



TOWN OF NEWTOWN
BOARD OF POLICE COMMISSIONERS

MINUTES FROM THE BOARD OF POLICE COMMISSIONERS
REGULAR MEETING HELD TUESDAY, NOVEMBER 5, 2013
TOWN HALL SOUTH CONFERENCE ROOM
3 MAIN STREET, NEWTOWN

**These minutes are not finalized until approved
At the next regularly scheduled meeting.*

Chairman Paul Mangiafico called the regular meeting to order at 6 pm.

PRESENT: Brian Budd, James Viadero, Joel Faxon, Andy Sachs and Paul Mangiafico

ABSENT: none

ALSO PARTICIPATION: Police Chief Michael Kehoe, Captain Jose Rios, Union President Scott Ruszczyk, 1 member of the press, and 7 members of the public.

PUBLIC PARTICIPATION: none

POLICE UNION PARTICIPATION: Union President Ruszczyk had nothing to report.

CONSIDERATION AND ACTION ON THE MINUTES FOR: Regular Meeting October 1, 2013 and the Special Meeting October 16, 2013: Commissioner Faxon moved to accept the minutes from the regular meeting October 1, 2013 as corrected and the minutes from the special meeting October 16, 2013 as presented. Commissioner Sachs seconded and the motion was unanimously approved.

Corrections to the October 1, 2013 minutes: Page 1, the meetings date was October 1, 2013 not October 2, 2013

In order to best serve those present at the meeting, Chairman Mangiafico moved the Unfinished Business item Request for Traffic Control Signal, Highland Plaza, 125 South Main Street, up on the agenda.

UNFINISHED BUSINESS:

Request for Traffic Control Signal, Highland Plaza, 125 South Main Street – Tony Gioffre, an Attorney with Cuddy & Feder, White Plains, NY, representing the owner of Highland Plaza, Highland HC, LLC, indicated they had submitted a letter to the Board with a traffic study to install a signal at Highland Plaza. Attorney Gioffre noted that the property was well maintained and approved for three buildings with a number of uses. He stated that his client had made a significant investment.

Attorney Gioffre said that there was some concern raised as to the volume of traffic in the vicinity and he added that traffic often exceeds the posted speed limit.

In regards to the safety analysis, Attorney Gioffre suggested that they had looked at a number of different things. He indicated that the Highland Plaza was approved by the Office of Safety and Traffic Administration (OSTA) as a major traffic generator. The Attorney informed the Board that the study concluded that the volume and speed of traffic at the intersection exceeds the threshold required to have a traffic signal. He reassured the Board that his client is willing to pay for the device and its installation.

Chris Granatini, P.E., a Project Manager for Tighe & Bond, walked through the signal study with Police Commissioners using an aerial view of the location. He informed them that they looked at 9 of the warrants mandating need for a traffic control signal specifically the 4 Hour Warrant, 8 Hour Warrant and Peak Hour Warrant. Mr. Granatini stated that the development was mostly occupied but not full yet. He noted that they had done a count at the driveway with Route 25 with the way it is now and calculated what the count would be when it was fully developed. He reported that the traffic volume meets both the 8 hour warrant and the four hour warrant. Mr. Granatini told Police Commissioners they were there to seek the Board's concurrence with the findings of the study and then they would take their proposal to the OSTA for its approval. He reminded the Board that his client was willing to buy a signal as an investment for the site, indicating that a new traffic signal can run upwards of \$250,000. He noted that the signal would benefit both the road and the site.

Commissioner Budd asked Mr. Granatini if the stats included the traffic from any of the nearby side streets and Mr. Granatini said no.

Commissioner Budd asked what the percent occupancy was and Michael Breede, principal appearing on behalf of the owner, indicated that it was at approximately 60 percent.

Mr. Breede informed Police Commissioners that he has had tenants, who have not yet come in to the plaza, expressing concerns about the access and egress to the Plaza. He reminded the Board of the most recent accident there and the fact that the intersection was along a three-mile stretch of road without any break in traffic.

Mr. Breede told the Board that he had notified the tenants late to come to the meeting and believed there would have been a larger showing of support if he had done so sooner.

Commissioner Budd asked if they considered putting in a center turning lane. He directed Mr. Breede's attention to the minutes of February 6, 2007 when the Board of Police Commissioners passed a motion regarding the Highland Plaza that the developer put a center turning lane southbound on Route 25 turning into the restaurant. The Commissioner also noted that on Oct 2, 2007 the Board of Police Commissioners accepted phase II of the Highland HC application with the stipulation that a center turn lane be installed on Route 25.

Commissioner Budd stressed that the turning lane was a condition of the Board's approval.

Chief Kehoe noted that the State didn't approve the turning lane and didn't seem to like it.

Mr. Granatini reported that an actuated signal would be installed so that when a person pulls up to exit the plaza driveway the light will turn green. He noted that the signal will remain green on the main road until it is actuated again.

