



TOWN OF NEWTOWN
BOARD OF POLICE COMMISSIONERS

MINUTES FROM THE BOARD OF POLICE COMMISSIONERS
REGULAR MEETING HELD TUESDAY, May 5, 2015
TOWN HALL SOUTH CONFERENCE ROOM
3 MAIN STREET, NEWTOWN

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

Chairman Mangiafico called the regular meeting to order at 6:30 p.m.

PRESENT: Brian Budd, Joel Faxon, Andy Sachs, Virgil Procaccini, and Paul Mangiafico

ABSENT: none

ALSO PRESENT: Chief Michael Kehoe, Captain Jose Rios, Union President Scott Ruszczyk, Borough Warden James Gaston, 2 members of the press, and 9 members of the public.

PUBLIC PARTICIPATION: None

UNION PARTICIPATION: Union President Ruszczyk reported that the Union's contract was signed with the Town's Board of Selectman and just has to be approved by the Legislative Council.

CONSIDERATION AND ACTION ON THE MINUTES: Regular Meeting April 7, 2015 -
Commissioner Faxon moved to accept the minutes from the Regular Meeting April 7, 2015 as amended. Commissioner Budd seconded and the motion was unanimously approved.

Amendments: Page 1, 2nd sentence under Public Participation, change "pour" to "poor"; Page 3, 1st full paragraph, 1st sentence, change the word "commend" to "recommend"

Chairman Mangiafico recommended the Board move two items on the agenda under Old Business forward to accommodate those in attendance and the Board agreed.

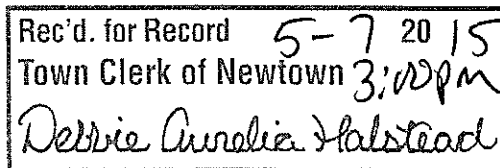
OLD BUSINESS:

Discussion of 144 Sugar Street traffic – According to Chief Kehoe, the Board had a memo in their meeting packets from Sgt. Bahamonde with background information about the location, anticipating they may have similar problems this year.

Terry Ferris, 144 Sugar Street and an owner of the property, passed around an informational handout (attached to the minutes). She indicated that she had spoken with Sgt. Bahamonde and he had leant them some no parking signs.

Mrs. Ferris stated that they had an officer directing traffic from 5 pm to 9 on Saturday and from 3-9 on Sunday but it didn't work as the officer was asked to stop directing traffic as there was becoming too much of a traffic problem.

She told they Board she was looking to them as to what else they can do.



Chairman Mangiafico said he was disturbed about the issue noting that he had read through the prior Board's minutes as the matter had come up before over the past several years. The Chairman suggested that the matter had died a slow death. He believes that over the past five years the situation has gotten worse as the business has improved and gotten more dangerous. Mrs. Ferris indicated they can't increase the parking lot because it's surrounded by wetlands. Charlie Ferris, a fellow owner, indicated there is some more room for a few more cars but using it for parking would affect operations and the over-all ambiance.

Commissioner Faxon asked the owners whether the problem was the parking on Route 302 or the cars entering and exiting the property. Mr. Ferris said it all is.

Chief Kehoe stated that there are no parking signs on the opposite side of the road from the farm but questioned how customers' could safely park on the other side of road and walk especially when it was dark.

Commissioner Budd asked how many employees they had and Mrs. Ferris said 14 on the weekend and 10 on an average day. She added that the employees park in a separate lot up in back. Commissioner Budd suggested the owners have the employees' park off site and get shuttled in so the customers could use the spaces. The Commissioner said he sees this as only a short term solution and doesn't solution at this time.

Chairman Mangiafico asked how many cars park in the road and Mr. Ferris replied that during a busy time about 10 to 20. He suggested that part of the problem was that often people see cars parked on the street and park behind them without looking to see if there are any spaces in the lot.

Chairman Mangiafico suggested that he would be uneasy if he owned the business given the inherent danger of people parking on the road.

The Chairman asked the owners who they have contacted in the Town and Mrs. Ferris said no one yet but they have worked with an engineer.

Chairman Mangiafico recommended the owners talk to either Rob Sibley or George Benson in Land Use to see what can be done. He suggested that if the problem continues the Board may have to do something that's not in the owners' best interest.

Commissioner Faxon recommended the owners seek a variance if they can show some kind of hardship and suggested the owners talk to zoning and wetlands.

Warden Gaston agreed that the owners speak to Mr. Benson and suggested maybe a police car could be parked on Route 302 to slow traffic down and allow drivers to go around the parked cars.

