



TOWN OF NEWTOWN
BOARD OF POLICE COMMISSIONERS

MINUTES FROM THE BOARD OF POLICE COMMISSIONERS
REGULAR MEETING HELD TUESDAY, February 2, 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 James Viadero, Captain Joe Rios, Union President Scott Ruszczyk; 1 member of the press, and 6 members of the public.

The Chairman welcomed Chief Viadero and asked him how everything was. The Chief said everything was going well. He added that the Department had a lot of great officers and he met a lot of people.

PUBLIC PARTICIPATION: Robert Hall, 5 Nettleton Avenue, told the Board he was there to speak about the Flag Pole intersection. He said he goes through the intersection probably more than anyone else, and he has seen it in all stages. Mr. Hall said he has very simple solutions. He asked Police Commissioners what they thought the worst condition was at the Flag Pole and suggested that it was vehicles driving south on Main Street passing on the right in the parking lane. Mr. Hall believes that could be stopped by eliminating the parking space closest on the side and creating an island with grass on it. He said that this would force people to stay in that line of traffic.

Stacy Birmingham, 42 Main Street, said she lives on Main Street and probably goes past the Flag Pole more than Mr. Hall. She added that she walks her dog past it every day too. Mrs. Birmingham recommended that the Board of Police Commissioners postpone making any drastic changes to the Flag Pole intersection until the work to the Exit 11 interchange is completed and operational for 6 to 7 months. She suggested that this might help decrease the volume of traffic on Main Street. Mrs. Birmingham stated that she was aware the Board worked hard on making Queen Street safer but indicated that in doing so they added to the traffic on Main Street. She told Commissioners they needed to make Main Street safer; and she suggested that drivers take Main Street now to avoid the speed bumps on Queen Street. Mrs. Birmingham recommended there be more police presence at the Flag Pole and that the speed limit on Main Street be reduced to 25 mph from 30 mph. She stated that if the speed limit is 25 mph than Google Maps won't have Main Street as a desired route and it won't be on the trucker's GPS. Mrs. Birmingham said she saw the plan and thinks that a traffic island is a bad idea. She added that Newtown is a

community and not a traffic island. In conclusion, Mrs. Birmingham stated that everyone says Main Street is what attracted them to Newtown.

Laura Lerman, 55 Main Street, said Main Street is residential and she is concerned about trucks and the idea of a traffic light. She indicated that a light will have trucks stopping and she suggested there will be more fender benders with a light. Mrs. Lerman stated that when there is an accident on 84 more traffic goes by her house, but as slow as it goes it still moves. She suggested that if there is a light and an accident on 84 she won't be able to get out of her driveway. Mrs. Lerman said that the Meeting House on Main Street gets 90% of its income from brides. If parking is eliminated on Main Street she believes there will be no where for their limo to park out front.

Wayne Addressi, 13 Lovells Lane, recommended that traffic lights be put on Main Street for the safety of the children. He said he heard about the young boy that was hit crossing the street recently and questioned if everyone was waiting for someone to die to make a change. Mr. Addressi noted that traffic lights could be adjusted and even turned off at night if they weren't needed. He said that he has a business in Ridgefield and added that Ridgefield has a beautiful Main Street with traffic lights and the traffic lights are a good thing. Mr. Addressi reassured Police Commissioners he was there to support the Board and recommended that after all these years they use that authority they have and make a decision. He added that if there were traffic lights on Main Street he would live there.

Chris Hottois, managing partner of 33 Main Street, told the Board he had presented a letter to the Chief a few hours earlier indicating their support of efforts to improve the safety of the intersection at the Flag Pole. He said that he had read through the traffic engineer's recommendations but was in favor of more traffic calming measures as oppose to the solutions offered by the engineer. Mr. Hottois said he was concerned with the volume and speed and suggested that the changes recommended by the traffic engineer would increase the speed and volume. Chairman Faxon encouraged the Board to read the letter and said it would be added to the minutes.

