



CITY OF ANSONIA
BOARD OF POLICE COMMISSIONERS / TRAFFIC AUTHORITY

MINUTES OF THE REGULAR MEETING
 Wednesday, May 6, 2009
 5:30 p.m.
 Erlingheuser Room
 Ansonia City Hall, 253 Main Street

Call to Order / Pledge of Allegiance / Roll Call

Chairman Nicholas Amico called the meeting to order at 5:30 p.m. All those present rose and pledged allegiance to the Flag of the United States of America. The Secretary called the roll as follows:

Commissioners	Present	Absent
Nicholas Amico, Chairman	X	
David Cassetti	X	
Bruce Goldson		X
Dennis Phipps		X
Ann Marie Pitney	X	

Chairman Amico declared a quorum of 3 present and 2 absent.

Police Chief Kevin Hale and Corporation Counsel Kevin Blake were present as well.

Approval of Minutes

Commissioner Pitney MOVED to approve the minutes of the Regular Meeting of April 1, 2009; SECONDED by Commissioner Cassetti. A voice vote was taken and the MOTION PASSED 3-0.

Public Session

Frank Heusser Jr., Frank's LLC, Wakelee Avenue

I'd like to talk to the board about the abandoned vehicles. It was brought to my attention that they just started a new rotational tow list for abandoned vehicles, voluntary who would like to be on it and who would not like to be on it. Since it's a brand new rotational list, I would like to be included on that tow list for abandoned vehicles.

Chairman Amico explained that the Commission has not approved the procedure for that yet. Once it is approved it will be with the minutes and Mr. Heusser will be able to get a copy at that time.

Mr. Heusser continued, the other question I have is the procedure, before you make any rulings on it, currently you guys are issuing a CT 109 form. This form cannot be issued unless the vehicle is totally mutilated, destroyed, unusable as a motor vehicle. Once this form is handed

out it voids the title. The car is no longer allowed to be registered. It can't do anything besides be junked. If you have a car on the side of the road that's abandoned, no plates on it, and say somebody went on vacation and they towed it. Now, if the City issues one of these 109 forms, the City's going to get in trouble, the owner of the vehicle will have legal action against the City. I want to make sure you are aware of these 109 forms. The 109 forms can only be used, and it says right at the top, "If the value of the vehicle is under \$500 or totally mutilated."

So it would have to be issued a 114 form to a licensed dealer. The licensed dealer or repairer would then be able to get an H76 form that the DMV issues to the towing service. Then the towing service can get rid of the vehicle on the H110 form. It's quite entailed. I do a lot of private property tows and I had to go to classes on this. This is something I know that the City has not been following the correct procedures for years now about disposing of vehicles, but I think it's something that...

Commissioner Cassetti interjected, what forms should we be using?

Mr. Heusser replied, you should be using a H114 form. Once that form is handed to the wrecker operator, if the vehicle is not claimed within 48 hours, the Police Department has to send it Certified Mail to the registered owner. Once the form is sent out registered mail, whether the people respond or not, after 15 days, now it's up to the tower to send another registered letter to make notification and let the person know how much they owe on the vehicle and what the deadline they have to claim it. Once the deadline is past then the licensed wrecker service can apply to get the correct paperwork to override the title. It's quite in-depth. They had classes on it. I'm very up on abandoned vehicles.

The other question I have is for Corporation Counsel Blake. He sent me a letter about Renu Auto Body. He stated that he agrees that the stipulation is still in effect. If the stipulation is still in effect that Renu Auto Body can't work past 9 p.m., how is he on the 24-hour tow list for the City? This is what I've been asking for a while. He finally sent a letter back to the Chairman Flaherty that he agrees the stipulation is in effect.

The other problem you have is, when you're a 24-hour towing service for a Police Department, you have to be able to have emergency access to vehicles, day or night. You have to call the garage. The garage has to allow you emergency access to that vehicle whether it's for clothing, stuff for work, prescriptions. If you have to have access at 10 or 11 o'clock at night, and you can't do business past 9 p.m., how do you allow somebody access to a vehicle?

The other thing that is also a law is, you can check with the DMV Dealers and Repairers Inspectors, if you tow a vehicle at 10 p.m., if that customer wants his vehicle back at 10:15 p.m., the wrecker service has to turn the vehicle over. They don't have to wait until the morning, it's illegal. Lawsuits can be filed on that.

