

Selectmen
EAST LYME BOARD OF EDUCATION

FILED

MEETING OF OCTOBER 5, 2016

Oct 6 20 *16* AT *12:25* *PM* AM/PM

MINUTES

Karen Yulish, Clerk
EAST LYME TOWN CLERK

PRESENT: Mark Nickerson, Kevin Seery, Holly Cheeseman, Marc Salerno, Rose Ann Hardy, Dan Cunningham.

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

1b. Additional Agenda & Consent Calendar Items

There were none.

1c. Delegations

Ron Rando of 194 Boston Post Road noted that the Town had lost another case in the courtroom. He urged the Selectmen to review how much money the Zoning Official has cost the town and added that it needed to be stopped. He talked about one of the previous discussions about building a police department near the High School and noted that had not gone anywhere. He added that there was another study to build a police building across from the Prison which ended up failing. He noted he saw no advertisement seeking candidates to serve on a study committee for an independent police force. He added that he supported an independent police force, privatizing the trash and selling the water and sewer system.

Joe Mingo of 397 Boston Post Road noted that he supported a private police department and that he had served on a previous task force for a police building. He added that he thought we should build first and then go independent. He inquired how we would get rid of a Police Chief if it was warranted and added that the Police Commission members should be elected.

1d. Approval of Minutes, Meeting of September 7, 2016

MOTION (1)

Mr. Seery moved to approve the minutes of the meeting of September 7, 2016 as submitted.

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

1e. Consent Calendar

MOTION (2)

Mr. Seery moved to approve the Consent Calendar in the amount of \$7214.77 for the meeting of October 5, 2016.

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

2a. Discussion – Independent Police – Report from Task Force and Review of Report from Police Chiefs Association; Potential Ordinance

Mr. Nickerson commented on the history of the Police Department and the reason for the review that he had requested (identified as Attachment A).

Chair Tom Gardner of the Task Force charged with whether or not the Town should remain as a Resident Trooper managed Police Department, reviewed Attachment B. He noted that along with him, members Steve Kelley, Joe Perkins, Kathleen Miller, Mark Powers, and Stephen Rebelowski joined him to be part of this task force. He stressed that leadership was a primary concern of the subcommittee and added that the Town needs someone invested in the community to supervise. He added that the group's recommendation was for the town to terminate the contract with the State Police as soon as possible and no later than June 30th when the current contract expires.

Mr. Nickerson noted that an independent police force would provide better value and accountability with an in-house chain of command. He added that he expects this to be a cost neutral since presently, the Resident Trooper costs \$212,000 plus overtime. He estimated that a Police Chief would cost approximately \$90,000 - \$110,000. He said that other fees would be necessary such as paying the Town of Waterford for use of the holding cells and potentially an additional part time dispatcher and a part time administrator.

Ms. Cheeseman thanked all the members of the subcommittee for their time and effort and inquired what the Town would lose by leaving the Resident Trooper program.

Mr. Gardner replied there would be no loss and a substantial gain. He added that the State will still provide those services that they do and this is governed by State Statute.

Ms. Cheeseman inquired if there was anything contentious within the group while making this decision.

Mr. Gardner responded that they all wondered why this had not happened sooner and that the lack of leadership was a real problem.

Ms. Hardy stated that by going independent, the police department would be responsible for total management with the exception of major crime. She asked who would determine when major crime assistance would be called in from the state.

Mr. Gardner noted that the Chief and the State's Attorney would decide what assistance from the State would be necessary.

Ms. Hardy inquired if Dispatch would become part of the Police Department.

Mr. Gardner responded that it would and Dispatch would report to the Chief of Police.

Ms. Hardy inquired if the group recommended hiring the Chief of Police and goes independent before a decision was made on a building.

Mr. Gardner said the building can come down the road and added that this was not within the group's scope of recommendation.

