

EAST LYME BOARD OF SELECTMEN

MEETING OF NOVEMBER 2, 2016

MINUTES

PRESENT: Mr. Nickerson, Mr. Seery, Ms. Cheeseman, Mr. Salerno, Ms. Hardy, Mr. Cunningham.

Mr. Nickerson called the meeting to order at 7:30 p.m.

1b. Additional Agenda & Consent Calendar Items

There were none.

1c. Delegations

There were none.

FILED

NOV 3 2016 AT 2:30 AM/PM
Cunningham, CT
EAST LYME TOWN CLERK

1d1. Approval of Public Hearing Minutes of October 19, 2016

MOTION (1)

Mr. Seery moved to approve the minutes of the Public Hearing of October 19, 2016 as submitted.

Seconded by Ms. Hardy. Motion passed 6-0.

1d2. Approval of Regular Meeting Minutes – October 19, 2016

MOTION (2)

Mr. Seery moved to approve the minutes of the Regular Meeting of the East Lyme Board of Selectmen for October 19, 2016 as submitted.

Seconded by Ms. Cheeseman. Motion passed 6-0.

1e. Consent Calendar

MOTION (3)

Mr. Seery moved to approve the Consent Calendar for the meeting of November 2, 2016 in the amount of \$3402.30.

Seconded by Mr. Salerno. Motion passed 6-0.

2a. Approve Meeting Calendar for 2017

MOTION (4)

Mr. Seery moved to approve the Meeting Calendar for 2017 as submitted.

Seconded by Mr. Salerno. Motion passed 6-0.

2b. Special Appropriation \$6453.23 EOC and Dispatch – Equipment and Furniture
Mr. Nickerson noted that the Office of East Lyme Emergency Management is requesting a special appropriation in the amount of \$6,453.23 cover the cost of three new desks, two new dispatcher chairs, one projector and one electric stapler. \$6,453.23 of the requested amount will be covered by the 16/17 Nuclear Safety Emergency Preparedness Grant (NSEP), allocation #

2017-58. The current furniture/equipment does not meet the demand utilized by the Department of Emergency Management and Public Safety. Additionally, these new items will assist with critical operations and maximize efficiency for public safety personnel.

MOTION (5)

Mr. Seery moved to approve a special appropriation in the amount of \$6,453.23 to budget account 01-70-725-224-006 (NSEP Equipment) and revenue account 01-04-400-401 (NSEP Grants) to cover the cost of the purchase of new furniture and equipment for the EOC and Dispatch Center, and forward to the Board of Finance for approval.

Seconded by Mr. Salerno. Motion passed 6-0.

2c. Special Appropriation \$18,000 CT Green Bank Rewards for Streetlight Fixture Retro-fit
Mr. Nickerson noted that subsequent to the authorization process for the streetlight purchase and LED retro-fit, the Town was notified about having earned 4 rewards worth a total of \$18,000 by the Connecticut Green Bank Organization. Since the organization will be ending its existence, we must use our rewards by December 31, 2016. We have been approved to use the rewards towards the streetlight LED retro-fit project. As such, any remaining financing funds will be applied to reduce the principal balance thus reducing the pay-off time.

MOTION (6)

Mr. ^{Seery} Salerno moved to approve a special appropriation in the amount of \$18,000 to a budget and corresponding revenue account to be established titled, "Streetlight LED Retro-Fit" to assist in payment of the project and forward to the Board of Finance for approval.

Seconded by Mr. Salerno. Motion passed 6-0.

2d. Authorize First Selectman to Sign MSA Extension between SCRRRA and the Town of East Lyme
Mr. Bragaw noted that this agreement is a win for the town. He said that this will keep the tipping fee stable for the next ten years. He added that the Hazardous Waste Program is excellent and that SCRRRA offers a lot of services. He noted that they requested a ten year contract for bargaining power.

Attorney O'Connell noted that he had reviewed the agreement as to form and approved it.

MOTION (7)

Mr. Seery moved to authorize the First Selectman to sign the MSA Extension between SCRRRA and the Town of East Lyme.

