



EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor Joseph A. Carfora

Honorable Board of
Police Commissioners

HONORABLE BOARD OF POLICE COMMISSIONERS REGULAR MONTHLY MEETING SEPTEMBER 29, 2020 AT 7:00 PM

VIRTUAL MEETING VIA ZOOM

COMMISSIONER(S) PRESENT: Chairman Paul Carbo (presiding), Vice Chairman Dominic Balletto, Commissioner Eduardo Torrealba

ALSO PRESENT: Chief Edward Lennon, Deputy Chief Patrick Tracy, Captain David Emerman, Captain Joseph Murgo, Councilwoman Parlato, Clerk Marsha Maldonado, Lorena Venegas, Dianne Romans, Mark Zaretsky

Chairman Carbo called the meeting to order at 7:00 PM.

Due to Governor Ned Lamont's March 10, 2020 declaration of a public health emergency and civil preparedness emergency and subsequently issued Executive Orders, and Mayor Joseph A. Carfora's March 16, 2020 declaration of a state of emergency in the Town of East Haven due to the spread of Coronavirus Disease 2019 in the State of Connecticut including New Haven County, in-person public access to this meeting will not be permitted.

[The public can access this meeting from a computer, tablet, or smartphone. Tonight's regular meeting is taking place remotely via ZOOM. Videoconference links and dial-ins were provided to the public.]

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call - Clerk Maldonado; quorum obtained
4. Announcement(s)
5. Consider and act upon the approval of the Regular Monthly Meeting minutes of July 28, 2020

Vice Chairman Balletto made a motion to accept and approve the regular monthly meeting minutes of July 28, 2020 as received; seconded by Chairman Carbo. All in favor. No one opposed or abstained. Motion carried unanimously.

6. Consider and act upon the approval of the Monthly Reports (August and September 2020)

Vice Chairman Balletto made a motion to accept the monthly reports as received; seconded by Commissioner Torrealba. All in favor. No one opposed or abstained. Motion carried unanimously.

7. Consider and act upon Committee Reports & Recommendations

a. Traffic and Public Safety Committee

- i. “Resident Only” parking ordinance per the Town Council (October 2019) – The Board had requested a legal opinion from the Town Attorney regarding the powers of the BOPC to establish “Resident Only” parking area along with what kind of guidelines are given by Federal, State statutes and cases presented. According to standing orders, the BOPC cannot take any action regarding this issue without the legal opinion to move forward. Commissioner Torrealba made a motion to have Clerk Maldonado send a reminder to Attorney Luzzi; seconded by Vice Chairman Balletto. All in favor. No one opposed or abstained. Motion carried unanimously.
- ii. Upon review of the Town Council’s amended parking ordinance, the Committee noticed two (2) deficiencies and the recommendation is to request the Town Council amend the ordinance as follows:
 1. Establish a definition of what constitutes a “Town Resident” in order to enforce the ordinance.
 2. Implement a penalty for misuse of “Resident Only” parking area.

Commissioner Torrealba made a motion to have Clerk Maldonado send a letter to the Town Council; seconded by Vice Chairman Balletto. All in favor. No one opposed or abstained. Motion carried unanimously.

- iii. ATV/Dirt Bikes – The improper use of unregistered dirt bikes and all-terrain vehicles (“ATVs”) on public streets has increased substantially throughout Connecticut during the last decade and the widespread illegal use of these vehicles in East Haven represents a growing health and safety hazard for residents and visitors.

In 2013 and 2016 the Connecticut General Assembly passed public acts 13-154, S.1 (2013) and 16-208, S.1 (2016), which enable municipalities to increase penalties for violations of local regulations governing the operation and use on public property of dirt bikes, all-terrain vehicles, and snowmobiles. The Acts increase the maximum penalties to \$1,000 for a first violation, \$1,500 for a second violation, and \$2,000 for a third or subsequent violation. These Acts also permit municipalities with a population of 20,000 people or more to enact ordinances to provide for the seizure and forfeiture of dirt bikes and all-terrain vehicles under certain circumstances.

