

October 15, 2009

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 6:10 P.M. at the Wilson Park Senior Center, 2601 W. Howard Avenue.

PRESENT: Commissioners: Richard C. Cox, Chair
Carolina M. Stark
Ernesto A. Baca
Kathryn A. Hein
Paoi X. Lor
Sarah W. Morgan

ALSO PRESENT: Douglas Holton, Chief, Milwaukee Fire Department; and Assistant Chief James Harpole, representing the Milwaukee Police Department.

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 4:09 p.m. to 6:03 p.m. pursuant to Section 19.85 (1)(c) Wis. Stats. to consider employment, promotion, compensation or performance evaluation data of any public employee over whom the Board has jurisdiction or exercises responsibility, to wit: performance evaluation of Chief of Police Edward Flynn and Fire Chief Douglas Holton; and pursuant to Section 19.85 (1)(f) Wis. Stats. to consider financial, medical, social or personal histories of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories, to wit: a request for temporary residency exemption of Police Officer Matthew Bongard.

The Director presented for adoption minutes of the Regular Meeting of October 1, 2009. Commissioner Hein moved approval of the minutes as presented, seconded by Commissioner Lor. The motion carried unanimously.

1. NEW BUSINESS:

a) The Director presented the 2010 budgets for the Fire and Police Commission and the Fire and Police Departments. The Board also reviewed the Executive Summaries from the City's Budget Office and the Legislative Reference Bureau budget analysis for 2010 for each department.

The Director took the following item out of order as it pertained to the 2010 budgets.

c) The Director presented a letter dated October 14, 2009 from Budget and Management Director Mark Nicolini regarding the four proposed furlough days for the Fire and Police Departments in 2010.

Mr. Nicolini spoke regarding the proposed furloughs for 2010. He stated that due to a budget deficit, a 4-day, furlough policy would be in effect for the City and would include the Fire and Police Departments, which did not receive department-wide furlough days in 2009, as most other departments did. The rationale behind the furloughs is to eliminate a \$93 million budget deficit in 2010 without having to eliminate positions. The furloughs are a recommendation from the Mayor and need to be approved by the Board in accordance with Section 62.50(10) Wis. Stats., and then recommended to the Common Council for full adoption.

John Balcerzak, President of the Milwaukee Police Association (MPA), stated he would like to see a plan for the furloughs because public safety will be affected. Mr. Balcerzak wants the Board to create a committee to review a plan for the furloughs and allow for public input prior to voting on the furloughs.

Police Detective Matthew Quist stated that the furloughs are illegal and in violation of his contract. According to Webster's Dictionary a furlough is a layoff and his contract states he cannot be laid off. Detective Quist stated the furloughs are wrong and wants the Board to follow his contract to set an example for the Police Department. He feels that having a trolley system, hiring more police officers and part-time staff is as prudent as going on a crack binge. Detective Quist also stated he is disgusted by the thought of taking money away from his children, and asked for the Board's help.

Fire Lieutenant Al Jansen stated if the Police Department is furloughed, the Fire Department will wait longer to go in on homicides, shootings, car accidents, and dead bodies, and as a result the Fire Department's efficiency will go down because they work in cohesion with the Police Department. He feels if public safety employees are furloughed there will be a longer response time. Lt. Jansen would like the unions and management to be involved in the discussion regarding furloughs.

An unidentified citizen stated he lives in Milwaukee by choice and in the past 10 months his home was burglarized 4 times. He stated in talking with his neighbors this has not happened in the past 51 years. He also stated he does not want Milwaukee to become the Detroit of Wisconsin and he feels we are heading in that direction. He is discouraged that the public safety entities which are core functions of government are being cut, but the government can find money for a Light-rail system for Downtown. He states the Commission has an obligation to the City to manage the money in order to provide safety services.

Police Detective Rudy Gomez stated the furloughs will be devastating to the safety and security of Milwaukee citizens and also create an increase in crime. Detective Gomez believes Police furloughs will create a dangerous atmosphere for citizens and an atmosphere for criminals to prey upon the citizens because there will be fewer police officers on the streets. He would like the Board and the Mayor to ask the crime victims if they are in favor of furloughs. Detective Gomez feels the citizens should have the same dedicated police protection that the Mayor has, and wants the Mayor to return those officers to the streets to protect other citizens. He feels the furloughs are reckless and irresponsible and will cost taxpayers more money in the long run to fight the increase in crime. He stated in closing that criminals love furloughs.