Commissioner Faxon asked what the number of accidents was for that stretch of road and Mr. Breede said they only considered the actual location regarding accidents.

Attorney Gioffre presented pictures of some of the accidents and showed Commissioners a page with all the accidents highlighted.

Mr. Granatini explained that the owner was not applying for a traffic signal because of specific reason but rather the future confluence of traffic at that site.

Commissioner Budd believed that he doesn't think the site meets the warrant based on the 60% occupancy. He said he believes they need more traffic data and that the Board should push for it.

Chairman Mangiafico asked how many square feet the foot print was and Mr. Breede replied a total of 83,000 sq. ft.

Mr. Breede indicated that there was a medical office interested but that they were concerned with patients who were not fully able and suggested that those patients might have a difficult time getting in and out of there.

Chairman Mangiafico asked fellow Police Commissioners if there was anyone that wanted to delay.

Commissioner Budd said he wants actual accidents number at that intersection. He suggested that there was nothing from the first C of O and he would like all the data.

Commissioner Sachs said he would like to discuss the matter with the Chief and Captain first.

Chairman Mangiafico indicated that the Board will discuss the matter in public but was not sure it would vote on it that evening.

Attorney Gioffre stated that the owner would pay for the maintenance of the traffic light for the first 5 years.

Chief Kehoe suggested that they put the request on the agenda for next month.

Chairman Mangiafico stated that he will provided the information the Board requested was forth coming.

Attorney Gioffre indicated that as soon as he gets it he will forward it to him.

Captain Rios added that he would like a list of the number of accidents and types.

CHIEF'S REPORT: Personnel Report – Hiring Update – Chief Kehoe informed the Board that the Department is proceeding with hiring and has three seats reserved at the Academy for January 3, 2014. **Part-Time Temporary Data Clerk** – The Chief reported that a part-time data clerk had been hired on the staff, working approximately 19 hours a week and is doing well.

Budget- FY 13/14 / OT/Coverage For Sandy Hook Day Care NHS – Chief Kehoe informed Commissioners that they had in their packets the Over-Time (OT) costs so far. He indicated that they were far exceeding the OT Budget line item and suggested that the Town will likely take action. Chief Kehoe told the Board that the Sandy Hook Daycare at the High School needs extra security personnel for that time. The Chief indicated that it could be extra hours for the SRO and suggested that the other options will be very difficult to manage.

Commissioner Budd asked if this was already in place and whether the Board of Ed would be willing to cover some of those costs.

Chief Kehoe indicated that there was money in contingency that would be used for that.

Commissioner Faxon believed that somewhere down the line the Board was going to have to draw the line on requests for extra armed officers. He indicated he is all for more security and urges that there be more coverage, but urged the Board that things will change in the future and the Town will be paying for that coverage.

Chairman Mangiafico stated that this was the result of an oversight and that it was part of a regularly scheduled session at the High School that was missed. He added that a promise was made to have an armed officer during the regularly school day but did not include this – it was overlooked.

Chairman Faxon said he understood in this case but maintained the need to draw the line somewhere.

Chairman Mangiafico replied that he thought the line was unofficially drawn because the Board said it would provide coverage for the regular school day. Chief Kehoe agreed.

In regards to the OT, Chairman Mangiafico noted that the cost was outrageous. He indicated that the Department is only 1/3 of the way through the fiscal year but has used 89% of its budgeted OT. The Chairman suggested that this will not be remedied until they increase the manpower literally and figuratively. **FY 14/15** – Chief Kehoe told Police Commissioners he sent an email to them regarding the FY 14/15 Budget looking for feedback from the Board. The Chief said he wants to know their thoughts by November 14, 2013 or at the latest the week after.

In regards to the **Fleet, Training, and Letters of Gratitude** Chief Kehoe said he had nothing to report. **Correspondences** – The Chief told Commissioners that he sent a letter to the US Attorney General Eric Holder, Jr., thanking him for his help. In addition, he indicated that the Department had received a Text Ban Enforcement Grant letter. **K-9 Program Update** – Chief Kehoe reported that they were holding off on the K-9 training. He suggested that this might be for the next 4 to 6 weeks until the other officers get their dogs. On a positive note, the Chief suggested that this would give their officer and K-9 more time to get to know one another before the training begins. **Ongoing Projects Updates** – the Interrogation Room – Chief Kehoe stated that the Interrogation Room was 30 to 40% towards completion. **Newtown Police Explorers Update** – Chief Kehoe told the Board the Police Explorers was a wonderful program and that he hopes to bring them in to a Board meeting to congratulate them. According to the Chief, the program is a voluntary program and is open to all Boy Scouts. **Equipment Purchases** - Chief Kehoe reported that the Department is purchasing ballistic vests. **Burglary Arrest inside FHH Cochran House** – the Chief told the Board that individuals were arrested stealing copper out of the Cochran House up on the Fairfield Hills Campus. **Currituck Road Speed Limit** – Chief Kehoe said he did some research and discovered that the wrong speed limit of 30 mph had been posted on Currituck Road for the last 40 years. The State DOT approved a speed limit of 35 mph for the entire road in April 1970. **Private Duty Receipts Discussion** – The Chief indicated that the Department has hard numbers regarding private duty receipts but nothing with regard to private duty to outside agencies.