Seconded by Mr. Salerno. Motion passed 6-0.

2e. Sign Call – Special Town Meeting – 11/16/16

MOTION (8)

Mr. Seery moved the following Call:

TOWN OF EAST LYME

NOTICE OF SPECIAL TOWN MEETING

Notice is hereby given of a Special Town Meeting of the Town of East Lyme to be held on November 16, 2016 at 7:00 p.m. (E.D.T.) at the East Lyme Town Hall Upper Meeting Room for the following purposes:

1. To approve an appropriation in the amount \$18,000 for CT Green Bank Rewards for Streetlight Fixture Retro-fit with LED Lights and to establish a budget and corresponding revenue account entitled "Streetlight LED Retro-fit to assist in payment of the project.

Dated at East Lyme, CT this 2nd day of November, 2016.

EAST LYME BOARD OF SELECTMEN

Seconded by Ms. Hardy. Motion passed 6-0.

3a. Continued Discussion / Action re: Ordinance Establishing a Police Commission

Mr. Nickerson noted that there had been a great deal of discussion at the last meeting and because of many of the comments, the Town Attorney had made modifications to the ordinance. He reviewed Attachment A.

Mr. Salerno inquired if language was needed to start a commission and to appoint the members. He also inquired if the First Selectman would be the Chair of the Commission.

Attorney O'Connell responded that the chairmanship would be left to a vote of the commission members.

Mr. Nickerson said that once the ordinance was passed, the Board of Selectmen could entertain applications for the Commission.

Ms. Cheeseman asked what the timeline would be if the Board passed the ordinance this evening.

Mr. Nickerson responded that the ordinance would be published immediately and would become effective on November 15, 2016. He said that we would advertise for commission members asking for a cover letter and resume detailing the person's strengths, talents and experience. He added that we would notify both Town Committees for recommendations for appropriate candidates to be considered and hopefully appoint the Commission at the first meeting in December.

Ms. Hardy noted that she had been torn between appointed or elected members on the Commission. She added that this would be a tremendous amount of power that would be given to an appointed group. She noted the information from CCM which supports appointing the commissions. She stated that she will support appointing the commission members but requested that as this process moves along, that the Selectmen receive status reports.

Mr. Seery noted that with the First Selectman as a member of the Commission, reports will be received at each meeting.

Ms. Hardy stated that she supported hiring a Chief but hoped he would live in town, with a new car.

Mr. Cunningham said that initially, he had been in favor of an elected commission, but now believes appointed is a better way to go since it will help remove some of the political influence. He noted that the majority of the other towns do not have a residency requirement for the Chief of Police and he is ok with that.

Mr. Nickerson said that it is important that the Chief lives close by, but we do not want to limit the pool of candidates. He suggested that the question of residency become a decision of the Police Commission.

Mr. Salerno suggested that the Police Chief offer the Selectmen monthly reports like the ones being created in Ledyard.

Mr. Seery said that he is totally in favor of this change and is extremely excited for what is about to happen.

Ms. Cheeseman noted that all the questions that had been brought up have been sufficiently addressed.

MOTION (9)

Mr. Seery moved to adopt the Ordinance Establishing a Police Commission dated 10/31/2016; said ordinance will become effective on November 15, 2016.

Seconded by Mr. Salerno. Motion passed 6-0.

Mr. Nickerson said that this was an historic vote and he noted he wanted to thank Sgt. San Juan for coming forward in the beginning and suggesting this change. He applauded Sgt. Macek and others police officers, chief Mahoney and First Selectman Dan Steward; the Police Chiefs Association, and the Police Task Force for all of the work they had done to get the Board to this point. He said he believed that this was the right decision at the right time.

5a. Ex-Officio

Mr. Cunningham had no report.

Ms. Cheeseman had no report.

Mr. Seery took part in the Parks and Recreation sponsored Trick or Trunk at the Smith Harris House and noted that it was very well attended. He also attended the Board of Education meeting regarding the school project.

Ms. Hardy had no report.

Mr. Salerno attended the Inland Wetlands meeting where they approved a septic system for a resident and decided that no permit was necessary for a new building that will be erected at 225 Flanders Road.

