March 14, 2008 at 2:30 pm to review and discuss the following items:

- 1) An Organizational Chart illustrating the *Chain of Command* under your direction. Please list the names and their respective Titles/Ranks.
 - a. Although you provided this to me, please update this to include your name and appropriate signatures.
- 2) A written copy of the “*normal procedures*” that are used to notify your commanding officers as a result of an emergency situation; as well as a copy of the list of emergency telephone numbers.
 - a. The list of emergency numbers is still needed.
- 3) A copy of your 2008 Training/Testing Schedule, as well as a list of Department vacancies and available promotions.
- 4) A weekly overtime schedule that illustrates the actual overtime hours worked for the week before, as well as a schedule that illustrates the anticipated overtime hours for the upcoming week.
- 5) Lastly, please post a show of interest posting notifying officers of the opportunity to take a Spanish class. Bring this posting with you to our next meeting.
- 6) Cassandra from the Housing Department will also be here to discuss the safety improvements to her office.

In closing, please do not hesitate to call me if you have any questions regarding this matter. I have also included copies of what was furnished to our office from the Fire Department for your convenience.

Thank you.



ADMINISTRATION & MANAGEMENT
PAUL J. HONGO, JR.

Director

To: Chief Leonard Gallo, East Haven Police Department

From: Paul Hongo

Date: March 4, 2008

As I have expressed at our Department head meeting, in order to attain a better understanding of how each Department operates, its needs and ultimately, its running procedures, I am requesting a weekly meeting with you. I would like for these to happen on a Friday at the convenience of your schedule. Please set up a meeting with either Erica or Stacy before the end of business day today.

Thank you in advance for you cooperation!

EXHIBIT 49

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: **MR. PAUL HONGO**
DIRECTOR OF ADMIN. & MANAGEMENT

FROM: **CHIEF LEONARD L. GALLO**

RE: **LETTERS/ACTION TAKEN**

DATE: **8/20/2008**

Dear Paul:

Last month you gave me several letters and e-mails of matters of concern from citizens who have either written you by e-mail or letters. All of them have been dealt with and I am now going to update you on what action was taken.

1. Elizabeth Rozzetti: Called several times. She gave a wrong number. A male answers the phone and does not know who she is. I e-mailed her. She did not respond. Please keep me advised if she writes again.
2. Joseph & Mary Carbone: I called them personally and they are asking us to post No Parking only during major events and we will comply during the Fall Festival and other large gatherings. Mrs. Carbone was satisfied with that action.
3. Karen Martin: Has requested a sign be installed at Oak Grove Road (a one-house street) Action completed.
4. Richard Bogue: Bennett Road, has requested Stop Signs, additionally Mr. Gene Ruocco brought this matter to the Board of Police Commissioners in July. The signs have been installed and they are covered pending full approval at the August meeting and are ready to go.
5. Denise Mills: I have had conversation with Church parishioners and concerned citizens and I have placed a Pedestrian Crossing Sign on Route 80 at Our Lady of Pompeii Church.

Please keep me advised if I can be of any other assistance. I have enclosed e-mails and letters to you in the event you are asked additional questions.

EXHIBIT 50

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: HONORABLE BOARD OF
POLICE COMMISSIONER

FROM: CHIEF LEONARD L. GALLO *[Signature]*

RE: SICK TIME GENERAL ORDER

DATE: 12/29/2008

Dear Commissioners:

Enclosed you will find a proposed sick time General Order for your review. I have already informed and given a copy of same to the Union President who has already voiced the unions opinion that it will be challenged, on a demand to negotiate. However, please read it over and share with me any concerns, adjustments or otherwise improvements that you feel may be necessary for future department policy.

This is a proposed draft.

Respectfully

Draft Form For consideration

General Order 2009-1

Purpose: To establish policy on sick time for Police Officers and civilian employees of the East Haven Police Department. This policy will serve in conjunction with the current Union contract with Police union local 1662 and Town Hall employee contractual agreement.

The Department acknowledges that police officers work in all types of weather conditions and come into contact with many people and will contract sickness from various other sources. Additionally, the department appreciates the dedication of its loyal officers and civilian workers who faithfully answer the call to duty each and every day and maintain an excellent attendance record. Police work is our chosen vocation in life and all of us clearly understand that we are needed for duty obligations.

Abusive or habitual taking of sick time causes shortages in the shifts, holdovers, Officer Civilian fatigue and forced call in by union draft procedure. It is also responsible for poor morale, general complaints about offenders and depleting the department budget, which could be better spent on department needs, equipment and investigations for the safety and welfare of our personnel and our community.

Content and policy: Department personnel may be found in violation of this General Order if they are found to be abusive or habitual in the taking of sick time. Some examples are, booking off sick before or directly after in conjunction with normal days off or holidays and vacation days or vacation periods. Other examples include, but are not limited to, weekends, holidays, taking sick time days(s) before or after working road jobs or overtime shifts. Calling in sick as a pattern will constitute a violation of this order. All matters will be taken in to consideration on a case-by-case basis.

Factors to consider for disciplinary action:

Occurrence(s) Booking off sick on any given day = one (1) occurrence
Booking off sick for several continuous days = one (1) occurrence
Serious family illness
Health conditions of the Officer/Civilian
Past record of service and attendance
Personal or unusual matters which have effected the attendance of the Officer /Civilian

Officers and civilians earn, respectively, Fifteen (15), Eighteen (18) days of sick time per year. It is reasonable to expect that some sick time will be used for legitimate purpose. Officers / Civilians who use over and above what is considered to be unacceptable amounts of sick time will have to justify their attendance record or face disciplinary action.

During a twelve month period commencing on January 1,2009 the following will go into effect:

More than seven (7) sick day occurrences = a written warning / counseling.

More than ten (10) occurrences = a written permanent reprimand.

More than fifteen (15) occurrences = disciplinary action.

One quarter or half sick days for doctors appointments will not count as occurrences providing that the Officer/ Civilian state such information on sick slips and that visits can be verified.

After more than two(2) warnings or one (1) written reprimand may be cause for department disciplinary action

Abusive or Habitual or patterned absence will be evaluated at any occurrence level.

All Matters will be evaluated on a case-by-case basis.

Personnel who continue to maintain good attendance levels shall receive commendable letters of good attendance for their personnel files every twelve months.

ARTICLE VI-SICK LEAVE

SECTION 1: Sick leave shall be considered to be an absence from duty with pay for the following reasons.

- A. Illness, except where directly traceable to employment by an employer other then the Town of East Haven.
- B. When an employee is required to undergo medical, optical, or dental treatment, of an emergency nature and only when this cannot be accomplished on off-duty hours.

SECTION 2. Sick Leave Allowance

DAYS TAKEN FOR THE MONTH OF DECEMBER 2008

VAC SICK BUSDAY HOLIDAYS INJ TRAIN ML DD UBD.

74 55 ½ 7 28 85 6 3 1 1

TOTAL DAYS TAKEN 260 1/2

Draft Form For consideration

General Order 2009-1

Purpose: To establish policy on sick time for Police Officers and civilian employees of the East Haven Police Department. This policy will serve in conjunction with the current Union contract with Police union local 1662 and Town Hall employee contractual agreement.

The Department acknowledges that police officers work in all types of weather conditions and come into contact with many people and will contract sickness from various other sources. Additionally, the department appreciates the dedication of its loyal officers and civilian workers who faithfully answer the call to duty each and every day and maintain an excellent attendance record. Police work is our chosen vocation in life and all of us clearly understand that we are needed for duty obligations.

Abusive or habitual taking of sick time causes shortages in the shifts, holdovers, Officer Civilian fatigue and forced call in by union draft procedure. It is also responsible for poor morale, general complaints about offenders and depleting the department budget, which could be better spent on department needs, equipment and investigations for the safety and welfare of our personnel and our community.

Content and policy: Department personnel may be found in violation of this General Order if they are found to be abusive or habitual in the taking of sick time. Some examples are, booking off sick before or directly after in conjunction with normal days off or holidays and vacation days or vacation periods. Other examples include, but are not limited to, weekends, holidays, taking sick time days(s) before or after working road jobs or overtime shifts. Calling in sick as a pattern will constitute a violation of this order. All matters will be taken in to consideration on a case-by-case basis.

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Officers and civilians earn, respectively, Fifteen (15), Eighteen (18) days of sick time per year. It is reasonable to expect that some sick time will be used for legitimate purpose. Officers / Civilians who use over and above what is considered to be unacceptable amounts of sick time will have to justify their attendance record or face disciplinary action.

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SECTION 1: Sick leave shall be considered to be an absence from duty with pay for the following reasons.

- A. Illness, except where directly traceable to employment by an employer other then the Town of East Haven.
- B. When an employee is required to undergo medical, optical, or dental treatment, of an emergency nature and only when this cannot be accomplished on off-duty hours.

SECTION 2. Sick Leave Allowance

EXHIBIT 51

MEMO



EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512

TO: **RALPH MAURO**
ASSISTANT DEPUTY COMMUNITY

FROM: **CHIEF LEONARD L. GALLO**

RE: **CROSSWALK PAINTING**

DATE: **11/16/2009**

Ralph,

Just a reminder that we had spoken a month and one-half ago regarding crosswalk painting throughout the town. At our last conversation you were considering a company that may have its roots in East Haven. We are continuing to get requests for crosswalk painting and it would be advisable if you and I could communicate on how to collectively approach this task.

Please advise.

Chief

11-20-09

Chief I was under the impression that all the crosswalks were painted already is there any more? let me know we will figure it out

EXHIBIT 52

East Haven police chief placed on leave

Advertisement

Feds investigating department

Updated: Thursday, 22 Apr 2010, 12:10 AM EDT
Published : Wednesday, 21 Apr 2010, 5:52 AM EDT

- By: Kent Pierce

East Haven, Connecticut (WTNH) - East Haven swore in a new acting police chief after the Police Board of Commissioners voted to place Chief Leonard Gallo on paid administrative leave.

On Wednesday, the Department of Justice released its initial report of the problems at the East Haven Police Department following claims of police profiling and brutality.

The DoJ complaint was filed last year by leaders of the Latino community and St. Rose of Lima Church in East Haven.

Though the DoJ's investigation is still ongoing in their initial summary they say that the department lacks clear policies and other guidance on the application of force, an inadequate citizen complaint and internal investigation process, and is offering limited training to their existing officers.

The reason is the preliminary findings of a federal investigation into racial profiling. Most notably an incident when a priest shot video of police allegedly harassing a Latino store owner. The priest himself got arrested.

Paul Hongo, East Haven Deputy Director of Town Affairs, said, "I mean, it would really be irresponsible on our part not to take those findings serious and then act accordingly."

Chief Gallo says the Mayor has a personal vendetta against him.

Chief Leonard Gallo, East Haven Police, said, "I got 36,000 people in this town that need police protection. Those are my concerns, not politics."

"And this is politics?"

"I believe so."

The Mayor's office says it acted justly as a result of the Department of Justice investigation. The agency is citing lack of training, oversight, and supervision in a number of areas.

On Tuesday night, the Police Board of Commissioners voted to place Chief Leonard Gallo on paid administrative leave pending the outcome of the DoJ investigation.

Mayor April Capone Almon swore in an acting police chief, Gaetano Nappi, Wednesday afternoon.

News Channel 8 has exclusive footage as the 'suspended' Chief packed up and left.

EXHIBIT 53

Share Report Abuse Next Blog»

Create Blog Sign In

EAST HAVEN POLITICS

A BLOG ABOUT POLITICS IN EAST HAVEN, CONNECTICUT. WE WILL COVER THE LOCAL POLITICS OF EAST HAVEN AND THE STATE POLITICS AS IT RELATES TO EAST HAVEN.

TUESDAY, APRIL 20, 2010

Police Chief Placed on Administrative Leave

The Board of Police Commissioners met tonight and voted to ask Mayor Capone Almon to put Chief Gallo on administrative leave. The meeting which convened at 7PM was a study in brevity with the entire meeting lasting 1 minute and 51 seconds. The Chief showed up around 6:59PM, put his things on the table in the conference room and then left to use the facilities. By the time he got back the Commissioners had opened the meeting, put forth the motion putting him on administrative leave, passed the motion and adjourned. A certain sense of decorum made me uneasy about laying someone off while he is going to the bathroom. The Commissioners did not seem to mind that in the least. Here is the entire meeting ... do not get up to go to the bathroom or you will miss everything too.



LINKS

New Video Page
Town Event Calendar
East Haven Politics Youtube Profile
East Haven Patch
EH Vine
John Finkle for Mayor
MyLeftNutmeg

BLOG ARCHIVE

▶ 2011 (28)
▼ 2010 (228)
▶ December (17)
▶ November (21)
▶ October (14)
▶ September (15)
▶ August (22)
▶ July (19)
▶ June (11)
▶ May (15)
▼ April (33)
BOE Finance Subcommittee Meeting
BOE Finance Subcommittee Meeting
Budget Passed - Taxes Going Up 4 Mills
The Big Night Is Finally Here
Shoreline Greenway Trail

POSTED BY EASTHAVENPOLITICS AT 9:01 PM

o COMMENTS:

Post a Comment

LINKS TO THIS POST

Create a Link

Newer Post

Home

Older Post

Subscribe to: Post Comments (Atom)

- Town Council Budget Schedule - New Date
- Children's Fair
- Bottom Line - 4/24/2010
- All Over But The Crying
- More Budget Workshop Video
- School Building Committee - 4/20/2010
- Budget Workshop Tonight - 7PM at the Senior Center...
- Police Chief Placed on Administrative Leave
- Town Council Public Hearing - Education Budget - 4...
- Meetings, Meetings and More Meetings
- Bottom Line - April 17, 2010
- Town Council Public Hearing - 4/15/2010
- Big News: Layoffs and Early Retirement
- Town Council Budget Workshop - 4/12/2010
- Budget Workshop Wednesday
- EH News - April 10, 2010
- Bottom Line - April 10, 2010
- Town Council Budget Workshops - 4/8/2010
- Town Council Budget Workshops - 4/7/2010
- ZBA and the Freedom of Information Act
- Town Hall Budget Workshop
- Town Council Budget Workshop - BOE budget
- EH News with Marilyn Vitale
- Bottom Line with Paul Hongo - 4/3/2010

Bottom Line With John Finkle
- 4/3/2010

Town Council Starts Budget
Process *Updated*

Bottom Line - Budget
Presentation and Response

Budget Presentation *Update*

▶ March (27)

▶ February (15)

▶ January (19)

▶ 2009 (110)

▶ 2008 (119)

▶ 2007 (24)

QUICK NEWS

No News At This Time

EXHIBIT 54

The New Haven Register (nhregister.com), Serving New Haven, CT

News > Metro

East Haven mayor places police chief on administrative leave (with documents)

Wednesday, April 21, 2010

By Mark Zaretsky, Register Staff
mzaretsky@newhavenregister.com

EAST HAVEN — Mayor April Capone Almon placed Chief of Police Leonard Gallo on paid administrative leave this morning.

