



**TOWN OF NEWTOWN**  
**BOARD OF POLICE COMMISSIONERS**

**MINUTES FROM THE BOARD OF POLICE COMMISSIONERS**  
**REGULAR MEETING HELD TUESDAY, January 5, 2016**  
**TOWN HALL SOUTH CONFERENCE ROOM**  
**3 MAIN STREET, NEWTOWN**

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

Commissioner Faxon called the regular meeting to order at 6:30 p.m.

**PRESENT:** Andy Sachs, Dan Rosenthal, Bob Myer, Vice-Chairman Brian Budd and Chairman Joel Faxon.

**ABSENT:** none

**ALSO PRESENT:** Chief Michael Kehoe, Captain Joe Rios, Union President Scott Rusczyk; To-Be-Chief James Viadero, Michael Galante Executive Vice-President and traffic engineer at Frederick P. Clark Associates, 1 member of the press, and 15 members of the public.

**PUBLIC PARTICIPATION:** Karen Banks, West Street, said that when she attended the Board of Police Commissioners' Special Meeting on October 26, 2015, she brought it to the Board's attention that that the "one way" sign on West Street on the north side of the Meeting House had been removed from the ground and was leaning against the trees. Ms. Banks said that Chairman Mangiafico had suggested that Captain Rios would look into it. She informed the Board that the sign was still leaning against the shrubs. Chairman Faxon said they would look into it.

Paul Mangiafico, Former Board of Police Commissioners Chairman, 15 Kent Road said he would like to comment on the Clark Associates item on the agenda. He suggested that everyone knows this problem they have regarding the Flagpole and said that it has been going on for many, many years. Mr. Mangiafico stated that there have been numerous studies and recommendations and after all the analysis nothing has happened. He encouraged the Board to reach a conclusion with respect to what should be done, if anything. Mr. Mangiafico suggests maybe if the conclusion is that it's not worth pursuing that the Board reach conclusion that they are not going to do anything rather than put it in a drawer to gather dust. He believes that either they recommend "to do something, or recommend they do nothing" but Police Commissioners must make a decision either way. He noted that with the fire station on Church Hill Road and the new restaurant will bring more pedestrian and vehicular traffic into the area and time is not on the Town's side. Despite the lack of unanimous feelings regarding the decision, the Chairman urged the Board to stand up and do the right thing.

Don Studley, 49 Hundred Acres Road, stated that he is the Chairman of the Heritage Preservation Trust that maintains the Meeting House. He said that since the trust formed in 1988 it has raised over \$1 million to maintain the building at no cost to the Town. Mr. Studley said he noticed they have a study on the Flagpole traffic and said he was sure the Meeting House would come into the discussion at some point. Mr. Studley stressed that they absolutely need parking

and if they don't have parking they can't operate the Meeting House. He concluded by saying that he hopes the Board takes that into consideration when they make their decision.

Chairman Faxon thanked Chief Kehoe for his 37 years of experience with the Town stating that he would be sorely missed. The Chairman said that the Chief is a tremendous resource and was sure that Chief Viadero will have him on speed-dial.

Chairman Faxon said that the Chief was well respected and had worked his way up serving the Department as a Patrol Officer, DARE Officer, School Resource Officer, Sergeant, Captain, Acting Chief and finally Chief. The Chairman assured the Board that the job as Chief is a 24-7 job and Chief Kehoe treated it that way. He said that the Chief was a tremendous leader of the organization and that during his service the department grew from 23 officers to 47. The Chairman also indicated that the Chief led the Department to receive its first accreditation in 2005 and it has remained accredited since. He stated that to his knowledge Chief Kehoe has had a career of service and excellence unmatched by any Chief in the State.

As a token of the Board's appreciation, Chairman Faxon and Vice-Chairman Budd presented the Chief with a plaque.

Chief Kehoe thanked the Board and stated that "it has been a hell of a journey." He said he has gotten to this point in his life certainly because of the people he has worked with. The Chief said he learned from them so much and it was those formative years that made his career so much easier. He added that the Captain has been a tremendous second in command; and he thanked all the members of his department and the people of the community, for without their support the Police Department would not be able to do what they do.

Chief Kehoe said it's been a great journey and he has no regrets. He stated that the Board of Police Commissioners had been very supportive and thanked them for their dedication they have shown.

Vice-Chairman Budd reminded those in attendance that law enforcement work can be a very emotionally impactful job. He said you have to be able at times to detach yourself and look at the big picture from above. The Vice-Chair told the Chief that the Department had doubled in size under his leadership. He assured Chief Kehoe that after 12/14 he was forever grateful to him for how he handled it and helped the community through it the way he did.