East Haven chose to have fines for a first offense to be between \$500 to \$1,000, for the second offense between \$1,000 to \$1,500 and for the third offense between \$1,000 to \$2,000. The Town also enacted, as part of the same ordinance, the power for the East Haven Police Department to seize those vehicles pending the disposition of that property “by court order or otherwise by law and proof of ownership of such property.”

The recommendation is to modify the fines to increase them to maximum allowed under the Connecticut General Statutes in Sec. 11-2 (c) (1), Sec. 11-2 (c) (2), Sec. 11-2(c) (3), Sec. 11-2 (c) (4): first offense, \$1,000; second offense, \$1,500; third offense, \$2,000.

Also, to modify the last sentence of Sec. 11-2 (c) (6) to read: Pending a disposition of such property after a hearing as prescribed in Sec. 11-2 (e) or otherwise by law and proof of ownership of such property.

As cited, the City of New Haven is in the process of updating their ATV's ordinances, increasing their fines from \$99 to the maximum allowed by law, making it a violation to be handled by the City, requiring ATVs dealers to display the new ordinance in their place of business and restricting the fueling of ATVs at the gas station located in that city along with fines for the violation of either of these.

The recommendation of the Committee is that the Board propose the Town Council amend the Code of Ordinances, Sec. 11-2. - Regulating the operation or use of dirt bikes, all-terrain vehicles, snowmobiles, motor-driven cycles, or mini-cycles, to:

- Increase the fines to the maximum allowed by law and making them a violation
- Establish a procedure for the payment and contestment of those fines similar to the one used for the Town parking violations
- Establish a procedure for the seizure and disposal of vehicles including the right to a hearing prior to the forfeiture of the vehicle
- Require ATV dealers to prominently display this ordinance and fines for the violation of this requirement
- Prohibit the sale of gasoline to motorized recreational vehicles being driven illegally

Also add:

- Payment of penalty as indicated in Sec. 11-17 (b) (1), as applicable
- Procedure for contesting the fine as indicated in Sec. 11-18, as applicable
- Sec. 11-2 (d) Procedure for Seizure and disposal of vehicles aligned with Sec. 11-18
- Sec. 11- 2 (e) Procedure for hearing prior to forfeiture of vehicle similar as prescribed in Sec 11-18
- Sec. 11-2 (f) Posting by motorized recreational vehicle dealer. Requiring that motorized recreational vehicle dealer offering for sale, lease or rental any motorized recreational vehicle shall post this ordinance in a prominent location at said any motorized recreational vehicle dealer's place of business. Including penalties for violation of this section.
- Sec. 11-2 (g) Sale of gasoline for illegal purposes. Prohibiting the sale of gasoline to a motorized recreational vehicle unless that vehicle is conveyed to and from the retailer's premises by a registered motor vehicle. Requiring the posting of this ordinance in a prominent location and stablishing penalties for violation of this section.

Chairman Carbo mentioned minors/parents being accountable.

Commissioner Torrealba made a motion to submit this proposal as outlined herein to the Town Attorney and the Town Council. Vice Chairman Balletto requested an opportunity to review this complex information prior to submission and moved to postpone this matter to a date certain for the next regular monthly meeting of October 27, 2020; seconded by Commissioner Torrealba. All favor. No one opposed or abstained. Motion carried unanimously.

Chairman Carbo requested a written committee report for the Board's review prior to the next meeting for discussion.