Mr. Nicolini stated that 65% of the City budget is for the Fire and Police Departments. He stated approximately \$215 million is budgeted for the Police Department and \$100 million for the Fire Department. The budget was created in accordance with both Chiefs and is to help a structural deficit of over \$90 million. He also added that \$24 million has been contributed for Police Department pensions and \$14 million for Fire Department pensions.

Mr. Balcerzak stated he would like the Board to consider the number of retirements in the Police Department, and the elimination of 100 sworn positions, which gives the appearance that positions are being filled when they are not.

Commissioner Stark moved approval of the furloughs of the Fire and Police Departments, seconded by Commissioner Baca. The motion carried unanimously.

b) The Director presented a letter dated October 5, 2009 from Police Officer Matthew Bongard requesting an extension to his temporary exemption of the residency requirement. Officer Bongard had previously been granted a 5-year exemption from the Board on December 22, 2004. Officer Bongard met with the Board in Closed Session prior to the Regular Meeting regarding his request. Commissioner Stark moved to approve a 5-year extension to the temporary residency exemption, seconded by Commissioner Baca. The motion carried unanimously.

2. FIRE DEPARTMENT:

Tim Keeley from the Department of Employee Relations spoke regarding the Firefighter recruitment and testing process. He explained the first list of candidates (item 2a) will be appointed to the November 2 recruit class, provided they pass the required screenings. He stated the second list is contingent candidates who will be moved up to the first list if anyone on the first list does not pass the required screenings. The thorough selection process consisted of a written and oral examination, a physical abilities test, a background investigation, and EMT training. Mr. Keeley stated the individuals on the list are very qualified candidates and the appointment letters will be sent out tomorrow morning.

The Director clarified that the contingent positions will be filled through the first week of the recruit class. Contingents will be used to fill positions if anyone from the first list fails or drops out until the second Monday of recruit training. The director thanked Mr. Keeley for all his hard work on the Firefighter process.

a) The following appointments, as presented by Chief Douglas Holton, were approved by the Board:

TO FIREFIGHTER, from eligible list established April 23, 2009, contingent upon successful completion of a medical, psychological, and drug screening, effective November 2, 2009:

#1 – JEREMY S. STARR; #3 – CHRISTOPHER S. RAASCH; #4 – CAMERON E. BORCHERT; #6 – TIMOTHY J. KOTLOWSKI; #7 – DARRYL J. RHEAMS; #8 – DANIEL T. DISIMILE; #9 – BLAKE W. VINSON; #11 – MATTHEW C. MUELVET; #15 – JASON L. LEISTIKO; #17 – JOSEPH R. HAYES; # 18 – SAMUEL H. PIERCE; #19 – JOSHUA L. LONG; #20 – DONALD R. PICHOTTA, JR; #21 – JEREMY J. WHYTE; #22 – COLIN G. THOMAS; #24 – MARK A. NILSEN; #24A – ANDREW W. JOERS; #26 – JOHN PERIFANOS; #28 – DUSTIN E. HERRING; #30 – JOHN C. PRZYBYLLA; #32 – BRETT A. METZEN; #35 – JOHN R. CHELSTOWSKI; #37 – CHRISTOPHER L. BROWN; #38 – MATTHEW T. DUNHAM; #39 – JERRY G. RUBIO; #41 – JACOB T. HINSENKAMP; #42 – TREMELL A. NOBLE; #43 – AARON R. COCKER; #44 – MATTHEW C. GORDON; #45 – ROGER R. FLORES; #46 – LORENZO A. WILLIAMS; #47 – PATRICK M. MCGARRY; #47A – PATRICK V. HENSEL; #49 – ERIC K. TAYLOR; #51 – CASSIDY G. SIMON; #52 – DAVID F. MAIER; #53 – RYAN E. OLSON; #55 – ADAM J. FREUND; #56 – KEITH A. JOCHEM; #57 – WILLIAM C. HANNEY; #58 – BRANDON D. HAGEMAN; #60 – GREGORY R. PATERSON; #64 – LLOYD D. ELLIS; #65 – JOSHUA J. ROEMER; #67 – SEAN G. GINGERY; #68 – MATTHEW A. JAEGER; #69 – JASON M. ROSS; #70 – BRIAN E. KOLL; #71 – ANTHONY R. SCOTT; and #72 – RYAN W. GAETH.