PUBLIC PARTICIPATION – Since there were three members of the public waiting to speak Chairman Mangiafico moved the last public participation up on the evening's agenda.

Karyn Holden, 68 Berkshire Road, Sandy Hook, clarified that the program at Newtown High School was not Sandy Hook Daycare but rather *Newtown Public School Preschool Program*. She told the Board that it was originally at the Sandy Hook School. She indicated that the reason it was not at one of the other schools was that it would not be covered if it was. Mrs. Holden said she wants to make sure the preschoolers are safe. She asked when this enforcement would take place and she was told to contact the Captain.

CAPTAIN'S REPORT: Incident Analysis Reports for October 2012 – September 2013-

Captain Rios reported that the stops are up 30%. **Monthly Traffic Enforcement Unit Report for October 2013** – The Captain indicated that *Officer Silver's written report* was in their packets. In regards to cell phone violations, he noted that there were 20 infractions and 4 written warnings. The Captain also stated that Officer Silver made several truck inspections. **Monthly Detective Division Report for October 2013 - Written Report - Lt. Robinson** – Captain Rios informed Commissioners that the Heath case was resolved and Mr. Heath was found guilty. He said that this speaks well for the Department's investigation with the State. He commended Detectives Franks and Joudy for their work. **October 2013 – Cell Phone Violations** – Chairman Mangiafico asked if an officer gives a verbal warning for a cell phone violation were they in some kind of a report and Captain Rios said no. The Captain stated that verbal warnings were noted in radio transmissions but not on paper. **Regional Texting Enforcement** – Captain Rios reported that Newtown, Brookfield and Redding participated in texting enforcement on October 16 and October 17. He told Commissioners that there was a total of 19 cell phone, and 11 texting, infractions issued on October 16; and a total of 35 cell phone and 8 texting infractions issued on October 17.

NEW BUSINESS:

Discussion on traffic control measures on Toddy Hill Road and Route 34 – Commissioner Sachs told fellow Police Commissioners that he was approached by a resident regarding finding a way to better regulate the traffic signal at the intersection of Toddy Hill and Route 34. Chief Kehoe said that the State of Connecticut recognized the signal was malfunctioning and indicated that it was an older light. The Chief indicated that it is scheduled for a smart light and said he believed it already was fixed. He added that the State wasn't going to let the malfunctioning continue.

Acceptance of Policy and Procedures -

Mobile Audio/Video Recording Equipment – Chief Kehoe reported that the new policy and procedure was to accommodate the new system.

Commissioner Faxon recommended that if there was a way of configuring the retrospective recording system to go back more than 30 seconds he would urge the Department to do so.

Commissioner Faxon moved to accept the new Mobile Audio/Video Policy and Procedure replacing the old one, Commissioner Viadero seconded and the motion unanimously carried.

Policy and Procedure Taser - Chief Kehoe noted that the changes to the current taser policy and procedure were to make it as fool proof as possible. He indicated that the taser was a valuable tool. The Chief assured the Board that the Department studies its taser use every year and they do not use them wantonly.

Commissioner Faxon asked if there was a use of force report and Chief Kehoe replied yes. He asked if all the officers were trained and the Chief said yes. Commissioner Faxon asked what the frequency of taser use was and the Chief said 3 to 5 times a year.

Chairman Mangiafico asked if it was a requirement that the officers be armed with a taser and Chief Kehoe replied no.

Commissioner Viadero moved to accept the Taser Policy and Procedure. Commissioner Faxon seconded and the motion was unanimously approved.

COMMISSIONERS PARTICIPATION:

Commissioner Budd asked what month the Chief's review was and Commissioner Viadero recalled that it was in January after the holidays.

Chairman Mangiafico stated that for a couple of years there was no evaluation. He said normally they are done prior to the end of the fiscal year. The Chairman told Commissioners that the Town requests reviews of all department heads in June and July. He suggests they do the Chief's review in March.

EXECUTIVE SESSION:

Commissioner Faxon moved to go into executive session at 7:23 pm under General Statutes 1-210-B3 to discuss an ongoing police investigation and General Statute 1-210-B8 to discuss strategy and negotiation of personnel matters and collective bargaining. He invited Chief Kehoe and Captain Rios to attend for a first portion of the executive session but request that the board meet alone for the second portion. Commissioner Viadero seconded and the motion was unanimously approved.

At this time the clerk left the meeting.

The Board left executive session at 8:37 pm into public session and conducted no further business. Commissioner Faxon motioned to adjourn at 8:37 pm seconded by Commissioner Sachs and the motion passed unanimously.

Ted Swigart, Clerk