

**MINUTES OF BOARD OF POLICE COMMISSIONERS MEETING
HELD MONDAY, MAY 13, 2013
STAFF CONFERENCE ROOM – POLICE HEADQUARTERS**

Chrmn. Jagoe called the meeting to order at 7:02 P.M.

1. ROLL CALL

COMMISSIONERS PRESENT: Sam Bergami, Carol Faruolo, Alberta Jagoe, Sharon Marrone, David Rubenstein, Richard Smith

COMMISSIONERS NOT PRESENT: Jerold Wanosky

ALSO PRESENT: Police Chief Mello, Deputy Chief Butler, Deputy Chief Mooney, Ald. Vetro, Mr. Mead (P & Z Chair) and D. Candido, Secty.

A quorum was present to conduct the business of the meeting.

2. CONSIDERATION OF APPOINTMENTS - none

3. CITIZEN COMMENTS

- Ald. Vetro expressed his thanks to Chief Mello for the informative presentation made to the Boards of Aldermen and Education regarding School Resource Officers.

Chief Mello thanked Ald. Vetro for his continuous support of public safety.

- L. Yergeau – 45 Loomis Street – present regarding Turnpike Lodge – Extended Stay Hotel, deferred his comments to later in the meeting.
- G. Lennon – 33 Hilldale Ct – directed comments to the agenda item 10 a. Stop Sign Request – Morningside Drive/Little Pond Rd and the fact that a stop sign is not the answer to the problem which exists on that corner.
- Attny. M. Popilowski - present regarding agenda item 9 b. Anthony's Hi-Tech Towing – hearing, deferred his comments to later in the meeting.
- K. McGuire 29 Hilldale Ct – directed comments to the agenda item 10 a. Stop Sign Request – Morningside Drive/Little Pond Rd and the fact that a stop sign is not the answer to the problem which exists on that corner.
- Mr. & Mrs. Rasmussen – took the opportunity to congratulate Chief Mello on his appointment to the CT. Police Officer Standards and Training Council.
- G. Burton – Hilldale Ct – directed comments to the agenda item 10 a. Stop Sign Request – Morningside Drive/Little Pond Rd and the issue of the height of the shrubbery on that corner and the fact that the owners of said property were requested to cut down the shrubs obstructing oncoming traffic.

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- D. Duman – 21 Hilldale Ct – directed comments to agenda item 10 a. Stop Sign Request – Morningside Drive/Little Pond Rd and provided detailed information regarding attempts to correct the problem at that corner and a prior recommendation to cut back the shrubs. She added that it was recommended that Public Works handle the shrubbery issue but it has been well over one year and nothing had been done to date. She did not feel that a stop sign is the answer to the problem that exists.

4. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

It was moved by Vice Chrmn. Bergami and seconded by Comm. Faruolo to approve the minutes of the April 15, 2013 meeting as presented. Motion carried unanimously.

5. READING OF CORRESPONDENCE

Chief Mello shared the following correspondence:

- Give 2 The Troops Foundation – acknowledging the efforts of Milford's Police Dept. with collecting items for military troops in Iran and issuing a Certificate of Appreciation for having headquarters be a collection point for such items.
- Sgt. Peymer – West Haven Police Dept. – thanking Milford's Police Dept. for their responding and providing assistance with what could have been a dangerous scene.
- K. Martin – Manager, Colony Grill – thanked Chief Mello for taking the time to meet with him regarding this new downtown restaurant and sharing the department's expectations with regard to crowds, parking, noise and respect.
- C. Eaton – Pequot St. – thanked Officer Davidson for his assistance in resolving a personal family situation.
- R. O. Blake – 99 Green Meadow Rd. – thanked officer Jock who responded to a call at his home noting the officer was extremely polite and professional
- Wayne Bufferd/Emily Ellis – commended Officer Dempsey who represented the department well and helped resolved the situation regarding loss of a travel bag which contained personal and valuable data; further noting Officer Dempsey had a genuine concern for the situation.
- C. Sherwood – So. Central Criminal Justice Administration – thanked Officer Chila for serving as a panelist at the recent oral board examination.

6. CONSIDERATION OF REPORT OF CHIEF ON MATTERS OF ADMINISTRATION

a. Informational: Sgt. Daniel Sharoh has retired effective April 26, 2013

b. Informational: Capt. Timothy Connor has retired effective May 3, 2013.