POLICE UNION PARTICIPATION: Union President Ruszczyk stated that the Union was good.

CONSIDERATION AND ACTION ON THE MINUTES: Regular Meeting January 5, 2016 – Commissioner Rosenthal moved to accept the minutes from the Regular Meeting Tuesday January 5, 2016. Commissioner Myer seconded and the motion was unanimously approved.

CHIEF'S REPORT: Personnel Report – Chief Viadero informed the Board that the Department was still searching for one last candidate. He indicated that the five they had previously selected did not successfully pass their polygraphs. The Chief suggested they were looking for 5 more candidates or possibly one lateral transfer. Chairman Faxon recommended they consider a lateral transfer. He said he believed there were some really good people out there whose track records they could look at. **Budget – Fiscal Year 2016/2017** – Chief Viadero indicated a copy of the Budget was in their packets. **Fund Balances** – The Chief reported that there was nothing remarkable in the fund balances. **Fleet Report** – Chief Viadero indicated that three SUVs that were ordered in August were in and being fitted now. He said they should be in service in the next two to three weeks. The Chief suggested the vehicles would be fitted with the push bars in the front and reflective chevron striping on the back. **Training Report** – Chief Viadero told Police Commissioners that there was nothing remarkable. However, the Chief said he applauded Sgt. Wood, the Department's Drug Recognition Expert (DRE), for organizing and holding a class recently to teach educators what to look for. He noted that this got recognition for

the agency, and added that Sgt. Wood wasn't asked to do this but rather did it on his own. Chief Viadero said Sgt. Wood held the class with Officer Figol and an officer from Brookfield.

Correspondences – Chief Viadero reported that the Department had received two correspondences one from a resident thanking the department for stopping the use of snowmobiles in the area near their home and the other from a resident thanking Officer McCarthy for her assistance. **Incident Updates** – Rabbit Hill/ Route 34 January 12 - Chief Viadero stated that he would like to keep the Board abreast of some of the incidents that are happening and recognize the good work being done by the officers. The Chief said that first incident that occurred on the January 12 when Officer Figol, several individuals from the Detective Division and Officer Seabrook responded to a call at around 3 am that an individual had entered on house that was for sale on the corner of Rabbit Hill and Route 34. Chief Viadero indicated that the house had a motion activated video system and the owner was watching the individual enter the house. He told the Board that Officer Figol was first on the scene and caught a 57-year-old man from Ansonia climbing out a window. Oakview Road January 13 - The next day the Chief said they had an emotionally disturbed individual pull into Berkshire Motors who indicated he wanted hurt himself and said if anyone tried to stop him he had a weapon. Chief Viadero said the High school was put on lockdown and their officer responded. He said Sgt. Smith saw the vehicle and stopped it going up Oakview Road with the help of Detective Frank. The Chief said the regional team from Danbury came up and assisted bringing the incident to a successful close. According to Chief Viadero, the individual had a history and was involved in a similar incident the day before in Nashua, New Hampshire. The Chief commended all the officers involved for doing a great job and added that the communication was great. Chairman Faxon said that the incident could have evolved into a situation with the use of force. He said that the Department's officers and those helping them did an excellent job deescalating the situation. Sexting Case January 27 – On Wednesday according to Chief Viadero, a sexting case came to fruition which Officer Seabrook, the School Resource Officer (SRO), had been working on. The Chief indicated that 20 juveniles received summons. He said it was an outstanding job by Officer Seabrook. Domestic Violence Arrest – Chief Viadero said that a good arrest over the weekend by Officer Wickman on a Domestic Violence Warrant. The Chief said there was a potential for a lot of violence there. Officer Wickman took the individual into custody during a motor vehicle stop. Car Theft and Entries – Chief Viadero indicated that there were still unlocked vehicles being entered in the area and stated that the other night a woman saw a young male entering her car. The Chief said that later on that evening they discovered a 2013 Hyundai Elantra was stolen. He added that last night police canvassed the entire area. Suicidal Individual February 1 – Chief Viadero stated that yesterday Officer McDermott received a call about a suicidal individual and upon making a traffic stop he took the individual into custody. The Chief indicated that the officer discovered the individual had a weapon on him. **Hot Sheet** – Chief Viadero informed Police Commissioners that they had a copy of the Departments new Hot Sheet. He said that the Hot Sheet highlights all the hot spots the officers focus on with regard to traffic enforcement activity. **Tasers** – Chief Viadero said he was happy to report there was no deployment of tasers last year. In addition, he added that there was only 1 pursuit and only a few situations use of force. The Chief owed this to the officers using good judgment. Chairman Faxon said it was tremendous that there were 28,000 calls last year with zero use of tasers. Captain Rios noted that most of the “use of force” situations were hands on. The Captain said kudos to their training and exercising their use of discretion. **The Lieutenants** – Chief Viadero commended each of his Lieutenants – Vanghele, Robinson, and Kullgren - for doing a phenomenal job. **NARCAN Policy** – Chief Viadero urged the Board to approve the NARCAN Policy that evening. He said the Department was in the process of ordering NARCAN which was a lifesaving drug used to prevent death from a Heroin or other opioid overdose (OD). The Chief suggested that in the event of an OD the officers would probably be there first; and as the use of