**POLICE UNION PARTICIPATION:** Union President Ruszczyk stated he had nothing pressing to report.

**CONSIDERATION AND ACTION ON THE MINUTES: Regular Meeting December 1, 2015** – Commissioner Sachs moved to accept the minutes from the Regular Meeting December 1, 2015. Commissioner Rosenthal seconded and the motion was unanimously approved.

**CHIEF'S REPORT: Personnel Report** – Chief Kehoe informed the Board that they didn't get a seat for the January class, but they are looking for a candidate for the April class. He added that the staff is currently working diligently to find a 45<sup>th</sup> officer. **Budget – Fiscal Year 2016/2017** – Chief Kehoe reported that To-Be-Chief Viadero and he met with First Selectman Pat Llodra and the Finance Director Bob Tait and the 16/17 Budget has been modified slightly from what the Board received some has been improved. He added that the modifications were to the pension contributions which came from our budget and medical insurance as both came in higher than anticipated so we had to adjust the budget. The total cost is approximately 5.6% higher than last year. He reassured the Board that last budget they came in low and he believes at less than 0%. **Fund Balances** – Chief Kehoe told the Board the Fund Balances were in their packets if they had any questions. **Fleet Report** – The Chief indicated that three cars were ordered right after the beginning of the fiscal year and said they were waiting for them to arrive. **Training Report** –

Chief Kehoe told Police Commissioners the Training Report was in their packets. He indicated that the Department has been working on a training initiative for the last few months with regard to the administration of “Narcan” (Naloxone) an antidote for heroin overdoses. The Chief said they hope to have Narcan available for their officers in a few months. According to To-Be-Chief Viadero, Middlebury initiated a policy last year and has already had overdose situations where officers have administered Narcan. **Correspondences** – Chief Kehoe informed the Board he had received several correspondences – Hiram Lodge, SSO Program, CT DOT Signing Project, and the US DOJ Asset Forfeiture (Also State Asset Forfeiture). In regards to the correspondence from the US DOJ Asset Forfeiture, the Chief reported that there has been a shift in the legislature on how monies from asset forfeiture are used. He told Police Commissioners they are seeing a trend by the State, and the Federal Government, to take it away and use the funds where they deemed necessary. Chief Kehoe indicated that in the past it was the monies from asset forfeiture that would have been used by their Department to offset the cost of such things as the antidote for heroin overdoses. **Alarm Ordinance Update** – The Chief reported that the Alarm Ordinance had been passed and they were working towards implementing it hopefully in July. **UPFFA of CT Donation** – Chief Kehoe told the Board that the Uniformed Professional Firefighters Association of Connecticut distribution ceremony was occurred in December in which they donated monies to the Department. According to the Chief, the Department Participates every year in the 9-11 Unified Ride around September 1 and their Police Explorers do a great job. He added that because of the work the Explorers do UPFFA of CT usually provides the Department with a donation. **CIRMA White Paper Recruitment and Selection** - Chief Kehoe informed Commissioners that the White Paper Recruitment and Selection was spot on with regard to what they should be looking for when hiring people. He said he would share it with those in the hiring unit. **Award from the Partners at the AKC from the Trapp Falls Kennel Club** – Chief Kehoe stated that the Department partnered with them many years ago with its police K-9 and has been working with them since. The Chief said the organization has done a lot for the department securing monies for their K-9 not only for the canine but for the car and equipment as well. In turn, he said. The Department does things for them when they have their various functions. He added that the organization presented the Department with a plaque in appreciation for its service to the community and to them.

Chairman Faxon asked the Chief about the letter received from the CT DOT regarding the Pedestrian Signage. He said that the CT DOT asked that the town officials concur that neither public informational session nor public hearing is needed for the placement of pedestrian signs along various state routes during this project. The Chief said that the First Selectman would respond.

#### **CAPTAIN’S REPORT: Calls for Service November 1, 2014 to November 30, 2015 –**

Captain Rios stated that the report highlights the 614 MV stops in November and 15 DUI arrests with relation to the holiday season. **Traffic Unit Report by Sgt. Bahamonde** – According to the Captain, the Traffic Unit used speed display signs and conducted over 50 motor vehicle stops with a heavy concentration in the areas of Pearl Street and Poverty Hollow. He said that as usual the Traffic Unit was involved heavily with the fleet and training initiatives, as well as their normal enforcement activities. Captain Rios stated that they had performed a DUI check point on December 18 in the area of Trades Lane and Wasserman Way, resulting in 1 DUI arrest and several motor vehicle infractions. **Detective Division Report by Lt. Robinson** – The Captain noted that burglaries were down from 46 in 2014 to 40 in 2016. He added that the division has also begun the hiring process again. **DUI Grant Update** – Captain Rios stated that along with using the Grant for the Check Point in December the Department would be having extra patrols in February and in March for St. Patrick’s Day as well as one or two DUI check points over the summer. Commissioner Rosenthal said that he noticed in *The Bee* that the unlocked motor

vehicle problem still persists. Captain Rios agreed and said they recently had another rash of thefts from unlocked cars. He urged residents to lock their cars and not to leave their keys in them. The Captain indicated that surrounding communities have also been experiencing the problem.