Meanwhile, at 4 p.m. today, Capone Almon swore in Inspector Gaetano Nappi, a 41-year veteran, as acting chief.

"I am confident that the citizens of the town of East Haven will be well-served under the leadership of Inspector Nappi, given his length and depth of experience with this department," Capone Almon said.

During his four-plus decades on the police force, Nappi has headed up the Patrol Division, the Detective Bureau, and the Administrative Services Section.

The move came on the heels of Tuesday night's unanimous vote by the Board of Police Commissioners to recommend putting Gallo on administrative leave in a meeting that lasted no more than three minutes.

"Please be advised that effectively (sic) immediately, you are being placed on Administrative Leave with pay, pending the results of certain investigations," Capone Almon wrote in a letter hand-delivered to Gallo this morning. "During your Administrative Leave, you will be interviewed and expected to participate in any investigations ... conducted by the Administration, the Board of Police Commissioners and/or the U.S. Department of Justice."

She cautioned Gallo "not to conduct any business for the Town of East Haven" or the Police Department while on leave, "other than to be interviewed in any of the aforementioned investigations. Therefore, during your Administrative Leave, you are not permitted to be on" Police Department property "without specific written permission from me.

"You must immediately turn over your Department keys, your Department Badge, you Department issues weapons(s), swipe card and keys," Capone Almon wrote.

The U.S. Department of Justice, which is investigating allegations of racial and ethnic profiling and mistreatment of minorities by East Haven police, "has noted a complete lack of training, guidelines, oversight and supervision in a number of critical areas," said Capone Almon in a written release. She also released a three-page letter to Town Attorney Patricia Cofrancesco that outlines the department's preliminary findings.

"The question now is; has there been a complete lack of leadership in these critical areas?" the mayor said. "At the end of the day, my concern is how to prevent this from exposing the town to liability which would ultimately cost taxpayers' money."

Gallo this afternoon reiterated his assertion that Capone Almon and the police board acted out of political motives.

"Well, let's put it this way: she's been after me for a long time," he said. Gallo previously had said that "this is what they wanted to do from Day One. It's all premeditated on their part. ... I don't think there's any due process in this."

Gallo said that the Board of Police Commissioners' recommendation to the mayor "wasn't on the agenda. It was an illegal meeting."

The agenda said the meeting was to discuss the Department of Justice investigation.

Cofrancesco has said the move "was really based on the preliminary results of the Department of Justice investigation."

Gallo went to work as usual this morning but collected some of his things and went home after Deputy Director of Town Affairs Paul Hongo Jr. hand-delivered the mayor's letter.

"I've never been formally charged with something or suspended or put on administrative leave in my 40-year career," Gallo said, pointing out that his celebrated reassignment to the New Haven dog pound by former Police Chief Nicholas Pastore probably did constitute discipline "but they wouldn't admit it."

The Department of Justice letter, based on "a preliminary review," said investigators found that the East Haven Police Department has "a significant number" of outdated policies and procedures, "lacks updated rules of conduct, which set forth specific prohibitions on officer actions," displays "insufficient guidance on the application of force," and lacks formal requirements to report and review the use of force.

"We are concerned that EHPD may not require its officers to thoroughly report all uses of force to provide for adequate supervisory review," said the letter, signed by Judy C. Preston, acting chief of the DOJ Civil Rights Division's Special Litigation Section.

In addition, the Justice Department found that the Police Department offers "limited training" and has "inadequate citizen complaint and internal investigation processes," that do "not provide for the effective resolution of citizen complaints and internal investigations." It also found a lack of early identification or warning system for patterns of at-risk conduct by officers and "fragmented community engagement."

"We are concerned that EHPD may not be fully engaging all of the communities it serves on policing priorities and collaborative approaches to law enforcement, which may contribute to allegations of disparate treatment," Preston wrote.

The Board of Police Commissioners cited the Justice Department's preliminary findings on Tuesday night.

Gallo has been East Haven's chief since 1998, when he was hired by Republican Mayor Joseph Maturo Jr. after he retired from a 27-year career with the New Haven Police Department.

Tuesday night's vote took place while Gallo was visiting the rest room just before he thought the meeting would start, the chief said afterward. By the time he returned to the room in the basement of Town Hall where the meeting was taking place, it was all over.

"7:02," Gallo said, referring to the time the 7 p.m. meeting ended. "It was over in 1½ minutes."

Police board Chairman Fred Brow said he thought it was twice that long, but admitted "it was a very quick meeting." He

said he did not intend to hold the entire meeting while the chief was out of the room.

"When I saw it was 7 o'clock, I called it to order," he said. "If he's not there, too bad.

"I knew when he came back in, though," Brow said. "But it wasn't intentional."

Brow would not comment beyond a statement he read at the start of the meeting:

"As you know, the Department of Justice recently came to the town of East Haven to conduct an investigation of the East Haven Police Department," he said. "The Department of Justice met with certain representatives of the administration last week to share its preliminary findings arising out of the day-to-day operation of the East Haven Police Department."

Based on those preliminary findings, "a motion was made that the East Haven Board of Police Commissioners recommend to Mayor April Capone Almon that East Haven Police Chief Leonard Gallo be placed on an indefinite paid administrative leave, pending the conclusion of the Department of Justice investigation or the conclusion of any other investigations that this board/administration may undertake in the future," Brow said.

Cofrancesco said she was well aware of the chief's rights.

"Everybody knows what the chief's rights are, but everybody knows what the chief's responsibilities are, too — and nobody undertook this lightly," she said.

Asked whether the move might be a precursor to firing the chief, Cofrancesco said, "I'm not going to speculate on that. We're talking about a personnel matter."

Contact Mark Zaretsky at 203-789-5722.

Capone Almon-Gallo Letter

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DOJ Cofrancesco Letter

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URL: <http://www.nhregister.com/articles/2010/04/21/news/metro/doc4bcf386dc2a65841127569.prt>

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EXHIBIT 55



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

April 21, 2010

VIA HAND DELIVERY

Chief Leonard Gallo
Town of East Haven Police Department
471 North High Street
East Haven, CT 06512

Re: Administrative Leave

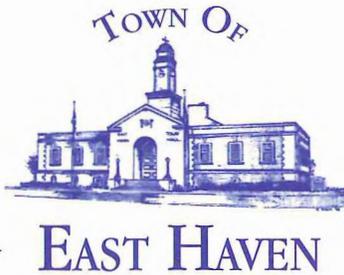
Dear Chief Gallo:

Please be advised that effectively immediately, you are being placed on Administrative Leave with pay, pending the results of certain investigations. During your Administrative Leave, you will be interviewed and expected to participate in any investigations (interviews) conducted by the Administration, the Board of Police Commissioners, and/or the U.S. Department of Justice.

During this Administrative Leave, you are hereby directed not to conduct any business for the Town of East Haven or the Town of East Haven Police Department, other than to be interviewed in any of the aforementioned investigations. Therefore, during your Administrative Leave, you are not permitted to be on Town of East Haven Police Department property without specific written permission from me.

You must immediately turn over your Department keys, your Department Badge, your Department issued weapon(s), swipe card and car keys.

Sincerely,



OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

April 19, 2010

Chief Leonard L. Gallo
East Haven Police Department
East Haven, CT 06512

RE: Department of Justice

Dear Chief Gallo

As you are aware the United States Department of Justice has returned their report to the town regarding the vulnerabilities in our Police Department.

Please submit your response to this report to me in writing by noon on Tuesday April 20, 2010.

Sincerely,

Mayor April Capone Almon

CC: Paul Hongo, Jr., Deputy Director of Town Affairs
Ralph Mauro, Assistant Deputy Director of Town Affairs
Patricia Cofrancesco, Town Attorney



HONORABLE BOARD OF POLICE COMMISSIONERS
SPECIAL MEETING 7:00 P.M.
MARIO GIAIMO ROOM-EAST HAVEN TOWN HALL
APRIL 20, 2010

Meeting called to order at 7:00 p.m. by Chairman Frederick Brow

Roll Call: Virginia Williams, Secretary

COMMISSIONERS PRESENT:

Chairman Frederick Brow, Vice-Chairman Joseph Civitello, Commissioner Frank Piergrossi, Commissioner James Krebs and Commissioner Marie Saddig.

Also Present: Attorney Patricia Cofrancesco

1. Discussion/possible action regarding Department of Justice preliminary Investigative results.

Chairman Brow addressed the board and stated that;

As you know, the Department of Justice recently came to the Town of East Haven to conduct an investigation of the East Haven Police Department.

The Department of Justice met with certain representatives of the Administration last week to share with it its preliminary findings arising out of the day to day operation of the East Haven Police Department. Based upon those preliminary findings, I would entertain a motion

A motion was made by Vice-Chairman Civitello that the East Haven Board of Police Commissioners recommend to Mayor April Capone Almon that East Haven Police Chief Leonard Gallo be placed on paid Administrative Leave pending the conclusion of the Department of Justice investigation and/or the conclusion of any other investigations which this Board and/or Administration may undertake in the future, seconded by Commissioner James Krebs.

Roll Call Vote:

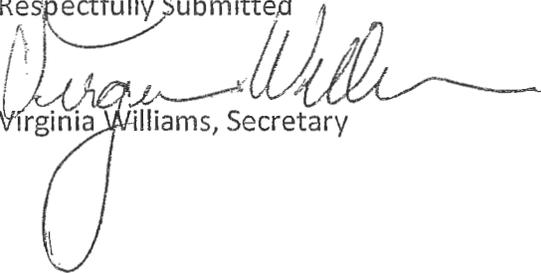
Vice-Chairman Civitello	Yes
Commissioner Krebs	Yes
Commissioner Piergrossi	Yes
Commissioner Saddig	Yes
Chairman Brow	Yes

Unanimous

A motion was made by Commissioner Saddig to adjourn, seconded by Commissioner Krebs. All in favor.

Chairman Brow adjourned meeting at 7:03 P.M.

Respectfully Submitted



Virginia Williams, Secretary

KOLB & ASSOCIATES, P.C.
ATTORNEYS and COUNSELORS - AT - LAW

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49 HIGH STREET, EAST HAVEN, CONNECTICUT 06512-2315 - (203) 469-4475 - FAX No:(203) 469-5417

FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH A. DISILVESTRO

*Also Admitted in Florida & Washington D.C.

VIA FACSIMILE 468-3372 AND HAND-DELIVERY

April 21, 2010

Mayor April Capone Almon
Town of East Haven
250 Main Street
East Haven, CT 06512

Re: Chief Leonard Gallo

Dear Mayor Almon:

It appears that you have, as part of your premeditated plan to oust Chief Gallo, while the Department of Justice preliminary report does not cite any actions by the police department members that violated laws or regulations plan to place him on paid administrative leave.

I as counsel to the Chief and as a taxpayer strongly suggest that you reconsider doing such.

You tried to dismiss him before only to realize that you could not. That realization resulted in the need for you to "save face" under the guise of resolution by mediation alleging that because of pending civil suits against the department and certain discovery issues related it would be better to settle what would have been your failed attempt to oust the Chief to protect the Town in those lawsuits. These actions were costly to the Town as well as the Chief and you failed to oust the Chief. You should call to mind the terms mediation agreement and ask yourself if you are abiding by its terms.

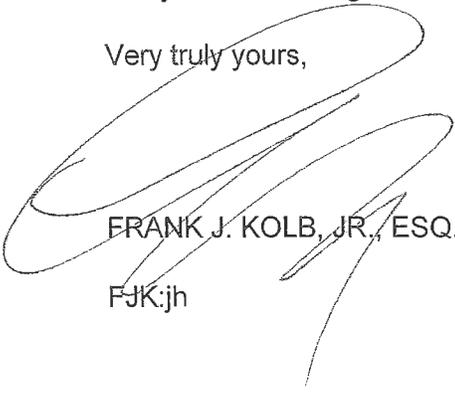
Taking action against the Chief solely based on alleged policy deficiencies and not because of any actions taken or not taken is solely based on the current Town administration's long standing plan to oust the Chief and have violated the Chief's civil, legal and contractual rights. Also, taking this action carries with it the consequences to the self insured Town and its citizens that existed during your previous failed attempt to oust the Chief with regard to pending and future lawsuits.

You should stand behind your employees and not treat the Chief as you have. Remember he has since the beginning of your administration requested legal counsel for advice on such matters and you and your Town Attorney have refused to provide counsel but rather choose to lie in wait to pounce upon the Chief.

Your actions and possibly the actions of members of your administration and political party may be considered defamatory in nature and legal proceedings against the Town and those involved individually may ensue.

I assure you that should you take the course of action that has been proposed it will be met with every and all the legal causes of action available.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read 'Frank J. Kolb, Jr.', is written over the typed name.

FRANK J. KOLB, JR., ESQ.

FJK:jh

KOLB & ASSOCIATES, P.C.
ATTORNEYS and COUNSELORS - AT - LAW

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FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH A. DISILVESTRO

*Also Admitted in Florida & Washington D.C.

VIA FACSIMILE 468-3372

April 22, 2010

Mayor April Almon
Town of East Haven
250 Main Street
East Haven, CT 06512

FAXED
4/22/10
10:53am
KM

Re: Chief Leonard Gallo

Dear Mayor Almon:

As a follow up to my correspondence yesterday, I enclose herewith a copy of correspondence executed between the former Mayor and the Chief of Police dated September 12, 2001.

Please note that it is part of his benefit package with the Town, which I assume is continuing under his paid administrative leave and I certainly see no reason why it doesn't, that he shall have use of a department vehicle, expense paid, for business and personal use.

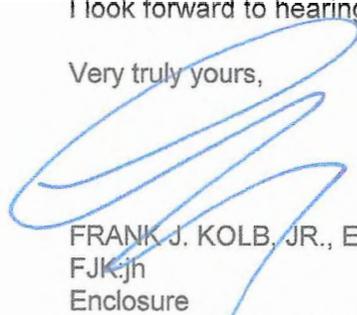
It is my understanding that you have caused Mr. Hongo to take the keys to the vehicle and have rescinded the use of the vehicle by the Chief.

Demand is herewith made for either (a) the return of the vehicle to him under the terms and conditions of his employment; or (b) the furnishing to him of a substitute vehicle upon the same terms and conditions as his employment.

You may take this correspondence as notice that unless the Chief does receive a vehicle in accordance with his contracted employment, he will be forced to procure another vehicle and we will submit the bill to the Town.

I look forward to hearing from you.