So that's another question, if you need to release a vehicle at 10, 11 or 12 o'clock at night, and you can't work past 9 p.m. how are you going to release the vehicle?

Commissioner Pitney stated, I thought we had this straightened out.

Corporation Counsel Blake explained, I sent it to Planning and Zoning and also to Crabtree, for towing, I believe they can be on the list. I've already written two or three opinions to the Zoning Board of Appeals. He's asking me for some additional stuff.

Mr. Heusser stated, I do have a copy of the letter if anyone would like to see it, where he stated that he does agree with Chairman Flaherty, the stipulation is in effect. I do have a copy if anybody would like it.

Also, what I would like is, if he says no, they're still on, the only other alternative would be sending him to the Bar. I'll fill out the rest of these paperwork and mail them to the Bar for having him in violation of a stipulation per court order. I do have all the paperwork here filled out and ready to be mailed, but I would like to see if the Board would overrule him. If not then it's got to go to the Bar Exam. The Bar Association. Right here, all the paperwork is filled out; copies of everything.

Commissioner Cassetti asked, who are you talking about?

Mr. Heusser stated, yeah, the Bar. Because he's the City attorney. Also on this it wants to know who knows about this. The Board of Police Commissioners is addressed on this, the Chief of Police is addressed, the Mayor, everybody is addressed on here. So I don't know how far it will go, but I want to let the Board know if Mr. Blake continues to say that it is legal, even though there's a court order and the documentation is all here, then it will go to the Bar Association. There is a grievance right here filled out and the envelopes waiting to be mailed, today. I wanted to give the Board a chance to review this because this is something that the Board of Police Commissioners should overrule. You know, if there's a stipulation you can't work past 9 p.m., you know, this is for the towing.

Commissioner Pitney stated, we rely on Attorney Blake's expertise. We're not lawyers. We assume what he is telling us is fact and we vote on whatever he recommends.

Mr. Heusser asked, how come in 2001 he addressed Chief Hale, he says, "can you please go check for stipulations on #3 and #4," Let me show it to you right here so you would understand what I'm talking about. This is all from here. "From Mr. Kevin Blake. Dear Chief Hale, as you recall the Ward meeting at Ansonia Middle School, our citizens complaint, automotive repair shop located at 33 Riggs Street may be in violation of a May 26, '78 stipulation that automobiles being worked on and repaired or owned by employees are being parked on Riggs Street and repairs are being conducted after 9 p.m." Then at the bottom, furthermore, "I would recommend that this surveillance be done over the next 30 days and report your department's findings to my attention at your earliest convenience." This has been going on since '01. He's enforcing it in '01 and he's not enforcing it today in 2008. You see? It's all documented. This is in City Hall files downstairs. You know, when he said numerous times he can't find any documentation and it's all right downstairs in City Hall. You know, I just don't understand how come in 2001 she can say one thing, here it is in 2009 now that he can say

another. You know, I think something should be looked into, you know, because there is a violation here. There is the court stipulations, I don't know if you read the court stipulations. But the court stipulations are also in here too for you to see. Judicial Ansonia-Derby, Milford, and it should be, I believe, number four.

The last thing is, all these answers that I'm asking for, I do require them in writing per the City's attorney, uh, Sergio. Here's my interrogatories and it's asking for them in writing. This is above and beyond Mr. Blake, so if he told you not to write anything, you may want to check with Sergio. There's a copy right here that says that it's asking for all this in writing. The last time you didn't want to give it to me in writing you told me it's in the minutes, but here it is, requesting in writing. He wants copies of everything. So I don't know if Mr. Blake is telling you everything or not, but you may want to look a little deeper than what he's telling you. He's definitely not leading you in the right direction. He's going to cost the City a lot of money.

Frank Heusser, Sr.

I had the contract with the Police Department quite a few years back. We asked to get to tow the abandoned motor vehicles and the Chief of Police said "no." He said he's got Seymour Wrecking towing them, picking them up, and that's the way he's going to leave it at. That was about five to eight years. That was illegal. He knows it was illegal, now that's why you're changing it. If anybody else breaks the law to get arrested, what is his penalty? None? He cost everybody a lot of money. This isn't right. If he makes a mistake it's up to you people to put him under control. Nobody has been. You're just right along with him. But he broke the law for eight years and you know it. It's right in black and white.