heroin has gone up he wants them to be able to safely and effectively administer the NARCAN. **New Medical Bags** – Chief Viadero said they ordered new medical bags for all the vehicles. **Ballistic Shields** – The Chief said that after the incident on Oakview Road he believes it's necessary to equip the supervisors' vehicles with ballistic shields. He told the Board that there were funds in place. Chairman Faxon commended Chief Viadero on his first report to the Board.

CAPTAIN'S REPORT: Calls for Service January 1, 2016 – January 31, 2016– Captain Rios stated that the Board had the January Calls for Service in their packets which were produced by the NextGen System. **Traffic Unit Report: January 2016 by Sgt. Bahamonde** – The Captain stated that the Chief had mentioned the Hot Sheet and he suggested that there were other roads as well that the unit was active on. In addition, he said there were several other activities the unit was involved in besides enforcement. **Detective Division Report: December 31, 2015 – January 27, 2016 by Lt. Robinson** – Captain Rios stated that burglaries were down in comparison to last year. In addition to burglary investigations, the Captain reported that the Division had investigated the sexting case and was continuing its investigations into all the cars that had been broken into as well as a couple of stolen vehicles. **DUI Extra Patrols** – Captain Rios reported that on Super Bowl Sunday they will have extra officers out there on roving DUI patrols thanks to the DUI grants.

OLD BUSINESS: Discussion on Flagpole Intersection Improvement Report – Chairman Faxon asked his fellow Police Commissioners if they had any comments regarding the report. Commissioner Myer said that he spent a lot of time going over the study. He said that in the beginning he was thinking that maybe a round-about was the way to go but there is not a lot of space up there so now he doesn't think it would work. Commissioner Myer said that the suggestions seem to create a lot more hazards rather than helping the problem. As a solution, he said he recommends painting the road and making it clear if there are two lanes there. The Commissioner said it would require very minimal work. He added that if in ten years lights are needed it wouldn't be tying the Town's hands for the future.

Commissioner Sachs stated that there was a balance between the Historic District and new businesses coming in. He said that he wasn't a fan of two lanes and suggested they think of putting it down to one lane and repaint it.

Commissioner Rosenthal agreed with what Commissioners Myer and Sachs said. He suggested that the Board needs to digest it a bit more before acting on it; and think of a more incremental approach like Commissioner Myer suggested. Commissioner Rosenthal stated that the plan as presented by Mr. Galante was a quantum leap from where it is now and he said the Board does want to preserve the integrity of Main Street.