Very truly yours,



FRANK J. KOLB, JR., ESQ.
FJK:jh
Enclosure

cc: Patricia Cofrancesco, Esq. (via fax 467-6004)

FAXED
4/22/10
10:53am
KM

KOLB & ASSOCIATES, P.C.
ATTORNEYS and COUNSELORS - AT - LAW

We are a debt relief agency. We help people file for relief under the Bankruptcy Code.

49 HIGH STREET, EAST HAVEN, CONNECTICUT 06512-2315 - (203) 469-4475 - FAX No:(203) 469-5417

FRANK J. KOLB, JR., J.D., M.B.A. *

JOSEPH A. DISILVESTRO

*Also Admitted in Florida & Washington D.C.

May 12, 2010

Mayor April Almon
Town of East Haven
250 Main Street
East Haven, CT 06512

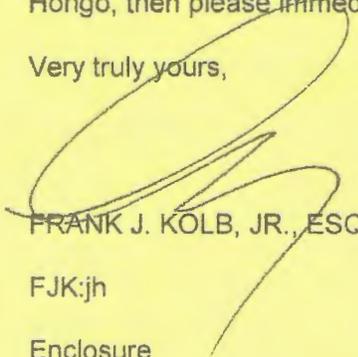
RE: Chief Leonard Gallo

Dear Mayor Almon:

I am in receipt of your correspondence dated May 10, 2010 to Chief Leonard Gallo regarding the Department issued Badge.

Attached to this correspondence is the badge requested. As this delivery to you is prior to your requested return date and time, I see no reason for the Chief to appear at that time to deliver the badge to Mr. Hongo. If you feel there is some other reason why he should meet with Mr. Hongo, then please immediately advise me.

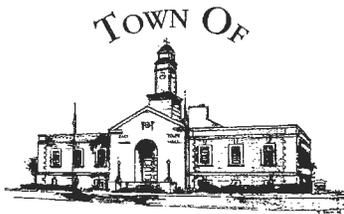
Very truly yours,



FRANK J. KOLB, JR., ESQ.

FJK;jh

Enclosure



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

May 10, 2010

Leonard Gallo
Chief of Police
7 Rance Court
North Haven, CT 06473

VIA REGULAR and CERTIFIED MAIL

RE: Department Issued Badge

Dear Chief Gallo:

I have been informed by Paul Hongo, Deputy Director of Town Affairs that on the day you were placed on Administrative Leave with pay, you refused to turn over your Department issued Police Badge. Mr. Hongo reports you told him he would, "have to fight you for it."

I am writing this letter to direct you to turn over your Department issued Badge to Mr. Hongo at the East Haven Police Headquarters on May 14, 2010 at 10:00 am. If you fail to comply with this directive you will be investigated for insubordination.

Sincerely,

April Capone Almon
Mayor

EXHIBIT 56

KOLB & ASSOCIATES, P.C.
ATTORNEYS and COUNSELORS - AT - LAW

49 HIGH STREET, EAST HAVEN, CONNECTICUT 06512-2315 - (203) 469-4475 - FAX No:(203) 469-5417

FRANK J. KOLB, JR. *

JOSEPH MAROTTI

*Also Admitted in Florida & Washington D.C.

VIA FACSIMILE ONLY 488-8744

February 19, 2008

James F. Cirillo, Jr., Esq.
128 Chestnut Street
Branford, CT 06405

RE: Chief Leonard E. Gallo

Dear Attorney Cirillo:

Thank you for announcing to me that you have been appointed assistant town counsel to the city of East Haven. Prior to your correspondence I was unaware of same.

Please be so kind as to advise under what specific provision of the town charter the employment of Attorney Ryan has been authorized. Further, if your correspondence is correct that he is only temporarily employed as counsel please be so kind as to what attorney or firm will be the town labor attorney if his appointment is only temporary as you say.

I must concur with you that the request for written opinions, made on behalf of the chief that only a town attorney or assistant town attorney is empowered to issue opinions as to the questions of law.

Very important to the Chief is the question, "To which attorney does he direct requests for legal advice in matters concerning the discharge of his duties as Chief of our fine City"? Your immediate response to this question is imperative.

Nothing was in your correspondence that stated the Chief is not a top officer as is provided for in this town charter. He is the Chief police officer. Who do you deem to be "officers" as defined in the town charter? In your correspondence you use the term "select town officers" but the Charter does not use the word "select".

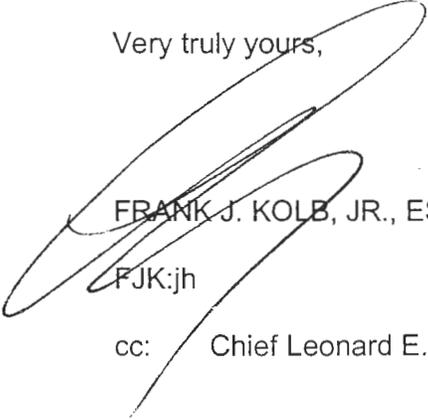
Let me put something on the record. We are prepared to take whatever action is necessary to protect the Chief and therefore the City residents from the wrath of political vendettas.

I understand that the opinions requested will not be rendered by outside counsel, apparently referring to Attorney Ryan but either you or Attorney Cofrancesco would be the ones that are empowered to respond to questions from my client. When will we be blessed with substantive rather than evasive responses?

Your final sentence leaves me rather perplexed. Exactly what do you mean by the current situation with the town and Chief Gallo? Am I to believe that should the chief need legal advice, that he has asked for approximately a month ago that the town attorney and any assistant town attorney has refused and continues to refuse to render legal advice to the chief in his official capacity?

Your immediate response to foregoing is requested.

Very truly yours,



FRANK J. KOLB, JR., ESQ.

FJK:jh

cc: Chief Leonard E. Gallo

EXHIBIT 57

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: **HONORABLE MAYOR
APRIL CAPONE ALMON**

FROM: **CHIEF LEONARD L. GALLO**

RE: **LEGAL REPRESENTATION**

DATE: **3/3/2008**

Dear Mayor Almon:

I have several concerns which I would like to address with you personally.

I would like to know who is going to represent me as an attorney for my legal issues concerning the department. Additionally, will this attorney also represent the Honorable Board of Police Commissioners. I have asked this question and it has gone unanswered for the last several months with Attorney Patricia CoFrancesco, Attorney David Ryan and Attorney David Cirillo. I am requesting a definitive answer on this matter.

Attorney David Ryan has called for five employees of the East Haven Police Department to be interviewed on March 4, 2008. Four of these persons are Police Officers working the midnight shift and will have to be paid a premium overtime rate, minimum of 5 hours for their time. (total \$853.64) Who will pay and from what account, for these officers to be interviewed on this request?

As my immediate supervisor I would appreciate a confidential meeting between us so we may address these issues as soon as possible.

Enc. Attorney Ryan letter

RYAN & RYAN, LLC

Labor, Employment and Immigration Law

NEW HAVEN· NEW LONDON

900 Chapel Street, Suite 621
New Haven, Connecticut 06510
Phone: 203.752.9794
Fax: 203.785.1547

DAVID A. RYAN, JR.
david.ryan@ryan-ryan.net
203.752.9794 ext. 14

February 28, 2008

Sent By Facsimile (468-3829) Only

Leonard Gallo
Chief of Police
Town of East Haven

Re: Town of East Haven

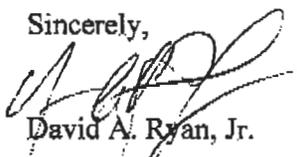
Dear Chief Gallo:

I would like to interview the following people on Tuesday, March 4, 2008 in my office:

Anthony Ryberak
Chris Perez
John Casio
Robert Ranfone
Virginia Williams

Please ask the above individuals to contact my office at 752-9794 to schedule a time for their interview. Thank you.

Sincerely,



David A. Ryan, Jr.

cc: Frank J. Kolb, Jr.

CONFIDENTIAL

CONFIDENTIAL

RYAN & RYAN, LLC
900 Chapel Street, Suite 621
New Haven, Connecticut 06510

FAX

Date: February 28, 2008

Number of pages including cover sheet: 2

To: Chief Gallo

From: David A. Ryan, Jr.

Fax: 468-3829

Phone: 203-752-9794

Fax: 203-785-1547

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

EXHIBIT 58

Law Offices of Patricia A. Cofrancesco
Attorney Martin S. Echter
General Practice of Law

March 3, 2008

Police Chief Leonard Gallo
471 North High Street
East Haven, CT 06512

RE: Paul Liquori v Leonard Gallo

Dear Chief Gallo:

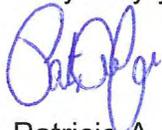
I am in receipt of your memo 2/28/08 relative to the matter of Paul Liquori v Leonard Gallo.

You will be contacted shortly by defense counsel.

Please feel free to call with any questions.

Thank you.

Very truly yours,



Patricia A. Cofrancesco

PAC/jab

MEMO

EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512



TO: **ATTORNEY PATRICIA COFRANCESCO**

FROM: **CHIEF LEONARD L. GALLO**

RE: **LAWSUIT**

DATE: **2/28/2008**

Dear Attorney CoFrancesco:

Pursuant to your instructions and our recent conversation that all legal matters should go to your attention first, I am complying with that request.

I have been served with lawsuit papers from Sergeant Paul Liquori vs. Leonard Gallo and the Town of East Haven which are enclosed.

The attorney who has filed on behalf of Sergeant Liquori is Attorney Roger B. Calistro.

After your review of said documents I would appreciate a written response as to who will be defending this case as my town attorney.

*No answer
as of March 4th 2008*

SUMMONS - CIVIL
(Except Family Actions)

JD-CV-1 Rev. 1-2000
C.G.S. § 51-346, 51-347, 51-349, 51-350, 52-45a,
52-48, 52-259, P.B. Secs 3-1 thru 3-21, 8-1

STATE OF CONNECTICUT
SUPERIOR COURT

www.jud.ct.gov

INSTRUCTIONS

- Type or print legibly; sign original summons and conform all copies of the summons.
- Prepare or photocopy conformed summons for each defendant.
- Attach the original summons to the original complaint, and attach a copy of the summons to each copy of the complaint. Also, if there are more than 2 plaintiffs or 4 defendants prepare form JD-CV-2 and attach it to the original and all copies of the complaint.
- After service has been made by a proper officer, file original papers and officer's return with the clerk of court.
- The party recognized to pay costs must appear personally before the authority taking the recognizance.
- Do not use this form for actions in which an attachment, garnishment or replevy is being sought. See Practice Book Section 8-1 for other exceptions.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

"X" ONE OF THE FOLLOWING:
Amount, legal interest or property in demand, exclusive of interest and costs is:

less than \$2,500
 \$2,500 through \$14,999.99
 \$15,000 or more

("X" if applicable)
 Claiming other relief in addition to or in lieu of money or damages.

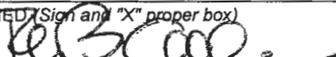
RETURN DATE (Mo., day, yr.)
(Must be a Tuesday) **3/18/08**

<input checked="" type="checkbox"/> JUDICIAL DISTRICT	AT (Town in which writ is returnable) (C.G.S. 51-346, 51-349)	CASE TYPE (See JD-CV-1c)
<input type="checkbox"/> HOUSING SESSION <input type="checkbox"/> G.A. NO. _____	New Haven	Major T Minor 50
ADDRESS OF COURT CLERK WHERE WRIT AND OTHER PAPERS SHALL BE FILED (No., street, town and zip code) (C.G.S. 51-346, 51-350)		TELEPHONE NO. (with area code)
235 Church Street, New Haven, CT 06510		203-503-6800

PARTIES	NAME AND ADDRESS OF EACH PARTY (No., street, town and zip code)	NOTE: Individuals' Names: Last, First, Middle Initial	<input type="checkbox"/> Form JD-CV-2 attached	PTY NO.
FIRST NAMED PLAINTIFF	Liquori, Paul, 152 North Hill Road, North Haven, CT 06473			01
Additional Plaintiff				02
FIRST NAMED DEFENDANT	Gallo, Leonard L., East Haven Police Department, North High Street, East Haven, CT			50
Additional Defendant	Town of East Haven, Town Clerk, 250 Main Street, East Haven, CT			51
Additional Defendant				52
Additional Defendant				53

NOTICE TO EACH DEFENDANT

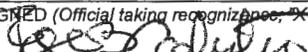
- YOU ARE BEING SUED.**
- This paper is a Summons in a lawsuit.
- The Complaint attached to these papers states the claims that each Plaintiff is making against you in this lawsuit.
- To respond to this Summons, or to be informed of further proceedings, you or your attorney must file a form called an "Appearance" with the Clerk of the above-named Court at the above Court address on or before the second day after the above Return Date.
- If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default.
- The "Appearance" form may be obtained at the above Court address.
- If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately take the Summons and Complaint to your insurance representative.
- If you have questions about the Summons and Complaint, you should consult an attorney promptly. **The Clerk of Court is not permitted to give advice on legal questions.**

DATE 2/15/08	SIGNED (Sign and "X" proper box) 	<input checked="" type="checkbox"/> Comm. of Superior Court <input type="checkbox"/> Assistant Clerk	TYPE IN NAME OF PERSON SIGNING AT LEFT Roger B. Calistro
------------------------	---	---	--

FOR THE PLAINTIFF(S) PLEASE ENTER THE APPEARANCE OF:

NAME AND ADDRESS OF ATTORNEY, LAW FIRM OR PLAINTIFF IF PRO SE (No., street, town and zip code)	TELEPHONE NUMBER	JURIS NO. (If atty. or law firm)
Calistro & Airone LLC, Anderson Mansion, 442 Orange St., Suite 300, New Haven 06511	203-752-1200	421669

NAME AND ADDRESS OF PERSON RECOGNIZED TO PROSECUTE IN THE AMOUNT OF \$250 (No., street, town and zip code)	SIGNATURE OF PLAINTIFF IF PRO SE
Andrew Apicella, 291 Seaside Avenue, Milford, CT 06460	

# PLFS. 1	# DEFS. 2	# CNTS. 3	SIGNED (Official taking recognizance, "X" proper box) 	<input checked="" type="checkbox"/> Comm. of Superior Court <input type="checkbox"/> Assistant Clerk	For Court Use Only
					FILE DATE

IF THIS SUMMONS IS SIGNED BY A CLERK:

- The signing has been done so that the Plaintiff(s) will not be denied access to the courts.
- It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.
- The Clerk is not permitted to give any legal advice in connection with any lawsuit.
- The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service thereof.