Note: #51 also contingent upon passing the EMT National Registry Exam.

TO FIREFIGHTER, on a contingency basis, from eligible list established April 23, 2009, contingent upon successful completion of a medical, psychological, and drug screening, and vacancies, effective November 2, 2009:

#73 – CHRISTOS D. GERASOPOULOS; #74 – ROBERT J. VESTER; #75 – MATTHEW B. BYRGE; #80 – ADAM J. ROSPLOCH; #82 – ROBERT A. ERICKSON; #83 – JEFFREY J. HALSEY; #84 – MICHAEL D. PAULUS; #85 – LOGAN T. DIETSCH; #86 – BRIAN D. CHRISTMAN; #89 – PATRICK H. STOLZMAN; #90 – JOHN G. ZIDEK; #91 – KYLE M. KOMOROWSKI; #92 – MICHAEL A. PAYNE II; #93 – DEREK M. GEPPERT; #94 – MICHAEL B. GRAHAM; #96 – MARK M. FLETCHER; #97 – PATRICK T. PETERSON; #100 – ALAN C. BYKOWSKI; #101 – JOSHUA J. LADUE; #104 – CRAIG V. IHLENFELD; and #105 – ERIC M. MUEHLBAUER.

Note: #90 also contingent upon passing the EMT National Registry Exam.

b) The Director moved the item to the end of the agenda.

3. POLICE DEPARTMENT:

a) The following promotions, as presented by Chief Edward Flynn, were approved by the Board:

TO POLICE SERGEANT, from eligible list established October 1, 2009, contingent upon successful completion of a drug screening, effective October 18, 2009:

#1 – MICHAEL C. PELNAR; #2 – GREGG R. DURAN; #3 – ADAM K. ZIEGER; #4 – BRIAN S. YOURICH; #5 – TODD N. SMOLEN; #6 – JAY J. KARAS; #7 – KRISTIN K. FELSMAN; #8 – ADAM A. GROCHOWSKI; #9 – MARK F. KROWSKI, JR; #10 – HOLLIS R. SMITH; and #11 – LYNNE M. CHAMPION.

Note: #11 promoted on a waiver basis.

TO OFFICE ASSISTANT III, from Police District Office Assistant, effective October 18, 2009:

MARY L. SILVERNAIL.

TO POLICE DISTRICT OFFICE ASSISTANT, from Office Assistant I, effective October 18, 2009:

MIGDALIA M. ROSARIO.

TO OFFICE ASSISTANT II, from Office Assistant I, effective October 18, 2009:

CARLA D. MCGEE and NICOLE Y. SPENCER.

b) TO SCHOOL CROSSING GUARD (REGULAR), with effective dates:

GEORGE T. BRITAIN (09/17/09); MARIA V. RASPALDO (09/21/09); and SADE D. WELCH (09/08/09).

TO SCHOOL CROSSING GUARD (SUBSTITUTE), with effective dates:

MALINDA S. GONZALEZ (09/17/09) and LAWRENCE R. NEUMANN (09/10/09).

c) The Director presented a letter dated October 8, 2009, from Chief Flynn, wherein he requests that the appointments of #10 – Deon M. Williams and #28 – Thomas D. Schulz to Police Aide, approved at the September 21, 2009 Regular Meeting, be rescinded as Mr. Williams and Mr. Schulz did not qualify for the position. Commissioner Baca moved to rescind the appointment, seconded by Commissioner Hein. The motion carried unanimously.

d) The Director presented a letter dated October 7, 2009, from Chief Flynn, wherein he presents a request from Police Dispatcher Angela M. Bergemann for voluntary demotion to her former rank of Police Telecommunicator, to be effective October 18, 2009. Commissioner Lor moved approval of the request, seconded by Commissioner Stark. The motion carried unanimously.

e) The Director presented a letter dated October 8, 2009, from Chief Flynn, wherein he requests that an examination be conducted for the position of Building Maintenance Supervisor II as soon as possible due to a retirement. The Chair referred the request to the Department of Employee Relations for implementation.

