



TOWN OF NEWTOWN
BOARD OF POLICE COMMISSIONERS

MINUTES FROM THE BOARD OF POLICE COMMISSIONERS
REGULAR MEETING HELD TUESDAY, March 1, 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: Dan Rosenthal, Bob Myer, Vice-Chairman Brian Budd and Chairman Joel Faxon.

ABSENT: Andy Sachs

ALSO PRESENT: Chief James Viadero, Union Treasurer Detective Jason Frank; Michael Galante Executive Vice-President and traffic engineer at Frederick P. Clark Associates, 1 member of the press, and 5 members of the public.

Chairman Faxon asked that 2) New Business be addressed together with 9) New Business later on the agenda.

PUBLIC PARTICIPATION: Charles Zukowski, 4 Cornfield Ridge Road, suggested that the Board look more broadly at the situation up at the Flag Pole and possibly look at changes that could be made elsewhere in Town to help relieve the problem. He commended they ask the experts to look a bit beyond the immediate intersection.

John Vouros, 29 Main Street, told the board that he lives at the Dana Holcomb House at the Flag Pole.

According to Mr. Vouros, no one knows better the situation at the Flag Pole than he because he has lived there for 11 years. He added that prior to that he was a teacher in Newtown for 35 years.

He suggested that they all know the Flag Pole intersection is a serious issue and told the Board how dangerous it was walking dogs or trying to cross the street.

Mr. Vouros believes there is a solution. He stated that every time there is a police officer or construction worker at the Flag Pole directing traffic there are no issues what-so-ever and everyone is courteous. He suggested that the issue at the Flag Pole is an issue that has to be controlled by someone not something.

Mr. Vouros noted that the speed the cars go is unbelievable and trying to cross at the walk you literally take your life in your hands.

He recommended the easiest way to solve the problem was to put someone out there and not to waste money on lights or rotaries.

He invited any of the Commissioners to come to the Dana Holcomb House to sit and observe the situation at the Flag Pole.

Mr. Vouros stated that he had one other concern and that was with regard to the opening of Deer Street Café as it would generate the need for parking and there was already no parking up there.

He suggested that cars parking in that area would block the vision of cars coming into the intersection.

POLICE UNION PARTICIPATION: Union Treasurer Frank informed the Board that Sgt. Scott Rusczyk resigned as Union President. He said that Vice-President Officer Lenny Penna is taking the position as President, opening the floor for the position of Vice-President. On behalf of the Board, Chairman Faxon thanked Sgt. Rusczyk for his many years of service as Union President.

Union Treasurer Frank reassured the Board that the Union would always make sure someone was at the meeting. He thanked the Board for hiring their new Chief and said they were all looking to move forward.

CONSIDERATION AND ACTION ON THE MINUTES: Regular February 2, 2016 –
Commissioner Budd moved to accept the minutes from the Regular Meeting February 2, 2016.
Commissioner Rosenthal seconded and the motion was unanimously approved.

CHIEF'S REPORT: Chief Viadero indicated that Captain Rios was away but there was a copy of his report in their packets. **Traffic Unit** – The Chief reported that the Department would be stepping up the enforcement on many roads including the Main Street crosswalk. **Detective Bureau (DB)** – Chief Viadero stated that along with traffic accident investigation the DB was looking into the recent car thefts in Town. Car Thefts – The Chief noted that Easton, Fairfield, Westport, Middlebury and Watertown have identified 20 or 30 individuals. Chairman Faxon asked if there were any assaults associated with these thefts and Chief Viadero said it was mostly thefts but when 5 individuals were arrested in Farmington a gun was displayed. The Chief added that he was pleased to say their Department was moving forward with search and arrest warrants. Sexting Case – Chief Viadero stated that there were two additional warrants in the sexting case. **Joint Effort With Probation Office** – The Chief stated that the Department was working in conjunction with the Probation Office. He said that the Office gave them a list of the people in Town that were on probation. He added that the Department is sending someone with the Probation Officer to get to know who the individuals are. Captain Viadero noted that last Wednesday they did their first detail and at the very first house an individual's son was arrested for possession of narcotics and paraphernalia. **Vandalism** – Chief Viadero reported that there was an incident of vandalism at the Katherine Hubbard Sanctuary at Fairfield Hills where there was some spray painting. He indicated that the patrols would be ramped up. **Finance Board Meeting** – The Chief stated that the Department's Budget Presentation went well. He added that the Board was very receptive. **Shoplifting** – The Chief stated that there was a shoplifting at TJ Maxx. He stated that two individuals were observed by an off-duty Monroe officer and that the individuals were apprehended after leaving the scene due to the efforts of Officer Scott Smith. **Police Officer Candidate** – Chief Viadero stated that they had a very good candidate going for a polygraph. He suggested that if that went well the Board would need to hold a special meeting. The Chief said he hoped to get a seat in April at the Academy. **Three New Police Vehicles** – Chief Viadero stated that the 3 new vehicles were being outfitted and expected out on the road in the next few weeks. **NARCAN** – The Chief announced that NARCAN was in all the vehicles now. He said he went to a Chief's meeting last week and they discussed the situation with opiates. Chief Viadero said he was pleased to report that Officer Seabrook from the Department was holding an information session at the High School. **Training Report** – Chief Viadero reported that they were training the executive branch. He stated that Lt. Dave Kullgren was enrolled in a two-week FBI academy class. **Garner Correctional** – The Chief stated that he and the First Selectman met with the Garner Correctional Warden Henry Falcone to hear about their operations. He said that Garner has bi-monthly training drills and that there is good

