



TOWN OF MIDDLEBURY

POLICE COMMISSION

MINUTES SPECIAL MEETING OF THE POLICE COMMISSION Monday, July 18, 2016 – 6:45 p.m. Town Hall Conference Room

Present: Commissioner Ken Heidkamp, Chairman
Commissioner Fran Barton (entered at 6:56 p.m.)
Commissioner Paul Bowler
Commissioner Frank Cipriano
Commissioner George Moreira

Also Present: Acting Chief Fran Dabbo
Officer Ed Demers
Officer Randy Ireland
Barbara Whitaker, Recording Clerk
Marj Needham, Reporter – Bee Intelligencer

Call to Order with Pledge of Allegiance

Commissioner Cipriano MOTIONED to approve the minutes SECONDED by Commissioner Heidkamp. Unanimous approval.

Approval of June 13, 2016 Meeting

The Chairman MOTIONED to approve the minutes of the June 13, 2016 meeting, SECONDED by Commissioner Cipriano. Unanimous approval.

Chief's Report – Acting Chief Dabbo

At this time Chief Dabbo introduced Officer Ireland as the newest reserve officer with the Middlebury Police Department.

The Chief indicated that traffic was very heavy for the 4th of July fireworks and that all of the parking lots at Quassy were filled to capacity. Additionally, traffic was blocked both ways on Route 64. The Chief reported that people were running over the temporary no parking signs.

The Chief reported that car 10 has been repaired, the door was repaired and it is back in service. On Wednesday it went for a new transmission which is under warranty.

Officer Demer's car needs a new transmission as well. His car is still under warranty as well.

Commissioner Barton entered at 6:56 p.m.

Chief Dabbo reported that Commissioner Barton has received a copy of the uniform and biased based policing policy. Attorney Smith said that he had a couple of corrections changing the public act to the statute numbers, but no changes with the content of the policy. The Acting Chief indicated that some of the policies presented by former Chief Viadero had not been approved by the Union first. The Acting Chief said he has added some content to those policies and he will work on how they will be handed out; and create an index and hold officers accountable once everything is accepted.

Commissioner Barton MOTIONED to accept the Biased Based Policing Policy, with the changes suggested by Attorney Smith, SECONDED by Commissioner Cipriano. Unanimous approval.

The Chief reported that the electronic speed trailer has been ordered. This will be placed in the problem areas for speeding. He would like to put it out for several days or a week. He will hire

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reserve officers because full-time officers are going from one call to another. The Chairman suggested that the trailer be placed in front of construction zones.

The Chief received a complaint from a resident on Straits Turnpike. The resident requested that speed limit be reduced from 45 mph to 35 mph. The Chief explained that this cannot be done by the Town as Route 63 this is a state road. Commissioner Moreira said that there have been many studies done by the Department of Transportation (DOT) at the request of residents on both traffic and speed on Straits Turnpike. This resident lives between Richardson Drive and Park Road on Straits Turnpike. The Commission suggested that the Chief give the resident the contact information to the DOT.

The Chief said he received a request for a no parking sign on Avalon Farms. He is going to ride by there and take a look at it.

The Chief reported that a resident on Old Woodbury Road sent in a letter complaining about getting in and out of his street during the Triathlon. The resident indicated that the police officers give him a hard time about access. Chief Dabbo will speak with George Frantzis at Quassy about this matter.

The Chief reported that there was a 911 failure on Friday, July 15, 2016. He was on the phone with Northwest Communications to find out what happened, but no one knows for sure. All emergency notification staff uses AT&T which would be NEXGEN. The speculation is that a big server went down, but they have not heard anything officially from the State. Any agency that is supposed to go over to NEXGEN 911 is going to be put off until the problem is identified.

The Chairman said that he did not receive the Everbridge alert or email. He is not registered. He asked that the Chief and Marj Needham to get the word out to residents to register their phone numbers.

At this time Chief Dabbo handed out copies of the attached alarm ordinance. The fine was reduced from \$500 to \$300. With the current computer and interface system, the Middlebury Police Department does not have statistical information does not have any information. They have spent \$12,000 on the interface system and it is still not working well. The Chairman said that from what he hears on the scanner there are handful of homes and businesses that are the problem officer Demers said that they have gone to the same business every morning for a month, they've discussed this with the business owner. Commissioner Bowler suggested that the officers issue a written warning to the homeowners and business owners that constantly abuse the policy and after three warnings, the abuser be presented with a fine. Commissioner Barton suggested increasing the fee. Attorney Smith said that can only be done by the Board of Selectmen. Officer Demers suggested checking into whether Northwest can run a report on these calls. The Acting Chief will look into this tomorrow morning.