I hereby certify I have read and understand the above:	SIGNED (Pro Se Plaintiff)	DATE SIGNED	DOCKET NO.
--	---------------------------	-------------	------------

Return Date: March 18, 2008

Superior Court

Paul Liquori

Judicial District of New Haven

vs.

at New Haven

**Leonard Gallo, and the
Town of East Haven**

February 15, 2008

COMPLAINT

FIRST COUNT: (DEFAMATION – LIBEL PER SE AGAINST LEONARD GALLO)

1. At all times mentioned herein, the plaintiff Paul Liquori was a sergeant in the East Haven, Connecticut Police Department and a veteran of over twenty years of distinguished service on the East Haven police force.
2. In August of 2007, the plaintiff Paul Liquori filed a lawsuit in the District Court of the United States, alleging age discrimination and retaliation, *inter alia*, against the Town of East Haven, the East Haven Board of Police Commissioners, the East Haven Police Department, and numerous other defendants serving those entities in a representative capacity.
3. On or about August 30, 2007, the defendant Leonard Gallo, then and now the Chief of Police in East Haven, published defamatory statements concerning Paul Liquori to the East Haven Courier, a newspaper of general circulation in the Town of East Haven, Connecticut.
4. The defendant Leonard Gallo identified the plaintiff to the East Haven public as someone who, by exercising his rights under Title 28 United States Code Sections 1331, 1343, 1367 and 2201 and Title 42 U.S.C. Sections 1983 and 1988, had

“embarrassed himself, his family, and the East Haven Police Department.” The defendant further defamed the plaintiff by claiming that “his motivation is strictly political, his credibility is in question.”

5. The defendant Gallo, in publishing his comments to the East Haven Courier, further defamed the plaintiff by asserting:

“Paul Liquori needs not to sue his bosses and take a long look at himself. The way to succeed in the police department is the same as in private business: Hard work, dedication, and diligence is the recipe for promotion and recognition. You want to be promoted? Grow up and get professional.”

6. These statements were published to third persons through the circulation of the newspaper throughout the Town of East Haven as well as in adjacent towns.

7. One or more of the statements identified in paragraphs 4 and 5, supra, as published were communications tending to harm the reputation of Paul Liquori so as to lower him in the estimation of the community.

8. One or more of the statements identified in paragraphs 4 and 5, supra, were libelous per se as injuring the plaintiff in his profession and calling as a police officer.

9. One or more of the statements identified in paragraphs 4 and 5, supra, were made with “malice in fact”, as published in an improper or unjustifiable manner, or with improper or unjustifiable motives.

10. One or more of the statements identified in paragraphs 4 and 5, supra, injured the plaintiff in his reputation in the community as a police officer and caused him to suffer damages, including but not limited to stress and anxiety, public humiliation

and repudiation of his life's purpose and efforts to serve his community, and impairment of social and professional relationships.

SECOND COUNT: (LIBEL BY INNUENDO)

1-7. Paragraphs 1-7 of the First Count are incorporated herein and made a part of this the Second Count of the complaint and consecutively numbered paragraphs 1-7 as if fully set forth herein.

8. The innuendo of the statements made by the defendant in paragraphs 4 and 5, above, was that Paul Liquori's performance as a police officer was an embarrassment, and/or that Paul Liquori is a liar, and/or that Paul Liquori was unprofessional, undedicated to his profession, non-diligent, unwilling to work hard or incapable of hard work, and/or that he needed to grow up before he could be recognized as a professional.

9. The innuendo identified in paragraph 7, supra, under the circumstances of his exercise of his statutory rights, and failure to be promoted, were defamatory and caused the plaintiff harm and injury to his reputation.

10. One or more of the statements identified in paragraphs 4 and 5, supra, and accompanying innuendo, were made with "malice in fact", as published in an improper or unjustifiable manner, or with improper or unjustifiable motives.

11. One or more of the statements identified in paragraphs 4 and 5, supra, injured the plaintiff in his reputation in the community as a police officer and caused him to suffer damages, including but not limited to stress and anxiety, public humiliation

and repudiation of his life's purpose and efforts to serve his community, and impairment of social and professional relationships.

Third Count: (Respondeat Superior as against the Town of East Haven)

1-11. Paragraphs 1-11 of the First Count are hereby set forth as if fully set forth herein and consecutively numbered paragraphs 1-11 of this the Third Count.

12. At all times mentioned herein, the defendant Leonard Gallo was acting in a representative capacity as Chief of Police of the Town of East Haven, and was conferred with the authority to serve as spokesman for the Town of East Haven, by his employer and master, the defendant Town of East Haven.

13. The defendant Leonard Gallo was serving in his representative capacity with the authority of his master and employer while uttering and publishing the aforesaid defamatory statements.

14. The aforesaid defamatory statements, as authorized and approved by the said defendant Town of East Haven, were made with actual malice, with the intent to cause injury to the plaintiff's reputation and practice of his profession.

15. One or more of the aforesaid statements, as identified in paragraphs 4 and 5, supra, accomplished its intent in injuring the plaintiff in his reputation in the community as a police officer and in causing him to suffer damages, including but not limited to stress and anxiety, public humiliation and repudiation of his life's purpose and efforts to serve his community, and impairment of social and professional relationships.

Wherefore, the plaintiff claims:

1. Nominal damages;
2. General damages;
3. Special damages;
4. Punitive damages; and
5. Such further damages as lie within the jurisdiction of the Superior Court.

Hereof, fail not, but of this writ, with your doings thereon, make due service and return according to law.

Dated this 15th day of February 2008 at New Haven, Connecticut.

The Plaintiff, Paul Liquori

BY:



Roger B. Calistro
Calistro & Airone LLC
Anderson Mansion
442 Orange Street
Suite 300
New Haven, CT 06511

AD DAMNUM

WHEREFORE, The plaintiff Paul Liquori claims money damages in excess of \$15,000.00 as against the defendants.

Handwritten signature of Roger B. Calistro in black ink, written over a horizontal line.

Roger B. Calistro
Commissioner of the Superior Court

EXHIBIT 59

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



DATE: 3/28/2008

TO: HONORABLE MAYOR
APRIL CAPONE ALMON

FROM: CHIEF LEONARD L. GALLO

RE: LEGAL REPRESENTATION

A handwritten signature in black ink, appearing to be "L. Gallo", written over the printed name of the Chief of Police.

Dear Mayor:

On March 3, 2008 I sent you a memo requesting to know who is my legal representation from the Town representing me as the Chief of Police. I have requested this information on several occasions from Attorney CoFrancesco, Attorney David Ryan and Attorney James Cirillo. To date, I have not had a definitive answer on who is representing me for legal affairs. This request has gone unanswered for several months.

in lieu of the fact that there are upcoming legal battles that may occur within the town framework I am either requesting a town attorney or an attorney of my choice to represent me, as the Chief of Police and a member of the town administration.

Please respond as soon as possible.

Respectfully

c.c. Paul Hongo, Director of Administration & Management

EXHIBIT 60

TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

November 28, 2008

Attorney Cofrancesco
89 Kimberly Avenue
East Haven, CT 06512

Re: Legal Opinion

Dear Attorney Cofrancesco:

At a regular scheduled meeting of the Honorable Board of Police Commissioners on November 25, 2008 a question was raised for a legal opinion by Police Commissioner Joseph Civitello. Commissioner Civitello wishes to have a legal opinion rendered to the board concerning age discrimination and mandatory retirement at age 65 for police departments. The Commissioner also raised an age discrimination suit arising from the Stamford Police Department where mandatory age 65 was overturned by legal action. Specifically, Commissioner Civitello raised this issue on M.E.R.F. Laws, Federal Laws, State Laws and our Town Charter, and which one would be mandatory for the Town of East Haven.

The Honorable Board of Police Commission
took a vote on this matter and they voted unanimously to request this legal opinion.

Your cooperation in this matter is greatly appreciated and if you need my assistance please feel free to call upon me.

On behalf of the Board of Police Commission, I am,

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard L. Gallo".

Leonard L. Gallo

c.c. Mayor Almon
Paul Hongo
Honorable Board of Police Commissioners

EXHIBIT 61

New cop union brass takes swipe at town

By Mark Zaretsky
Register Staff

EAST HAVEN — The police union has new leaders — and they came out of the gate this week blasting the town for historically failing to provide East Haven police the training, equipment and other support needed to keep up with area police departments.

“The East Haven Police Department lags far behind all other area departments in equipment, technology, training and vehicle fleet,” said new union President Sgt. John Cascio, who was elected to the post on Nov. 24. “Our brother and sister officers are now looking for the union to take the lead and drive the processes that might bring about the modernization of our organization.”

Cascio took 36 of 51 votes to win the post over former Vice President John Miller. The department has 52 unionized officers. The union members also elected Sgt. Frank

Montagna Jr. to be vice president, Officer Anthony Rybaruk as recording secretary, Officer David Emerman, incumbent as treasurer and Detective Robert Ranfone, incumbent, as a member at large.

All of the candidates except Cascio ran unopposed. Cascio replaces Detective Tom Russell, who declined to seek a second term as president.

Montagna said that police officers are not getting the instruction they need.

“Police officers have a lot of responsibility these days and are expected to be knowledgeable in a lot of areas. However, we get virtually no training outside the bare minimum required by the state,” Montagna said.

In an interview, Cascio said he was not trying to suggest that Mayor April Capone Almon’s administration, which has been in office for just over a year, is responsible.

See East Haven, B2

East Haven: Cop union chief critical

Continued from B1

“I’m not saying that they’re not making a proper effort now,” he said. “All I’m saying is that we lag behind.”

He said that the Capone Almon administration’s recent efforts to obtain a \$13,000 federal grant to buy up to 40 new bulletproof vests “is actually a step in the positive direction.” But “we’re vastly behind in some of the ancillary things that police

departments do.”

Chief of Police Leonard Gallo said he had not seen the union’s statement but would respond to it if or when they present it to him.

“I’ll wait for the complaints to be presented to me ... and see if I can address them,” he said.

Capone Almon, who was elected with strong support from the police union, said that “in the last year, my administration has worked very hard” to improve the tools available to police, includ-

ing adding a few new cars to the fleet. “We’ve got tens of thousands of new dollars and new grants. ... We are still moving forward, as in every department.”

“Things are tough, though,” she said, “and while we are doing everything we can, we have to be mindful of the taxpayers and their ability to pay for it.”

Mark Zaretsky can be reached at mzaretsky@nhregister.com or 789-5722.

EXHIBIT 62

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: HONORABLE MAYOR
APRIL CAPONE ALMON

DATE: 11/27/2007

FROM: CHIEF LEONARD L. GALLO

RE: INVESTIGATION/ INTERNAL/ CRIMINAL

Dear Mayor:

Enclosed you will find a copy of my report concerning an incident that occurred on November 18, 2007. On November 19, 2007 I notified you about this incident and we have spoken about it personally. You had requested that I hold off on the investigation so you may review the matter further. It has been eight days and I would like to speak to you about this matter once again as soon as possible, so we may discuss a course of action.

Respectfully,

Enclosure

EAST HAVEN POLICE DEPARTMENT
PERSONAL/CONFIDENTIAL

TOWN OF



EAST HAVEN

MEMORANDUM

DATE: NOVEMBER 27, 2007

TO: CHIEF LEONARD L. GALLO

FROM: APRIL CAPONE ALMON, MAYOR

RE: INVESTIGATION

I have received and read your memo on the incident we previously discussed. As promised I have reviewed this situation and decided to appoint an independent party to investigate this issue. This course of action will ensure impartiality and fairness to all involved.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'April Capone Almon', with a long, sweeping horizontal line extending to the right.

April Capone Almon
Mayor
East Haven, CT

Incident report Sunday 11/18/07

Subject: Sergeant John Casio

Charges: Insubordination, Threatening, and Conduct Unbecoming of a Police Officer

John Casio of the East Haven Police Department. Casio's call is documented on my department issued phone with his incoming call and phone number 203-623-2012 at 0946am. Casio said he had a "personal" problem and needed to see me in person. I told him I would meet with him in ten minutes at the Saint Therese church lot on Middletown Ave. North Haven. I arrived before him and shortly after at 1003am he arrived in his red pick-up truck parking next to me.

Casio and I got out of our vehicles and shook hands he was in his police uniform wearing a tan colored coat, he had gone off duty on that morning after working the night shift. Casio took me completely off guard and started to talk to me about how I should consider retirement. He stated that they (The Democrats) are going to get you and how he could help me since he was now the person in the new administration with all the "juice" meaning political clout. I asked who sent him and he stated he was there on his own but stated I knew who he represented. I was taken aback by his con man attitude using phrases like "you know Chief" "come on Chief your not a stupid man" "you know I'm in with all these people" "if you hang around we are going to have to FUCK you good" "its about your legacy". His face started to look intense as he continued to aggressively try to intimidate me into retirement. I said to Casio that our conversation was inappropriate. He continued trying to "sell" me. I kept my professional demeanor and tried to defuse the situation as the officer began to get angry in his voice and body language as he continued to point at my chest. He said to me, in a most caustic tone, that no one could help me not even "your buddy Gene Ruocco" only him, Casio. (Mr. Ruocco is the Democratic Town Chairman in East Haven and a personal friend for over 45 years) Casio continued, "even republicans are calling for your head" they were conspiring at the Mayors inauguration (Saturday November 17,2007) He continued on by saying "so what's it going to take to get you out" "why do you think she (Mayor Almon) hired Patty Co Francesco its to get you and FUCK you ". I realized from the first that Casio has an explosive personality so I humored him with a post retirement benefit package in hopes of him just leaving. To my shock, Casio said with total confidence he could get this or get that and repeatedly said the Democrats won't go for this or will go for that but he was a member of the" inner circle" and would try" very hard "to help me and he could probably arrange it.

He continued by saying that I have kids and grand kids and a future to protect along with a 40 year Police Career (I have 38 years in Law Enforcement) and that Tommy Russell (Union President Police Local 1662) would be on board. "They" would throw me a nice retirement party and would salute me out the door instead of giving me the finger and saying FUCK YOU. (Note: I do not believe that Detective Russell has anything to do with this matter.) Casio was unaware that I knew of the Hartford Courant interview with he and Officer Jeff Strand "hatched" a plan to unseat Mayor Maturo and get a new Chief of Police. (See Hartford Courant November 18,2007 -New East Haven Mayor Puts Focus on Ethics- enclosed) We did not speak of it. I asked Casio what he and Strand had

against me after all I hired Strand and promoted Casio to Sergeant. Casio erupted and stated loudly that Strand was a "NO GOOD COCKSUCKER" and was coming after me. He also called Mr. Mark Zaresky, a Register reporter, a "FUCKING ASSHOLE WITH NO BALLS", However, I'm not sure why and since I bear no malice toward Mark I cannot explain this. We had not previously discussed Mark at all.

