

Town of Montville
Montville Law Enforcement Feasibility Committee
Meeting Minutes for Tuesday, October 28, 2014
6:30 p.m. – Room 203 – Montville Town Hall

1. Call to Order
Chairman Pike called the meeting to order at 6:30 p.m.
2. Pledge of Allegiance
3. Roll Call
Present were Bill Bucko, Jeff Buebendorf, Robert Giffen, Victor Lenda, Tim May, and Wills Pike. Absent was Joe DePasquale. Also present were Lt. Leonard Bunnell and Resident State Trooper Sgt. James Smith.
4. Remarks from the public relating to matters on the agenda with a three-minute limit -none.
5. Alterations to the Agenda — none
6. Approval of the Regular Meeting Minutes of October 7, 2014
Motion made by Councilor May, seconded by Mr. Giffen. Discussion: Mr. Buebendorf proposed the following corrections:
 - Page 4, Item 7(a), question number 14: “The question was unanimously ~~parked~~ kept.”
 - Page 5, Item 7(a), questions 16 and 17 are duplicated. Questions 17-22 should be re-numbered accordingly.
 - The date in the headers should read October 7, 2014.Voice vote to accept the meeting minutes as amended, 6-0, all in favor. Motion passed.
7. Unfinished Business
 - a. Review of previous independent Police Department studies and reports
 1. Review of selected questions
Chairman Pike stated that he felt comfortable with the questions, adding that they can always be changed and/or revised as necessary.
 - b. Status and scheduling of the following presentations:
 1. Douglas S. Fuchs, Chief of Police, Redding
 2. J. Darren Stewart, Chief of Police, Stonington – scheduled for November 4, 2014
While Sgt. Smith will be providing Chief Stewart with their list of questions, he requested the Committee provide him with any direct questions they might have so that he can properly prepare his presentation. Chief Stewart worked up the ranks in the Stonington Police Department, has associated with local PDs, is heavily involved with the LEC (Law

Enforcement Council), and currently heads the Police Chief Association's Subcommittee. Inclusion of the following items in his presentation were requested:

- Replies to the list of kept questions
- Overall functionality of an independent police department
- Pros and cons of an independent police department
- His perceived costs and benefits of an independent police department vs. RST Program
- If he could be part of an RST Program, would he. Why or why not?
- Losses and gains of the two systems

Sgt. Smith stated that, in his recent discussion with Chief Stewart, he noted the importance of presenting the benefits the Town would receive for the additional funds they would be investing. For example, when he requested additional manpower, he stated that all of the officers would be trained as first responders for medical conditions, which has since proven invaluable to the Town. In addition, sundry costs will need to be considered with the additional manpower, e.g., costs for gas, uniforms, etc. Sgt. Smith added that, in terms of experience regarding transferring over from an RST Program to an independent PD, Chief Fuchs might be able to provide more enlightenment based upon his experience. Lt. Bunnell and Sgt. Smith were invited to pose any questions they might have to the Chiefs, as well.

3. Terry Hart, Finance Director for the Town of Montville

Chairman Pike reported that he engaged in a brief conversation with Finance Director Hart regarding her presentation to the Committee regarding the PD budget. He also introduced the possibility of adding Public Works Director Don Bourdeau to the list of presentations since the Public Works Department owns and maintains all Town vehicles. He added that the funding for police vehicles derives from the CIP (Capital Improvement Plan).

Mr. Giffen confirmed that Finance Director Hart would be providing them with a comprehensive outline of the last two (2) operating years of the Police Department's income and expenses prior to her presentation, keeping in mind that there are police-related line items, such as the aforementioned vehicles, which are included in the budgets of other departments. Though it does not include the past years' numbers, Mr. Bucko passed around a report he had received from her in September as an example of what they might be looking for. Mr. Buebendorf distributed a copy of a report he created based upon his review of the Town's budget, pulling out those items he determined as being police-related. The Committee agreed with the format. Mr. Giffen added that their presentation to the Town Council and the public could, then, include four (4) columns listing the budgets for 2012/13, 2013/14, and 2014/15, and the estimated costs of an independent police department, as provided/estimated by the Finance Director. The format will be easy to for all to understand when the issue goes to referendum. Chairman Pike will request the budgets for the years noted from Finance Director Hart using Mr. Buebendorf's report as a sample of what the Committee is seeking.

In response to Councilor May, Lt. Bunnell explained that the line item for Police Reimbursement, Private Duty refers to those jobs performed for a private party, e.g., utilities (excepting the WPCA) and private companies. These jobs are billed by the Town and include the hourly charge plus a 32% administrative fee.