communication up there. Chief Viadero said he wants to take the Department's Command Staff up there for a tour and to meet Garner's Command Staff. According to the Chief, Garner houses 560 inmates - a number have psychological challenges and 135 are transitional (temporary). He added that Garner has up to 95% of its desired staff.

OLD BUSINESS: Flagpole Traffic Study Update – Chairman Faxon stated that in the event that anything is going to be done of a substantive nature, the Board will need to have a discussion with the State. He said that it was imperative they have some kind of communication with the State regarding how they operate with the municipality with respect to what will be done up at the Flag Pole. The Chairman suggests they contact the State on an informal basis and see what the options are.

Commissioner Budd said that was an excellent idea. He suggested they needed to look at all sides of the issue and that the Board needs data from the State before it moves forward.

Chief Viadero informed Police Commissioners he has been in contact with two individuals with the State. He told they Board they are willing to meet with them. The Chief said the State believed the Board was doing a lot of leg work and suggested that if things were done in increments they would be willing to work with it. He said the State would be willing to meet with the Board unofficially to discuss options.

Commissioner Rosenthal said he was supportive of that and believes doing things on an incremental basis is the best way.

Commissioner Myer agreed that something incremental would work.

Commissioner Budd moved to form a subcommittee of Commissioner Rosenthal and himself to vet the process out. Commissioner Myer seconded and the motion carried unanimously.

Chief Viadero assured the Board that when he gets back from vacation he will set up a time to meet with the State.

Chairman Faxon asked that the two correspondences – February 27 letter from Paul Mangiafico and the email from Wayne Odessa be added to the evening's minutes.

NEW BUSINESS:

Accident Investigation Policy – Chief Viadero informed the Board that they changed the Accident Investigation policy because of the new tool called “eCrash”. He said that eCrash requires a lot of work and has a lot of requirements but suggested it enables the Department to generate reports with more information.

Following a minor change, Commissioner Faxon made the motion to approve the Accident Investigation Policy & Procedure 3-1-16. Commissioner Budd seconded and the motion was unanimously approved.

Covered Bridge Road/ Route 25 Project – Mr. Galante reported that the Town had approved three different projects Route 25, Grace Church and 180 units of Housing He said he analyzed the traffic related to all three. Mr. Galante indicated that they were going through the process with OSTA as the 3 developments were a major traffic generator.

Mr. Galante said the Town expressed two concerns with traffic on Covered Bridge Road. First, he said. The Chairman of the Planning and Zoning Commission (P&Z) wanted them to go back to the State for a traffic signal at the intersection. After review, Mr. Galante indicated that it didn't meet any of the 9 warrants for a traffic light. Second, he said P&Z wanted two lanes in and two lanes out for both the Diner's driveway and Covered Bridge Road. According to Mr. Galante the State said no – 1 lane coming in and 1 lane going out for both; however, the State

said they could widen the Diner's entrance to 18 feet as well as the exit to 18 feet but they had to keep the entrance and exit to Covered Bridge Road the same.

Chairman Faxon reminded Mr. Galante that the Commission had asked for a traffic signal and a 4-lane intersection. Mr. Galante indicated that the State was not entertaining that idea, but added that all depended on what was done with the land across the street. He noted that the State did agree they could use the shoulders as bi-pass lanes for passing on the right.

Commissioner Rosenthal asked the Traffic Engineer what the State's rationale was for keeping Covered Bridge Road the same width. Mr. Galante suggested that the State would rather see more of a delay than two vehicles lining up at the intersection so that they can't see properly.