### **OLD BUSINESS:**

**Discussion on Flagpole Intersection Improvement Report** – Mr. Galante informed the Board that they had completed a comprehensive study of the Flagpole intersection and had finished their draft of the report. He said that in the report it explains what they did and why they did it. Mr. Galante stated that they collected a lot of data. He assured meeting goers that the Flagpole was not going anywhere. According to Mr. Galante, they came up with 13 to 15 recommendations which included everything from do nothing to signalization, adding lanes, putting in a round-about, and moving sidewalks. He reminded the residents that they were there to help the Town; and added that ultimately the Town has a lot of say but it would be the State that makes the final decision. Mr. Galante reassured everyone that the DOT does listen to the Town especially if the Town takes the time to furnish them with a report. He added that Newtown is coming in with a document and that data will be used by the State of CT. Throughout his presentation Mr. Galante presented various maps outlining the intersection, the data which included traffic and pedestrian counts, and the various recommendations in detail. According to Mr. Galante, their 2015 study found 1600 vehicles traveling through the intersection on Main Street in a one hour period. He suggests that although there was a count of 1800 vehicles in the same intersection in 2007 and the count dropped to 1400 in 2013 most likely due to the economy, the trend is that they are seeing the count go back up again. Mr. Galante noted that in an accident study conducted by the Police Department for a 6-year period there were 94 accidents in and around the Flagpole. He said that they looked at a number of alternatives to mitigate the Flag Pole which included putting something around the base of the pole, making West Street one way and putting a right turn lane on Church Hill Road. He suggested that a Round-About that would fit in the area without exceeding the State's right of way wouldn't operationally work well and trucks wouldn't fit around it. Mr. Galante said that he was aware of the parking on the street but said that they kept in mind that the State of CT would look at removing perpendicular parking. He said they recommend two things that would greatly improve the intersection: 1) Shifting Church Hill Road to the South at the Flagpole intersection so that the left turn lane turns South of the Flagpole – Mr. Galante said this would make the left hand turns easier off Church Hill Road as well as allow vehicles and trucks turning left off Main Street onto Church Hill Road easier access. 2) Adding an island/median in the middle approaching the Flagpole heading south on Main Street. Mr. Galante said they recommended that the Town consider geometric improvements and recommended traffic control signals for the safety and improvement of movement in that intersection – basically Recommended Alternative 11A in their report. (See website for Copy of the Report.)

Chairman Faxon told Mr. Galante he appreciated his presentation and all the work he did. Vice-Chairman Budd said that in regards to the ongoing issue he understands the tendency not to want to do anything but thinks that some type of action would help the Town. He indicates that there is substantial data that the area is not shrinking – it's growing, especially with the developments on Church Hill Road. He said he doesn't see the volume going down. The Vice-Chairman commended Mr. Galante for doing a great job for Newtown.

Mr. Rosenthal asked Mr. Galante if he was sure he did all the measurements, suggesting that there wasn't a whole lot of space there without taking a lot of property. Mr. Galante said he believes it will fit. He indicated that the State Right of way by the church is actually quite wide, but noted that a detailed engineering study would have to be done.

Commissioner Sachs asked how many parking spaces would have to be eliminated and Mr. Galante suggested that the dedicated left turn lane on Main Street has to be fairly long. Commissioner Myer asked Mr. Galante what he figured for delays if there was a round-about. Mr. Galante suggested that there were two ways of measuring delays but indicated that when you restrict a roundabout the capacity drops. He suggested that since the roundabout wouldn't be very large it would probably be at operating capacity in a few years.

Chairman Faxon said that his studied belief is that they have an intersection set as if it's the 1800's but it's a beautiful location in 2016. He said his predominant focus is the safety of the public and added that you can't allow aesthetics to predominate over safety. The Chairman noted that there were competing concerns and that it was a hard judgment to make what to do – something, nothing, or everything; but he stressed safety first.

