

**STONINGTON BOARD OF POLICE COMMISSIONERS
REGULAR MEETING
SEPTEMBER 12, 2013
5:00 PM AT THE STONINGTON POLICE HEADQUARTERS**

MEETING MINUTES

Present: Chair Scott Bates and Vice-Chair Mel Olsson
Commissioners Harry Holt, Patrick Moukawsher and Frank Pucci
Chief Darren Stewart and Captain Jerry Desmond

1) Call to Order / Pledge of Allegiance

Chair Bates called the meeting to order at 5:00PM.

2) Remarks of Visitors

Noise Ordinance

Aaron Green, Mystic CT

In attendance to listen to and comment on issues regarding the proposed noise ordinance as the agenda item arises throughout the meeting.

Martha Mitchell, Stonington Borough

In attendance to discuss the proposed noise ordinance, in particular her concern regarding noise emanating from the Portuguese Holy Ghost Society in the Stonington Borough. Mrs. Mitchell stated she believes the Portuguese Holy Ghost Society wrongly obtained a partial tax abatement, and as a result, has adversely affected the property values, increased the fire risk, and negatively impacted parking in the Stonington Borough. Mrs. Mitchell stated homes for sale in her location have not sold, she believes that for most people in this country, their major investment is their home, and that is compromised by the noise coming from the Portuguese Holy Ghost Society. Mrs. Mitchell stated that she feels she can get no assistance in this matter.

Chair Bates thanked Mrs. Mitchell for addressing the Commission, and explained that the partial tax abatement is a matter for the Board of Selectmen.

Blind Drive Sign - Deer Ridge Road

Megan Zummo, Deer Ridge Road

In attendance to address the Commission regarding a concern for driver safety when attempting to exit her driveway on Deer Ridge Road.

Chief Stewart stated that he has visited the site, and provided a vehicle is within the speed limit there is not an issue, however if not, then there is a valid concern. Chief Stewart recommended the Commission approve "Blind Drive" signage.

Chair Bates addressed Traffic item 4b at this time:

4) Traffic

b. Letter Re: Request for "Blind Drive" Sign - Deer Ridge Road

- A motion was made by Vice-Chair Olsson to approve a "Blind Drive" Sign at 34 Deer Ridge Road. Motion seconded by Commissioner Moukawsher, all in favor, motion approved.

2) Remarks of Visitors (cont'd)

School Bus Stop Signage - Taugwonk Road

Burt McKinley, Taugwonk Road

In attendance to request "School Bus Stop" signage at 166 Taugwonk Road.

Vice-Chair Olsson stated he agrees with Mr. McKinley.

Chair Bates addressed Traffic item 4a at this time:

4) Traffic

- a. Letter Re: Request for "School Bus Stop Ahead" Sign - Taugwonk Road
 - A motion was made by Commissioner Pucci to approve a "School Bus Stop" signage at 166 Taugwonk Road. Motion seconded by Commissioner Moukawsher, all in favor, motion approved.

3) Correspondence

- a. Letter from Town Clerk Re: 2014 Regular Meeting Schedule
 - The Commission agreed to keep the same meeting schedule for 2014:
Second Thursday of the month, 5:00pm, Stonington Police Headquarters
- b. Letter Re: Noise Ordinance

4) Traffic

- a. Letter Re: Request for "School Bus Stop Ahead" Sign – Taugwonk Road
See Remarks of Visitors
- b. Letter Re: Request for "Blind Drive" Sign – Deer Ridge Road
See Remarks of Visitors
- c. Letter Re: Request for "No Parking" Sign – Church Street, Mystic - Update
- d. Mystic Pirate Invasion – Sunday, October 6th
- e. Wrong-Way Driving
- f. E-Mail Re: Request for Review of Speed Limits
- g. E-Mail Re: Mason's Island Speed Info
- h. E-Mail Re: "Keep Right" Sign

5) Approval of Minutes for the August 8, 2013 Regular Meeting

A motion was made by Vice-Chair Olsson to approve the minutes from the August 8, 2013 Regular Meeting. Motion seconded by Commissioner Holt, all in favor, motion approved.