East Lyme Police Department Sergeant Mike Macek said that there will be a great savings of time if we go independent. He noted that presently, the State Police and the East Lyme Department have different reporting systems, so reports have to be submitted to both systems. He added that there are two different radio systems and two different operating systems. He noted that building upgrades would be necessary.

Mr. Nickerson noted that the School Building project was still being decided and that building project comes first. He said when that is complete then will be the time about building a new police department building.

Ms. Hardy requested a financial breakdown for the change including the cost to promote from within for a Captain; the hiring of a Chief, upgrades to the building and an additional vehicle. She inquired if the part time constables would go away with this change. She said she needed this information before making a final decision.

Mr. Nickerson noted that it is important to hear input from the public.

Mr. Salerno asked questions about the parking authority.

Ms. Hardy inquired how they would handle the records if they have to be accessible 24 hours a day.

Mr. Nickerson noted that they can be stored off site as long as they are available electronically. He added that they do not have to be in a vault, just a locked facility.

Sgt. Macek said that independence will open many more grants to the department.

Mr. Nickerson called for a five minute break at 9:09 p.m.

Mr. Nickerson convened the meeting at 9:15 p.m.

Attorney O'Connell reviewed the draft ordinance (Attachment C). He noted that constable would be terminated if the police department becomes independent. He added the ordinance complies with State Statute as far as setting up a police commission and noted that members of the police commission could be appointed or elected.

MOTION (3)

Mr. Seery moved the following:

**TOWN OF EAST LYME
BOARD OF SELECTMEN**

NOTICE OF PUBLIC HEARING
REGARDING AN ORDINANCE ESTABLISHING
A BOARD OF POLICE COMMISSIONERS

NOTICE IS HEREBY GIVEN of a public hearing to be held by the East Lyme Board of Selectmen at 7:00 p.m. on October 19,, 2016 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut to consider the adoption of an Ordinance Establishing a Police Commission. Proposed Ordinance provides that the Board of Police Commissioners would have all the powers and duties given by the Connecticut General Statutes for the general management and supervision of an organized Police Department of the Town of East Lyme, and also provides for the transition from a constabulary to an organized municipal Police Department.

Copies of the full text of the proposed Ordinance are on file for public inspection at the office of the East Lyme Town Clerk, 108 Pennsylvania Avenue, Niantic, Connecticut and at <http://www.eltownhall.com/> to which reference may be had. Interested persons are invited to attend and be heard.

Dated at East Lyme, Connecticut, on this 5th day of October, 2016.

Seconded by Mr. Salerno.

Ms. Hardy noted that she would be voting against going to public hearing. She added that she is not opposed to going to an independent police department but she want to further review the finances. She added that she would like to have another meeting to discuss the proposed ordinance.

Ms. Cheeseman inquired if the financial information that Ms. Hardy requested could be presented to the Board before the meeting.

Ms. Hardy noted that a two week delay would not make a huge difference.

Mr. Cunningham agreed with Ms. Hardy.

Mr. Nickerson noted that the public hearing does not make this a done deal. It merely offers an opportunity for the public to weigh in.

Ms. Cheeseman noted that it is important to hear from the public and their comments should also be considered in the Selectmen's review.

Aye: Mr. Nickerson, Mr. Seery, Mr. Salerno, Ms. Cheeseman,

Nay: Ms. Hardy, Mr. Cunningham. Motion passed 4-2.

5a. Ex-Officio

Mr. Salerno said that Harbor Management had finalized their Harbor Management Plan and were now waiting on the State. He added that they approved beach nourishment at Giants Neck. He said that Inland Wetlands reviewed a few applications and Public Works Director Joe Bragaw came to the meeting and spoke about the work done on East Society Road.

Ms. Hardy had no report.

Mr. Seery noted that the Parks and Recreation Commission helped to host a bike barbecue where approximately 200 people participated and Saturday night he and Marc Salerno participated in a basket ball game with the Harlem Wizards.

Ms. Cheeseman said that it was a great barbecue and that there was a great turn out for the Harlem Wizards.