5b. First Selectman's Report

Mr. Nickerson said that the Halloween Parade was great and seemed to be double in size from last year. He noted a food drive at Tri Town hosted by the Rotary on Saturday, November 5, 2016. He added that there will be a toy drive this Sunday benefiting the Department of Developmental Services. He said that there will be a home football game this Friday. He reminded everyone that clocks have to be turned back on Saturday night and that Election Day was next Tuesday from 6:00 a.m. to 8:00 p.m.; with same day registration available. He said that on November 12th there will be a Beer for Beauty fundraiser to benefit the beautification of the Town. He reminded everyone of the Veteran's Day ceremonies and the tree lighting and Holiday Stroll on November 26th. He said that the Holiday Parade will take place on December 10th with the 11th being the rain date.

6. Public Comment

There was none.

MOTION (10)

Mr. Seery moved to adjourn the November 2, 2016 meeting of the East Lyme Board of Selectmen at 8:19 p.m.

Seconded by Ms. Cheeseman. Motion passed 6-0.

Respectfully submitted,

Darlene C. Stevens, Recording Secretary

AA A

ORDINANCE ESTABLISHING BOARD OF POLICE COMMISSIONERS

1. There is established a seven member Board of Police Commissioners for the purpose of organizing and maintaining a police department in the Town of East Lyme. The Board shall have all the authority, powers and responsibilities set forth in Section 7-276 of the Connecticut General Statutes, as it may be amended from time to time.

2. (A) The Board of Police Commissioners shall consist of the First Selectman and six resident electors of the Town appointed by the Board of Selectmen. The terms of the appointed members shall be as follows: three terms shall be filled by appointment until the first Monday of January, 2018, at which time they shall be filled by appointment for four years. Three terms shall be filled by appointment until the first Monday of January, 2020, at which time they will be filled by appointment for four years.

(B) Appointed members of the Board of Police Commissioners may serve no more than two consecutive terms. A member who has served two consecutive terms may not be reappointed to the Board until four years have elapsed from the conclusion of his or her most recent term. A First Selectman who has ceased to occupy said office may not be appointed to the Board until four years have elapsed from the conclusion of his or her most recent term as First Selectman.

(C) No appointed member of the Board of Police Commissioners shall hold any other elective or appointed office within the Town.

(D) The First Selectman shall have the right to vote at meetings of the Board of Police Commissioners.

3. The Board shall have all of the powers given by the general statutes to boards of police commissioners, shall have general management and supervision of the police department of the town and of the property and equipment used in connection therewith, shall make all needful regulations for the government thereof not contrary to law or applicable collective bargaining agreements and may prescribe suitable penalties for the violation of any such regulation. The Board shall have the sole power of appointment, promotion and removal of the officers and members of such police department, under such regulations as it adopts for the purpose, and such appointees shall hold office during good behavior and until removed for cause upon written charges and after hearing. The members of such police department shall have all such authority with respect to the service of criminal process and the enforcement of the criminal laws as is vested by the general statutes in police officers and constables.

4. The Police Department, under the direction of the Board of Police Commissioners, shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property and enforcement of the laws of the state, and the ordinances of the town and all rules and regulations made in accordance therewith. All members of the department, except clerks, shall have the same powers and duties with respect to

the service of criminal process and enforcement of the criminal laws as are vested in officers by the general statutes.

5. The Police Department shall consist of a chief of police and such other officers of rank, patrolmen, supernumeraries and clerks as may be necessary to discharge the duties of the Police Department. The establishment of grades within the department shall be at the discretion of the Board of Police Commissioners.