Laura Lerman, 55 Main Street, suggested that they could already hear trucks braking and with a traffic light they would hear them all day long. She added that with a light she wouldn't be able to back out of her driveway. Mrs. Lerman said as it is now traffic moves slowly but it moves. She said she walks on Main Street every day. She recommends that instead of a \$200,000 traffic light they get actual human people to be there during the times they need it.

Deborah Zukowski, 4 Cornfield Ridge, suggested that there be a traffic light a little north of the Flag Pole to create gaps instead of a traffic light at the Flag Pole. She said she walks west of West Street and asked if there would still be pedestrian access there. She added that there was going to be a Sandy Hook Memorial in the Nettleton Preserve making it a destination using that side of West Street.

Zagni Pavlidou-Kyprianou, an interior designer working in a building on Main Street, told the Board she has observed vehicles turning at the intersection and people trying to cross. She said that on Fridays she has observed children from Middle School trying to cross from the Church Hill side waiting to cross Main Street and actually helped them cross one time. In addition, Ms. Pavlidou-Kyprianou said she has seen people get stranded in the middle of Main Street trying to cross the road. On Nov 20, she reported that she was jogging southbound on Main Street with her two boys when they came to the Church Hill Road intersection waiting to cross. Ms. Pavlidou-Kyprianou said they watched as the first car went then the second one, and the third stopped. She said she waived thank you and motioned for her boys to cross the road. She added that and a vehicle heading south on Main Street turning left at the flagpole hit her 10-year old boy. She said he is fine but recommended something needs to be done there.

Alex Rio, 4 Tilson Lane, suggestion is that the research may have been handcuffed from the beginning. He said the root problem is the Flagpole. Mr. Rio said he loves the Flagpole and it may be unpopular to move it, but he believes it would be cheaper. He recommended they move it out of the intersection into the corner making it a normal intersection.

Charles Zukowski, 4 Cornfield Ridge, asked where the general public could get a copy of the report. Chairman Faxon said they would put it on the website or could rapidly get it to him via email. Mr. Zukowski told the Board people focus too much on the local problem and not the big picture. He believes that the Town planning has been pushing traffic to the intersection. Mr. Zukowski suggests the Town connect Commerce Road through to Wasserman Way creating a bypass and preserving the esthetics of the Flagpole intersection.

Jim Gaston, 18 Main Street, asked who was going to pay for the work the State or the Town. He said he has an issue with the costs. Mr. Gaston suggests that there is a steep bank on the church property and indicated that just the sidewalk cost \$300,000 to build there. He suggested that if they take any parking from the Deer Street location there won't be a restaurant there. Mr. Gaston said he agrees with Mrs. Lerman that every time they change the Flagpole there is cuing down to 8 Main Street. He said that the Flagpole slows traffic down and if there was no pole traffic would be going 50 mph. Mr. Gaston added that the State doesn't want the Flagpole there. He stated that the area is a Historic District adding that the road and sidewalk are part of it. Mr. Gaston

said he doubts the Historic District will approve traffic signals there. With respect to traffic accidents from 2012 to 2014, Mr. Gaston said there is no police code related to the intersection. He said there weren't 55 accidents there were 40 over the last three years and he questioned if Mr. Galante had even read the Police Department's report. Mr. Gaston went on to say that when he looked at the accidents there were very few with injuries. He stated the following: 2012 there were 13 accidents with 2 injuries; 2013 there were 17 accidents with 3 injuries; and, 2014 there were 11 accidents with 2 injuries. Mr. Gaston said he has lived on Main Street for 25 years and suggests there are a lot more areas with more accidents per volume than the Flagpole. He stressed that if they changed the intersection they were going to destroy the esthetics and it was more costly. In conclusion he suggested that they put a police officer up there.

Jennifer Guman, 38 Main Street, agreed with the others about truck noise and suggested that they encourage trucks to use exit 11 to help with the congestion on Main Street. In addition, she recommended reducing the speed limit on Main Street.

Mrs. Lerman – stated that Deer Street restaurant is a multi-million dollar project. By eliminating the parking, she agreed the restaurant would not be able to do business. She added that Newtown would get a bad rep with not being business friendly.

Ellen Whalen, 65 Main Street, told the Board she is concerned with plan because of esthetics but she is also concerned about safety. She said that early in the day or late at night people will come up Church Hill get impatient and go through the stop. Ms. Whalen suggests they look at the peak times. She said it's a small window and questioned if a police offer could help. She added that the speed is horrible and people are impatient. Ms. Whalen said that as they are today she sees the issues of people not stopping and speeding. She said she could see it mitigated by a person being up there.

Chairman Faxon thanked everyone for speaking.

Mr. Galante said he didn't look at a traffic light in the area of Currituck Road. He said he didn't think the State would approve it and it was too far away from the Flag Pole intersection.

