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Joel Faxon
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Scott Cicciari
Neil Chaudhary
Stephen Sedensky

TOWN OF NEWTOWN

POLICE COMMISSION

The Board of Police Commissioners
Regular Meeting, Tuesday, September 6, 2022, 6:00 P.M.
191 South Main Street, Newtown, CT
Conference Room

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

Present: Joel Faxon, Brian Budd, Scott Cicciari, Neil Chaudhary, Stephen Sedensky

Also Present: Chief Kullgren, Capt. Bishop, thirty +/- members of the public, two members of the press and one news outlet.

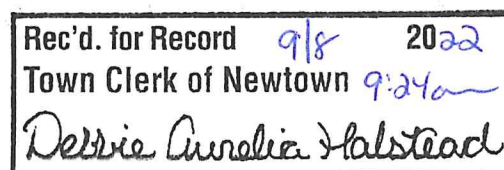
Chairman Faxon called the meeting to order at 6:00 p.m. and explained that because the agenda was posted for 6:00 p.m. but an area of the Town website notes the meeting times as 6:30 p.m. the commission would conduct its business prior to public comment to allow those who expect the meeting to begin later to participate.

Police Union Participation: none.

Consideration and action on minutes: Commissioner Budd moved to accept the minutes of the special meeting of August 3, 2022. Commissioner Cicciari seconded. All in favor. Commissioner Budd moved to accept the minutes of the special meeting of August 24, 2022. Commissioner Cicciari seconded. All those present for these two meetings were in favor of the motion. Commissioner Sedensky did not vote as he was not a member during these meetings.

Chief's Report: Lateral interviews will take place this week. Chief Kullgren reported that the NPD has reviewed Town Ordinance, Chapter 128, Firearms, in its entirety. Based on the facts and circumstances as well as consultation with the Danbury State's Attorney's Office, one or more of the exceptions found in our town ordinance applies. It is the State's Attorney opinion that Mr. Clark was not in provable violation of State Law and that therefore there is no basis for an ordinance violation. The first Labor Day parade in over two years was a success. Chief Kullgren commended staff and mutual aid partners as well as officers on patrol. Grading will begin on the new portions of Rte. 34 and the slip ramp, across from Toddy Hill Road. Once opened (late October) this should alleviate 50% of the inbound traffic currently using Wasserman Way to access the highway. East and Westbound lanes of Wasserman Way between Rte. 34 and Exit 11 off ramp will be paved within the next 30 days. Sidewalk and curbing will continue to be installed. Installation of piles for Rte. 34 retaining wall is ongoing. Exit 11 ramp, on and off, will be closed for the weekend for construction, beginning October 14.

Correspondence: Thank you letters included gratitude to Sgt. Chapman and Sgt. James for volunteering their time at NYFS Safety Town, a kid's camp. Another resident appreciated Officer McCarthy's reassuring presence, efforts and compassion. Officer McGowan was thanked by a senior citizen with a flat tire for helping when her phone battery died and calling AAA. Warden Washington from Garner Correctional Institution thanked Sgt. Chapman and Sgt. Wisentaner for assisting in a recent Life Star drill.



Commissioners Participation: Commissioner Budd thanked Fred Hurley for updated information on road striping. Chairman Faxon explained to the public that the Board of Police Commissioners is the traffic authority and responsible for keeping the roads safe, in conjunction with the Public Works Department. Commissioner Cicciari inquired on feedback since school has begun. Chief Kullgren has met with Superintendent Chris Melillo, all are on the same page relative to the safety of schools and students. Officer Pereira is the newest SRO. Chairman Faxon welcomed Commissioner Sedensky and is looking forward to working with him. Commissioner Sedensky has many years as the State's Attorney for Danbury, prosecuting all matters of criminal offenses.

Chairman Faxon announced that the Board of Police Commissioners is not a law enforcement agency, they do not issue infractions, do not investigate crimes and have no powers of arrest and cannot apply for a warrant. The commission is a publicly elected body of non-sworn police officers at this capacity (Commissioner Budd is a Capt. in the Stratford PD). The commission does not dictate to the PD how they decide criminal matters and have no control or authority over the state and CT DEEP officers operate and investigate. The commission is primarily involved in the hiring, discipline and supervision of police officers. Also, the commission is the traffic authority. The commission does not investigate shootings. Chairman Faxon welcomed public participation.

