

SPECIAL MEETING OF WESTFIELD POLICE COMMISSION

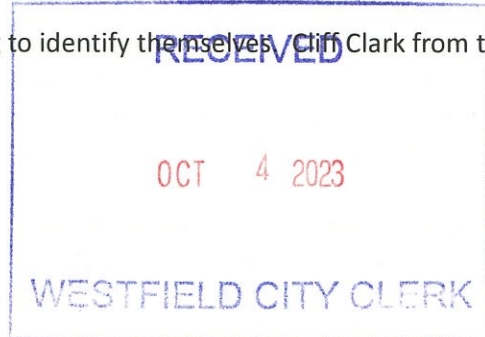
WESTFIELD, MASSACHUSETTS

September 15, 2023

The Westfield Police Commission meeting was called to order at City Hall, 59 Court Street, Westfield, MA, in Room 201 at 4:00 pm.

Chairman Richard Sypek asked for anyone recording the meeting to identify themselves. Cliff Clark from the Westfield News indicated that he is recording the meeting.

Roll Call: Richard Sypek – Present
James Irwin – Present
Peter Velis – Present



- A. Approval and release of minutes dated August 15, 2023

Commissioner Sypek passed on approving the minutes until he can review them further.

Commissioner Velis paused the meeting to ask Chief Vallerie about Officer Perron not having any standing regarding the Step-2 grievance from the Supervisors Union as he is not a member of that union. He relayed that information to Commissioner Sypek, who noted that Officer Perron would be addressed in open participation.

- B. Open participation:

Officer Jason Perron addressed the commission as to his request in the previous meeting for reconsideration to fill the open sergeant's position. He stated there has been displeasure in the department over the past several years largely from the choice not to fill the captain's position from the list and that during his time in the department he cannot recall an open position not being filled. He also does not remember superiors being forced into overtime.

Commissioner Velis asked Officer Perron what his standing is on the list for the open position and what his score was. Officer Perron said he is currently on the top of the list with a score of 89 in part due to other candidates moving off the list. Commissioner Velis inquired about his length of service and when he was formerly a sergeant. Officer Perron responded that he has been with the department since March 18, 1999 and was a sergeant from 2008 to 2012. Commissioner Velis asked if it was his understanding that the other two candidates on the list are not making the same request for the position to be filled. Officer Perron said his initial intention was to have an interview and selection process per Civil Service requirement law, and that morale is low due to the handling of this. He indicated that he will be returning to duty from injury status on October 11th, and that he will be taking both the sergeant and lieutenant exams in the coming week.

Commissioner Irwin confirmed with Officer Perron that he is asking for himself and the other two candidates to be available for interviews for the position and not just himself.

Commissioner Velis asked him if he understood the time constraints. He replied that he does - the list for certification use expires on November 1st and after that the scores from the upcoming exam will be used which should be available around the beginning of January. The Commissioner then asked him if he was cognizant of the position of the chief, who notified him in writing, and if he had any rebuttal of that position. Officer Perron deferred to his previous comments that the position is open, and others will soon follow once the chief retires and his position is filled.

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Commissioner Sypek asked Officer Perron whose role he feels it would be to present patrolmen for an open sergeant, lieutenant, or captain's position. He replied that as he is speaking for the entire department it should be everyone's job. Commissioner Sypek then asked him to clarify his statement regarding a lot going on in the past couple of years. Officer Perron explained that a lot of it is due to unhappiness, disgruntlement, and low morale from the previous decision not to certify the captain's list along with a couple of other things such as what happened with Sergeant Cavanaugh. Commissioner Sypek interrupted him to ask if he attended the Cavanaugh hearing to which he replied that he did not. Commissioner Sypek continued, asking if he noted any displeasure within the department as to how the commission handled the Cavanaugh matter. Officer Perron said he does not believe there was any displeasure, but as a probationary employee Sergeant Cavanaugh could have been reduced in rank and that position could have been filled. Commissioner Sypek repeated his question regarding Officer Perron's attendance at the Cavanaugh hearing and noted that Officer Perron did not see or hear any of the evidence brought before the commission regarding that case. He asked if there were any other hirings or actions of the commission that he had questions about because he made some statements that are disturbing and inquired as to when Officer Perron believed the department went off track. Officer Perron stated it was when the captain's list was not certified, and although he respects Chief Valliere he does not agree with him. He claimed that they are not following procedures that are in the testing study materials and he doesn't understand why.