- iv. Loud Motorcycles/Quality of Life – The recommendation of the Committee is that the Board propose the Town Council add the following to the ordinance:
- Sec. 12-53 (k) (5) specifically prohibiting emission of noise from a motor vehicle that exceeds the standards set by the Department of Motor Vehicles
 - Sec. 12.55 (b) establishing a fine for a violation of section 12-53 (k) (2) in the amount of one hundred fifty dollars (\$150.00) per offense
 - Sec. 12.55 (c) establishing a fine for a violation of section 12-53 (k) (5) in the amount of one hundred fifty dollars (\$150.00) per offense
 - Sec. 12.55 (d) establishing the procedure for the payment of penalty as indicated in Sec. 11-17 (b) (1), as applicable
 - Sec. 12.55 (e) establishing the procedure for contesting the fine as indicated in Sec. 11-18, as applicable

Chairman Carbo made a motion to postpone this matter to a date certain for the next regular monthly meeting of October 27, 2020; seconded by Vice Chairman Balletto. All favor. No one opposed or abstained. Motion carried unanimously.

Chairman Carbo requested a written committee report for the Board's review prior to the next meeting for discussion.

- v. Laurel Street Request to New Haven Traffic Authority – No response to email sent to the contact person in New Haven. Perhaps the Chairman can send a letter seeking an answer to our request for Laurel Street. Chief Lennon asked Commissioner Torrealba to give him a call to discuss and help get this moving a little faster.

Chairman Carbo appointed Vice Chairman Balletto to the Traffic and Public Safety subcommittee as well as a Traffic Hearing Officer to assist Commissioner Torrealba effective this evening.

8. Public Comment

a. Eduardo Torrealba

"We work together with the Police Department. Some of us have been on this Commission for years. I have to say that I am saddened by the way policemen and policewoman have been treated around the country. Officers being targeted, officers are being shot, officers once injured, you have people laughing at them – at their human suffering. [Inaudible] ...they are being treating to save their lives, chanting 'I hope you die.' We have officers trying to maintain the peace in urban areas that have been attacked with sticks, that have been hit with baseball bats, they have been throwing cans and frozen water bottles. I think it's appalling and I think it's wrong. The policemen and policewoman in this country do a very hard job and just because there are some bad apples, that doesn't make it right for every policeman in this country to be called names. I have seen videos of people shouting obscenities and racial epithets to minority officers, and that is wrong. And, a great man said that for evil to triumph, good men have to do only nothing and I cannot stay silent [looking] the way our police officers have been treated in the country because of the action of the few. Just because somebody commits a crime and wears the uniform, doesn't make every other officer a criminal; just because a man may be a racist and wear the uniform, doesn't make every officer a racist. Again, the job that the police department does in East Haven and around the county is a difficult job. And, I know because I see them, I have hired them, I have disciplined them and sometimes I have fired them when they have committed egregious [inaudible] – it is a hard job; and that is one of the

hardest parts of being on the police commission is to discipline officers to [keeping] maintain the integrity of the police department. I think that every person in this country that has any kind of sympathy, any kind of feeling, should be appalled by what is going on and the way the police in this country are being treated. It is a hard job. I commend them, and I specifically know that this police department does a fantastic job and I just want to publicly say that because what is happening is just not right. Thank you, Chairman.”

Chairman Carbo and Vice Chairman Balletto thanked him for his comments.

9. Correspondence Received/Sent

- a. Tara McCarthy (141 Old Foxon Road), received via email August 21, 2020 – Request for traffic enforcement and “Hidden Driveway” sign.
- b. Meghan Thomas (Talmadge Avenue), received via email August 21, 2020 – Request for traffic enforcement and speed bumps.
- c. Carla and Sam Diglio (Garry Drive), received via email August 22, 2020 – Request for traffic enforcement, speed bumps and street lighting.
- d. Brian Macwilliam (Garry Drive), received via email August 24, 2020 – Request for traffic enforcement and speed bumps.
- e. Kim Lendroth (Laurel Street), received via email September 8, 2020 – Request for traffic enforcement and speed bumps.

Commissioner Torrealba has reviewed the letters and sees that there is a commonality with the issue of traffic enforcement. He thinks, first, the Chief should explore options for traffic enforcement before the Board moves to do anything else.

Chairman Carbo stated that the Chiefs have set up traffic enforcement in specific areas and people are smart enough to slow down when they see a patrol car. He sympathizes with the people that live in these areas but unfortunately there is only so much that can be done.