FIRE DEPARTMENT

b) The Chair entertained a motion to convene in closed session in Room 501, Wilson Park Senior Center, 2601 W. Howard Avenue, on the reappointment request in the Fire Department, pursuant to Section 19.85 (1)(c)(f)(g) Wis. Stats. The Board will then reconvene in open session in the Main Hall, Wilson Park Senior Center, 2601 W. Howard Avenue, concerning the request following the closed session. Commissioner Stark moved to convene in closed session regarding the request in the Fire Department, seconded by Commissioner Baca. The roll call vote was 6-0, the Board went into closed session at 6:40 p.m.

The Chair reconvened the Board in open session and noted that Commissioner Hein was excused for the remainder of the meeting. Having previously met in closed session from 6:40 p.m. to 7:30 p.m. pursuant to Section 19.85 (1)(c)(f)(g) Wis. Stats. to consider employment, promotion, compensation or performance evaluation data of any public employee over whom the Board has jurisdiction or exercises responsibility, and to consider financial, medical, social or personal histories of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories, to wit: a reappointment request from Edgar Brooks.

Bobbie Webber, President of Local 215, spoke on behalf of Edgar Brooks. He stated that Mr. Brooks has had a good career as a firefighter and has also gone beyond that to become a certified paramedic and is an asset to the Fire Department. Mr. Webber stated that Mr. Brooks has made some missteps like most of us have and feels Mr. Brooks has learned from his mistakes and is prepared to teach others about his mistakes. He stated we have invested in him as a community and now we should collect on that investment by reappointing him to the Fire Department.

Battalion Chief Alonzo Chapman spoke on behalf of Mr. Brooks. He stated he was Mr. Brooks' Captain when he was appointed to the Department. Battalion Chief Chapman stated Mr. Brooks knows he made a mistake and has owned up to it, and has served the fair and equitable punishment given to him by Chief Holton. He feels he is an asset to the Department and should be reappointed.

Lieutenant Al Jansen spoke on behalf of Mr. Brooks. He stated the Fire Department is based on courage, honor, and integrity, and when he first heard about the incident he knew dishonor would be brought on the Department. Lt. Jansen stated a punishment was necessary and we all make mistakes that we learn from and make progress. He feels Mr. Brooks has learned from his mistake and has made progress, and will continue to be an exemplary employee if reappointed.

The Chair stated the Board has not leveled any penalty or punishment on Mr. Brooks because he resigned. The Board never had the opportunity to review the case, have a hearing, render a verdict, and implement the punishment the Board felt was appropriate. The Board Rules for reappointment state that if a person resigns in good standing they may apply for reappointment within 6 months, but if they resign in lieu of termination the route back in to the department is through the competitive examination process. That is what has happened, and therefore the Board did not have the opportunity to render a judgment, and now is forced to make a decision based on the information available.

Commissioner Baca stated he agrees with the Chair. The Board did not have the opportunity to review the whole record and is doing so after the fact. Commissioner Baca stated no punishment was brought forward by the Board, and Mr. Brooks' resignation was his own choice, not the Board's decision.

Commissioner Stark stated the discussion regarding this request was difficult and not taken lightly. It was not an easy decision and the Rules are clear regarding reappointment.

Commissioner Lor commended Mr. Brooks for the efforts that he's made to change himself and reinvent himself to become a better person, and appreciates what he has done. She reiterated the difficulty of the decision the Board has to make. Commissioner Lor stated Mr. Brooks should be proud for overcoming the barriers to get where he is today. She does not want this to impede him to improve himself and move on to become a successful man.

Commissioner Morgan moved to deny the reappointment request to firefighter, seconded by Commissioner Lor. The motion carried unanimously.

4. PUBLIC COMMENT:

Mr. Brooks apologized for the decisions he made and is willing to change to improve himself.

The Chair reminded Mr. Brooks he could go through the competitive process and does not feel it would be an impediment to him.

5. ADJOURNMENT:

Commissioner Baca moved to adjourn the meeting, seconded by Commissioner Morgan. The motion carried unanimously.

The meeting concluded at 7:44 P.M.

Respectfully submitted,



Michael G. Tobin
Executive Director

MGT:mk