Chairman Pike stated that, in speaking with the Mayor, he discovered that, though the issue had previously gone to referendum, it might not have been necessary since the police department does not involve bond money. Mr. Lenda agreed, stating that he, too, had questioned Councilor Jaskiewicz about the reasoning behind the issue going to referendum as, he felt, the Committee should present their findings, their recommendation, and the Town Council make the decision based upon their presentation. Councilor May questioned whether such non-recurring costs as the impound lot might not involve bond money. Lt. Bunnell clarified that, in previous years, though the Charter does provide the Council with the power to make the final decision, they felt that, because it is such an important issue and decision, it should be presented to the public. Councilor May reported that, in his conversations with the residents, he has discovered that they are, for financial reasons, overwhelmingly opposed to the establishment of an independent police force, adding his feeling that this Committee would be able to dissolve any existing stigma(s) attached to the issue. He also agreed that it is a big decision for the Town and the Council would prefer to make such a decision with the support of the Town. Furthermore, he stated that he is troubled by the Public Safety Commission's (PSC) lack of efforts in publicizing or, even, presenting the Almont Report to the Town Council and the public. He suggested requesting Commissioner DePasquale to ask the Town Council for the funds to promote their meetings through the placement of advertisements, the public access channel, public announcements, and the distribution of flyers.

Mr. Lenda stated that, in addition, their final presentation should be one that is good and honest outlining the true costs from which the Town Council (or the residents) can base their final decision. Chairman Pike stated the importance of the need for the public to be more educated regarding the workings of the budget and the reasons behind the rise and fall of their taxes. Councilor May added that the numbers will speak for themselves, but the reasoning behind those numbers must be clearly stated so as to avoid any of the misconceptions that resulted in the failure of the last two referendums. Furthermore, the Committee's final report should cultivate and answer all of their questions. Should the public understand, like, believe, and agree with their findings, they will vote accordingly, as they have in the past for such issues as the Public Safety Building and the \$20 million bond for the schools. Due to all of the necessary components of an independent police department, e.g., detention, dispatch, etc., it would not be possible to, for example, merely hire a Chief and a Clerk in an effort to work towards an independent department. Mr. Buebendorf stated the importance of comparing two equal values and expressed his concern that they are not doing so. Using the analogy of renting an apartment vs. owning a home, he stated that, rather than comparing the pros and

cons of renting a one-bedroom apartment vs. a one-bedroom home, he is concerned that they are attempting to compare the renting of a one-bedroom apartment vs. purchasing a three-bedroom home. Similarly, it will be difficult to compare/sell an “ideal” independent police department vs. the current RST Program with all of its present imperfections. Both comparisons should contain similar imperfections. Councilor May stated the need to emphasize the importance of timing by presenting a projection of the future costs of the RST Program, which, at some point, will prove to be cost prohibitive. It was agreed that the benefits the Town would receive should be clearly stated and presented.

Lt. Bunnell corrected that only one of the referendums had failed. The referendum that did pass, i.e., the Public Safety Building, was as the result of its marketing campaign. He stated that the lion’s share of the increase in costs is the additional staffing. Discussions regarding regional dispatch are continuing and have yet to be finalized. While the demand for services may differ, they will be able to delve further into their discussions regarding what it will take to establish an independent police force from a constabulary and help them begin to formulate an educated decision and recommendation following the presentations by Police Chiefs Stewart and Fuchs. In response to Mr. Buebendorf, he stated that one of the items on the Public Safety Commission’s October Agenda, which was cancelled, was to adopt and recommend the PD portion of the Almont Study. Chairman Pike noted that the Committee’s role is not to promote one program over the other, but to report their findings. Though their charge does not include for the Committee to provide the Town Council with their recommendation, it was felt that there would be no harm in doing so, separate from their report and following an unbiased reporting of their findings.

With regards to their comparisons, Mr. Giffen felt that it would be important to state that some of the staffing needs are necessary whether they opt to stay with the RST Program or go independent. To state that the additional staffing will be required should they go independent will have an immediate negative effect. Sgt. Smith stated the importance of including the additional staffing that will be necessary for the creation of an independent police department as those individuals will be fulfilling those functions currently being handled by the State through the RST Program. Exclusion of the additional staffing will result in a situation similar to that of Plainfield, i.e., a department that is understaffed and, as the result, overworked, stressed, unable to complete their duties, and safely and adequately serve the town. It is also important to note that, because the number of budgeted officers is not adequate in its current state, the additional staffing required, he agrees, is larger than ideal. Nevertheless, each of the recommended individuals is necessary for the department to be able to function independently. In addition, while mutual aid is available in either case should there be a donnybrook, an independent police department cannot and should not rely upon mutual aid for standard calls. An independent police department should be able to function and provide the necessary services on its own. It is difficult to estimate how often they would require the aid of other police departments and/or the State Police. Mr. Giffen felt that it

would be the job of the PSC, not theirs, to recommend the appropriate staffing and the Committee should be careful what they include in their comparison. Mr. Buebendorf stated that, while it is clear that an independent police department would require additional staffing to replace the support and functionality of those jobs currently received under the RST Program, he reiterated the need to compare two equal scenarios, with its current inadequacies.