At this point Casio offered me a cigarette, flipping the pack at me. Marlboro Lights. I declined. He lit his. I then told Casio once again that this conversation was inappropriate in nature and that "IF" I ever decided to retire that would be a matter for the Mayor, the Town and Lawyers. No sooner had I said this and his face turned bright red with anger and moved toward me in an aggressive manner and said "FUCK YOU; YOU THINK I'M a CHUMP. I TRIED, I TRIED BUT NOW WE ARE GOING TO GET YOU" He then threw his lit cigarette at me and retreated to his truck continuing to call me COCKSUCKER, MOTHERFUCKER and threatened me that was a DEAD MAN. As he went to his truck I had my hands on the door telling him to calm down. He threatened to punch me in the mouth and kick my fucking ass. I said you can't be serious, he said you bet your ass I am, I WILL FUCKING KILL YOU. He then drove off in his Red Pickup yelling and screaming at me that I was a dead man. The entire situation took less than several minutes.

I then notified Chief James DeCarlo of the North Haven Police Department of this threatening incident I advised him that I would be seeing the Mayor (Almon) on Monday 11/19/07 before taking criminal action against Casio and making a formal complaint.

I have notified my attorney of possible political intimidation in direct violation of Connecticut Statutes 07-278.

On Monday 11/19/07 I informed Captain James LaBanca Operations Officer/Internal Affairs of this incident and advised him to hold off on any immediate investigation out of respect for the Mayor's first day in office.

On Monday 11/19/07 I informed Mayor Almon of this incident and she has asked that I hold off on any investigation. I will comply for a short period pending full investigation and possible criminal charges against Sergeant Casio.

Submitted 11/19/07

Leonard L. Gallo
Chief Of Police
East Haven Police Department

C/C Mayor April Capone Almon
Captain James LaBanca

EXHIBIT 63



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Leonard L. Gallo
Chief of Police

January 31, 2008

Sergeant John Cascio
471 North High Street
East Haven, CT 06512

WRITTEN REPRIMAND

Dear Sergeant Cascio:

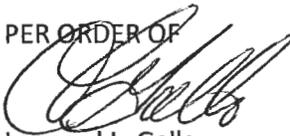
You are being reprimanded for being disrespectful to the Chief of police. Your actions in calling the Chief and subsequent meeting with the Chief on November 18th 2006 were inappropriate and a violation of the chain of command.

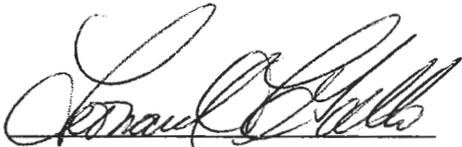
You have demonstrated a sincere desire to admit your mistake and will make a serious effort to insure these sorts of actions will not occur in the future.

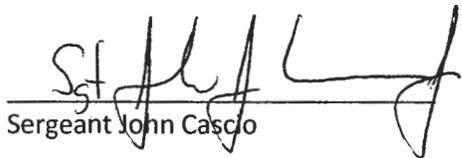
You have been a good police officer and supervisor prior to this incident and there is no doubt this sort of incident will not occur again and that you will from here on out maintain the same positive professional comportment you have shown in the past when dealing with superior officers.

This reprimand will not be grieved by Sergeant Cascio or the Union.

PER ORDER OF


Leonard L. Gallo
Chief of Police


Chief Leonard L. Gallo


Sgt John Cascio

Address all communications to the Chief of Police

Case: Alleged Incident that occurred 11/18/2007
Regarding: Chief Leonard Gallo and Sergeant John Casio
Investigators Recommendation:

Page 1 of 2

Regarding the alleged incident that occurred between Chief Leonard Gallo and Sergeant John Casio on the morning of Sunday November 18, 2007 this Investigator recommends the following: **If Chief Gallo remains consistent with his account of the incident it would be best to let him pursue it in the direction that he alluded to during the interview, that it should be referred to the East Haven Police Departments internal affairs division.**

It is in my professional opinion that the Mayor needs to allow this investigation to go through the proper channels of the Police Department. If this meeting which was prompted by Sergeant Casio(his own admission) did not go in the direction he expected it to go then he has to accept the consequences. On a professional level Sergeant Casio should have never met with Chief Gallo outside of the Police Department to discuss any matters especially with the current feelings that had been expressed by Sergeant Casio regarding Chief Gallo over the past year(as expressed by both parties during the interview). At best his (Sergeant Casio's) judgment is questionable due to that action and by any standards this type of tactic could be construed as threatening and for a purpose that one could only assume at this point was not totally professional.

In order for this Investigator to effectively pursue this investigation to a point of determination as to what "actually happened" the contents of the "incident report" that was given to the Mayor, Captain LaBanca and Chief Gallo's Attorney would have to be divulged. This would without a doubt compromise the Internal Affairs investigation and also violate official protocol. As an independent Investigator my authority is limited to that of a civilian board of inquiry. This case is a he said – he said situation in which the case, lacking witnesses or any tangible evidence would have to be decided solely on the credibility of the individuals involved. In order to determine who has more credibility an investigation compiling interviews with co-workers, former co-workers, friends and neighbors, etc. would have to be conducted. Even with this lengthy process, without physical evidence, witnesses present to hear what was being said, a tape recording of the event, etc. or an actual admission by either of the parties involved in the investigation as

to what really happened the truth cannot be determined and the case cannot be resolved to everyone's satisfaction.

It is not possible to make a determination of an individual's credibility, even based on their lengthy career after having met with them only once and for a period of about 1 ½ hours. Both individuals have their versions of the meeting, both individuals have something to lose. The outcome may be decided on who has the most damaging proof or the most power. With that in mind even thinking that a person is known to you does not eliminate the fact that circumstances force individuals to do things and say things beyond what would be normally expected of them.

TOWN OF



EAST HAVEN

MEMORANDUM

DATE: NOVEMBER 27, 2007

TO: CHIEF LEONARD L. GALLO

FROM: APRIL CAPONE ALMON, MAYOR

RE: INVESTIGATION

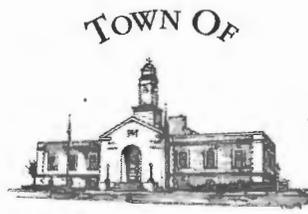
I have received and read your memo on the incident we previously discussed. As promised I have reviewed this situation and decided to appoint an independent party to investigate this issue. This course of action will ensure impartiality and fairness to all involved.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'April Capone Almon', is written over the typed name. The signature is fluid and cursive, with a long horizontal flourish extending to the right.

April Capone Almon
Mayor
East Haven, CT



EAST HAVEN

Police Chief Leonard Gallo
471 North High Street
East Haven, CT
06512

December 3, 2007

Dear Chief Gallo:

This letter is written in response to your most recent correspondence concerning an incident involving Sergeant John Cascio of your department.

I have reviewed the matter with Labor Counsel. After receiving his input, I have determined that an investigation should be conducted by your department.

Should you have any questions or comments, please feel free to contact Labor Counsel, Attorney David Ryan at 203-777-5603.

Thank you for your time and cooperation.

Sincerely,



April Capone Almon
Mayor
East Haven, CT

MEMO



EAST HAVEN POLICE DEPARTMENT
EAST HAVEN, CONNECTICUT 06512

TO: HONORABLE MAYOR
APRIL CAPONE ALMON

FROM: CHIEF LEONARD L. GALLO 

RE: INVESTIGATION/ INTERNAL/ CRIMINAL

DATE: 11/27/2007

Dear Mayor:

Enclosed you will find a copy of my report concerning an incident that occurred on November 18, 2007. On November 19, 2007 I notified you about this incident and we have spoken about it personally. You had requested that I hold off on the investigation so you may review the matter further. It has been eight days and I would like to speak to you about this matter once again as soon as possible, so we may discuss a course of action.

Respectfully,

Enclosure

EAST HAVEN POLICE DEPARTMENT
PERSONAL/CONFIDENTIAL

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Charges: Insubordination, Threatening, and Conduct Unbecoming of a Police Officer

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Casio and I got out of our vehicles and shook hands he was in his police uniform wearing a tan colored coat, he had gone off duty on that morning after working the night shift. Casio took me completely off guard and started to talk to me about how I should consider retirement. He stated that they (The Democrats) are going to get you and how he could help me since he was now the person in the new administration with all the "juice" meaning political clout. I asked who sent him and he stated he was there on his own but stated I knew who he represented. I was taken aback by his con man attitude using phrases like "you know Chief" "come on Chief your not a stupid man" "you know I'm in with all these people" "if you hang around we are going to have to FUCK you good" "its about your legacy". His face started to look intense as he continued to aggressively try to intimidate me into retirement. I said to Casio that our conversation was inappropriate. He continued trying to "sell" me. I kept my professional demeanor and tried to defuse the situation as the officer began to get angry in his voice and body language as he continued to point at my chest. He said to me, in a most caustic tone, that no one could help me not even "your buddy Gene Ruocco" only him, Casio. (Mr. Ruocco is the Democratic Town Chairman in East Haven and a personal friend for over 45 years) Casio continued, "even republicans are calling for your head" they were conspiring at the Mayors inauguration (Saturday November 17,2007) He continued on by saying "so what's it going to take to get you out" "why do you think she (Mayor Almon) hired Patty Co Francesco its to get you and FUCK you ". I realized from the first that Casio has an explosive personality so I humored him with a post retirement benefit package in hopes of him just leaving. To my shock, Casio said with total confidence he could get this or get that and repeatedly said the Democrats won't go for this or will go for that but he was a member of the "inner circle" and would try" very hard "to help me and he could probably arrange it.

He continued by saying that I have kids and grand kids and a future to protect along with a 40 year Police Career (I have 38 years in Law Enforcement) and that Tommy Russell (Union President Police Local 1662) would be on board. "They" would throw me a nice retirement party and would salute me out the door instead of giving me the finger and saying FUCK YOU. (Note: I do not believe that Detective Russell has anything to do with this matter.) Casio was unaware that I knew of the Hartford Courant interview with he and Officer Jeff Strand "hatched" a plan to unseat Mayor Maturo and get a new Chief of Police. (See Hartford Courant November 18,2007 –New East Haven Mayor Puts Focus on Ethics- enclosed) We did not speak of it. I asked Casio what he and Strand had

against me after all I hired Strand and promoted Casio to Sergeant. Casio erupted and stated loudly that Strand was a "NO GOOD COCKSUCKER" and was coming after me. He also called Mr. Mark Zaresky, a Register reporter, a "FUCKING ASSHOLE WITH NO BALLS", However, I'm not sure why and since I bear no malice toward Mark I cannot explain this. We had not previously discussed Mark at all.

At this point Casio offered me a cigarette, flipping the pack at me. Marlboro Lights. I declined. He lit his. I then told Casio once again that this conversation was inappropriate in nature and that "IF" I ever decided to retire that would be a matter for the Mayor, the Town and Lawyers. No sooner had I said this and his face turned bright red with anger and moved toward me in an aggressive manner and said "FUCK YOU; YOU THINK I'M a CHUMP. I TRIED, I TRIED BUT NOW WE ARE GOING TO GET YOU" He then threw his lit cigarette at me and retreated to his truck continuing to call me COCKSUCKER, MOTHERFUCKER and threatened me that was a DEAD MAN. As he went to his truck I had my hands on the door telling him to calm down. He threatened to punch me in the mouth and kick my fucking ass. I said you can't be serious, he said you bet your ass I am, I WILL FUCKING KILL YOU. He then drove off in his Red Pickup yelling and screaming at me that I was a dead man. The entire situation took less than several minutes.

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I have notified my attorney of possible political intimidation in direct violation of Connecticut Statutes 07-278.

On Monday 11/19/07 I informed Captain James LaBanca Operations Officer/Internal Affairs of this incident and advised him to hold off on any immediate investigation out of respect for the Mayors first day in office.

On Monday 11/19/07 I informed Mayor Almon of this incident and she has asked that I hold off on any investigation. I will comply for a short period pending full investigation and possible criminal charges against Sergeant Casio.

Submitted 11/19/07

Leonard L. Gallo
Chief Of Police
East Haven Police Department

C/C Mayor April Capone Almon
Captain James LaBanca

courant.com/news/local/hc-ctalmon1118.artnov18,0,3021688.story

Courant.com

New East Haven Mayor Puts Focus On Ethics

By KIM MARTINEAU

Courant Staff Writer

November 18, 2007

EAST HAVEN

Minutes after she was declared mayor, April Capone Almon was offered her first gift.

The TV cameras had cleared out of the firehouse and a giddy crowd of supporters lined up to congratulate her. One woman, eyeing the mayor's French twist hairstyle, suggested a trip to her hairdresser before the inauguration. Mention my name, she offered. After an awkward pause, Capone Almon apologized.

"My first executive order is no gifts, no entertainment, no bar tabs," Capone Almon said. "I'd have to pay him."

In a town where political favors are an accepted part of civic life, Capone Almon had just gotten her first taste of the temptations that often come with public office. Campaigning for clean government was one thing. Changing the political culture — even in her own party — was another. Yet expectations ran high as the 32-year-old Democrat was sworn into office Saturday, the youngest mayor to take office in East Haven and also the first woman.

"It's a challenge, and there will be people who won't like it — the people benefiting," said John Cascio, a sharply dressed police sergeant who helped on the campaign. "When it's changed, it will have a huge impact on how people view the town, and the citizens will appreciate that."

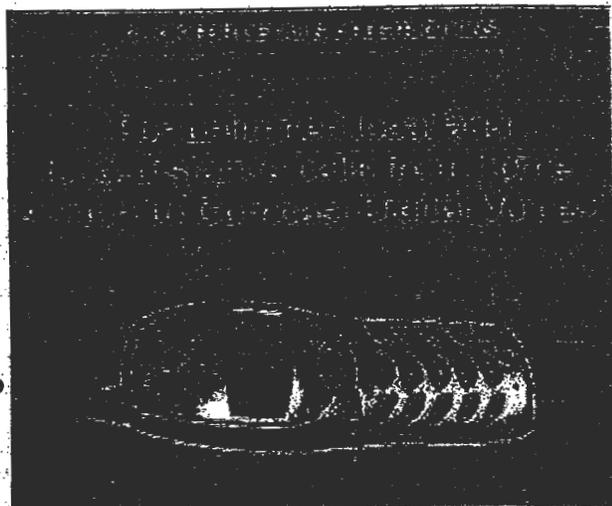
Eight days after the election, on Wednesday night, Capone Almon was formally declared mayor following a third tally of ballots. After a decade in office, Republican Joe Maturo, a retired firefighter, had lost by just 25 votes. Though the mayoral race was a squeaker, Democrats easily won control of all three elected boards — the town council, finance board and school board — signaling a broad mandate for change.