6. The appointment of the chief of police shall be made only after certification of the applicant by the State of Connecticut Police Officer Standards and Training Council. The chief, or in his/her absence, the officer of rank designated by the Board of Police Commissioners, shall be responsible for the administration of the affairs of the Police Department, under the direction of the Board of Police Commissioners. The duties of the chief shall include, but not be limited to, the following:

- A. Be responsible for the day to day operation of the police department; report on such operation to the Board of Police Commissioners at such intervals as said Board shall establish;
- B. Initiate and cause to be carried out a continuing program for instruction and training of personnel for the department;
- C. Develop and preserve system records with respect to law enforcement and other activities of department personnel and communications maintained by the department;
- D. Maintain records of all personnel within the department, by rank, grade and category, and render periodic reports to the Board of Police Commissioners with respect to the performance of duty of such personnel;
- E. Establish schedules and rules with respect to the kind of duties within the department;
- F. Be personally responsible for the review of records with respect to all arrests, accidents and complaints made by or to the department and render a monthly report to the Board of Police Commissioners with respect thereto.
- G. Report to the Board of Police Commissioners any neglect of duty or violation of the department's rules and regulations promptly after any such neglect or violation comes to his/her attention.

7. The chief of police may be suspended or removed from office by the Board of Police Commissioners in accordance with the provisions of Connecticut General Statutes, as it may be amended from time to time.

8. (A) The Board of Police Commissioners may establish policies and procedures regarding the assignment of any member or members of the Police Department to special duty on or near private premises or the highways adjacent thereto within the town whenever in the opinion of said Board the activities conducted thereon shall or may cause persons to congregate or create a hazardous condition, such as construction or utility projects, concerts, sporting events, circuses, carnivals, fairs, motion pictures, outdoor theaters, bars, restaurants or other places to preserve the public safety.

(B) The owner or operator of any such private premises upon which any such activity is conducted within the town shall accept and use the police so assigned to or near such premises and shall pay to the treasurer of the town such rate of compensation as shall be determined by the Board of Police Commissioners for such special duty. Said payment shall be made in accordance with such procedures as shall be established by the Board of Police Commissioners.

(C) Police so assigned to such special duty shall be subject to the rules and regulations of the department.

(D) No person shall operate within the town any construction or utility project, concert, sporting event, circus, carnival, fair, motion picture, outdoor theater, bar, restaurant or other place to which or adjacent to which premises the Board of Police Commissioners has assigned any police without first having accepted and used such number of police as have been assigned thereto.

9. For purposes of this ordinance and transition from the constabulary, the Police Department shall be considered as "established" when the Board of Police Commissioners has adopted such regulations and procedures as may be necessary or desirable for the proper functioning of a police department, and sufficient funds have been appropriated to the Board and a chief of police has been appointed and sworn. The Board of Police Commissioners shall certify to the Town Clerk and the Board of Selectmen the date on which the Police Department is established.

(A) On the date the Police Department is established, the appointment of Constables pursuant to the ordinance entitled "Amended Ordinance Concerning Terms of Appointment and Qualifications of Constables" shall terminate, and the full time officers in active service and in good standing as Constables shall be officers of the Police Department.

(B) On the date the Police Department is established, the ordinance entitled "Resolution Designating First Selectman as Town Agent to act as Chief of Police" shall be repealed.

(C) On the date the Police Department is established, the ordinance entitled "Resolution Regarding Establishment of a Resident State Policeman in the Town of East Lyme" shall be repealed.

10. On the date that the Police Department is established, officers who were appointed by the Board of Selectmen as Constables pursuant to the ordinance entitled "Amended Ordinance Concerning Terms of Appointment and Qualifications of Constables" and are in active service and in good standing on the effective date of this ordinance, shall be officers of the Police Department, with such rank, years of service and other classifications and categories as are commensurate with their positions in the constabulary. Unsworn clerks and administrative personnel who are in active service and in good standing on the effective date of this ordinance shall be employees of the Police Department in positions commensurate with their previous service for the constabulary.

11. On the date the Police Department is established, all business pending with the constabulary, including but not limited to applications, permits, patrols, arrests, investigations, enforcement actions, warrants and all other open or pending items of business of any nature whatsoever, and records of any kind or nature whatsoever pertaining to the law enforcement and administrative functions of the constabulary, shall be transferred to and continue to be pending at the Police Department. All items of property and equipment used in connection with the business of the constabulary shall continue to be used by the Police Department.

12. The effective date of this Ordinance shall be November 15, 2016.