Commissioner Cipriano said that he spoke with the Chief about the signage to Meadowview Park, and the sign has been reposted. Officer Demers offered that when there are sports events, parents go through the wrong entrance. They haven't noticed a problem since the sign was put back up. Commissioner Bowler suggested that a stencil be placed on the floor of the parking lot that says "POLICE" and another labeled "FIRE" in front of the fire station.

Commissioner Bowler inquired about the meaning of "Miscellaneous 309" on the Police Department Activity Report. Acting Chief Dabbo said he would have to check with his Administrative Assistant.

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Chairman's Report - Chairman Heidkamp

In the past two weeks, our Nation has witnessed the assassination of 8 police officers in Dallas and Baton Rouge. The Chairman requested that the Chief work with the men and women of the MPD and to talk with his counterparts in other agencies to ensure that the MPD is properly equipped to handle a retaliation catastrophe and that the officers are properly trained to handle these types of situations. The Chairman also requested that if necessary, the Acting Chief spell out any actions any, are in place to improve the relationship between our police officers and the citizens that they are sworn to protect.

The Chairman met with Chief Dabbo, Edward B. St. John, First Selectman and Robin Williams to discuss ongoing projects and current status to ensure that we are all on the same page. Some of these will be discussed in greater detail under Old or New Business. Areas of discussion included:

- CAD software at NW
- Computer usage – specifically Tough Books and the Air Cards
- Accident Investigation Unit
- LPR Scanner usage
- Vehicles on order
- Neighborhood patrols

Old Business

Committee Reports

Commissioner Barton said that he and the Chief have been working on the handbook. He is currently reviewing the policy on the uniforms.

Commissioner Bowler said that he discussed the budget with the Chief. Once the budget is prepared, there is not much that can be done because they are responding to crisis and doing the best that they can with what they have. The Chairman said that they ended the year at a slightly lower deficit because of fuel savings however, they will have to monitor the overtime budget for the 2016-2017 fiscal year. They received an extra \$70,000 than what they had last year. Commissioner Bowler said that we have to be vigilant about the budget.

Commissioner Barton said that the original budget was on target, but they were cut about \$57,000. The Chairman explained that the entire budget for the MPD is 1.435 and the Department was over by 4.33%.

Commissioner Cipriano said that one of the oldest cars is down at the yard and is ready for disposal. The second oldest car's transmission was recently replaced. There are two cars on order that are leased. Commission Cipriano questioned why the cars were being leased rather than purchased.

Commissioner Cipriano said that he has not been in touch with the Public Works Director regarding the projects and upkeep at the MPD. The Chief will get in touch with the Public Works Director and get back to Commissioner Cipriano.

Commissioner Cipriano said he feels there was not enough man power during the fireworks on July 4th. At this time Commissioner Cipriano presented a drawing he made of a traffic plan implemented by Chief Calabrese in the 1980's for Christian Road during the fireworks. The plan

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included closing Christian road at 9:30 p.m. Commissioner Cipriano suggested blocking the road with a police vehicle or a fire truck. Since the Chief does not have the manpower to enforce parking violations, he suggests that the street be closed and that an officer walks the road to give out tickets.

Chief Dabbo said that the plan was to make Judd Hill one way going southbound. The Chairman suggested that this be done the same way it takes place for Rev 3. Commissioner Bowler suggested that this be discussed again in February 2017. Commissioner Cipriano also suggested that tow signs be put up for the evening on that street.

The Chairman said that Waterbury Police Department switched over with Northwest at the end of June and there were some problems. They will be discussing a harmonization with the dispatch software. They will come up with a recommendation.

The Chief stated that all the officers should be geared up with their work uniforms and once the uniform policy is in place; they would order the Class A's.

New Business

The Chairman recommended and requested that the Acting Chief give some thought to posting information on the MPD website on how residents should act when they are pulled over. Commissioner Bowler asked if bullet proof glass should be installed with door panel inserts. The glass is too heavy. The Chief said that there is an upper armor option for \$8,000 on the cars. There was some discussion.

Commissioner Barton inquired about the status of the Chief's search. The Chairman stated that this would be discussed at the next meeting in Executive Session.