Commissioner Procaccini recommended the owners talk to Chief to hire a police officer or two. As a solution, Chairman Mangiafico recommended the owners increase the off road parking; and suggested contacting Mr. Benson to tell him they are looking for some help.

Captain Rios told those in attendance that he was coming up Route 302 on Sunday and the Brookfield officer on duty had traffic stopped in both directions. The Captain said the lot appeared full and people were waiting on the road. He said the officer was trying to make a decision and when he was waived around the Captain said he felt the situation was not the best scenario.

Mrs. Ferris stated that they have two kids who are fire fighters parking the cars and when the lot gets full they usually waive the cars on.

Commissioner Procaccini told the owners they had a seasonal business on a state road much like Silverman's and suggested contacting them for ideas.

Brendon Ferris, another owner, said he has observed, over the past few years, people taking it upon themselves to park on the road and stated he is not sure how to control that.

Commissioner Procaccini suggested that it might come down to a car or two getting towed for customers to understand not to park on the road.

Commissioner Sachs suggested they look into no parking signs.

Mrs. Ferris said she was asking for no parking signs now.

Commissioners all agreed no parking signs were the safest thing and wouldn't kill the business. Commissioner Faxon moved to request State DOT do a traffic study in hopes of installing no parking signs in eastbound and westbound directions of Sugar Street in vicinity of Ferris Farms and decide where it is appropriate to place said signs. Commissioner Sachs seconded and the motion carried unanimously.

Discussion on Main Street and Church Hill Road-

Chairman Mangiafico said he had asked the Chief to give his report of the Motor Vehicle Accidents in the top 12 locations in Town. The Chairman stated that copies of the report, which he considered a "road map" for the Board, were given to the First Selectman Pat Llodra as well as Warden Gaston. He indicated that the top three locations were 60-66 Church Hill Road, Main Street and Church Hill Road, and the intersection of Berkshire Road and Wasserman Way. Chief Kehoe stated that for many years the State has recognized 60-66 Church Hill Road as having the highest slush rating in the Town. He noted that they came up with a concept, got the money to make Edmond Road a Town road and shift it across from Commerce Drive. The Chief said he hopes that will cut down on traffic problems and accidents there.

Commissioner Faxon asked what the vehicle counts were for 60-66 Church Hill Road and how they compare to the flag pole.

Mr. Gaston said it was about two-thirds.

In regards to the intersection of Berkshire Road and Wasserman Way, Chief Kehoe suggested that it involved a large area from Toddy Hill Road to the Newtown High School. He said they have been looking for improvements to that area for many years. The Chief noted that the money is there to redesign the I-84 entrance and exit ramp diverting it all out onto Berkshire Road. He added that the plan is to make that area safer.

Chairman Mangiafico indicated that intersection was the third highest and indicated that number two was the intersection of Main Street and Church Hill Road. The Chairman said he didn't know of any actions as of yet to solve the problem in that area and said that was why they were discussing it.

John Bermingham, 42 Main Street, indicated that the difference between is that the intersection of Main Street and Church Hill Road is a residential area. He said that is why it is a more difficult situation in terms of land use. Mr. Bermingham suggested that whatever decisions are made they need to maintain the historic area. He said he knows it's a problem, but doesn't know what can be done.

Chairman Mangiafico reassured the residents that the Board is well aware of the fact the Flag Pole has an iconic position in the Town and has no intent to remove it or move it. He indicated that the Board was concerned about the number of accidents and number of near accidents in that intersection. The Chairman said they need to take into account all the concerns and ideas to make the situation better.

Mr. Bermingham stated that he doesn't think no left turns would make it better and that a traffic circle would be worse.

Commissioner Procaccini stated that none of them are experts in traffic control or engineers so they want to turn it to the experts who are.

Sherry Bermingham, 42 Main Street, said she wanted to charge the Board as well as them with maintaining Main Street as a beautiful historic area. She said she doesn't want it to become so made that no one wants to live there. Mrs. Bermingham added that the other critical issue is there are pedestrian crossings which the other areas don't have. She suggested they look to the State to lower the speed limit on Main Street. She noted that in the paper she read that Newtown has the most traffic stops in the State and added that people notice that.

Chairman Mangiafico asked Mrs. Bermingham if she thought that lowering the speed limit would be beneficial and she said yes she did.

Commissioner Procaccini suggested that they would have to turn to the State to do a study to change the speed limit. Chairman Mangiafico agreed and warned that if they request the State's help the need to be careful as the State could come up with ideas that Town won't like.

Mrs. Bermingham suggested that they could do other things such as paint the crosswalks so they stay fresh.

Commissioner Budd expressed his concern that once the economy gets back on track in a few years the traffic will increase.