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Chief Mello stated both of these men were strong officers and both will be missed. He explained Sgt. Richards has been transferred to the Traffic Division to take on Sgt. Sharoh's position and he also explained the promotion process usually followed when filling such vacancies.

c. \$50.00 donation from Debra Epstein – It was moved by Comm. Smith and seconded by Comm. Faruolo to accept the \$50 donation from Debra Epstein who came to the department to have a car seat fitted. He recommended applying that donation to the DARE account as. Motion carried unanimously.

d. \$20.00 donation from Tony Urban – It was moved by Comm. Smith and seconded by Comm. Rubenstein to accept the \$20 donation from Tony Urban and apply that donation to the DARE account as recommended by Chief Mello. Motion carried unanimously.

e. \$250.00 donation from the Milford Lions Club – It was moved by Comm. Faruolo and seconded by Comm. Rubenstein to accept the \$250 donation from the Milford Lions Club and apply that donation to the Citizens Police Academy Donation account specifically to be used for the planned Youth Program. Motion carried unanimously.

f. Off Duty Weapons authorizations for Off. Daniel Hemperly and Off. John Ballard – Chief Mello noted the weapons had been checked and verified to be used for off duty law enforcement actions. It was moved by Comm. Rubenstein and seconded by Comm. Smith to approve Off Duty weapon requests for Off. Daniel Hemperly and Off. John Ballard. Motion carried unanimously.

g. Safe Driving Award for Officer William Localzo and Officer Matthew Lima – It was moved by Vice Chrmn. Bergami and seconded by Comm. Rubenstein to approve safe driving awards for Officer William Localzo and Officer Matthew Lima and award eight hours of comp time for an accumulation of 12,000 safe driving miles with no safety violations to the officers noted. Motion carried unanimously.

7. REPORT ON PLANNING AND ZONING REQUESTS

a. 2-lot subdivision – 1613 New Haven Ave. – It was moved by Vice Chrmn. Bergami and seconded by Comm. Rubenstein to approve Traffic Div. recommendation, including stipulations noted, regarding 2-lot subdivision – 1613 New Haven Ave. Motion carried unanimously.

b. ASAP Urgent Care Facility – 199 Cherry St. – It was moved by Comm. Marrone and seconded by Comm. Faruolo to approve Traffic Div. recommendations regarding ASAP Urgent Care Facility – 199 Cherry St. Motion carried unanimously.

c. Sonic Restaurant – 1365 Boston Post Rd – It was moved by Comm. Faruolo and seconded by Comm. Rubenstein to approve Traffic Div. recommendations regarding Sonic Restaurant – 1365 Boston Post Rd. Motion carried unanimously.

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d. Eli's Restaurant – Daniel Street – It was moved by Comm. Faruolo and seconded by Comm. Rubenstein to approve Traffic Div. recommendations regarding Eli's Restaurant – Daniel St.

Chief Mello explained he had met with the attorney and property owner and this business has no concern for the department but he added there will be residential apartments on the 2nd floor and he strongly recommended that the individuals who will be living there need to be made aware that this is an entertainment section of downtown and those tenants should be aware and understand the expectations.

Motion carried 5 yes and 1 abstention (Chrmn. Jagoe).

e. Turnpike Lodge – Extended Stay Hotel – 1052 Boston Post Rd. – It was moved by Comm. Faruolo and seconded by Vice Chrmn. Bergami to approve Traffic Div. recommendations regarding Turnpike Lodge – Extended Stay Hotel.

Mr. Yergeau was present and stated he has previously addressed the concerns brought forward by a member of the department regarding parking and accessibility.

Motion carried unanimously.

8. ACCEPTANCE OF REPORTS

Chrmn. Jagoe noted the reports of items a, b, c, d and e were included in the Commissioners packets.

It was moved by Vice Chrmn. Bergami and seconded by Comm. Rubenstein to approve the following reports:

- a. Uniform Crime Report (Dec)
- b. Special Investigations Unit Report
- c. Detective Bureau Report
- d. Crime Prevention Services Report
- e. Traffic Division & Licensing Unit Report

Motion carried unanimously.

9. UNFINISHED BUSINESS

a. Golf Cart Ordinance – After a brief discussion regarding the status of this matter, it was moved by Comm. Rubenstein and seconded by Comm. Marrone to have the Golf Cart Ordinance remain tabled. Motion carried unanimously.

b. Anthony's Hi Tech – hearing – It was moved by Vice Chrmn. Bergami and seconded by Comm. Faruolo to uphold the recommendation to restore Anthony's Hi-Tech/D.J's Service Center to the Department's Tow List as of 5/25/13 based on Chief Mello's understanding of what is sustainable at this time.

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Attny. Popilowski was in attendance representing Anthony's Hi-Tech Service and he informed the members that the garage has been restored to the State Police Tow list.

Deputy Chief Butler explained on 1/24/13, Mr. Monaco (owner of Anthony's) was arrested on several charges including possession of narcotics. He added since that time the case has been nollied and sealed but as a result of arrest, Anthony's Hi-Tech and D.J. Service Center (owned by Mr. Monaco) had been removed from Milford's tow list with a recommendation of reinstatement as of 5/25/13.

Chief Mello explained tow services represent the department and they act as a sub-contractor of the department. He noted it was felt the suspension until 5/25/13 and also knowledge of a prior business relationship and the fact that the case had been dismissed and nollied, was sufficient enough to put them back on the department's tow list.

Chrmn. Jagoe expressed concern about allowing someone with such charges be put back on the department's tow list.