Commissioner Barton MOTIONED that the August 8, 2016 meeting be rescheduled to Monday, August 15, 2016 at 6:30 p.m. in the Town Hall Conference Room.

Adjournment

Commissioner Bowler MOTIONED to adjourn, SECONDED by Commissioner Moreira. Unanimous approval.

These minutes are submitted subject to approval this 20th day of July 2016.

Respectfully submitted,

Barbara Whitaker

Barbara Whitaker
Recording Clerk

TOWN OF MIDDLEBURY
ORDINANCE CONCERNING BURGLAR, FIRE HOLD-UP
AND AUTOMATIC DIALER ALARM SYSTEMS *

PURPOSE: The purpose of this ordinance is to provide minimum standards and regulations applicable to users and installers of burglar, fire, hold-up and automatic telephone dialer alarms within the Town of Middlebury, to provide penalties for noncompliance, and to encourage the installation of protective alarm systems in all dwellings and commercial structures.

SCOPE: This ordinance shall be known and may be cited as an Ordinance Regulating Burglar, Hold-up, and Fire Alarm Systems and Users.

SECTION 1. DEFINITIONS.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning giving herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.

- (a) Alarm system means an assembly of equipment and devices (or a single device, such as a solid state unit, which may operate from a 110-volt AC line) arranged to signal the presence of a hazard requiring urgent attention and to which police or fire department personnel are expected to respond. This includes all burglar alarms, fire arms, holdup alarms, and automatic telephone dialer alarms, except this does not include smoke detectors which do not signal outside an alarmed premises or alarm systems on motor vehicles.
- (b) Alarm user means any person, firm or corporation on whose premises any alarm system is maintained within the town.
- (c) Automatic telephone dialing device refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.
- (d) False alarm means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his/her employees or agents. Such terminology does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes or other normally infrequent violent condition or acts of God. Excluded from this chapter are false alarms that are transmitted with a criminal, malicious or mischievous intent. Such violations will be prosecuted under the applicable general statutes of the State of Connecticut.

SECTION 2. INSTALLATION REGISTRATION.

Any person, firm or corporation installing an alarm system within the town shall register with the Middlebury Police Department at least ten (10) days prior to anticipated installation. All existing alarm systems shall be registered with the Middlebury Police Department within sixty (60) days of the effective date of this chapter.

SECTION 3. ELECTRICAL PERMIT TO INSTALL

No alarm system shall be installed by the other than a licensed person or other person meeting the requirements set forth in the building and electrical codes of the State of Connecticut. No alarm system shall be installed unless an electrical permit to install an alarm system has been obtained from the town building official, or his designated representative, as is required by the building and electrical codes of the State of Connecticut and the Zoning Regulations of the Town of Middlebury.

SECTION 4. EXISTING AUTOMATIC DIALING ALARMS

Alarm users having existing automatic telephone dialing devices shall comply with section 7-282b of the General Statutes of the State of Connecticut.

SECTION 5. PROGRAMMING AUTOMATIC DIALING ALARMS

Automatic telephone dialing devices in existence as of or prior to June 8, 1981, shall be programmed to a special telephone number which is to be designated by the chief of police. An automatic telephone dialing device shall not be programmed to dial 911.

SECTION 6. AUTOMATIC DIALING ALARM TO THE POLICE

No person, firm or corporation shall install an automatic telephone dialing device within the Town of Middlebury terminating at the Middlebury Police Department after the effective date of this ordinance.

SECTION 7. AUDIBLE ALARM RESTRICTION

All alarm systems, as defined in this chapter, which sound an audible signal which may be heard outside of the protected premises, shall be equipped with a device which shall limit the duration of such audible signal to not more than thirty (30) minutes in accordance with Section 22a-69-5.1 of the Administrative Regulations of the Department of Environmental Protection of the State of Connecticut.

SECTION 8. FALSE ALARM LIMITATION

A maximum of five (5) false alarms per town fiscal year (July 1 to June 30) shall be allowed from any alarm system to any person, firm or corporation. Upon receipt of a sixth false alarm and for each false alarm thereafter during the fiscal year, a user fee shall be assessed by the chief of police in

) the amount of seventy-five dollars (\$75.00). Alarms originating from any building owned or operated by the Town of Middlebury shall be exempt from the user fee requirements.

SECTION 9. ENFORCEMENT GENERALLY; PERFORMANCE STANDARDS

Enforcement and administration of this ordinance shall be the function of the chief of police, except that the fire marshal shall have jurisdiction over the fire alarm systems and shall be accomplished as is provided in either or both of the following two (2) sections.