6) Approval of Minutes for the August 8, 2013 Special Meeting

A motion was made by Vice-Chair Olsson to approve the minutes from the August 8, 2013 Special Meeting. Motion seconded by Commissioner Holt, all in favor, motion approved.

7) New Business

8) Old Business

a. Noise Ordinance

Board of Selectmen forwarded proposed noise ordinance to the Commission for comment.

- Vice-Chair Olsson believes the ordinance will be difficult to police.
- Commissioner Pucci does not believe this ordinance will be enforceable, and does not believe officers should be taken off a current duty to go address something that will not be enforceable. He would like to see the existing ordinance tweaked so that there are exact definitions.
- Commissioner Moukawsher stated that his primary concern is that there is a conflict between the way the noise ordinance was written and the way the existing nuisance ordinance was written. In addition, Commissioner Moukawsher stated that there needs to be something more specific regarding the way the types of noise are discerned, as well as calculated.
- Commissioner Holt agreed with Commissioner Moukawsher, and added that he believes the last ten years of history regarding enforcement or violations should be reviewed, as well as whether the protocols and procedures for the enactment of an ordinance are being followed appropriately.
- Chair Bates reviewed Commissioner comments and recommended that Vice-Chair Olsson and Commissioner Moukawsher utilize Commissioner comments to prepare a coherent draft for Commission review and approval, which the Commission can then forward to the Board of Selectmen along with public comments received by the Commission.
- A motion was made by Commissioner Moukawsher to return the draft ordinance to the Board of Selectmen, along with Commission and public comments via email for further review by the Town Attorney. Motion seconded by Vice-Chair Olsson, all in favor, motion approved.

Remarks regarding Noise Ordinance under agenda item 8a:

Aaron Green, Mystic, CT

Thanked the Commission for reviewing the noise ordinance, and stated he would like to comment on the issue of enforceability. Mr. Green stated that he has looked through a sample of the 75 municipal ordinances approved through the State, and has found at least one that gives the authority to the police department to seek a warrant to perform testing on a device, so that if the noise stops as soon as the police show up, the police still have a way to look into the matter.

Commissioner Moukawsher thanked Mr. Green for his comments and for bearing through this long process, and explained that this is how issues like this have to be dealt with; information is collected, shared and reviewed by various boards and commissions, and it takes time.

8) Old Business (cont'd)

a. Noise Ordinance (cont'd)

Remarks regarding Noise Ordinance under agenda item 8a (cont'd):

Aaron Green, Mystic, CT

Chief Stewart stated that he wanted to address the proposal of obtaining a warrant. Chief Stewart stated that he does not believe that a State's Attorney or judge will sign off on such a warrant, because the penalty attached to any type of noise ordinance will be an infraction, similar to a speeding ticket, and he doubts a search warrant for a residence to seize evidence will be a practical way of enforcing the ordinance, as the option is quite onerous. Chief Stewart stated that there are other noise ordinances he is aware of that require riders of dirt bikes to be a certain distance away from a neighbor, unless permission is given by that neighbor, to ride. This option provides something measurable for police, as opposed to something like a noise meter, which brings along other issues, such as, where do the meters come from, how the department provides training for each officer to read the meters, etc. Chief Stewart also explained that creating an ordinance like this presents additional challenges, because the noise ordinance has to cover far reaching issues; the distance rule may solve a problem for dirt bikes, however it does not solve anything regarding noise coming from businesses, some of which are exempt. If there is a law on the books, the police have to be able to enforce it, and it also must be prosecutable in court and followed through on. The court system has been consulted with regarding this issue, however the answer has been "no"; which makes it difficult for the police to take any action when the court is stating nothing can be done.

Commissioner Holt stated that he wants Mr. Green to know that his input is very important to the Police Commission, as well as the community, and thanked him for the time that he has put into this.