Commissioner Budd stated that he saw where Commissioner Rosenthal was going and suggested that on a Sunday morning when Grace Church lets out there would be a big cue on Covered Bridge Road provided there was only one lane in and one lane out.

Mr. Galante said he agreed with the idea of a two-lane exit but the state doesn't agree.

Commissioner Myer also said he agreed Covered Bridge Road should be wider.

Chairman Faxon suggested that if they ask to widen the exit lane to 18 feet on Covered Bridge Road he doesn't see why the State would reject it.

Mr. Galante said he would change it to 18 feet. He reminded the Board that the reason why he was there was that he needed the Board to concur with regarding to the impacted highway.

Commissioner Rosenthal made a motion to concur with the design as submitted subject to width of exit lane on Covered Bridge Road being increased from 12 feet to 18 feet. Commissioner Faxon seconded and the motion unanimously carried.

COMMISSIONER'S PARTICIPATION: Chairman Faxon said the Swearing-In Ceremony of Chief Viadero was excellent. He thanked the agency for coming out and commended the Chief's Executive Assistant Mary Kelly for putting it all together and doing a tremendous job. The Chairman then handed two letters to the Chief – one from Senator Blumenthal and the other from Congresswoman Esty.

PUBLIC PARTICIPATION: Bill Vayan, 9 Fleetwood, Sandy Hook, said he has lived in Town since 1980. He suggested that a lot of people don't realize the speed limit on Main Street. He said that the only solution there is traffic lights – not on the Flag Pole but maybe off to the side.

ADJOURNMENT: Commissioner Budd moved to adjourn at 7:31 pm. Commissioner Faxon seconded and the motion was unanimously approved.

Ted Swigart, Clerk

27 February, 2016

Board of Police Commissioners
Newtown, CT

Sub: Flagpole Intersection Safety Issues

Dear Commissioners:

I write to you as a private citizen and one of your constituents who has more than a little knowledge of the subject issue. I will not be able to attend your March meeting, because of personal travel obligations, where it appears you will, perhaps, make a decision regarding the study that was recently completed by Clarke Associates and the general decision of what if anything should be done at that intersection. Rather than recap things allow me to give you my conclusion and desire with the action(s) that I believe you must take in order to protect the safety of both vehicular traffic and pedestrians.

Nothing must trump those safety considerations. The danger present has existed for decades and gets progressively worse with each passing year because of the inability of previous Boards to face the reality of the situation.

The calls from a very small but vocal minority that there “is not real problem” at the Flagpole must be heard but in the end rejected not only because of the conclusions of various professional studies but also because of accident data and actual experience attempting to traverse the intersection and of complaints regarding attempts to do so especially at peak traffic hours.

Chairman Faxon’s statement at your last meeting that the Board needs to “be deliberate and thoughtful what decision it needs to make but it needs to make a decision” is spot on. We cannot and should not “kick the can down the road” so that another few years pass and yet another Board faces this issue all over again. Our local newspaper, the Newtown BEE, in a recent editorial referred to the intersection as “notorious for its congestion and hazards.” The Bee editor, who has a very perceptive and fundamental understanding of Town needs further went on to say “If common sense really were to prevail, suggestions for bringing order to an often-chaotic intersection would not be perfunctorily dismissed out of hand.” I could not agree more.

The construction of a Fire Station on the south side of Church Hill Road and the imminent opening of a new restaurant on the northwest corner of the intersection will additionally, and significantly, aggravate an already unacceptable situation. Calls for a “go very slow” and small “baby steps” approach will, while seemingly being the approach most acceptable to those who want nothing done, accomplish

nothing of significance and only further delay, perhaps for years, doing anything that is meaningful. The danger at this location must not be allowed to continue. Your Board which has the responsibility, should and must take a proactive and *significant* corrective action. Painting lines at the cross-walks will accomplish nothing of value.

Your deliberations and options are complex and not without plusses and minuses. Roundabouts, which some say cannot be accommodated, do not necessarily protect pedestrians. But why not let professionals say whether there is sufficient room with some adjustments.

No-left turns at certain times of the day might be beneficial but, again do not enhance safety for pedestrians.

Signalization at certain times of the day might be OK, if done in a non-intrusive style, in order to maintain the ambiance of the area.

There are many options and combinations to consider but overreaching all of this is the need to do something with the State DOT that give us a better and safer tomorrow – soon! To do nothing or something that is “window dressing” is not an option that your oath of office should allow to be considered.

With great respect and a hope for success in at last coming to a safer tomorrow.

Paul J. Mangiafico
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