The drama of the recount, livened by jokes of hanging chads, was familiar turf for Capone Almon. For a full week she hovered around town hall, in mayoral limbo, meeting employees and interviewing candidates for several job openings.

Capone Almon was first elected to political office two years ago, landing a seat on the town council. As

<http://www.courant.com/news/local/hc-ctalmon1118.artnov18,0,630403,print.story>

11/18/2007



the lone Democrat on the 15-member board, she developed a reputation for speaking out on unpopular development projects. Her assertiveness drew the attention of two cops on the midnight shift.

A year ago, in the break room of the police department, Cascio and Officer Jeff Strand hatched a plan to unseat the five-term mayor. Morale in the department was abysmal. Officers complained about outdated equipment and pressure to fix tickets and police reports for the mayor and his cronies. They wanted a new chief but first, they needed to oust Maturro.

The cops envisioned the winning candidate, in a town where "The Sopranos" have a loyal following, as a 45-year-old Italian man. But after debating their options, they came around to the candidate in plain view: the councilwoman with the breezy Billie Holiday song, "April in Paris," on her cellphone. Over dinner at the Guilford Mooring, the two cops and Capone Almon — then a coordinator in customer service for Verizon Wireless — began to strategize.

"She had a public voice," said Strand, bald and built like a football player. "She was honest and she was willing to work hard."

Their investigative skills proved indispensable. The cops exposed links between contracts and campaign contributions — standard political fare. But it was their idea to request the mayor's calendars under the Freedom of Information Act that struck gold — confirming that Maturro spent five weeks vacationing in Florida in March. Relentlessly, Capone Almon questioned the mayor's work ethic — along with dozens of items mysteriously blacked out from his schedule. Her message struck a chord.

"This is a blue-collar town where people go to work every day to pay their taxes," said Patty Cofrancesco, a Democrat and lawyer. "The idea they had an absentee-mayor was too much to take."

Now in office, Capone Almon wants to end a tradition of gifts and special favors. "You'll see a Jodi Rell-like focus on ethics, and you'll see the laws change," promised mentor Michael Lawlor, a veteran lawmaker who lives in town.

Maturro's top administrators have been fired and Cofrancesco, former corporation counsel for New Haven, has been named town attorney. Her law firm represents two police officers suing Chief Leonard Gallo — a point of contention for Gallo.

Under state law, the chief's job is protected, which is why Capone Almon, with great diplomacy, says she hopes Gallo will welcome the changes she plans. Reached Friday, Gallo said the department has improved under his watch — becoming more diverse — and that he plans to stay. Before Maturro appointed him chief, Gallo worked for the New Haven Police Department where, at one point, he headed the city dog pound.

When Capone Almon promises the mayor's office will look "very different" when she moves in, she means it literally. The carpeting in Maturro's office, infused with years of cigarette smoke, will be ripped out, the walls repainted yellow and a somber conference table replaced by a pair of sofas, bought with her own money.

"I'm not going to be remodeling on the taxpayers' dime," she said.

For the few Republicans to survive the election, it's now their turn to be skeptical.

"She's made a lot of promises she's going to have a difficult time keeping — like cutting taxes," said Councilman Fred Parlato, a retired gas company supervisor. "If she can do it, I'll work with her."

NEWS

Nov 22-28-2007

Police and Politics

East Haven cops and politicians cross the thin blue line.

By Betsy Yagla

If East Haven's new mayor, April Capone Almon, wanted to make things more uncomfortable for East Haven's police chief, she may have found a way.

Capone Almon has tapped local attorney Patricia Cofrancesco to serve as town counsel. Cofrancesco's representing disgruntled East Haven cops in at least two lawsuits against the department for what the suits characterize as poor decision-making on Police Chief Leonard Gallo's part.

Cofrancesco sued Gallo on behalf of Officer Bob Nappe, who was denied a year's leave of absence to train Iraqi police officers. Nappe resigned to go to Iraq and won his job back in court. Nappe was also vice president of the police union and didn't always see eye-to-eye with Gallo.

Cofrancesco's also representing 89-year-old Ralph Accurso, who got into a fender-bender with the wife of Maturo's town attorney, Larry Sgrignari. Gallo caught wind of the accident and, according to the lawsuit, ordered officers at the scene to arrest Accurso (the officers refused), even though Accurso was not at fault. Accurso's suing Gallo for interference.

Cofrancesco's appointment capped off a dramatic week in East Haven politics that culminated in Capone Almon being crowned mayor (again) after a third and

final recount of ballots from Nov. 6. The intrigue appeared to deepen when Democratic Party boss Gene Ruocco discovered six trash bags full of shredded documents in a Town Hall basement and called in the cops to investigate. Cops hauled the bags off to the police station where Gallo moved them from the evidence room to the prop-



KATHLEEN GEL PHOTO

Two recounts secured Capone Almon's mayoral win, which is to say Chief Gallo's dismissal.

erty room, limiting access to the bags.

Gallo asked New Haven State's Attorney Michael Dearington's office to investigate, but Dearington says there's not enough evidence to warrant an inquiry.

East Haven police were already the front and center in the close and contentious mayoral election: The police union endorsed and ran Capone Almon's cam-

paign, following a vote of no confidence in Gallo in 2006. Gallo's been serving on an indefinite appointment by Maturo. Capone Almon says things are going to change.

"I'd definitely like to make that a contract position," she says. "Things are going to be changing at the police department because we have to do something. The [police] department and officers know I have their best interest at heart. I want to see their work environment improved."

Get it? Gallo's gone as soon as Capone Almon's got a chance to kick him out. While cops dig up dirt on their boss to secure his dismissal, she's trying to make his job uncomfortable. Enter attorney Cofrancesco, who it seems will have to handle off the Nappe and Accurso cases now she's town attorney. She can't sue herself.

Cofrancesco's last gig as a municipal attorney, as New Haven Mayor John DeStefano's corporation counsel, didn't end so well. DeStefano fired Cofrancesco for signing off on an illegal, interest-free lead-abatement loan to one of his City Hall aides. Cofrancesco, along with another dismissed city attorney, Martin Echter, has since become an aggressive litigator against the city.

A call to Cofrancesco's East Haven office went unreturned.

Incident report Sunday 11/18/07

Subject: Sergeant John Casio

Charges: Insubordination, Threatening, and Conduct Unbecoming of a Police Officer

John Casio of the East Haven Police Department. Casio's call is documented on my department issued phone with his incoming call and phone number 203-623-2012 at 0946am. Casio said he had a "personal" problem and needed to see me in person. I told him I would meet with him in ten minutes at the Saint Therese church lot on Middletown Ave. North Haven. I arrived before him and shortly after at 1003am he arrived in his red pick-up truck parking next to me.

Casio and I got out of our vehicles and shook hands he was in his police uniform wearing a tan colored coat, he had gone off duty on that morning after working the night shift. Casio took me completely off guard and started to talk to me about how I should consider retirement. He stated that they (The Democrats) are going to get you and how he could help me since he was now the person in the new administration with all the "juice" meaning political clout. I asked who sent him and he stated he was there on his own but stated I knew who he represented. I was taken aback by his con man attitude using phrases like "you know Chief" "come on Chief your not a stupid man" "you know I'm in with all these people" "if you hang around we are going to have to FUCK you good" "its about your legacy". His face started to look intense as he continued to aggressively try to intimidate me into retirement. I said to Casio that our conversation was inappropriate. He continued trying to "sell" me. I kept my professional demeanor and tried to defuse the situation as the officer began to get angry in his voice and body language as he continued to point at my chest. He said to me, in a most caustic tone, that no one could help me not even "your buddy Gene Ruocco" only him, Casio. (Mr. Ruocco is the Democratic Town Chairman in East Haven and a personal friend for over 45 years) Casio continued, "even republicans are calling for your head" they were conspiring at the Mayors inauguration (Saturday November 17,2007) He continued on by saying "so what's it going to take to get you out" "why do you think she (Mayor Almon) hired Patty Co Francesco its to get you and FUCK you ". I realized from the first that Casio has an explosive personality so I humored him with a post retirement benefit package in hopes of him just leaving. To my shock, Casio said with total confidence he could get this or get that and repeatedly said the Democrats won't go for this or will go for that but he was a member of the "inner circle" and would try" very hard "to help me and he could probably arrange it.

He continued by saying that I have kids and grand kids and a future to protect along with a 40 year Police Career (I have 38 years in Law Enforcement) and that Tommy Russell (Union President Police Local 1662) would be on board. "They" would throw me a nice retirement party and would salute me out the door instead of giving me the finger and saying FUCK YOU. (Note: I do not believe that Detective Russell has anything to do with this matter.) Casio was unaware that I knew of the Hartford Courant interview with he and Officer Jeff Strand "hatched" a plan to unseat Mayor Maturo and get a new Chief of Police. (See Hartford Courant November 18,2007 -New East Haven Mayor Puts Focus on Ethics- enclosed) We did not speak of it. I asked Casio what he and Strand had

against me after all I hired Strand and promoted Casio to Sergeant. Casio erupted and stated loudly that Strand was a "NO GOOD COCKSUCKER" and was coming after me. He also called Mr. Mark Zaresky, a Register reporter, a "FUCKING ASSHOLE WITH NO BALLS", However, I'm not sure why and since I bear no malice toward Mark I cannot explain this. We had not previously discussed Mark at all.

At this point Casio offered me a cigarette, flipping the pack at me. Marlboro Lights. I declined. He lit his. I then told Casio once again that this conversation was inappropriate in nature and that "IF" I ever decided to retire that would be a matter for the Mayor, the Town and Lawyers. No sooner had I said this and his face turned bright red with anger and moved toward me in an aggressive manner and said "FUCK YOU; YOU THINK I'M a CHUMP. I TRIED, I TRIED BUT NOW WE ARE GOING TO GET YOU" He then threw his lit cigarette at me and retreated to his truck continuing to call me COCKSUCKER, MOTHERFUCKER and threatened me that was a DEAD MAN. As he went to his truck I had my hands on the door telling him to calm down. He threatened to punch me in the mouth and kick my fucking ass. I said you can't be serious, he said you bet your ass I am, I WILL FUCKING KILL YOU. He then drove off in his Red Pickup yelling and screaming at me that I was a dead man. The entire situation took less than several minutes.

I then notified Chief James DeCarlo of the North Haven Police Department of this threatening incident I advised him that I would be seeing the Mayor (Almon) on Monday 11/19/07 before taking criminal action against Casio and making a formal complaint.

I have notified my attorney of possible political intimidation in direct violation of Connecticut Statutes 07-278.

On Monday 11/19/07 I informed Captain James LaBanca Operations Officer/Internal Affairs of this incident and advised him to hold off on any immediate investigation out of respect for the Mayor's first day in office.

On Monday 11/19/07 I informed Mayor Almon of this incident and she has asked that I hold off on any investigation. I will comply for a short period pending full investigation and possible criminal charges against Sergeant Casio.

Submitted 11/19/07

Leonard L. Gallo
Chief Of Police
East Haven Police Department

C/C Mayor April Capone Almon
Captain James LaBanca

EXHIBIT 64

**PASQUALE ROMANO, CHAIRMAN
EAST HAVEN BOARD OF POLICE COMMISSIONERS**

May 12, 2008

Mayor April Capone Almon
Town of East Haven
250 Main Street
East Haven, CT 06512

Re: Memo dated May 8, 2008

Dear Mayor Almon:

I have your memo dated May 8, 2008. You have no authority to dictate the meetings of the Board of Police Commissioners, and your request that the Board meet twice weekly is respectfully rejected. Since taking office, you have abused your authority in an effort to usurp the power of the Board of Police Commissioners resulting in the issuance of an ex-parte injunction against you and the Town. Your continued efforts to intrude on the authority of the Board will not be tolerated. If necessary, I will instruct the Board's counsel to seek further injunctive relief.

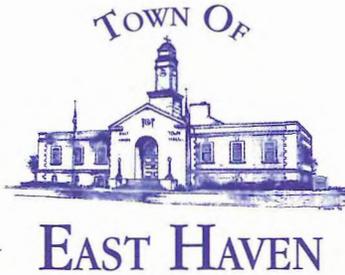
You should be advised that I am aware of the needs of the department, including the need to update the manual. The needs are being addressed, and will be taken up by the Board at such meetings as I, as Chairman, decide to call. Further, the Board will continue to meet at its regularly scheduled monthly meetings.

I trust my position is clear in this request.

Sincerely,

Pasquale Romano, Chairman,
East Haven Board of Police Commissioners

EXHIBIT 65



OFFICE OF THE MAYOR
APRIL CAPONE ALMON
Mayor

To: Leonard Gallo, Chief of Police

Cc: Paul J. Hongo, Jr., Director of Administration & Management
Patricia A. Cofrancesco, Town Attorney

From: April Capone Almon, Mayor *ACA*

Date: May 13, 2008

RE: Chain of Command

En lieu of some recently published comments, I want to take this opportunity to reiterate the *chain of command* as it pertains to who you, as the Chief of Police, take direction and orders from.

While it may believe otherwise, the Board of Police Commissioners does not have the authority to assign you work, or direct you to perform a specific task, or carry-out an order. These items are ultimately reserved for, and to be exercised by the Mayor only; pursuant to Chapter V, Section 2 of the Town Charter. ("The Mayor shall be directly responsible for the administration of all [Town] departments.")

Toward that end, I am requesting you to contact me immediately upon receiving any verbal or written orders from the Board of Police Commissioners relative to policy or the day-to-day operations of the Police Department. Under no circumstances are you to act upon any such requests without my prior knowledge and approval. Failure to abide by my direct order shall result in disciplinary action, up to and including dismissal.

In closing, please do not hesitate to call me if you have any questions regarding this matter.

Thank you.

EXHIBIT 66



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon

Chief



Honorable Board of
Police Commissioners

TO: VIRGINIA WILLIAMS, RECORDING SECRETARY BOARD OF POLICE COMMISSION

FROM: CHAIRMAN PASQUALE ROMANO

DATE: JULY 30, 2008

SUBJECT: SPECIAL MEETING SCHEDULED FOR JULY 31, 2008

Dear Virginia:

I, Pasquale Romano Chairman of the Honorable Board of Police Commissioners, am the only one that can call a meeting of the Board of Police Commissioners, and I am calling the Special Meeting of the Board of Police Commissioners called by Vice-Chairman Frederick Brow, illegal.

This meeting was called for by Vice-Chairman Brow at the July 29, 2008 meeting, which this item was not placed on the agenda or added on the agenda, therefore I am calling the meeting illegal and any outcome of this meeting shall become null and void.

Until I get a ruling from a Town Attorney or F.O.I. I am deeming this meeting illegal.