Commissioner Velis said the commissioners are concerned about the morale of the department and he sought from Officer Perron the point that this emanated from. Officer Perron replied that different things have happened under different chiefs and different commissions that involve political aspects. Commissioner Velis asked if the morale would improve if the commission were to grant consideration of his request. Officer Perron stated that he did not know but it was not about him, it is about what should be done. Commissioner Velis said it seems that he is suggesting that the legitimacy of certain things are in question by virtue of not acting on certain lists and that he talks broadly about a lack of morale. Officer Perron said speaking for others they feel it is not right and there is a perception that there has been selectionism.

Commissioner Sypek asked if he thinks the commission has political influences. Officer Perron said the only reason he is before the commission is because he does not, and as the appointing authority he believes the decision should be to fill the position. Commissioner Sypek queried if he understands the difference between the patrolman's and superior officer's contracts. Officer Perron said they have no standing as patrolman. Commissioner Sypek said it brings him back to his initial question of whose decision is it to hire temporarily, permanently, or whatever the case may be. Officer Perron responded that he disagrees with the chief's opinion and Civil Service law states that even with a temporary position if it is known that the position is going to remain open then it is the appointing authority's discretion to make it permanent.

Commissioner Velis asked what particular position of the chief does Officer Perron disagree with in relation to his request. Officer Perron said the chief was concerned with a few things that would slow down process. He then mentioned former training he had when he was a sergeant and recent recertification he took in order to be ahead were he to appear in front of the commission again in the next few months.

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Commissioner Sypek asked Chief Valliere for his opinion on the commentary, to which the chief indicated that he would address the grievance that has been filed.

C. Old business: Update on selection of next Chief of Police.

Commissioner Sypek deferred the topic to the end of the meeting in order to take care of the other business at hand.

D. New Business:

1. Appoint two Westfield State University officers as Special Police Officers for the department: Officer Taylor Beaudry and Officer Stephen Eddleman

Chief Vallerie said Westfield State hired two new officers which gives the department two more people that have arrest powers for certain functions when needed. Captain Dickinson did the vetting and they recommend both the officers become Special Officers for the department. Commissioner Velis asked about their compensation and was told the funds would come from the department's budget when working for the department. Captain Dickinson confirmed to Commissioner Sypek that there were no problems with the background checks.

Commissioner Irwin made a motion to add Taylor Beaudry and Stephen Eddleman as Special Police Officers; Commissioner Velis seconded the motion.

Commissioner Sypek: Yes
Commissioner Irwin: Yes
Commissioner Velis: Yes

2. Appoint two new Traffic Control members: Gilbert Gregory and Todd Michon.

Chief Vallerie said Gil Gregory is a retired Mass State Trooper that worked out of the pike barracks for a number of years with an excellent reputation. Mr. Michon works as a part-time officer for Russell and Huntington. The Huntington chief, Robert Garriepy, gave high recommendations and said he is always on time. Mr. Michon is roughly 60 years old and has all the credentials. Captain Dickinson did the background check.

Commissioner Irwin made a motion to add Gilbert Gregory and Todd Michon as Traffic Control members; Commissioner Velis seconded the motion.

Commissioner Sypek: Yes
Commissioner Irwin: Yes
Commissioner Velis: Yes

3. Appoint one full-time Patrolman. Candidates are: Thomas Ruffo, Austin Herman, and Noah Swords.

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Commissioner Sypek asked if all three candidates are in the room. Mr. Ruffo is in attendance, Captain Dickinson said Mr. Herman is deployed and Mr. Swords is high on the list for state police and has indicated that he would prefer the state police. Chief Valliere said Mr. Ruffo is the number one candidate in terms of ranking. Commissioner Sypek asked Mr. Ruffo why he wants to become a police officer and why for the City of Westfield. Mr. Ruffo responded that he wants to serve his community. He lives in Westfield and has served at the Barnes guard base as a firefighter since 2017. His father was a police officer in Westfield.

Chief Valliere said he comes highly recommended from all the staff that interviewed him and thinks he would be a great addition.

Commissioner Irwin made a motion to recommend Thomas Ruffo as a full-time patrolman; Commissioner Velis seconded the motion.