Mr. Cunningham noted that some of the money raised from the bike barbecue event was going to support the historical properties in town.

5b. First Selectman's Report

Mr. Nickerson noted that there was a legal issue regarding Zoning and the Affordable Housing Application and the loss had nothing to do with the Zoning Official. He added that the Zoning Commission made the decision and it was appealed and overturned.

6. Public Comment

Ron Rando requested a complete copy of tonight's Police material. He added that he supported the Police Department and this is something that should have been done a long time ago. He said that in the past, there had been a study for two different sites for police departments and nothing had happened. He suggested that the police department be placed in the Town Hall and a new town hall building be built. He asked if regional police departments had been considered but he was informed that State Statute does not permit this.

MOTION (4)

Mr. Seery moved to adjourn the October 5th meeting of the East Lyme Board of Selectmen at 9:52 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary

Attache A

Upon coming into the job as first selectman, I knew that our police department management structure needed to be reviewed. I was fully aware that this was an issue that I would need to tackle...and the result, whether we go independent or not would need to be addressed.

During my first meeting with the police sergeants, this indeed was part of the agenda. The force needed to know if I would address the issue. One way or the other, coming to a conclusion would remove the big question mark that was looming in the department for years. I spent about a year to observing, investigating, asking questions, etc. In that time, we lost our long tenured RST Bill Blanchette. We had had many conversations on the subject. He was extremely help in helping me understand the intricacies of the relationship, the details of the contract that we have with the state, and the contradictions that exist between local policing and the state police system.

Our partnership with the State Police spans over 60 years. It is one that the town of EL is grateful for. We appreciate each and every RST who has been in our town to serve us. Each has remained professional and dedicated to doing the best job possible. I especially want to go on record in saying that our current RST, Jeff McDermott is an outstanding officer who has done a terrific job during his short tenure here in EL. I asked Sgt McDermott if he, or anyone else from the state police could speak on the record about the RST program, and how difficult it has become for towns of our size to remain in the RST system. The State Police cannot speak on this subject. But its safe to say that the frustration of the RST program in towns with a full time force is equal on both sides.

My conclusion, after a year of investigation is that our current management structure is not effective. Currently, East Lyme employs 22 police officers. They are fully trained and certified. They are sworn officers capable and expected to perform every and all duties assigned to them in the course of normal police work. They are incredibly professional, dedicated and focused on putting East Lyme's citizens first. Their direct supervisor and person in control of all 22 of our officers who are town employees is a Resident State Trooper who is a state employee, is loyal to the State Trooper system and reports to Troop E. He works

hand-in-hand with the first selectman but does not take direction or orders from him/her or anyone else in our town. He must obey the orders from the State system. When the RST is not present, our ELPD officers report to whoever happens to be on duty at Troop E at the time. In fact, every State Trooper outranks every ELPD---regardless of experience or rank. Again, loyalties to the state system prevail thru-out all of East Lyme---at all times. While the First Selectman is the Chief of Police according to our Town's Police Ordinance, he/she typically has no background in policing, is not a sworn officer, can supervise & motivate and control an emergency situation but typically has no training or experience during a difficult crisis. In addition, due to the multiple responsibilities of the first selectman, the local police are not always represented at emergency management meetings both locally and regionally.

The relationship between the State Police and the local officer is an awkward relationship that can cause friction and confusion.

Police independence is not a new concept. Rumors are that this was studied as far back at 1985. A study was also done about 7 years ago...and once somewhere in the middle. The conclusion is no different today than it was 7 years ago...EL should move to an independent force. I know that Mr. Formica had a good working relationship with the RST Bill Blanchette and was waiting for him to move on before engaging this plan. That time never came during his tenure.

As a businessman for 27 years and being involved with East Lyme's leadership since 1999, the problems with our current force structure are obvious and egregious. When I stepped into the role as FS, I recognized that the relationship that our first responders have with our town leadership needed attention. The supervision and direct accountability for our police force rests with a State Trooper who does not work for the town and is typically only in the seat for 3 years on average. The continuity in the position is non-existent. Loyalty to the town and our troop's loyalty to the Trooper

We can & must do better.