Chairman Amico replied, we don't know it.

Mr. Heusser asked, you don't know it?

Chairman Amico, replied, no, we don't know it.

Mr. Heusser, Jr. stated, here is the court order.

Chairman Amico stated, we're listening to the Corporation Counsel.

Mr. Heusser, Jr. stated, he don't know anything. You're better off going to Olson Drive and asking somebody. I'm just telling you how it is. Call Motor Vehicles. Why doesn't somebody call Motor Vehicles?

Chairman Amico stated, Frank, we're not going to give you an answer, okay? We're going to give it to Corporation Counsel Blake to review. That is the answer, Frank.

Mr. Heusser, Jr. asked, can I have that in writing?

Chairman Amico replied, it will be in the minutes.

Mr. Heusser, Jr. stated, I want it in writing. It's from the attorney so I would expect it. Mr. Blake can verify that.

Corporation Counsel Blake asked to see the document to which Mr. Heusser, Jr. was referring.

Mr. Heusser, Jr. replied, the interrogatories that you're asking me.

[Several persons are speaking at once – inaudible.]

Mr. Heusser, Jr. stated, it is here, placed on rotation list, reasons given for denial, date of application, who it was submitted to. They want copies of everything. It is here in black and white.

Corporation Counsel Blake stated, I just wanted to see what the document was.

Chairman Amico asked if any other member of the public wished to address the Commission. Being none he declared the Public Session closed.

Monthly Reports

- a. Departmental
- b. Vehicle Maintenance
- c. Officers' Activities
- d. Detective Bureau

Commissioner Cassetti MOVED to accept the monthly reports; SECONDED by Commissioner Pitney. A voice vote was taken and the MOTION PASSED 3-0.

Commissioner Cassetti suggested that an IA report be submitted monthly as well.

Commissioner Pitney MOVED to add an IA report to the agenda item Monthly Reports; SECONDED by Commissioner Cassetti. A voice vote was taken and the MOTION PASSED 3-0.

Communications

- a. From: Florence Camilleri, resident
Re: Sightline obstruction – O'Neils Court

Commissioner Pitney MOVED to accept the communication; SECONDED by Commissioner Cassetti. A voice vote was taken and the MOTION PASSED 3-0.

A red truck is oftentimes parked right at the start of O'Neils Court, thereby creating a sightline obstruction turning onto Clifton Avenue.

Chief Hale will take a look at that and report back to the Commissioners.

- b. From: State Board of Mediation and Arbitration
Re: Acknowledgement of request to arbitrate Case #2009-A-0659 (Jackson, Joe)

Commissioner Pitney MOVED to accept the communication; SECONDED by Commissioner Cassetti. A voice vote was taken and the MOTION PASSED 3-0.

- c. From: John F. Nolan, resident
Re: Request for Signage – North State and Smith Streets

There has been some discussion, but no decision has been made at this point. The Commissioners agreed that this is a dangerous intersection. Chief Hale noted that the Commissioners would have to change the parking rules there if they're going to require going beyond 25 feet from the corner. Chief Hale agreed to take another look at that and report back to the Commissioners.

- d. From: Chief Kevin J. Hale
Abandoned Motor Vehicle Memorandum of Understanding

Commissioner Pitney MOVED to TABLE the Abandoned Motor Vehicle Memorandum of Understanding; SECONDED by Commissioner Cassetti.

Mr. Amico asked that Corporation Counsel Blake take another look at it in regard to the items submitted by Mr. Heusser, Jr., and to respond to Mr. Heusser, Jr.'s request in writing.

A voice vote was taken and the MOTION PASSED 3-0.

- e. From: Chief Kevin J. Hale
Re: Tow List Regulation and Memorandum of Understanding

Commissioner Pitney MOVED to TABLE the Tow List Regulation and Memorandum of Understanding; SECONDED by Commissioner Cassetti.

There is a section in this document regarding abandoned vehicles, therefore Corporation Counsel Blake is asked to review this as well.

A voice vote was taken and the MOTION PASSED 3-0.