Commissioner Sypek: Yes

Commissioner Irwin: Yes

Commissioner Velis: Yes

4. Hear Step-2 grievance from Supervisors Union regarding the filling of a temporary full-time sergeant's position.

Sergeant John Parrish spoke for the supervisors regarding the violation of vacancies term of their contract. The contract states that a vacancy will be filled within a reasonable amount of time. There has been a vacancy since July when Lieutenant Kane was made permanent in that position which created a permanent sergeant's position open. With that not being filled there has been many overtime positions and there are two officers that are out or will be going out on medical leave. Had they been fully staffed it would not have been as big of a hit. They understand there is a test next week but it won't be certified until December at the earliest, which leaves them short a guy until December and that is ultimately what the grievance is about. Since they are short, they are getting forced over almost every shift. With an active list there are people to choose from, and they hope the commission understands they are here because they are short.

Commissioner Sypek confirmed that the grievance is under the superior's contract and not the patrolman's contract. Sergeant Parrish said it is not their decision how the position gets filled; they just want someone in that spot that can do the job. Commissioner Sypek asked whose decision it should be within the rankings of the department whether to bring candidates forward for promotions. Sergeant Parrish indicated it would be the chief's responsibility. Commissioner Velis asked if the length of time for certification include the appellate period involved with the appeals exhausted. Sergeant Parrish confirmed that with the computerized testing the results and certification are usually out before the first of the year.

Commissioner Irwin asked Chief Valliere about the impact from overtime on the budget. The chief answered that he has seen an increase in some overtime for supervisors, and that he doesn't agree with the forced overtime presented in the grievance. He said there is a bigger picture that he needs to be concerned with. There was only Captain Dickinson, Captain Pitoniak, Lieutenant Hall, and the commission in the room when the explanation for why that short list wasn't used for promotion was

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presented. It was well explained with a tremendous amount of reasoning behind it. To start, currently the department is down thirteen patrolman and doesn't need it to be fourteen. There are five injured including Officer Perron, three in the military, and one on family medical. There is one will be retiring and had been out injured, and therefore has weeks of vacation time coming and essentially won't be here for most of the rest of the year. And there are three officers on FTO for the next few weeks. Another lingering item is the housing of immigrants where the governor wants to activate the military to oversee the shelters and the department could take a substantial hit of five or six guys if they start to do that on top of the current shortages. Paying for supervisor overtime is small compared to the big picture. Officer Perron is wrong in saying this is a permanent full-time position; it is still a full-time temporary position. If they promoted someone from the list, even if it was Officer Perron who cannot start until October 11th, there would still have to be a training period. Furthermore, once the new list came out, they would have to re-interview for the position off of the new list and there is no guarantee that the person selected off of this list would come in the top three of the next list. It could all be done for no reason at all and just doesn't make sense. Everyone is finally solidified in their positions after going from temporary to permanent. They are not trying to sweep anything under the rug or hold anyone back, but again, even if Officer Perron were appointed to the position there is no guarantee that he gets the full-time position when the next list comes out. With everything coming up after the first of the year as far as people getting promoted and hiring new patrolmen, this just adds to the pile on the department and the commission that really is not needed. The supervisor's union would have had a whole different understanding of why Captain Dickinson was left to remain in that position if they had attended the meetings.

Commissioner Velis inquired about his statement regarding the reasoning then and asked if that referred to the time when there was a viable list wherein a captain could have been appointed or was it in July or August when there were three potentials for sergeant. Since he was not there at the time of Captain Dickinson's appointment, he wondered why Captain Dickinson was not on the list at that time. Chief Valliere said Civil Service did not receive his education and experience portion of the application. Captain Dickinson attested that if Civil Service had gotten his materials to use as a basis to calculate his education and experience, he would have passed. He had appealed but was denied. He explained that he had two accounts with Civil Service – one as a lieutenant and one as a captain – and was told by Civil Service that the two accounts would be merged. However, when they merged the accounts some of his information was missing, although Civil Service claims nothing was lost in the transition. He said that the chief spoke with someone at HRD, showed them the missing paperwork, and was told if they had received that paperwork he would have passed. Per Chief Valliere, Civil Service could not show that they had ever received it. Chief Valliere and Commissioner Sypek informed Commissioner Velis that Captain Dickinson was provisionally appointed to the position for over a year before the results came out. He was notified in November of 2021 that he did not pass. Commissioner Sypek informed Commissioner Velis that they had full hearings on all of this.

Commissioner Velis asked Chief Valliere to provide the commission with the exam results from the captain and lieutenant exams that the three candidates have taken in order assign weight to and use them for, along with many other factors, determining their selection for chief of police. He added that the morale of the department is of high concern to the commission.