Mr. Galante said that they need to look at truck turning alternatives and shifting Church Hill Road would accommodate trucks. Mr. Gaston questioned the fact that would be encouraging trucks and Mr. Galante stated that they have to accommodate trucks as there are two state highways involved.

Chairman Faxon said there is a lot of new material that will be helpful to the Board. He thanked Mr. Galante for his time and asked him to email a PDF version of the Traffic Study so that he could email it out.

Mr. Galante reminded everyone to keep in mind it was a draft report.

**Discussion on Pearl Street** – Chief Kehoe reminded the Board they have the report in their packets and that the Department had done more work on Pearl Street. He suggested that they were in the beginning stages of deciding what devices and procedures were necessary. According to the Chief, the 88<sup>th</sup> Percentile speed had increased since the last time – 34 mph now vs. 31.2 before. He said that looking at the Newtown Traffic Calming Procedures they are in the beginning stages of that 60-day feedback period. He added that they need to do more enforcement and education. Since they have to wait until spring to do more, Chief Kehoe suggested that they could use the time to see what they can do with their resources – personnel, and devices between now and April or May.

Chairman Faxon said that any decision made by the Board is always data driven. He added that they will use enforcement and education, and then in the spring lay down the speed tubes again. Commissioner Sachs reassured residents at the meeting that the process does appear slow but it's actually moving quickly.

Peter Mc Garrett, Pearl Street, said he has lived there for 10 months and that the first week he saw numerous cars as well as cars speeding and driving erratically. He suggests that the road is

not built for that kind of traffic and doesn't have the capacity for that many cars. He added that the speed activation thing doesn't work because if you see a police car speed will drop. Mr. Mc Garrett said if he had little kids he would be screaming and added that them saying they are going to wait until April is unacceptable. According to Mc Garrett, they got 27 to 28 signatures and that people have complained for 12 years and nothing has been done about it. He concluded by stating that he would like to see something speed up faster to get this done.

Mr. Rio – thanked the Board for giving it their attention. He suggests that the highlight of the data seems to be the average speeds and he believes the data is skewed by the lower numbers. Mr. Rio asked if there was any reason the average speed is important and why they just don't highlight the higher numbers. Chief Kehoe suggested that the 85<sup>th</sup> Percentile gives a more accurate perspective and is what they typically use in these studies. Mr. Rio said he appreciates the Boards understanding and consideration to move forward.

Herman Valentin, 9 Pearl Street, told the Board that it was nice to see Pearl Street flooded by cops but he cautioned that by flooding the Street with cops, with the speed tubes out, was not the right timing. He added that people slow down when they see the cops and so they won't get accurate speeds. Mr. Valentin said they don't want the speed bumps because they look pretty. He wants them because they may save somebody's life.

Patty Goldbach, 4 Pearl Street, advised the Board that they live there and the police can't be there all the time. She suggested that she would call and tell them when they should be there to be most effective.

#### **NEW BUSINESS (continued):**

**Discussion of Secondary Employment** – Chief Kehoe said they are looking for approval for secondary employment for what Captain Rios has articulated in his request. He added that the Captain had all the necessary details in his request.

Commissioner Sachs made the motion to accept the secondary employment request by Captain Rios. Commissioner Rosenthal seconded and motion was unanimously approved.

#### **Discussion on Policy and Procedures -**

Chief Kehoe received email from a group in Connecticut making sure the Department's CJIS at NCIC was in order. They indicated there have been mistakes made in various communication centers and they wanted to make sure that did not happen to us. The Chief said they need to implement these policies as soon as possible.

Commissioner Rosenthal moved to approve the following Policy and Procedures as presented: Media Protection Policy, Disposal of Media, Allowed Personally Owned Devices For Criminal Justice Information, and Physical Protection of Criminal Justice Information Systems. Vice-Chairman Budd seconded and the motion carried unanimously.

**COMMISSIONER'S PARTICIPATION:** none

**PUBLIC PARTICIPATION:** none

**EXECUTIVE SESSION: Discussion and strategy/negotiations regarding labor matter –**

Commissioner Sachs moved to go into executive session at 9:12 pm for purpose of discussion of strategy negotiations regarding a labor matter under 1-200-6A and 1-210-B409 of the General Statute. Chief Kehoe, Captain Rios and To-Be-Chief Viadero were invited to attend.

Commissioner Myers seconded and the motion was unanimously approved.

At this time the clerk left the meeting.

According to Chairman Faxon, the Board exited the executive session at 9:42 pm and Commissioner Sachs moved to adjourn immediately thereafter.

*Ted Swigart, Clerk*