Chairman Mangiafico asked Mr. And Mrs. Bermingham if they thought the Town has a situation at the Flag Pole that needs to be addressed during peak hours and Mr. And Mrs. Bermingham agreed that they think it seems to work most of the time. Mr. Bermingham added that the big problem is cars passing on the right.

Warden Gaston asked Chief Kehoe when they pinpointed locations in their study what the radius in feet was. The Chief said he couldn't say any at all and added that they tried to compile as much data as they could.

The Warden asked the Chief that if he was traveling north on Main Street and turning into the gold building would the accident be determined to be at the Flag Pole and the Chief said yes as it is the nearest intersection.

Warden Gaston said he was happy that the report was labeled as it was, but said he was concerned because the Chairman termed the report as a "road map." The Warden suggested that based on the report people would take the intersection as a dangerous area and that is not accurate.

Warden Gaston stated that he thought they were going to look at a number of locations with criteria such as volume, radius, types of collisions, injuries, etc; and compare them weighted with respect to that criteria so they would know if it's dangerous or not.

Commissioner Sachs asked the Warden if they could assume there is a trend and Warden Gaston suggested that without exact criteria it is difficult to assume exactly where the accidents occurred and how many occurred. The Warden stated that without criteria it makes the information in the report look very deceiving. He suggested that they need real numbers before they use it as a road map.

Commissioner Budd told the Warden he made a very valid point. The Commissioner noted that for the top 5 the State criterion is sheer volume. He said that he wasn't saying what the Board was saying was correct but told Warden Gaston that what he was suggesting as criteria is not what the state is looking at.

Warden Gaston said that once you have the GIS info a regression analysis should be done based on their set of criteria and then they would see what the association is.

Chairman Mangiafico indicated that Warden Gaston made some very valid points but said he doesn't agree with all of them. He charged the Board with individually looking at what can be done and how to approach it. The Chairman recommended they do the easy things first to see if they have an effect such as painting the crosswalks. He suggested that they table it, think about it, and come back with real ideas about what to do. Chairman Mangiafico noted that he was comfortable with the data in the report as the same was used for all locations.

The Board agreed.

Chairman Mangiafico thanked Warden Gaston and the Berminghams for attending the meeting.

CHIEF'S REPORT: Personnel Report – New Hires – Chief Kehoe reported that Officer Caramadrie completed his field training and is now independent. He added that the other two are in Phase 4 of the field training and that the Department will start the hiring process again soon.

Budget – The Chief informed Commissioners that the Budget is up to date and said he would be

happy to address any questions the Board has. He added that he is comfortable they will stay within the budget until July 1. Chief Kehoe stated that there was no **Fleet Report** or **Training Report** but that he will add them to the next meeting's Chief's report. **Letters of Gratitude** – Chief Kehoe stated he received two letters of gratitude – one for Officer Pisani and one for Officer Figol/K-9 which were in the meeting packets. **Correspondences** – the Chief reported that they had sent out two correspondences one to the DOT/OSTA regarding the speed limit on Wasserman Way and the other to the DOT/OSTA regarding the traffic light study on Route 34/ Bennett's Bridge. **Sgt's Exam** – Chief Kehoe reported that they would start the Sergeant's exam process after the first of the fiscal year.

CAPTAIN'S REPORT: Calls for Service Reports March 1, 2015 to March 31, 2015:

Captain Rios reported there were 816 motor vehicle stops for March up from the 690 in February, 4 DUI arrests, and 58 total cell phone violations – 19 infractions and 39 written warnings. **Traffic Unit Report for April 2015 - Written Report Sgt. Aaron Bahamonde:** The Captain stated that there were 40 M/V stops and said the traffic unit handled the various complaints that came in and were involved heavily in updating the fleet. **Detective Division Report for April 2015 – Written report by Lt. Robinson:** Captain Rios stated that for the month of April there were 2 burglaries, 12 larcenies, 3 sex offences, and 4 fraud/ bad checks. **MADD AWARDS 2014-2015 – Officer Felicia Figol & Officer Matt Wood** – The Captain informed the Board that both officers were receiving MADD Awards for their efforts. He said that Officer Figol was a past drug recognition expert and that Officer Wood is a certified DRE expert. Captain Rios said he thinks specialized training pays off and extended his congratulations to both officers. April **National Distracted Driving Awareness Month** - Captain Rios reported there were 59 violations strictly related to distracted driving.

NEW BUSINESS:

Discussion on Trash Scavenging Ordinance – Chairman Mangiafico said that the matter started back in November 2014 when he received an email from a citizen issuing a complaint with respect to someone going through someone else's trash. The Chairman said the citizen asked if it was legal and it resulted in many emails to the Police Department and the Legislative Council.

