

**EAST HAVEN TOWN COUNCIL
PUBLIC HEARING MINUTES
TUESDAY, FEBRUARY 2, 2016**

In accordance with Chapter III, Section 6 of the East Haven Town Charter, the East Haven Town Council Hearing Committee held a public hearing meeting Tuesday, February 2, 2016, at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Chairman Fred Parlato calls the meeting to order at 7:00PM.

Item #1

Roll Call for Hearing Committee - 13 present – 2 absent (Palladino and Richardson). A quorum is present.

Item #2

To conduct Public Hearing #1 regarding "An Ordinance Reallocating \$320,380.40 of Capital Funds among Capital Account #94-3 Et. seq. (DOJ)," Account #92-3 Et seq. (Police Capital), and Account # 93-3 Et seq. (Police Plant Upgrades)."

**AUTHORIZING ORDINANCE OF THE
East Haven Town Council**

An Ordinance Reallocating \$320,380.40 of Capital Funds among Capital Account #94-3 Et. seq. (DOJ)," Account #92-3 Et seq. (Police Capital), and Account # 93-3 Et seq. (Police Plant Upgrades)

WHEREAS, the Town Council of the Town of East Haven, upon recommendation of the Board of Finance, must approve both transfers of monies in excess of \$50,000.00 in any given fiscal year and reallocations of previous bond authorizations;

AND WHEREAS, the Board of Finance, on January 20, 2016, approved and recommended the following transfers/bond reauthorizations to the Town Council:

Acct. #94-3 Et seq. (DOJ)

To: 94-3-400-05	For: TASER Certification & Maint.	\$320,380.40
<hr/> TOTAL		\$320,380.40

From:

94-3-600-01	DOJ Overtime	\$200,000.00
94-1-500-03	DOJ - Comp. Sys. Upgrades	\$8,757.00
94-3-500-06	DOJ - Vehicle Vid. Maint.	\$9,063.00
94-3-500-01	DOJ - Comp. Storage	\$14,950.23
94-3-500-04	DOJ - Comp. and Software	\$99.02
92-3-103-10	Police Vid. and Cam. Equip.	\$215.00
92-3-103-11	Police Plant Upgrades	\$479.00
93-3-113-09	Police In-Car Cameras	\$464.00
94-3-100-01	DOJ - Legal Fees	\$30,000.00
94-3-300-001	DOJ - Tech. Exp. & Consult	\$11,353.15
94-3-700-03	DOJ - Contingency	\$45,000.00
TOTAL		\$320,380.40

Reason: To cover the renegotiated contract with TASER for the next five years to include upgraded equipment for compliance with the DOJ settlement agreement and EHPD policies and procedures.

NOW THEREFORE, be it **ORDAINED** by the Town Council of the Town of East Haven that said transfers/bond reauthorizations are approved.

This Ordinance shall be effective in accordance with the provisions of the East Haven Town Charter.

Submitted by:	Danelle Feeley, Council Clerk	Date: _____
Approved by:	Joseph Maturo, Jr., Mayor	Date: _____
Received by:	Stacy Gravino, Town Clerk	Date: _____

Councilman Joseph Santino makes a motion.
 Councilman Henry Butler III seconds the motion.

- Chairman Parlato recognizes the representatives from the Police Department and asks them to provide a general overview of what is being done tonight. It is for a significant amount of money and he would like the public to be fully aware of where the monies are being spent.
- Attorney Lawrence Sgrignari addresses the Council indicating he has had the pleasure over the course of the last 3 years to work with the Police Department in connection with the compliance issues related to the Department of Justice

