

Guard Cleared Of Wrongdoing

When Arthur Bruemmer reported 10 minutes early for work one day last June, he didn't give much thought to the clock.

Next time he may look at his watch.

Ten minutes may make the difference between his keeping a job as a town parks guard and losing it. The Town Board is expected to act on the matter next week. However, a hearing officer appointed to look into accusations that Mr. Bruemmer displayed "gross misconduct" and "incompetence" in handling an incident June 15 at a Kings Park baseball field, has already rendered a verdict: not guilty.

Transcripts of the disciplinary hearing held August 25 show the Town may have been at fault in failing to issue Mr. Bruemmer the necessary uniform identification patches. But more important, it also suggests the Town may be circumventing Civil Service statutes by classifying employees such as Mr. Bruemmer as park guards rather than security guards. Security guards must pass a Civil Service test and are paid more money than park guards. They also have subpoena powers, unlike park guards who cannot issue summonses.

Mr. Bruemmer, a former Nissequogue Village police officer, was charged with seven separate charges ranging from failing to clear a softball field of unauthorized players to neglecting to wear his badge identifying himself as a parks officer. Mr. Bruemmer was suspended from his post for 30 days without pay July 22. A fellow security guard involved in the incident was dismissed because he was

still a probationary employee.

The charges stem from a dispute between about 20 neighborhood youths, some of whom were drinking beer, and an equal number of teens, members of a Town Recreation Department girls softball team who arrived at the Lou Avenue, Kings Park field to play a league game.

At the time, the youths were using the field and refused to get off when asked to do so by a parks attendant who arrived to lime the field for the game. The attendant called for security. Mr. Bruemmer's fellow officer arrived first, talked to the youths and returned to the GAL group, asking to see their per-

and unpleasanties exchanged. GAL officials claimed Mr. Bruemmer and his co-worker did little to aid the situation. Eventually he left to begin his round of duties, leaving the other parks guard to wrap up the loose ends. GAL umpires saw things differently, terming the situation "unsafe" and calling the game. Their protest was forwarded to the Town Board which drew up the disciplinary charges against Mr. Bruemmer, a Town employee since 1978.

After listening to 14 witnesses, hearing officer Jack Toomey Jr. in a decision rendered September 23 but just made public, concluded

and that he was never issued a shoulder patch for his uniform because the Town had run out of them.

The disclosed prompted Mr. Bruemmer's attorney, Floyd Sarisohn, to launch a scathing attack on the Town's administrative procedures. Noted Mr. Sarisohn in his summation, "...there is testimony here about giving a badge out and a hat and telling the guards about giving summonses. And then telling people that you can't give summonses. We have gone beyond whether that is factual or not...Mr. Bruemmer's testimony stands unchallenged... We have Town ordinances that refer to

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mit to use the field. In the interim, Mr. Bruemmer, who arrived at work 10 minutes early, was also dispatched to the field. In the haste of the moment, Mr. Bruemmer testified, he did not have a chance to pin on his badge. Angry GAL officials later charged he failed to wear his badge or have a uniform with a Town emblem on it.

Eventually, a permit for the GAL team was produced, the other teens disbursing to a nearby area and the bleachers. According to testimony, the beer drinking continued,

that Mr. Bruemmer did just what he was supposed to do, noting that he "acted in a manner of a prudent policeman and did not neglect to provide adequate protection for any users of the Town facility." The charges, he said, "fall short of gross misconduct and incompetence...It is recommended to the Town Board...that the charges against officer Bruemmer be dismissed."

Under cross examination, Mr. Bruemmer told the hearing officer that as a parks guard, he was not empowered to issue summonses

security guards. There is a classification in Suffolk County Civil Service Law which the Town of Smithtown is sworn to abide by, which says what a security guard is. And a security guard is one that has Civil Service status. They must take a test to get the job. A guard, which the Town likes to use in order to pay a different salary level and save money for the Town, doesn't have the subpoena powers. ...Now, either the Town should change the ordinance or pay them the higher money. But don't pay them less than Civil Service wages and blame them...if they cannot issue the summonses."