Commissioner Sypek returned the conversation back to the grievance and Commissioner Velis asked Chief Valliere if he had anything else to add. Chief Valliere said the commission should not allow one

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individual to stand before them claiming to represent the department in vague terms and assert that morale is low. Commissioner Velis clarified his position in that the allegations of a morale issue are hearsay, but morale is a key factor in the functioning of the police department.

Commissioner Irwin commented that the grievance comes down to the term reasonable. If they wait thirty days all the steps will be in place to continue the process versus appointing someone temporarily now and having to redo it all again in thirty or sixty days. The commissioners debated tabling or denying the grievance. Chief Valliere mentioned that the union has the right to go to the next step if it is denied. Commissioner Sypek stated that his opinion is to deny the grievance since all of the candidates are taking the exam again and it is not for the commission to tell Chief Valliere how to run his department as he has already clearly laid out the patrolman staffing shortages.

The commissioners discussed the status of the possible migrant shelter situation which would exacerbate the staffing shortage by five or six if the National Guard should call up its members.

Commissioner Irwin made a motion to deny the grievance. Commissioner Velis said he will not second it but will make a motion to table it. Chief Valliere said he thinks they should get an answer one way or another so they can proceed with the next step. Sergeant Parrish confirmed that they have twenty-one days to move to step three.

Commissioner Irwin again made a motion to deny and Commissioner Sypek seconded the motion.

Commissioner Sypek – Yes

Commissioner Velis - No

Commissioner Irwin – Yes

- E. Commissioner Sypek returned to agenda item E-1, Old Business: Update on selection of next Chief of Police.

Commissioner Sypek informed the commission that he received an email from Chief Stevens of Public Safety Consultants looking to set up a meeting with the commission via Zoom to discuss the upcoming police chief assessment. He contacted the law department to ascertain if using an assessment center violates any open meeting laws and if the commissioners would be permitted to be present during the assessment and is currently awaiting a response.

Commissioner Irwin made a motion for the next meeting to be on Monday, September 25th at 1pm relative to the chief selection and subject to change; Commissioner Velis seconded the motion.

Commissioner Sypek – Yes

Commissioner Velis – Yes

Commissioner Irwin – Yes

- F. Next regular meeting scheduled for Monday, October 9, 2023.

Commissioner Irwin made a motion for the next regular meeting on Monday, October 9, 2023; Commissioner Velis seconded the motion.

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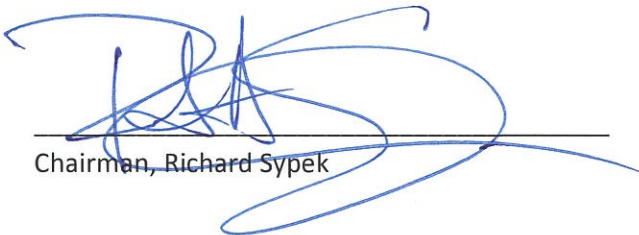
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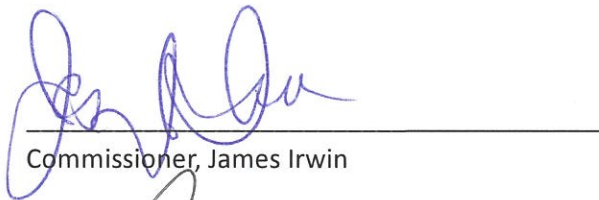
Commissioner Sypek – Yes
Commissioner Velis – Yes
Commissioner Irwin – Yes

- G. Motion to adjourn: At 5:19 pm Commissioner Irwin made a motion to adjourn. Commissioner Velis seconded that motion.

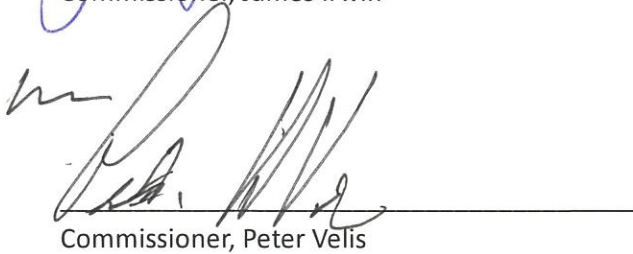
Commissioner Sypek - Yes
Commissioner Irwin – Yes
Commissioner Velis - Yes



Chairman, Richard Sypek



Commissioner, James Irwin



Commissioner, Peter Velis

APPROVED FOR RELEASE ON 10/3/2023