Chief Mello explained if we are going to terminate the service center we would have to take that to a full hearing and if that is the case, we are not prepared to do that at this time since Mr. Monaco is not present.

Comm. Rubinstein asked if it was a privilege to be on the tow list and he was told it was.

Comm. Faruolo asked how many companies are now on the department's rotating list and she was told 11 with a waiting list of others who would like to be included.

Chief Mello again stated that based n prior conversations with our city attorney and looking at what other agencies have done, he would recommend reinstatement.

Comm. Rubinstein asked if this is a provisional reinstatement and Chief Mello stated he would have to ask the city attorney about that.

Comm. Smith asked if the commission has the prerogative to not approve this recommendation and Chief Mello again explained it would then be necessary to go to a hearing.

Chrmn. Jagoe noted this suspension was based on alleged criminal conduct of which the conduct was nollied and dismissed.

Comm. Smith asked if the commission moves to remove them from the tow list, who could challenge that and Chief Mello explained it is challenged by the fact that we are taking away his right to earn a living and it is necessary to make sure the commission is consistent with all of the recommendations made.

Attny. Popilowski explained the next step is to take the matter to court.

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Chief Mello interjected the department is looking at stricter regulations for those included on the tow list and hopefully they will be in place by the end of this summer.

Motion carried unanimously to reinstate Anthony's Hi-Tech Service and D.J's Service Center to the departments tow list as of 5/25/13.

10. NEW BUSINESS

a. Stop Sign Request – Morningside Drive/Little Pond Rd – It was moved by Comm. Smith and seconded by Comm. Rubenstein to approve the recommendation (stop sign and stop bar) of Traffic Div. regarding the Stop Sign Request – Morningside Drive/Little Pond Rd.

A resident present asked why this issue came up and she was told it came up based on a request made to the department.

It was explained there is a stop sign at Little Pond Rd and Morningside and residents have been trying to get the shrubs on that corner taken down on at least 4 occasions. The owner of the property has stated they will take down the shrubs but they have not been cut yet.

Residents present did not feel a stop sign is needed because the problem is the shrubs which obstruct the line of sight.

Chief Mello explained the process of the Traffic Div. in making such a determination of taking down the shrubs and from that point asking Public Works or the property owner to cut them down.

Those residents present emphatically discussed their feelings as to why a stop sign would not address the problem.

Chief Mello stated he will discuss the matter further with the Sgt. who did the study.

Comm. Smith noted the report states no corner violation exists due to shrubbery and he questioned that.

One of the residents present stated the report does not address the height of the shrubs which are much higher than 3 ft.

Comm. Smith asked if it would make sense to deny the stop sign.

Chief Mello suggested tabling this and addressing the matter regarding shrub height which he would discuss with the city attorney.

The original motion was rescinded and it was subsequently moved by Comm. Smith and Comm. Rubenstein to table the matter regarding the Stop Sign Request – Morningside Drive/Little Pond Rd and attempt to find a resolution by addressing the height of the shrubs which are causing a line of sight issue. Motion carried unanimously.

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b. Naugatuck Ave/Monroe St thru Broadway – Community Development of lower Naugatuck Ave parking and streetscape – It was moved by Comm. Faruolo and seconded by Vice Chrmn. Bergami to approve Naugatuck Ave/Monroe St thru Broadway – Community Development of lower Naugatuck Ave parking and streetscape. Motion carried unanimously.

11. COMMENDATIONS

Deputy Chief Mooney acknowledged the recommendations sent to the commissioners and added the commendations had already been made but in the past the commission has made a motion to support the recommendations.

The commissioners agreed the recommendations sent to them were impressive and were happy to support them.

Motion was made by Comm. Rubinstein and seconded by Comm. Faruolo to support the recommendations regarding commendations and letters of recognition. Motion carried unanimously.

12. EXECUTIVE SESSION

It was moved by Vice Chrmn. Bergami and seconded by Comm. Smith to adjourn to Executive Session at 8:06 p.m. for the following matters:

Consideration of Report of Chief of Police on matters concerning the Appointment, Employment, Performance, Evaluation, Health, or Dismissal of Department Employees.

a. Grievance #1-2013 at step #3 (tabled from April 15, 2013 meeting)

(Present were commissioners, Chief Mello, Deputy Chief Mooney and Deputy Chief Butler)

It was moved by Vice Chrmn. Bergami and seconded by Comm. Faruolo to reconvene in public session at 8:30 p.m. Motion carried unanimously.

It was moved by Vice Chrmn. Bergami and seconded by Comm. Faruolo to remove from the table Grievance #1 – 2013 at Step #3. Motion carried unanimously.

It was moved by Vice Chrmn. Bergami and seconded by Comm. Faruolo to uphold the recommendation of Chief Mello and deny Grievance #1- 2013 – at Step #3. Motion carried unanimously.

It was moved by Vice Chrmn. Bergami and seconded by Comm. Smith to adjourn at 8:35 p.m. Motion carried unanimously.

Recorded by Diane Candido
Submitted to City Clerk, May 15, 2013