Settlement Agreement. With him tonight are Chief Larrabee, Deputy Chief Lennon and I/A Officer Naccarato. He explains that the proposal before the Council this evening is a 5 year agreement with TASER which will allow us to have updated body cameras, tasers and vehicle cameras and effectively satisfy all of the obligations of the settlement agreement. Also, all of the policies and procedures that the Department has implemented in order to comply with the agreement. This will be accomplished over the course of the next 5 years; the updated equipment is necessary and the unlimited storage of the data has become a very significant issue as it relates to the video images captured. The issue of body cameras over the course of the last year or so has been in the forefront it is becoming a mandated item for many Departments; the State of Connecticut has implemented requirements for body cameras, several states are doing it. He is happy to say the town of East Haven is at the forefront of that, we started the body camera program almost 2 years ago and it has been very effective. The individuals with him can speak of specific incidents where they have been very successful. Right from the first day the body cameras were in use they were effective in capturing circumstances that could have turned out to be very difficult to deal with; the footage provided exactly what happened during the course of the incident. This is a re-allocation of funds that were bonded 3 years ago by the Council in order to comply with the Department of Justice agreement. Fortunately the compliance process has been very smooth up until this point, as a result of that they have not expended as much of the funds in certain line items as they had originally anticipated. As a result, they have the opportunity to re-allocate those funds for this contract which will satisfy their technology needs in the Department for the next 5 year with relation to the body cameras, tasers and car cameras.

No public comment.

Council comment:

- Councilman Richard Anania says being that this much money is coming out of the DOJ fund, do they have a rough idea of what is left in there.
- Deputy Chief Lennon says they do know he just doesn't have the document with him.
- Attorney Sgrignari says he has the figures from when the process was started. For October they had an unencumbered balance of \$1.3 million dollars, there may have been some additional expenses since then but this was ran as of the date they had begun the discussions. This 5 year contract took some time to work out the details of. The other thing is that the agreement with TASER has a December 31 date, which was their deadline to hold this price because there are significant savings over the normal expenses of the equipment and storage they are receiving. He explained to them that because of when they started the process and needing to go to the Board of Finance and the Council it wasn't

going to happen by the end of the last calendar year, so they agreed to hold the price for them. Even though the document says contingent on it being approved and signed by December 31st, they agreed to extend that because they were in the process of doing it. It is saving us over \$70,000 to do the project as proposed versus what the normal cost would be from the TASER Corporation.

- Chief Larrabee states that the tasers themselves last probably 1-2 years and this agreement gives them a 1 for 1 upgrade with the pictures going from about 480 to 1,000 so the pictures will be much clearer. The storage in the cloud that they give them is unlimited; they currently pay \$23,000 per year for that. These are cost that they are going to incur anyway and there will be a savings of about \$70,000 over the life of the contract, which they would lose if they don't sign it. They have approximately 60 cameras, they have one there if anyone wants to look at. Those 60 will be replaced 1 for 1 and any upgrades that come up will be given to them free of charge. The reason they got such a good deal is because right now they are one of the largest user of body cameras in the State. They will soon not be because Towns like New Haven and Hartford will get involved, but currently they are the largest user of TASER products which they feel are by far the best product in the industry. They have done their due diligence and they have been a godsend. From his point of view, they see training issues every day on the cameras, the Supervisors see where there were mistakes; they have a young Department with 50% turnover over the last 2.5 years, they capture this all the time. This is a good deal for them in the long term.
- Officer Naccarato states that their body cameras right now are beginning to be at the end of life, they are almost 2 years old. They are starting to have issues with them now and they don't have any warranties for the body cameras or the tasers. They have already had some tasers go and they had to replace them at a cost of \$900 per taser. With this new plan they will get tasers and the full 5 year warranty on all of the items. They would have to start replacing these regularly now.
- Chief Larrabee adds that they have Panasonic property supported in the cars, but now the cameras would be synced they would all be TASERS products. They would no longer pay for the Panasonic arbitrator, that contract was \$25,000 or \$30,000, they would stop paying that. They would now have one unit working for everything, once you deploy the taser the car camera goes on and the body camera goes on which is a far better system than what they have now.
- Councilman Robert Parente says this expense of \$300,000 is no surprise to them right, it was basically contemplated all along that at some time they would have to spend this kind of money.
- Chief Larrabee says during their budget negotiations they factored all of this in, they made some significant savings, they are saving \$11,000-\$12,000 just on technical experts because of Ed Lennon and a few other's good work they were able to do some of the stuff in house. With equipment, they weren't really thinking

in terms of this until all of a sudden these things started to fail and the Panasonic property wasn't quite compatible. All of this was calculated early on; no it was not a surprise.