Respectfully Submitted,

Pasquale Romano
Chairman

c.c. Mayor April Capone Almon
Chief Leonard L. Gallo



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

A SPECIAL MEETING OF THE HONORABLE BOARD OF POLICE COMMISSIONERS WILL BE HELD ON THURSDAY, JULY 31, 2008 AT 7:00 P.M. AT THE EAST HAVEN POLICE DEPARTMENT, 471 NORTH HIGH STREET, EAST HAVEN, CONNECTICUT IN THE COMMISSIONERS ROOM.

AGENDA:

- 1. To consider and act upon authorizing Frederick Brow, Vice-Chairman of the Board of Police Commissioners to select counsel to be hired by the Town, to represent and file "in Lieu of appearance" on behalf of the Board of Police Commissioners in both the Robert Nappe v The Town of East Haven Appeal as well as the East Haven Board of Police Commission v. the Town of East Haven and April Capone Almon lawsuit.**

Respectfully Submitted,


Frederick Brow
Vice-Chairman

EXHIBIT 67

TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Handwritten signature in blue ink, likely of the Chief of Police Leonard L. Gallo.

Honorable Board of
Police Commissioners

February 17, 2010

Chairman Fred Brow
471 North High Street
East Haven, CT 06512

RE: Grievance Procedure/Notification Policy/Chiefs Monthly Report
Mayors Directives

Dear Chairman Brow:

In regards to your letters dated February 16, 2010 for the aforementioned matters, the substance matter is duly noted. I will be meeting with the Honorable Mayor concerning these matters and the applicability of the East Haven Town Charter.

Individual Commissioners, when not convened, do not have authority. Commissioners are not sworn personnel nor do they have investigative responsibilities.

The Honorable Mayor, in my opinion, does not have the right to transfer her authority to you for any reasons of supervision in regards to the Chief. According to the East Haven Town Charter I work for the appointing authority which is the Honorable Mayor.

I will be reporting these matters to the Honorable Mayor and to my attorney, Mr. Frank Kolb in preparation for any legal process. I have enclosed your letters and the Mayors directives along with my monthly report.

Sincerely,

Handwritten signature of Leonard L. Gallo in blue ink.

Leonard L. Gallo
Chief of Police

c.c. Mayor Almon
Mr. Ralph Mauro
Mr. Paul Hongo
The Honorable Board of Police Commission
Mr. Frank Kolb, Esq.

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: HONORABLE BOARD OF
POLICE COMMISSIONERS

FROM: CHIEF LEONARD L. GALLO

RE: MONTHLY REPORT---FEBRUARY 2010

DATE: 2/17/2010

Dear Commissioners:

The overtime for the month is as follows:

1-16-10 to 1-29-10: 19,158.03

1-30-10 to 2-12-10: 14,559.85

Dispatch 12-27-09 to 1-19-10: 17,632.53

Total \$51,350.41

The Chief of Police according to the Town Charter is in charge of the day to day operations and other duties. The Honorable Board of Police Commissioners, when convened, make policy, hiring, firing, disciplinary and general rules for the East Haven Police Department. Individual commissioners, when not convened, have no authority.

In a letter dated December 6, 2009, I have been informed by the Honorable Board of Police Commissioners via Chairman Brow and I quote "It is not your position to determine who does or does not go through the recruit process." Your feelings regarding if a candidate is qualified or not has no relevance in this process." I reject this idea from the Honorable Board and as a professional police officers for over 40 years I have never been denied some input from any honorable board that I have worked with.

One of the police candidates has a questionable polygraph. I have informed Chairman Brow, Mr. Krebs and Mr. Piergrossi of my feelings and of my review of the candidates polygraph examination. The Board of Police Commissioners, previous to hiring, has also reviewed the candidates personnel file and polygraph. In spite of my recommendation the candidate was hired by the board against my suggestion. Hopefully the Board has made the proper decision, however if there is liability in the future concerning this candidate the sole obligations and discredit will belong solely to the present Board of Police Commissioners.

I have received several letters from Chairman Brow concerning notification, CAD, and Grievance procedure. To answer to these letters will be on a separate letter form attached to this report.

I will inform and meet with Mayor Almon concerning these matters.

There is one Chief in the East Haven Police Department and it is my desire to cooperate to the fullest with civilian personnel who are assigned to the Commission. However, it is continually repetitive that the board circumvents me which I take as total disrespect to my office and unwillingness to work with department management. Additionally, I am also inclined to cooperate with the Board if and when the Board decides that it wishes to do so. Continual "tracking letters" to the Chief from the Chairman or individual board members that are copied will be reported to the Honorable Mayor and to my attorney. It is my hopes that we do not engage in a legal process and that a peaceful coexistence can be achieved. (letters enclosed from Chairman Brow and directives from Mayor Almon) May I remind the Commission that I work directly for the Office of the Mayor, pursuant to lawful orders and the East Haven Town Charter.

I have been informed by Police Officers that a Commissioner continues to berate the East Haven Police Department and its Chief and its officers openly for reasons that are unknown to me. I have informed Chairman Brow who refuses to take any action in curbing this situation on the basis that he feels "uncomfortable". It is my desire for this matter to be put in check by the Chairman.

The Department of Justice has come to the East Haven Police Department for a meeting on February 16, 2010. The department will cooperate to its fullest in any way possible. Two Commissioners, Chairman Brow and Vice-Chairman Civitello were also here during the meeting and have been in other meetings past. I have raised opposition for both Commissioners to be present during these meetings for what I feel is just cause. I have informed Attorney Cofranceso and Mr. Hongo that if in fact an investigation produces evidence of a Police Officer who may have committed a crime or otherwise serious department infraction, how would the Chairman and the Vice-Chairman be able to adjudicate the matter, as is there authority to do so, along with the rest of the Board. Attorney Cofranceso has stated these individuals were observers and I respect her point of view. However, I strongly disagree.

Recently, I have been asked by the administration to coordinate and re-institute Alarm Procedures and fines. We are working on this matter diligently, along with the public safety subcommittee of the Town Council. The Councilman agree that fines need to be raised and adequate sanctions be discussed at a public hearing. They will recommend to the Council the changes that are necessary and vote upon such Ordinance in public session within a reasonable amount of time for public hearing and approval in accordance with Town Council Rules. Overtime, sick time, injury time, car mileage, accidents and other matters have been included into this entire packet.

TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

To Leonard Gallo, Chief of Police

Cc April Capone Almon, Mayor
Ralph Mauro, Assistant Deputy Director of Town Affairs
Paul Hongo, Jr. Deputy Director of Town Affairs
Patricia Cofrancesco, Town Attorney
The Honorable Board of Police Commissioners
Personnel file/Chief Leonard Gallo

From Fred Brow, Chairman Board of Police Commissioners

Date 2-16-2010

RE Notification Policy/2010-1

A shooting involving three(3) individuals occurred at Mango's Restaurant on Hemingway Avenue on February 7th at 1:45A.M.

On February 11th at 6:35 P.M. a pursuit initiated in East Haven, ended in New Haven, with a motor vehicle crash, with injuries to a police officer and civilians.

The Board of Police Commissioners were not notified of said incidents, as we had previously requested.

This is to direct you that the standard policy will be that the Board of Police Commissioners, through the Chairman will be informed by you or your designee of all serious police incidents that impact our community.

Mayor April Capone Almon concurs with the implementation of this Policy.

TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

To Leonard Gallo, Chief of Police

Cc April Capone Almon
Paul Hongo, Jr. Deputy Director of Town Affairs
Ralph Mauro Assistant Director of Town Affairs
Patricia Cofrancesco, Town Attorney
The Honorable Board of Police Commissioners
Frank Montagna, President Local 1662
Personnel File, Chief Leonard Gallo

From Fred Brow, Chairman Board of Police Commissioners

Date 2-16-2010

RE: Grievance Procedure

The Board of Police Commissioners received Local 1662, Grievance #10-1, which you denied. Your denial indicates that you improperly forwarded the grievance to Mr. Paul Hongo, instead of the Board of Police Commissioners.

On February 8th, Mr. Hongo and I once again discussed grievance procedure protocol with you. To send this grievance to Mr. Hongo before sending it to the Board of Police Commissioners is an improper action. The collective bargaining agreement between Local 1662 and the Town of East Haven, Article III Grievance Procedure as amended, clearly identifies the Board of Police Commissioners as the second step, followed by Mr. Hongo's office as the third step!

To reiterate ----any grievance you deny, then must be sent to Board of Police Commissioners.

Thank you.

TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

To Leonard Gallo, Chief of Police

Cc. April Capone Almon Mayor
Paul Hongo, Jr. Deputy Director of Town Affairs
Ralph Mauro, Assistant Deputy Director of Town Affairs
Patricia Cofrancesco, Town Attorney
The Honorable Board of Police Commissioners
James Dougherty, Town Council Chairman
Joseph Santino, Town Council Public Safety Subcommittee

Date February 16, 2010

From Fred Brow, Chairman Board of Police Commissioners

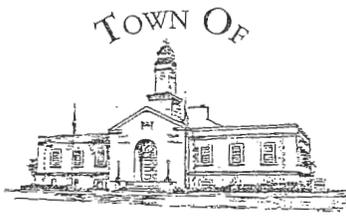
RE Chief's Monthly Report/ CAD Report

Chief, at the Board of Police Commissioners, February 24th 2009, Reorganizational Meeting the Board re-established the policy for the Chief's Monthly Report to be submitted to the Board. The Board clearly outlined(copy included) what you should include in your monthly report. You followed our request until September 2009. I was forced then to twice request this information through the Freedom of Information Act. You eventually supplied the Board with this information. Your January 2010 monthly report did not follow the established outline. You included only some of the requested information and included other information that should have been sent separately.

On February 8th you told me that you would not supply the Board with the CAD Report in the future, because I had supplied Town Council, Public Safety Committee Member, Joseph Santino with the CAD Report. The CAD Report you submit is a matter of public record.

Chief, the policy of the Chief's Monthly Report and its format must be followed. You are directed not to deviate from the format, which includes the CAD Report.

Thank you.



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON
Mayor

TO: Chief Leonard Gallo

FROM: Mayor April Capone Almon

ACA

DATE: November 10, 2009

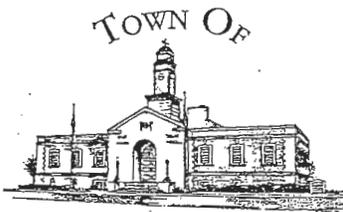
RE: Notification of newsworthy department activity

Please note that any calls made regarding 'newsworthy' activities involving the East Haven Police Department should be made directly to the Mayor. These events would include but not be limited to any occurrences that would normally generate interest of the media. The Mayor should be contacted at the Mayor's Office main phone number (468-3205) during normal business hours (Monday thru Friday 8:30am until 4:30pm). After hours or weekend efforts to contact the Mayor directly should be made in the order as follows:

- 1) Business cell phone (915-9594)
- 2) Personal cell phone (228-2232)
- 3) Home phone (234-2026)

If all of the above remedies have been exhausted and the Mayor is still unreachable, then it is acceptable to contact the Deputy Director of Town Affairs, Mr. Paul Hongo. However, that contact should be reserved for instances when the Mayor is unavailable, as the Town Charter dictates the Chief of Police reports directly to the Mayor.

If there are any lingering questions or concerns regarding the chain of command or contact procedures please don't hesitate to ask.



EAST HAVEN

OFFICE OF THE MAYOR

APRIL CAPONE ALMON

Mayor

December 31, 2007

Dear Chief:

Please forward copies of all grievances when you receive them to Paul Hongo and Attorney David Ryan. Please seek their advice on grievances in the future. If you have any questions or concerns regarding this directive please let me know.

Thank you.



Mayor April Capone Almon

cc David Ryan, Esq.
Paul Hongo



EAST HAVEN

OFFICE OF THE MAYOR
APRIL CAPONE ALMON
Mayor

To: Leonard Gallo, Chief of Police
Cc: Paul J. Hongo, Jr., Director of Administration & Management
Patricia A. Cofrancesco, Town Attorney
From: April Capone Almon, Mayor *ACA*

Date: ~~May 13, 2008~~

RE: Chain of Command

En lieu of some recently published comments, I want to take this opportunity to reiterate the *chain of command* as it pertains to who you, as the Chief of Police, take direction and orders from.

While it may believe otherwise, the Board of Police Commissioners does not have the authority to assign you work, or direct you to perform a specific task, or carry-out an order. These items are ultimately reserved for, and to be exercised by the Mayor only; pursuant to Chapter V, Section 2 of the Town Charter. ("The Mayor shall be directly responsible for the administration of all [Town] departments.")

Toward that end, I am requesting you to contact me immediately upon receiving any verbal or written orders from the Board of Police Commissioners relative to policy or the day-to-day operations of the Police Department. Under no circumstances are you to act upon any such requests without my prior knowledge and approval. Failure to abide by my direct order shall result in disciplinary action, up to and including dismissal.

In closing, please do not hesitate to call me if you have any questions regarding this matter.

Thank you.



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

to order and roll call taken we will recite the Pledge of Allegiance and then have a moment of silence in memory of all deceased members of the East Haven Police Department.

The meeting will follow Roberts Rules of Order.

The Public will be allowed to speak during a designated public comment period.

Board members may suggest agenda items through the chair.

Only Board Members will send Board correspondence, through the chair.

Only the appointed members of the Board of Police Commissioners and the Board's secretary will sit at the Board's meeting table.

At the Board of Police Commissions March meeting this Board respectfully requests the Chief of Police to reestablish submitting a written report to the Board of Police Commissioners. This report will keep the Board apprised of the overall conditions of the Department; including but not limited to personnel, fleet, building and grounds and department finances. The report will keep us apprised of:

1. The cost of overtime for the month
2. Sick time usage
3. Personnel out injured
4. Personnel disciplined or suspended
5. Report monthly mileage of each police car
6. Report police cars out of service/accidents/damage to cars
7. Report crime index/any significant arrests
8. Report on special assignments
9. Report on any training
10. Report on any new equipment

Address all communications to the Chairman of the Board of Police Commissioners



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

December 6, 2009

Chief Leonard Gallo
East Haven Department of Police Services
471 North High Street
East Haven, Connecticut 06512

RE: Candidate for Patrol Officer Grade C

Dear Chief Gallo,

Commissioners Civitello, Krebs, Piergrossi and I, sitting as Commissioners conducting interviews and other tasks relative to the above referenced matter are forced to postpone the hiring of two candidates for Patrol Officer Grade C. We, Commissioners, respectfully request that the background investigations be redone by our detective division. The submitted background reports, show little or no contact with the candidates, the reports lack any summaries on the investigators' findings, and the majority of the information submitted was garnered from other agencies. To make informed hiring decisions, the Board needs comprehensive background checks. We've requested the background checks and medical exam results for more than three months! The Board started the interviews months ago. We've been posed to hire two candidates for months. This is my third letter to you in effort to secure your cooperation. On December 1st, you advised me that you didn't schedule one candidate for a medical exam, directly ignoring the Board's request. I must remind you, the Board selects the candidates for background checks, and medical exams, not you. Not scheduling this exam continues to prolong and hinder the hiring process. Your participation in the hiring process is to schedule the candidates medical, psychological, polygraph, and background checks. It is not your position to determine, who does or does not go through the process. Your feelings regarding if a candidate is qualified or not has no relevance in this process.

