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Joel Faxon  
Andrew Sachs  
Scott Cicciari  
Neil Chaudhary  
Joan Plouffe

## TOWN OF NEWTOWN

### BOARD OF POLICE COMMISSIONERS

The Board of Police Commissioners  
Regular Meeting, Tuesday, July 7, 2020

This meeting was held remotely due to COVID-19 mandates and precautions

### MINUTES ARE NOT FINALIZED UNTIL APPROVED BY THE BOARD OF POLICE COMMISSIONERS

**Present:** Joel Faxon, Scott Cicciari, Neil Chaudhary, Joan Plouffe

**Absent:** Andy Sachs

**Also Present:** Chief Viadero, Capt. Vanghele, First Selectman Dan Rosenthal, seven members of the public and one member of the press.

Chairman Faxon called the meeting to order at 6:30p.m.

**Public Participation:** none.

**Police Union Participation:** none.

**Consideration and action on the minutes:** Commissioner Plouffe moved to accept the minutes of June 2, 2020 and the minutes of June 15, 2020. Commissioner Chaudhary seconded. All in favor.

**Chief's Report:** The budget year is closing out; all is on track with no overages. There have been a number of virtual training classes. Chief Viadero is working with a group out of Virginia on a one day, on-site de-escalation training in August or September. The group is highly regarded; the state of Virginia contracted with them to work with all the police departments in the state. Chief Viadero is working to put a program together with a local resident with insight on diversity training. This training will be for Newtown as well as officers in the Fairfield County region. Relative to COVID-19 the officers are doing well and still managing protocols as far as limiting access. A couple of officers required quarantine but have returned to work. The Town and the Emergency Management team has provided needed PPE. Chief Viadero is looking at a regional approach with Chief Ridenhour of Danbury, on issues the communities and police department are facing. Chiefs from Bethel, Ridgefield, Brookfield, New Milford, Danbury and Newtown have been working together, as opposed to each Town individually. Chief Viadero attended a prayer vigil march from Danbury police department and culminated at City Hall; each had an opportunity to speak and meet people attending the march. There was retirement in June. There will be a temporary assignment request for the detective division. A test will be hosted in the late fall. It's difficult to get a test together for a detective position at this point as many things are put on hold. There is an open application for testing for a current open position with a closing date of July 13. Chief Viadero is actively engaged in conversations with different agencies to diversify. The last month has been busy due to the re-opening of the state. There is more traffic and activity. There were 4<sup>th</sup> of July noise complaints. Speed enforcement continues. Alberts Hill signage issue was addressed. The NHS senior's parade is July 8, in three waves and will be escorted to the flagpole. The PD also assisted at the NHS graduation. Officers are engaging with the community. Chief Viadero is appointed to a task force that is going to

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model a use of force policy to be used state wide. Police reforms will be brought forward during the Legislative session in July. Court just moved back from Waterbury to Danbury. There is a backlog in court activity and warrants. Serious felony warrants are signed; routine warrants are backlogged. Chief Viadero reported current issues, in addition to COVID-19, are pressing on the officers. The officers are spoken to each day, assistance is offered and department morale is good; the community has been supportive. Chairman Faxon stated the department is up to date on all of the use of force policies and procedures, most of which were already in place.

#### **Old Business:**

**a.) Police Building Update:** Weekly construction meetings continue. The move in date is in November. The project is ahead of schedule. Walls are sheet rocked, electrical is in, building is being painted, floors are being tiled and the exterior is looking like a police department. Getting the Communications Center up and running will be a lot of work. Chief Viadero is very happy with the progress.

**Correspondence:** none.

#### **New Business:**

**a.) Newtown Action Alliance:** Chairman Faxon noted that the Board of Police Commissioners is an independent board of the town and duties, obligations and authority are circumscribed by statute (GS 7-276) and the Town Charter (Sec. 2-160). Chairman Faxon expressed appreciation to the Newtown Action Alliance for the submissions made to the board and noted that the Board of Police Commissioners is not an entity that passes ordinance or hears evidence on ordinances. The Commission duties include maintaining a police department in the Town, appointing a Police Chief and the Board is also the traffic authority for the Town. Historically, the Legislative Council is the body that passes ordinances, having a subcommittee that deals specifically with ordinances.

**Andrew Buzzi, 38 Obtuse Road** read the Newtown Action Alliance proposal and is concerned about the process. The notice on the agenda is insufficient for the topic and the submission by the Newtown Action Alliance. The power to propose and amend ordinances rests with the Legislative Council. He is concerned the error in the venue, together with the insufficient notice, may be perceived by the public as an attempt to suppress public participation. Mr. Buzzi said the Newtown Action Alliance must respect the rights of the public and follow proper procedures; any discussion under this Board, is premature. He encouraged the Board of Police Commissioners to direct any action on this topic to the Legislative Council.

**Don Loccoco, 27 Hi Barlow** is a Newtown Action Alliance board member. That board, as well as the Junior Action Alliance, have discussed ordinances for a couple of years. They met with LC Chairman Paul Lundquist for consideration by the Legislative Council Ordinance Committee. It was suggested they approach the Board of Police Commissioners. Their focus, all along, was to make sure they were going about this the right way. Two ordinances were passed at the state level already. The Newtown Action Alliance is looking for a referral. A person at a counter protest, carrying a firearm, can be perceived as a threat and that is not Nicer in Newtown.