According to Chairman Mangiafico, he received an email from Mary Ann Jacob saying that all she needs is a recommendation by the Board of Police Commissioners to consider an ordinance to prohibit someone going through trash.

Chief Kehoe suggested that if it was identity theft people were concerned about there was a greater risk of identity theft on the internet than trash.

Commissioner Faxon stated that he was not interested in creating a Trash Scavenging Ordinance.

Commissioner Procaccini said that the U.S. Supreme Court states it's not illegal to go through trash if it's at the end of a person's driveway.

Chairman Mangiafico said he has no position on it and added that if the Council wants to pursue it than it can. The Board agreed.

Discussion on Speed Limits – John Beach, Orange Pippin, Riverside and Russett - Chief Kehoe told the Board there are enough documents in their packets to understand why. He indicated that Riverside Road needs to be changed because of the new Sandy Hook Elementary School. The Chief said the State will come in and do that. He added that the others don't have one and deserve a review.

Commissioner Faxon moved to proceed with Speed Limit recommendation contained in application with regard to John Beach, Orange Pippin, Riverside and Russett Roads.

Commissioner Budd seconded and the motion was unanimously approved.

Acceptance of Resignation - Sgt. Steven Santucci – Chairman Mangiafico indicated that Sgt Santucci was with the agency for 15 years – 3 as a Sergeant. The Chairman said he was saddened by the circumstances but understood.

Commissioner Faxon moved to accept the resignation of Sgt. Steven Santucci. Commissioner Procaccini seconded and the motion unanimously carried.

Discussion of Revision of Secondary Employment Policy – Chairman Mangiafico stated that the #11 amendment to include more details was consistent with the Boards comments at its last meeting.

Commissioner Faxon moved the Board approve as amended the Policy and Procedure Secondary Employment adding #11. Commissioner Sachs seconded and the motion was unanimously approved.

Discussion on Secondary Employment Requests –

Commissioner Faxon moved to approve the four requests for secondary employment based on the detail the Board received. Commissioner Sachs seconded and the motion carried unanimously.

COMMISSIONERS PARTICIPATION: Comments on CCSU Statewide Racial Profiling –

Chairman Mangiafico indicated he would like to discuss an email he received from Sgt. Ruszczyk about the report regarding the traffic stops throughout the state. He stated that even with the largest number of stops in the State made by Newtown, there were zero complaints. The Chairman suggested this should result in recognition. He added that if an officer performs in a professional way they do deserve recognition.

PUBLIC PARTICIPATION: None

EXECUTIVE SESSION:

Commissioner Faxon moved to go into executive session at 8:16 pm under General Statute 1-201 to discuss employment matters and invited Chief Kehoe and Captain Rios to attend the first part then with only the Board for the second part. Commissioner Budd seconded and the motion carried unanimously.

At this time the clerk left the meeting.

Chairman Mangiafico reported that Police Commissioners exited executive session at 9:55 pm, conducted no further business, and on the motion of Commissioner Faxon seconded by Commissioner Budd adjourned.

Ted Swigart, Clerk

- We added traffic control on Sunday's, our busiest day, in the fall of 2014. Did that help the complaints at all?

- We had an officer at the driveway intersection from 5-9 this past Saturday and 3-9 on Sunday. The officer had two No Parking signs that he put up on the edge of the driveway, and he used his own cones in the road. Traffic was backed up on both sides of 302, and he told us we had many complaints about him stopping traffic.

- The customer feedback we received was mixed, regarding the police at the driveway.
 - Some said that it helped
 - Some said the flashing lights were distracting to drivers on 302.
 - Some said they were scared that there was an accident.
 - Many said it made things more chaotic.
 - Many were afraid to park on the road further down 302

- We wonder if it didn't make things worse.

- We have tried the ideas suggested to us by NPD. Does the Commission have any other ideas?

- If we can get No Parking signs from the State of CT, where do you suggest we put them? Who do we contact?

- We approached our engineer and he has come up with a possible way to add 6-7 spaces, in the large parking lot, towards the barn area. He suggests that we sit down with Rob Sibley before we attempt to add these spaces.

- Sergeant Bahamonde mentioned that the speed of traffic on Route 302 contributes to the problem. Would it help if we asked for more patrolling? Can the state put up signs down on 302 that say "traffic congestion ahead", or "reduce speed ahead", or "watch for children"?

- Where do we go to get approval to keep using the cones on the state highway? It was suggested to us by our local officer, to use them to block off the other side of the road and the side of the driveway, but we are concerned about liability. We need to get it in writing.