Public Participation: **Dave Ackert, 6 Cider Mill Rd.** appreciated the opportunity to speak and thanked the commission and Attorney David Applegate for being present. Mr. Ackert's primary concern is people violating the gun ordinance. There have been arrests for bear shootings in CT. State and Newtown gun laws require a minimum distance of 500 feet; Sgt. Clark was only 309 feet from a neighbor's home and 25 feet from the driveway. According to reports, four bullets missed the bear entirely. The scene was obstructed by removal of shell casings. DEEP decided not to charge Sgt. Clark before asking the State's Attorney for a legal opinion. The Danbury State's Attorney is not willing to reopen the investigation because of concern over Department of Agriculture law protecting someone who kills domestic animals after leaving the owners property. A bear is wildlife. Mr. Ackert asks the public and the NPD to not accept the states inaction any longer. Newtown needs to stand up and enforce the gun ordinance. He does not believe the DEEP did a thorough investigation and wants the case reopened. **MaryAnn Jacob, 65 Mohawk Trail** spoke from a public safety perspective. Ms. Jacob was the Chairman of the Ordinance Committee responsible for writing the ordinance between 2012 and 2013. The prior chair of the Police Commission, Paul Mangiafico, asked the Legislative Council for a ban on all shooting in Newtown. There were no laws about gun use other than relative to hunting in CT. The ordinance gave guideposts around what was okay and what was not. A few important pieces put in place include 500 feet from a structure, occupied or not, using a back stop, having a license or permit to carry and other things that are common sense safety things that most gun owners in this county believe. The process was eight months and passed in mid-2013. Her concern is the disregard for public safety by a trained police officer, on his private property. A police officer is trained in de-escalation, safety. Mr. Clark didn't call anybody in the days or weeks leading up to the shooting, he went directly to using an AR15 in his yard, with neighbors nearby; it's irresponsible at best. What message does this send to other residents who own guns? Siting an outdated agricultural law to avoid prosecution has far reaching implications. Ms. Jacobs suggested the commission speak to the police commission in the community where this officer is employed and note the concern about his use of his weapon in such an inappropriate way. The Chief of Police also can speak to the person for the same reason. The ordinance only allows for a fine. It's not safe to shoot an AR15 300 feet from another house. She hopes the State's Attorney will consider reopening the case. **Neil Baldino, 18 Gelding Hill Rd.,** spoke to integrity and accountability. The ordinance states 500 feet. He is concerned with the tampering of evidence and things the State's Attorney should look at that. **Debra Sourby, 79 Poverty Hollow Rd.,** finds it hard to get the facts; there are so many questions. Mr. Clark could've called DEEP or the local police. He violated the ordinance and that should not be overlooked. We have to address the use of guns in our neighborhoods. She feels the case should be reopened. Off duty or not, always a police officer and are held at a higher standard. **Karen Martin, Osborne Hill Rd.,** supports reopening the case; it's important to the people of Newtown to feel safe. She thanked the PD for always being respectful in her neighborhood when responding to incidents. **Glen Boyle, Park Lane** asked for enforcement dedicated to noise from modified vehicles and Harley Davidsons. Chairman Faxon spoke about jake brakes; a letter that Representative Bolinsky delivered to the DOT Commissioner to address the laws around jake brakes. Mr. Boyle asked for police presence at the construction at Exit 11, particularly in the morning hours. **Sherry Bermingham, Main Street** spoke about the traffic on Main Street. People are noisy, rude and disrespectful and leave trucks idling when going into the general store. She believes there is fairly new regulation that states trucks cannot idle more than three minutes. The commission is not aware of that regulation. Ms. Bermingham suggested leaving the first and last speed bumps on Queen Street and getting rid of the rest. People do not walk on Queen

Street, they walk on Main Street, where there are sidewalks. **Mitch Bolinsky, 3 Wily La.**, noted he is the State Representative for Newtown and part of the Legislative Animal Rights Caucus. Mr. Bolinsky supports the SRO's. They are part of the fabric of the schools. Public participation has been helpful relative to Bobbi the Bear. He agrees with Dave Ackert and MaryAnn Jacob. There is an ordinance. Relative to the animal rights caucus, there is a task force looking at how laws are written and enforced. The case is a miscarriage of justice, especially in light of the local ordinance. An environmental attorney is working with the State's Attorney on looking at the application of law on looking at the application of law. **Yoli Moreno 16 Taunton Hill Rd.** was present with her daughter and doesn't want anybody to lose track of the fact that this creature was murdered; she hopes there is justice for this animal. **Joe Procaccini, 5 Old Town Rd.**, rehabs wildlife, is licensed by the DEEP and works with animal control. He has sometimes rescued and rehabbed animals not on the list of animals approved for his license, and been punished. He stated someone shoots a bear and isn't punished while he rescues and rehabs animals and is punished.

Chairman Faxon said that although the Board of Police Commissioners is not a law enforcement agency but can provide a public forum. A State Rep., a State's Attorney as well as media were all present; the commission cannot provide relief but can provide the opportunity to air concerns in public so there can be legislative action or legal action. Chairman Faxon thanked the public for attending.

Adjournment: Having no further business the regular meeting of the Board of Police Commissioners adjourned at 6:55 p.m.

Susan Marcinek, clerk