- Assembled the sergeants to gather information about the requirements of going independent .
- Talked with area first selectmen and police chiefs about what we should expect, what will change---pros and cons.
- Talked specifically to Ledyard mayors Rodolico and Finklestein before and after their move to independence
- Met with Troop E leadership about the existing friction, contradictions btn a local force and the state police
- Met with our town atty about procedures necessary to make a move to independence
- Met with the Chief Darren Stewart, Chief of Stonington PD and Chair of CT Police Chiefs Association to update prior study of our department and necessary steps needed to go independence. Also I solicited their advise/recommendations
- After all investigation was concluded, I assembled an unbiased, neutral member task force to go over all the information that was collected to verify its completion and accuracy. It was important to have this body look over the information for verification. Trust but verify.

This decision is about the management of the police force. NOT a police building. NOT whether we need more cops on the street or not. This is a simple matter. Should EL have total control of the officers that are responsible for keeping law and order in our town? Should there be local responsibility and accountability over areas of liability, certification and budgetary issues?



REVIEW AND RECOMMEND

*East Lyme Police Department: Connecticut State Police Resident
Trooper Program to Independent Police Force*

OCTOBER 5, 2016

Attachment B

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Committee Members

Thomas Gardner- Chairman

Steve Kelley

Kathleen Miller

Joseph Perkins

Mark Powers

Stephen Rebelowski



Disclaimer



NOTE: Our recommendation should in no way be construed as a criticism or reflection upon any employee of the State of Connecticut or Town of East Lyme. The primary focus and criticism of this Committee has strictly to do with the business relationship between the State of Connecticut and the Town of East Lyme, and more importantly, the program or model by which the ELPD operates under.



Determine if East Lyme Police Department (ELPD) has capacity and capability to transition from Connecticut State Police (CSP) Resident Trooper Program to its' own independent police force

- Review *April 2016 Police Services Report to the Town of East Lyme* by the Connecticut Police Chiefs Association- Municipal Police Support Committee
- Conduct additional research on administrative and operational activities of the ELPD



- Most ***critical***: lack of experienced leadership and management for the ELPD
 - Directly impacts all aspects of the Town, including, but not limited to, the residents and taxpayers, merchants, visitors as well the employees of the ELPD
- Current policing model is dysfunctional and ineffective
 - Two independent and disparate incident reporting systems, the Town's IMC/Tri-Tech application and the mandatory CSP NEXTGEN application
 - Two different radio systems may lead to confused communications during crisis situations
- Model is in direct conflict with administrative and budgetary practices of the Town of East Lyme
 - Two (2) separate and distinct administrative rules and regulations, one by the CSP and the other by the Town. At times, these regulations can be in conflict with one another

Observations

- Beginning July 1, 2017, the cost of the Resident Trooper's salary to the Town will be approximately \$212,000. The Town's share for 2017 will be 100%+. (*unregulated cost*)
- In 2017, the Town will be billed approximately \$150,000 by the State of Connecticut as the CSP upgrades their radio system, again! (*unregulated cost*)

ORDINANCE ESTABLISHING BOARD OF POLICE COMMISSIONERS

1. There is established a five 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 four resident electors of the Town appointed by the Board of Selectmen. The First Selectman shall be Chairman, and upon his absence or disability the Deputy First Selectman shall have the powers and perform the duties of the absent or disabled Chairman, which shall include presiding at meetings of the Commission and having the right to vote at such meetings. The terms of the appointed members shall be as follows: two terms shall be filled by appointment until the first Monday of January, 2017, at which time they shall be filled by appointment for four years. Two terms shall be filled by appointment until the first Monday of January, 2019, at which time they will be filled by appointment for four years.

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

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 full time 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 _____, 2016.