SECTION 10. PENALTIES

Any person, firm or corporation found to be in violation of the Section 6 shall be fined one-hundred dollars (\$100.00).

- (a) Any person, firm or corporation who shall fail to pay a user fee, which has been assessed as provided in section 8 of this chapter, within thirty (30) days shall be fined one-hundred dollars (\$100.00). Each delinquent user fee shall be a separate offense.
- (b) Any person, firm or corporation found to be in violation of any provision of this chapter shall be fined twenty-five dollars (\$25.00).

In accordance with General State Statute Section 7-157, this Ordinance shall become effective fifteen (15) days after publication of a Legal Notice.

) This Ordinance is effective October 24, 1994.

Recorded in Volume 8, Page 4.

- **See Page 93 for Amendment to Ordinance concerning Burglar, Fire Hold-Up and Automatic Dialer Alarm System approved at a Special Town Meeting July 29, 2009.**

) injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 19. COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 20. VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 21. CRIMINAL PROSECUTION

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$100.00 dollars per violation per day and/or imprisonment for a period of time not to exceed 30 days.

The authorized enforcement agency may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION 22. REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 23. ADOPTION OF ORDINANCE

Effective Date: August 16, 2007

Adopted at the July 24, 2007 Town Meeting / See Vol. 8, Pg. 183 of the Town of Middlebury Town Records Book.

**AMENDMENT TO ORDINANCE CONCERNING BURGLAR, FIRE HOLD-UP AND
AUTOMATIC DIALER ALARM SYSTEMS**

To amend the Town of Middlebury Ordinance concerning Burglar, Fire, Hold-up and Automatic Dialer Alarm Systems, Section 8. False Alarm Limitation to state: "A maximum of three (3) false alarms per town fiscal year (July 1 to June 30) shall be allowed from any alarm system to any person, firm or corporation. Upon receipt of the fourth false alarm during the fiscal year, a use fee shall be assessed by the Chief of Police in the amount of Fifty Dollars (\$50.00); upon the fifth false alarm, a use fee shall be assessed in the amount of Seventy-Five Dollars (\$75.00); and upon the sixth and each additional false alarm calls within the fiscal year, a use fee shall be assessed in the amount of One Hundred Dollars (\$100.00). Alarms originating from any building owned or operated by the Town of Middlebury shall be exempt from the user fee requirements".

EFFECTIVE DATE

In accordance with Connecticut General Statute §7-157, this Ordinance shall become effective fifteen (15) days after publication of the legal notice in the August 2, 2009 Sunday Voices.

Effective Date: August 17, 2009

Adopted at the July 29, 2009 Special Town Meeting / See Vol. 8, Pgs. 265-268 of the Middlebury Town Records Book.

ORDINANCE ESTABLISHING PAYMENT SCHEDULE FOR ANNUAL REAL ESTATE TAX, PERSONAL PROPERTY TAX AND MOTOR VEHICLE TAX

To enact a Town of Middlebury Ordinance establishing payment schedule for annual Real Estate Tax, Personal Property Tax, and Motor Vehicle Tax to state:

"Pursuant to Section 12-142 et seq. of the Connecticut General Statutes,

- a. All taxes due and payable to the Town of Middlebury shall be in two semi-annual installments except for any tax of One Hundred Dollars (\$100.00) or less and all motor vehicle taxes, regardless of amount due.
- b. All taxes due and payable of One Hundred Dollars (\$100.00) or less and all motor vehicle taxes, regardless of amount due, are payable on the **1st day of July** of each year following the annual approval of the general fund budget with the exception of the first installment of real estate taxes which are due on the **1st day of July** of each year.
- c. All other taxes shall be due and payable in TWO installments; the first installment due and payable on the **1st day of July** of each year and the second installment on the **1st day of January** following the annual approval of the general fund budget.
- d. Except as established by action of a Town Meeting, each of the two installments of a tax due shall be equal; any taxpayer may pay the two installments when the first is due".

EFFECTIVE DATE: In accordance with Connecticut General Statutes §7-157, this Ordinance shall become effective fifteen (15) days after publication of this legal notice in the August 2, 2009 Sunday Voices.

Effective Date: August 17, 2009

Adopted at the July 29, 2009 Special Town Meeting / See Vol. 8 Pgs. 265-268 of the