Chief Lennon commented that we receive these complaints through the website and we do assign directed traffic patrol as well as being proactive in these areas to begin with. Within the last sixty (60) days, of all the locations in Town, Laurel Street still has the highest amount of traffic enforcement in Town – we have done more traffic enforcement there than we have on some of the larger roads such as Hemingway Avenue, Foxon Road and all of Route 1 which encompasses both Frontage Road and Saltonstall Parkway. We are mindful and aware of several issues, especially with Laurel Street, and we try to be there as much as possible in between our calls for service and will continue to do so.

Deputy Chief Tracy added that as these complaints come in, they are also forwarded to Captain Emerman (Head of Patrol) and routinely dispersed to the frontline supervisors so that patrol officers are aware of the areas that are in need of enforcement. Additionally, we have roll calls three times a day as well as monthly staff meetings where these things get discussed and communicated so our officers are aware of what the resident’s concerns and complaints are, and then we can address them accordingly.

10. Department Updates (Chief Lennon)

a. Personnel Matters/Injured Employees

- i. In the process of hiring additional officers; recently hired two (2) certified officers in September – one has already started and one is requesting a new start date which will be addressed under 11.a.
- ii. Two (2) officers remain on long term injury with no definitive return date
- iii. Two (2) officers on light duty (short term when an officer is rehabbing due to injuries, etc.)

b. Overtime

The last two (2) pay periods have been a lot higher than usual mostly due to catch-up from Covid-19 and mandatory training. We continue a lot of our in-service classroom training via remote or technology web-based classes. However, our annual qualifications must be done in-person which contributes to the increase in overtime. We have also been running short and try to balance hiring/promotions for the least impact on Patrol.

c. Awards & Commendations

Due to Covid-19, the committee has not had the opportunity for discussions or formal meetings to review submissions. We are being mindful to push some of these along – it is good for moral and they deserve to be recognized. In the meantime, the letters from the public are immediately distributed to the officers and their supervisors to let them know that the public recognized them.

d. Noteworthy News

11. Old Business

a. Change of hire date for Officer Paul Cavalier

Vice Chairman Balletto made a motion to change the start date for new Grade C Police Officer Paul Cavalier to a new effective start date within the next ninety (90) days as determined by the Chief of Police. In addition, Officer Cavalier must continue to meet all CT POST hiring and employment regulations; seconded by Commissioner Torrealba. All in favor. No one opposed or abstained. Motion carried unanimously.

Chief Lennon added that Officer Cavalier is retiring from his other Department and his separation date is undetermined at this time. Officer Cavalier is excited and looking forward to starting with us in fewer than 90 days.

12. New Business

- a. Discussion and approval of revised policies 201.8 (Code of Conduct), 404.5 (Use of Force), 405.6 (Use of Lethal Force), 406.6 (Less Lethal Force Effective), 407.6 (Force Investigations and Review), 409.5 (Motor Vehicle Stops), 420.3 (Search and Seizure), 426.6 (Traffic Enforcement), 427.3 (Field Stops), 434.5 (Search Warrants & Arrest Warrants)

Vice Chairman Balletto made a motion to approve the revised policy en masse effective October 1, 2020; seconded by Chairman Carbo. All in favor. No one opposed or abstained. Motion carried unanimously.

Chief Lennon commented that the revisions were to comply with House Bill 6004 and/or for compliance with our National CALEA standards. Preemptive to tonight's meeting and the law's effective date of October 1, 2020, all of our personnel have been trained on the changes to the law as well as the policy revisions so we have no concerns with the effective date of October 1, 2020.

13. Adjournment

Vice Chairman Balletto made a motion to adjourn; seconded by Commissioner Torrealba. Chairman Carbo adjourned the meeting at 8:00 PM.

Respectfully submitted,

Marsha M. Maldonado
Clerk to the Honorable Board of Police Commissioners

[Audio recording on file – duration 01:00:20]