Mr. Green thanked the Commission for their input, and explained that he agrees with Ms. Mitchell, a person's home and property is an investment in life, and if he was looking to buy a home in the Richmond Lane area in Mystic, with that dirt bike track sitting there, he would turn around and walk away. Mr. Green asked if there was additional information regarding the distance regulations referred to by Chief Stewart.

Chief Stewart stated there are ordinances from Pennsylvania that can be referenced online when searching for information regarding ATV's and dirt bikes, however he is not aware of one in Connecticut. Chief Stewart stated there are many discussions, but unfortunately few solutions, and one issue to keep in mind is the situation involves private property vs. private property; it is difficult to determine, because who has more rights?

8) Old Business (cont'd)

a. Noise Ordinance (cont'd)

Remarks regarding Noise Ordinance under agenda item 8a (cont'd):

Aaron Green, Mystic, CT (cont'd)

Mr. Green stated that his true, however it is noise pollution which is formally recognized by the EPA, and that he believes noise pollution is parallel to air pollution; he does not have the right to pollute the air around his neighbors, likewise his neighbors should not have the right to pollute. Mr. Green also explained that the warrant he referred to was not a warrant to seize property, but a warrant to do testing to recreate the conditions that caused the noise.

Chief Stewart explained that this is a Search & Seizure Warrant, which is the same thing.

Mr. Green stated that he will look up the exact warrant he was referring to so that it can be shared with the Town Attorney. Mr. Green also asked about agenda item 3b, and requested copies of correspondence related to the noise ordinance.

Chief Stewart stated that the letter referred to under agenda item 3b will be included with other comments forwarded to the Town Attorney, and Mr. Green can receive copies.

Martha Mitchell, Stonington Borough

Ms. Mitchell stated that when considering the input for the creation of the noise ordinance, she would like it taken into consideration the number and length of events that occur, as well as the controls that seem to be put over certain establishments but not others.

Chief Stewart explained that there are additional issues that arise in Ms. Mitchell's situation, as she is in the Stonington Borough, and the Town's ordinance may not apply, since the Borough governs itself, however all comments will be taken into consideration.

9) Report of the Chief of Police

- a. Budget Report
- b. Monthly Report
- c. Alarm Report
- d. Pawcatuck Statistics
- e. Special Event Schedule
- f. Updated Racial Profiling Data Collection Program
- g. Zoning issue re chickens
- h. IACP
- i. Promotion of Lt. Schneider
- j. Swearing In of New Officer– Monday September 30th at 9am
- k. Boat Update – Captain Desmond thanked the Commission for their support
- l. School Opening
- m. Meeting with Sub Base Officials
- n. Domestic Animals

A motion was made by Vice-Chair Olsson to approve the Report of the Chief. Motion seconded by Commissioner Moukawsher, all in favor, motion approved.

10) Consent Agenda

- a. Memo Re: Thank You – Captain Desmond & Reserve Officer Cassata
- b. Memo Re: Good Job – Officer Ritacco
- c. E-Mail Re: Tour de Force Event
- d. Letter Re: Completion of Basic Training Requirements – Officer Simone
- e. First Responder Certificate Renewal
- f. E-Mail & Letter Re: Thank You – River Glow Event
- g. Memo Re: Good Job – Officer Burge
- h. Memo Re: Promotional Process for Lt. Position
- i. Memo Re: Good Job – Officer Capalbo & Officer Rebello
- j. SCCJA Salary Survey
- k. Letter Re: Mystic Aquarium Run or Walk for Penguins Event
- l. Thank You – Human Services
- m. Letter Re: Stonington Garden Club 2014 Event
- n. Memo Re: Good Job – Dispatcher Pollart
- o. E-Mail Re: Bicentennial Celebration
- p. Letters Re: YMCA Halloween Parade

A motion was made by Vice-Chair Olsson to approve the Consent Agenda. Motion seconded by Commissioner Moukawsher, all in favor, motion approved.

11) Adjourn

At 6:16PM Vice-Chair Olsson made a motion to adjourn. Motion seconded by Commissioner Moukawsher, all in favor, motion approved.

Respectfully Submitted,



Frank Pucci, Secretary