- f. From Corporation Counsel Kevin Blake
Re: Maintenance Agreement between Ansonia Police Department and Auto Repairs Unlimited, LLC

Commissioner Pitney MOVED to TABLE the Maintenance Agreement between the Ansonia Police Department and Auto Repairs Unlimited, LLC; SECONDED by Commissioner Cassetti.

The Commissioners discussed the fact that Auto Repairs Unlimited, LLC hasn't increased their price – and the Police Department's budget is frozen. They discussed the pros and cons of having to go out to bid on this item at this time.

Chairman Amico requested that Corporation Counsel Blake provide him with documentation that this has been done in the past before any action is taken on this item.

Commissioner Pitney noted that if we go out to bid and the pricing comes in higher, due to the fact that the Police Department budget is frozen, we would have to come back to the City for more funding. Chief Hale agreed, stating that going out to bid runs the risk of coming in at higher prices. It is his feeling that it should be frozen for now, because we know what our budget is at July 1st.

Mr. Heusser, Sr. interjected from the audience, "You'll have another lawsuit. You will be sued."

Chairman Amico stated, Frank, we don't need that kind of nonsense. The Public Session is closed. That's all.

Corporation Counsel Blake stated, another option is to go out to bid, and if the numbers come in too high, don't accept them. But then you run the risk of collusion, because now you know what the numbers are. That is always a risk you take when you go out to bid.

Chairman Amico reiterated that he would like to see, in writing, that this has been past practice. Corporation Counsel Blake agreed to provide that to the Commission.

A voice vote was taken and the MOTION PASSED 3-0.

Unfinished Business

e. Discussion re – 2009 Goals

Commissioner Pitney MOVED to TABLE discussion on 2009 Goals until the full Commission is present; SECONDED by Commissioner Cassetti. A voice vote was taken and the MOTION PASSED 3-0.

New Business

Oral Report - Chief of Police

We have one officer on paid leave, one on a long-term injury, one on light-duty short-term injury. Our most recent graduate – Officer Oksenberg - of the Academy finishes his Field Training Program this week and is out on his own.

The Board of Aldermen approved the In-Car Reporting Grant and contract at the last meeting.

The policy update is continuing. There is a subcommittee of this board working on that. There are a number of policies that need to be updated and new ones coming in.

We'll be going to the Board of Aldermen this month for the for the live scan technology which is going to allow us to replacing inked fingerprinting with a computerized system. Fingerprints are scanned on a glass screen and sent directly to the State and FBI. What normally would take 6 to 8 weeks has been reduced to less than an hour for results. The prints come out perfect.

We've been tentatively approved for a \$26,000 grant from the Justice Administration/Burn Grant – the City of Ansonia with the stimulus money that's come out. We're looking to use that toward the purchase of the Live Scan equipment.

We're meeting at 11 a.m. Friday for the business security meeting at the Police Department. This is a meeting of the businesses in town that have their own security – generally the larger businesses. We're meeting to plan for a tabletop exercise – focusing on preparedness and actions.

Our parking ticket policy is being finalized. It should be ready next week for the subcommittee's review. The law allows for a person, unaffiliated with the Police Department, to be the hearing officer for contested parking tickets as well as abandoned tows.

Signs are up at the Boys and Girls Club – they look good. We have crosswalk signs – we need crosswalks now. We're in touch with the company; they won't come out for one or two things. So worst case a foreman will come out and paint them temporarily.

The Salahuddin CHRO hearing was postponed today. I have no new date.

The Mock DUI Crash at Ansonia High School, it was excellent. There was a nice article and photo today in The Valley Gazette. Officer Pella wrote a very nice thank you letter to the Gazette thanking all involved. It really was impressive and she did a nice job on that. She is finishing up her last few months at the High School as SRO.

Commissioner Cassetti MOVED to accept the report; SECONDED by Commissioner Pitney. A voice vote was taken and the MOTION PASSED 3-0.

Committee Reports

Commissioners Goldson and Phipps are on the Procedures Committee. They are not here tonight.

Executive Session

No Executive Session was observed.

Adjournment

At approximately 6 p.m., Commissioner Cassetti MOVED to adjourn; SECONDED by Commissioner Pitney. A voice vote was taken and the MOTION PASSED 3-0.

Respectfully submitted,

BOARD OF POLICE COMMISSIONERS

Patricia M. Bruder
Temporary Secretary