



# VILLAGE OF GREENDALE



## POLICE & FIRE COMMISSION

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These are the minutes of a special meeting of the Greendale Police & Fire Commission held on Tuesday, May 23, 2017 at 9:00am in the Court Room of the Greendale Safety Center, 5911 West Grange Avenue, Greendale Wisconsin.

*Commission President Weyer called the meeting to order at 9:04am.*

Present: Commissioners Jeff Birmingham, Pat Farley, Tom Kuzmanovic, Gregg Weyer and Dave Wilmoth  
Absent: None  
Also Present: Police Chief Bob Malasuk, Fire Chief Tim Saidler, Village Attorney John Macy, Kevin Pollard-Attorney for Village of Greendale and Fire Chief Saidler, and Charles Blumenfield-Attorney for Firefighter Brian Peterson.

### **COMMISSION**

Commission President Gregg Weyer turned over Commission President duties to Commissioner Wilmoth for this meeting/hearing.

*Commissioner Wilmoth called the hearing to order at 9:10am.*

### **HEARING**

Village Attorney Macy discussed procedures and reason for the disciplinary hearing.

### **WITNESSES / EXHIBITS**

Both Attorney Pollard and Attorney Blumenfield made opening statements, called witnesses, presented exhibits and made closing statements.

### **MOTION**

Attorney Blumenfield made a motion at 1:23pm to dismiss charges.

## **CLOSED SESSION**

Commissioner Wilmoth announced the following motion, seconded by Commissioner Kuzmanovic, and approved by a vote of the Commissioners present at the meeting: the Commission will adjourn into "Closed Session," pursuant to Section 19.85(1)(f), Wisconsin State Statutes, to consider financial, medical, social or personal histories or disciplinary data of specific persons and the preliminary consideration of specific personnel problems, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data or involved in such problems and Wisconsin State Statutes Section 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically to discuss Attorney Blumenfield's motion to dismiss.

## **OPEN SESSION**

At the conclusion of the closed session, by motion made by Commissioner Weyer, seconded by Commissioner Kuzmanovic and unanimously approved, the Commission returned to open session where they denied the motion to dismiss.

## **HEARING**

Attorney Blumenfield presented evidence and statements on behalf of Firefighter Peterson.

## **CLOSED SESSION**

Commissioner Kuzmanovic announced the following motion, seconded by Commissioner Wilmoth, and approved by a vote of the Commissioners present at the meeting: the Commission will adjourn into "Closed Session," pursuant to Section 19.85(1)(f), Wisconsin State Statutes, to consider financial, medical, social or personal histories or disciplinary data of specific persons and the preliminary consideration of specific personnel problems, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data or involved in such problems and Wisconsin State Statutes Section 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically to confer with legal counsel and deliberate this case.

## **OPEN SESSION**

At the conclusion of the closed session, by motion made by Commissioner Wilmoth, seconded by Commissioner Farley and unanimously approved, the Commission concluded that the testimony and evidence presented sustained the charges heard and warrant imposing a penalty recommended by the Chief, except that of the 7 rules violations brought in this matter the Commission determined that there was insufficient testimony and evidence to establish a violation of Rule 310.24 for Insubordination nor was there sufficient testimony and evidence to support a violation of Rule 390.50 for Untruthfulness. Commissioner Farley and Commissioner Wilmoth indicated they would also have sustained Rule 390.50 Untruthfulness. The Commission directed the Village Attorney to put together a conclusion of fact and decision based on this motion and the sessions held, and set forth the reasons for the decision and send the decision out to the Secretary who will distribute it to the members who will review it.

## **ADJOURNMENT**

The Commission did not set a date for their next meeting. As always, the Commission President may call a meeting as the need arises.

*Commissioner Kuzmanovic moved, seconded by Commissioner Farley to adjourn.*

Ayes: Birmingham, Farley, Kuzmanovic, Weyer, Wilmoth

Nays: None

Motion Carried.

The meeting adjourned at 5:24pm.

Respectfully submitted,

Gregg Weyer, President  
Police & Fire Commission

Cc:

Village Manager

Members of the Village Board

Police Chief Malasuk

Fire Chief Saidler

Members of the P & F Commission