Vice-Chairman Budd suggested that doing nothing for safety improvements is not an option. He added that if incremental changes is the way so be it but he believes that doing nothing would be wrong. The Vice-Chairman reminded his fellow Commissioners that when the restaurant opens up, the Flag Pole intersection is going to be a busy place. He added that doing nothing would be irresponsible as far as safety is concerned.

Chief Viadero said that putting someone out there to direct traffic would be problematic.

Union President Ruszczyk noted that the decoy they use is an officer in uniform and people swerve around it. He suggests that would put a real officer in jeopardy.

Captain Rios stated that putting an officer out there is asking a lot. He said he doesn't feel like putting an officer out there in those conditions.

Chairman Faxon said that given that volume of traffic he would be hesitant having an officer directing traffic. He reminded the Board that at the last meeting they had asked Mr. Galante from Frederick P. Clark Associates to answer a number of questions. The Chairman suggested that

rather than read his responses he would post them on the website along with the report. He said he wants everyone to know all the options and wants to take care in doing this.

Chairman Faxon stated that in addition to Mr. Galante's letter, the Board received a letter from the Borough Board of Warden and Burgesses with regards to the safety of the Flag Pole. The Chairman said that the Chief is plotting the locations of the accidents around the Flag Pole. Chairman Faxon also mentioned that there had been an editorial in *The Bee* which was undoubtedly read by many people.

The Chairman stated that it was the Board's job to be deliberate and thoughtful what decision it makes but it needs to make a decision.

He recommended that the matter be put on the agenda for next month and added that the Board wants to hear from everybody.

Discussion on Pearl Street – Chief Viadero reported that officers have been out there doing speed enforcement as well as collecting data with speed displays. The Chief said they will continue to monitor that.

Captain Rios reassured the public that the Department is up there and the road is on their Hot Sheet.

NEW BUSINESS: Review and Discussion on FY 2016-2017 Police Budget Correspondence

– Chief Viadero said they went over everything at the meeting and everything was approved by the Board of Selectman. Chairman Faxon thanked the Board of Selectman.

NARCAN Policy – Chief Viadero stated that they had taken a standard policy and tailored it to suit the Department.

Chairman Faxon said there is immunity of officers for administration of the NARCAN. The Chairman added that this is critical and it gives first responders the ability to save users lives.

Vice-Chairman Budd moved to accept the new NARCAN Policy and Procedure. Commissioner Rosenthal seconded and the motion carried unanimously.

COMMISSIONER'S PARTICIPATION: Commissioner Sachs stated that with regards to the incident on Oak View, Chief Viadero was one of the first ones there and stood alongside the officers of the Department supporting them. The Commissioner told the Chief that this was just as they had hoped when they hired him. Chief Viadero in turn thanked Captain Rios for being there too.

PUBLIC PARTICIPATION: Mr. Hall said that he didn't mention striping but agreed with what Commissioner Myer recommended and said he would support that.

Mr. Hottois thanked the Commissioners for their time and that they would take time deliberating. He suggested that there are design principles for Main Streets and recommended the Board consider them as it calculates its options.

Chief Viadero said he would contact DOT with regards to a striping and painting timeline.

Chairman Faxon added that it was likely that nothing would be done until the streets were clear of the sand and salt.

EXECUTIVE SESSION: Commissioner Rosenthal moved to go into executive session at 7:42 pm for purpose of discussion of strategy negotiations regarding a labor matter under 1-200-6A and 1-200-B4 of the General Statute. Chief Viadero and Captain Rios were invited to attend. Commissioner Sachs seconded and the motion was unanimously approved.

At this time the clerk left the meeting.

According to Chairman Faxon, the Board exited executive session at 8:25 pm. Commissioner Rosenthal moved to adjourn. Chairman Faxon seconded and the motion carried unanimously.

Ted Swigart, Clerk