On December 3rd, I spoke to candidate Michael Buck. Candidate Buck stated that he called you on or about October 8th, since you were not available, he left a message with your secretary that he accepted a position with the Wallingford Police Department. Mr. Buck called eight(8) or

Address all communications to the Chairman of the Board of Police Commissioners



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

ten(10) days later to speak with you, but the call was never returned. Mr. Buck is currently attending the Academy in Meriden and will join the Wallingford Police Department, when he graduates. You failed to apprise the Board that Mr. Buck removed himself from the eligibility list. With-holding this information continues to hinder and prolong the hiring process. The certified civil service list needs four candidates, to hire two. The current eligibility list expires on December 13th, 2009. The Board will request an new list from Civil Service with the name of four candidates.

I feel that your actions are obstructing the hiring process. You haven't cooperated. Once again, I respectfully request, that you have the background checks redone, and that the new candidate's medical, psychological, polygraph, and background check be completed in time for the Board to hire two candidates to attend the February 14th, 2010 recruit class. I mention the February recruit class, because you stated to me that the January class had been eliminated because of budgetary reasons. If you have any questions, please feel free to contact me.

Regards,

Fred Brow

Chairman/Board of Police Commissioners

cc: Board of Police Commissioners

Mayor April Capone Almon

Paul Hongo Deputy Director of Town Affairs

Civil Service Commission/Andrea Liquori

MEMO

EAST HAVEN POLICE DEPARTMENT

EAST HAVEN, CONNECTICUT 06512



TO: HONORABLE BOARD OF
POLICE COMMISSIONERS

FROM: CHIEF LEONARD L. GALLO

RE: POLICE REPORTS/CAD/CONTROL

DATE: 2/22/2010

Dear Commissioners:

After a meeting with the Honorable Mayor April Capone Almon, I will once again reissue CAD reports to each commissioner as requested. These reports, although not totally confidential, possess information of a sensitive nature. If in fact these reports were to be given to members of the general public, the department would have a right to redact certain information pursuant to Freedom Of Information laws. Therefore, when you are completed with these reports I would greatly appreciate if you would return these reports to me for proper distraction. Please do not give these reports to other people.

What is general information in the department is somewhat classified to members of the general public. I know you appreciate these circumstances and will cooperate with us in any way you can.

Thank you for your anticipated cooperation in this and other matters of department business.

c.c. Honorable Mayor April Capone Almon
Paul Hongo, Deputy Director of Town Affairs



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

TOWN OF EAST HAVEN
BOARD OF POLICE COMMISSIONERS—MEETING
FEBRUARY 23, 2010-EAST HAVEN SENIOR CENTER

The Regular Monthly Meeting of the Honorable Board of Police Commissioners was held on February 23, 2010.

Meeting called to order at 7:00 p.m. by Chairman Frederick Brow
Pledge of Allegiance/Moment of Silence

Chairman Brow welcomed Commissioner Marie Saddig on the Board.

Commissioners Present: Chairman Frederick Brow, Vice-Chairman Joseph Civitello, Commissioners Marie Saddig, Frank Piergrossi and James Krebs

Also present: Attorney Kimberly Thompson and citizens

1. Reorganization of the Board of Police Commissioners

Commissioner Krebs made a motion to nominate Frederick Brow as Chairman of the Board of Police Commissioners, seconded by Commissioner Piergrossi

Chairman Brow asked if there were any other nominations for Chairman, having none, nominations were closed. Roll Call Vote. Motion carried

Commissioner Krebs made a motion to nominate Joseph Civitello as Vice-Chairman of the Board of Police Commissioners, seconded by Commissioner Piergrossi



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Chairman Brow asked if there were any other nominations for Vice-Chairman, having none, nominations were closed. Roll Call Vote: Motion carried

Chairman Brow thanked everyone and stated that the board will follow the same format that was established at the last organizational meeting.

Approval of Minutes: January 26, 2010

A motion was made by Commissioner Piergrossi to accept the minutes of January 26, 2010 as received, seconded by Commissioner Krebs. All in favor. Motion carried.

Approval of Departmental Reports: February 2010

Chairman Brow asked for a motion to accept the Departmental Reports, with the exception of Chief Gallo's report.

A motion was made by Commissioner Krebs to accept the Departmental Reports for February seconded by Commissioner Piergrossi. All in favor. Motion carried.

A motion was made by Commissioner Krebs to accept the Departmental Reports with the exception of the Chiefs Monthly Report, seconded by Commissioner Piergrossi. All in favor. Motion carried.

PUBLIC COMMENT



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Attorney Kimberly Thompson, 41 B New London Turnpike, Glastonbury, Connecticut addressed the board and said she was here this evening representing Mr. John Sullo of Johnny's Garage.

Attorney Thompson stated that Mr. Sullo has been trying to get on the towing list since 2008. She commented that due to Zoning regulations Mr. Sullo moved to Short Beach Road. Mr. Sullo was led to believe that the zoning problem was the only thing holding him up from being reinstated on this list. Since then, he has not been allowed to get on this list, even though it is capped at 4 and there are only three on this list at the present time.

Attorney Thompson stated that she did contact Chief Gallo this past week and received an unsatisfactory answer. She asked why this decision was up to the Chief and not the Board of Police Commissioners.

Chairman Brow explained that the Chief is responsible for the day to day operation and since the Chief was not here this evening she would have to take it up with him.

Attorney Thompson stated that it seemed to her to be a personal issue with the Chief and could not understand why he was taking this line. She went on to say that Mr. Sullo did make an appointment to see the Chief, who kept him waiting for hours, and then the Chief said there wasn't enough work for four.

Chairman Brow stated that the cap of 4 is not based on economics. Chairman Brow suggested that Attorney Thompson make another appointment with the Chief, inasmuch as he has the control on how towing is controlled. Chairman Brow stated that the Board of Police Commissioners voted on this matter and we are still at four (4)



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Scott Modena, D'Addio Service Station, 418 Short Beach Road Unit #7, East Haven, Connecticut addressed the board and stated that he understood that there is an opening on the towing list and he would like to get on it.

Chairman Brow suggested to Mr. Modena that he make an appointment with the Chief and take it up with him.

Attorney Thompson asked to speak once again and stated that she wanted to go on the record that if this gentlemen (Mr. Modena) gets on the towing list and not Mr. Sullo, that this would be considered discriminatory. Mr. Sullo has complied to all that was requested of him.

Correspondence Received/Sent

1. Ellen 7 David Fields: Re: ATV's in town
2. Lt. Jay Falcioni: Re: Disability Retirement/1/29/2010
3. Noreen Wilson: Re: New stop signs at Tivoli Garden, Laurel Street

Committee Reports:

Chairman Brow reported that he is still working with Inspector Nappi on up-dating the policies. He commented that Inspector Nappi has been very busy with added duties and wanted to thank him once again for his hard work on this large undertaking of the policies. We are almost at the end, after 20 months of hard work.

Chairman Brow commented that he attended a Civil Service Commission Meeting recently regarding the possibility of the hiring and testing of Certified Police



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Officers. He commented that he received a favorable opinion from the Town Attorney and working with Civil Service to have lists to draw from.

Chairman Brow mentioned that the two new recruits hiring by the Board are presently at the Academy since February 19, 2010.

UNFINISHED BUSINESS

1. Up-date on Alarm Ordinance at the East Haven Police Department

Chairman Brow commented that it was inappropriate for him to comment, inasmuch as the Chief was not here to answer, but understands that they have not been enforcing this Ordinance at the Police Department.

Paul Thompson, Town Councilman, mentioned that they were considering new fees in the future but that it had nothing to do with enforcing the Alarm Ordinance at this time. They would have to have a public hearing first and then amend the Ordinance.

Commissioner Krebs also stated that the new fees have nothing to do with enforcing this Ordinance.

Town Councilman Joseph Santino commented that when he and Councilman Thompson met with Chief Gallo that they made it a point to let him know that changing fees has nothing to do with enforcing the Ordinance immediately as stated by the Town Council. He said fees can always be changed later. He also went on to mention the higher fees in New Haven, whereas they are only given one free false alarm.



TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

Commissioner Piergrossi commented that it is perfectly clear that the Alarm Ordinance was never redacted by the Town Council. We should be enforcing an Ordinance that is already in effect and immediately.

Commissioner Krebs commented to the Board that several months ago he had asked the Chief for the report regarding the Inspection of the Record Room. The Chief commented that this letter was sent to the Commissioners. None of the Commissioners received it.

Commissioner Krebs commented that he received, in a separate envelope from the packet sent by the Secretary this month, a letter dated October 6, 2009 sent to Joan Hilliard, COLLECT Supervisor, by Lt. Slane. He thanked Lt. Slane. Commissioner Krebs gave the secretary a copy of the letter and asked that it be sent to each of the Commissioners.

NEW BUSINESS

1. Discussion/action regarding the Disability Retirement of Lieutenant Jay Falcioni, to become effective on January 29, 2010

A motion was made by Commissioner Piergrossi to accept the disability retirement of Lt. Jay Falcioni to become effective on January 29, 2010, seconded by Commissioner Krebs. All in favor. Motion carried.

Commissioner Piergrossi commented that he admired Lt. Falcioni for his decision to retire, putting his family first and that he served the Police Department as an exemplary officer.



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

At this time Lt. Jay Falcioni asked the commission if he could meet with them in Executive Session.

A motion was made by Commissioner Krebs to go into Executive Session with the members of the Board and Lt. Jay Falcioni regarding personnel issues, seconded by Commissioner Piergrossi.

Executive Session entered at 7:24 p.m.

Jay Falcioni came out of Executive Session at 7:50 p.m.

Jay Falcioni re-entered Executive Session at 7:58 p.m.

Jay Falcioni came out of Executive Session at 8:00 p.m.

A motion was made by Commissioner Krebs to come out of Executive Session, seconded by Commissioner Piergrossi. Time 8:01 p.m.

Chairman Brow thanked Jay Falcioni for his 14 years of service to the Town of East Haven and the Police Department.

2. Discussion/action regarding the illegal use of ATV's in East Haven
Chairman Brow stated that inasmuch as the Chief was not here this evening, we would do it in communication form.

Chairman Brow mentioned that he has received complaints from:
The Village @ Mariners Point, D.C. Moore School, Greenway Trail and others regarding the use of these ATV's.

Commissioner Piergrossi stated that maybe we should write our legislators rendering that the dirt bike be destroyed or burned with a torch and arrest the parents.



**TOWN OF
EAST HAVEN DEPARTMENT OF POLICE SERVICES**

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor April Capone Almon



Honorable Board of
Police Commissioners

3. Discussion/action regarding Notification Policy 2010-1

A motion was made by Commissioner Krebs to table Item Number 3 (Notification Policy 2010-1) seconded by Vice-Chairman Civitello. All in favor. Motion carried.

Chairman Brow asked that an item be added to the Agenda, Grievance Number 10-1 Local 1662, previously denied by the Chief.

A motion was made by Commissioner Krebs to add, Grievance 10-1 Local 1662, to the Agenda, seconded by Commissioner Piergrossi. All in favor.

Chairman Brow commented that this Grievance was originally sent to the Chief and denied and then went to Mr. Hongo, Deputy Director of Town Affairs, and then sent back to our level. We are the Second Step not Mr. Hongo.

A motion was made by Commissioner Krebs to deny Grievance 10-1 Local 1662, seconded by Vice-Chairman Civitello. All in favor.

Commissioner Piergrossi suggested to President Local 1662, Sergeant Montagna, who was present, that they get going on the awards. If they wait too long it will be 3 years.

A motion was made by Commissioner Krebs to adjourn, seconded by Vice-Chairman Civitello. All in favor.

Chairman Brow adjourned meeting at 8:10 p.m.

Respectfully Submitted
Virginia Williams, Secretary

EXHIBIT 68



OFFICE OF THE MAYOR

APRIL CAPONE ALMON
Mayor

Police Chief Leonard Gallo
471 North High Street
East Haven, CT
06512

January 15, 2008

Dear Chief Gallo:

I am writing this letter to address promotions within the Police Department to the rank of Detective.

As expressed by the Police Commission last summer, I feel that it is imperative that we refrain from promoting current Patrolmen at least until our two December 20 graduates have completed field training. As we discussed that process will take approximately ten to fourteen weeks which will bring us to spring, we will revisit this issue in the March meeting. I understand the strain this may put on your Detective Bureau, however, I am simply following the logic of the above referenced decision of the Police Commission. That decision was honored at the time it was made and I feel that it is important to be consistent in this matter.

Thank you in advance for your cooperation. If you have any questions please feel free to contact me.

Sincerely,

April Capone Almon
Mayor
East Haven, CT

EXHIBIT 69

SUBPOENA

To: Mayor April Capone Almon
Town of East Haven
250 Main Street
East Haven, CT 06512

BY THE AUTHORITY OF THE STATE OF CONNECTICUT, You are hereby commanded to appear before the Superior Court, to be held at the Hagaman Memorial Library, 227 Main Street, East Haven, Connecticut, within and for the *Judicial District of New Haven at New Haven* on JUNE 23, 2011 at 9:30 a.m. or to such day thereafter and within sixty days hereof on which said action is legally to be tried, to testify what you know in a certain Civil Action pending in said Court, between

LEONARD GALLO, CHIEF OF POLICE Plaintiff(s)

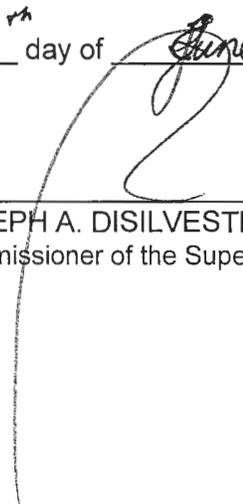
and

TOWN OF EAST HAVEN, ET AL Defendant(s)

HEREOF FAIL NOT, UNDER PENALTY OF THE LAW.

To any proper officer or indifferent person to serve and return.

Dated at East Haven, Connecticut, on this 17th day of June, 2011.



JOSEPH A. DISILVESTRO, ESQ.
Commissioner of the Superior Court