**Jackson Mittleman, 25 Equestrian Ridge** has been a youth leader in the community. The issue of gun violence requires all to step up and protect other people from having the same experiences as Newtown had. Mr. Mittleman has been working actively for a long time leading the Junior Youth Action Alliance, bringing youth to DC, organizing in Newtown and speaking at the March for Our Lives. Peaceful events

are seeking a peaceful message that we need a safer country and towns; everyone has a right to protest in Town and feel safe at the same time.

**Po Murray, 38 Charter Ridge Dr.,** leads the Newtown Action Alliance and is involved in the Junior Action Alliance. Ms. Murray talked about when the CCDL gun rights group decided to come to Newtown Starbucks to hold an appreciation day the Newtown Action Alliance called the regional Starbucks, who ended up shutting the Starbucks. The gun enthusiasts arrived in Newtown, which was intimidating for many residents given it was shortly after 12/14. An open carry incident at Caraluzzi's in Bethel was also a concern. The Newtown Action Alliance has been protesting the National Shooting Sports Association, the second strongest gun lobby in the nation. Peaceful rallies become increasingly aggressive when gun enthusiasts attend. It's not a fair environment in Newtown. They are going through the process in getting this in front of the Legislative Council.

**Jason Zetoff, 16 Lakeview Terrace** said that consumers have choices; if one supermarket allows guns and another doesn't, there is a choice. He doesn't get to choose on Town property. This is an issue of public safety, intimidation and comfort. He thinks this should be referred to the Legislative Council.

Commissioner Cicciari appreciates the feedback but wrestles with comments on the process and how the Police Commission became asked to make a formal referral to the Legislative Council. It is not in the jurisdiction of the Commission to make recommendations or changes to ordinances; the process does not include the Police Commission. While the open dialogue and discussion is appreciated, it has to happen at the Legislative Council level.

First Selectman Rosenthal said that ordinances are usually referred by a board of commission to the Legislative Council. The ban of plastic bags was referred by the Sustainable Energy Commission. Relative to an ordinance on shooting ranges, Chairman Faxon recalled the PD had received complaints about high volume of gun fire at various times of day and night which resulted in investigations. Ordinances from other towns on that topic were sent to the First Selectman at the time. Any proposals were referred to the Legislative Council.

Chairman Faxon suggested the Newtown Action Alliance let the Legislative Council know they had made contact with the Police Commission, the Commission listened, read and reviewed the materials. They now need to submit the materials to the Legislative Council who will draft language, get legal opinions and go through the ordinance process. Commissioner Cicciari shared Chairman Faxon's thoughts. Commissioner Chaudhary agrees this may not be part of the purview of the Commission. He does not see a requirement to make a formal referral. This particular ordinance doesn't fall under the jurisdiction of any board of commission that the Town currently has, unless this ordinance would affect the ability of officers to do their jobs. Commissioner Chaudhary does not believe this is the purview of the Commission and believes the Legislative Council should take it up. Commissioner Plouffe also understands it is not the purview of the Commission. Procedurally, it is not noticed properly and not on the agenda to be voted on. Chairman Faxon recommended the Newtown Action Alliance take the proposed draft ordinance and research to the Legislative Council to be put on their agenda. If there are police department specific areas the Commission would be happy to address. First Selectman Rosenthal agreed this can begin at the Legislative Council.

**Commissioners Participation:** Commissioner Plouffe spoke about the perception of the Police Humvee. Chief Viadero said that officers are assigned to a Emergency Services Unit with the Danbury Police Department. There have been several events in Newtown. The Humvee was offered through a program. If the department had the Humvee during the microburst inaccessible areas could've been reached. The

intent is not to militarize the police, the intent is to have equipment available that allows officers to safely respond to certain situations, such as someone barricaded with a weapon. It aids in de-escalation and negotiation. This vehicle will not be on patrol, will not be seen in a parade or at a touch-truck and if maintenance becomes an issue at any point the department can get rid of it. Chief Viadero has spoken to groups and media outlets on the vehicle. The Humvee is used as mutual aid asset with other departments. First Selectman Rosenthal noted that Chief Viadero discussed this with him last summer when the vehicle became available. The department doesn't have a history of parading military surplus vehicles and equipment. The Humvee is there for Town use as well as for regional aid. First Selectman Rosenthal approved the vehicle. Chairman Faxon said having regional assets available in serious emergency situations is valuable. This is under lock and key and not used unless there is an emergency situation. He supports possession of the vehicle.

**Public Participation:** **Po Murray** asked for clarity on the process. **Andrew Buzzi** said that ordinance will start with the Legislative Council to be referred to the ordinance committee. Many hearings will be held with public comment, the ordinance committee gathers information and get legal opinions. It is a process. Paul Lundquist direction to the Police Commission was done in good faith.

Chairman Faxon agreed with Mr. Buzzi and said that any requirement to consult the Board of Police Commission has been met. First Selectman Rosenthal will reach out to Paul Lundquist.

**Adjournment:** Having no further business to report the police commissioners adjourned their regular meeting at 7:39p.m.

Respectfully submitted,  
*Susan Marcinek, Clerk*