Mr. Lenda further clarified that a request for mutual aid for a serious incident, e.g. a fight or a riot, and one that is routine due to understaffing are two different things, reiterating that an independent police force cannot and should not rely on mutual aid for small, routine calls.

Mr. Lenda further clarified that, as in independent PD, the State will come *when possible* and the support may not be timely and would be at the expense of the public. Attention should be paid to standard rather than emergency calls. In addition, Sgt. Smith added that, each time a prisoner is brought in, staffing will automatically be reduced as two (2) officers are necessary to manage and process a prisoner. Currently, prisoners are taken to the State barracks where an officer is on staff to help process a prisoner.

Keeping the potential of the Police Department and the Public Safety Building, which was constructed with the support of the public, in mind, all of the costs should be presented including any “hidden” costs. Lt. Bunnell added that it could take several years for the department to bring itself up to an appropriate level due to the hiring and training process of officers. Mr. Buebendorf agreed and understood the importance of including those additional officers who would be necessary for an independent police department to be self-sufficient. In such case, he requested the number of occasions in which the State was unable to provide support and its resulting negative ramifications. If such situations have not occurred, then that would indicate that there might be no real gain received from the added cost. Mr. Lenda felt that, should they go independent with their current staffing, the calls will pile up and they will not be able to adequately serve the Town. Lt. Bunnell stated that that is currently the case and some calls do not get answered in a timely manner.

Councilor May questioned what the barebones of an independent police department would be and whether it would be possible to contract out certain functions to the State in an effort to alleviate any immediate costs. Both the Lieutenant and Sergeant were not aware of that ever having been done.

4. Public Safety Commission, Town of Montville

8. New Business

- a. Discussion regarding promoting MLEFC meetings
- b. Discussion regarding the CT Police Chiefs Report
- c. Discussion regarding the Resident State Trooper Contract

In response to Chairman Pike, referring to the section titled “Overtime” in the RST Contract, Sgt. Smith stated that, should there be a scheduled Town function, e.g., power lines or a pipe bursts,

and his services are requested, he will get paid in accordance to the State's overtime policy and the Town will be billed accordingly. The language in the contract pertains primarily to off-duty or school functions; such ancillary duties are in addition to his normal duties. Lt. Bunnell added that there is a difference between scheduled and unscheduled/emergency events and that the Town is not required to pay for the latter. This would also be the case for an independent PD.

In response to Mr. Giffen's question regarding what happens when the contract expires on June 30, 2015, Lt. Bunnell stated that the contract includes a 30-day termination clause. Lt. Bunnell stated that they have, in previous years, continued with the RST Program for an extended period of time after a contract has expired without any detrimental effects and that the Town Council, to his knowledge, has never voted on a 30-day extension. Sgt. Smith believed that the contract continues as it enters into a negotiation phase. With regards to the labor contract, which is believed to also expire in 2015, Mr. Giffen noted that the CT Police Chiefs Report recommends that the labor contract should be re-negotiated prior to going independent, as it will be difficult to do so after the fact. Lt. Bunnell added that there are various opinions regarding the necessary steps in dealing with labor issues. Mr. Buebendorf added that his understanding of the contract is that there is a termination provision in which the Town may opt to terminate the contract at any time provided at 30-day notice is given.

9. Remarks from the Public with a three-minute limit

Lt. Bunnell felt that the Committee's emphasis on the pros and cons is devouring their time. They should, rather, invest more time into what it is going to take. While determining the pros and cons is both pertinent to their charge and important, they must decide what it's going to take be an independent PD in terms of providing the adequate staffing so that the department can adequately cover patrol, detention, investigations, administrative duties, and protect the Town and its residents. Both Chiefs Stewart and Fuchs, he feels, should be able to answer all, if not most, of their questions and aid them in creating an informed presentation and/or recommendation. Once these questions are answered, they will be able to approach the Finance Director for the financial aspect of their report. Sgt. Smith noted that the typical rule of thumb of calculating the number of officers necessary to adequately protect and serve a municipality is based upon a formula formulated by the FBI.

10. Remarks from the Committee Members

The Committee expressed their appreciation to Mr. Buebendorf for taking the time to create the financial spread.

11. Adjournment

Motion made by Mr. Giffen, seconded by Mr. Bucko, to adjourn the meeting at 8:11 p.m. Voice vote, 6-0, all in favor. Meeting adjourned.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town of Montville