- Councilman Parente says there is a balance in that particular account, he asks if they foresee anything else before the conclusion of this particular decree that would have a necessity above and beyond what is allocated for money, or will they be well within.
- Chief Larrabee says they should have somewhat of a significant balance left over when they are done. He won't guarantee what the number will be but he thinks it will be significant; it won't be a small number. That has been their goal, they have looked at ways to cut overtime with the DOJ and the training that was done prospectively is now catching up so they won't have to re-do it. Most of their stuff now is just re-training, the experts have all been paid and Ed Lennon, Pat Tracy and a few others have been able to cut down costs because they have been doing some of the training themselves. They have done whatever they can to mitigate those funds.
- Attorney Sgrignari adds that they are now, hopefully, in the last year of the agreement. They have had very good reports all along from the Joint Compliance Expert. They are in the process of finalizing the next report that is due, they don't expect any change and barring any unforeseen consequences, it would be their expectation at the 4 year anniversary they will be asking the Court to terminate the agreement and hopefully the DOJ will be in accordance with that. They have had very smooth sailing so far and hopefully nothing happens between now and December to change their course; the only glitch would be if something were to happen that derails some of the work that has been done.
- Councilman Parente asks once they are done with the decree, do they answer to anybody else or do they let them lose as a Department to handle it themselves.
- Attorney Sgrignari says they would be done and only answer to themselves at that point and the public.
- Chairman Parlato says the Hartford Current had an article last week regarding statewide documentation of the use of the tasers. He asks the Police Chief if they have in place now or is it in the works, a standard policy for the use of tasers? There is a lot of controversy over who they are used on more than some others by ethnicity or age. He feels the device is much better than using a lethal weapon but there are people who fear they may be used a little bit too much or not enough.
- Chief Larrabee says they went over this and the Associated Press wanted to talk to them about it. They had 1 deployment of a taser last year and that was on a person they believe to be African American, they don't know. He was running away they shot him with the taser and that was the only deployment they had. They've had 4 taken out of the holster but not used. The language in the State

law will mirror the language that Ed Lennon wrote; it is almost word for word. They were ahead, their policy was before the State published theirs and it is almost verbatim to what Ed Lennon has written over the course of the last 30 months. He is not concerned about their use of force which is about 2.5% and the national average is something like 5% or 6%; they are way below that.

- Chairman Parlato asks if the devices have serial numbers and they know who has them all the time and they are periodically checked to make sure they are operable and not going to cause any harm on anyone.
- Officer Naccarato states that each Officer has their own taser, so it is documented. Every month it is uploaded to their computer system which tracks everything. They know when they are fired whether it is a test fire or an actual discharge.
- Chairman Parlato says if it happens where an Officer misplaces or loses it, is there a process for reporting that?
- Chief Larrabee says yes.
- Chairman Parlato says he wants the Council to be aware that they are spending bonded money right now. When this whole process terminates, this will come out of the operating budget. For the Police Department and their collective bargaining unit, once they are given something and it is part of their operational things so it has to be funded. It is going to be an additional cost to the Town, which is probably very well spent, but he wants everyone not to be surprised at budget time next year when the item is there, it has to be funded.
- Attorney Sgrignari says the good piece here is that they won't be back for funding for at least 5 years for these items. The savings they are being offered and the fact that they have the ability to reallocate the funds because of some of the savings in the other line items, it made a lot of sense because they were effectively going to solve a problem. One of the big problems that is being created by the body cameras across the State and Country is the storage ability; the cost of the storage becomes the very significant hurdle that some of the Departments face. A couple Departments in the State said they are going to discontinue their body camera use because of the storage cost; he doesn't know if they will be able to do that if it is mandated. This effectively gives a 5 year window before they have to worry about it again and hopefully the cost of storage won't be as much. The other component is that right now they are storing a lot more data than they may need to store in the future once they are done with the DOJ agreement because of policies they had in order to comply with the provisions of the agreement; they are more restrictive in terms of how long they have to be maintained. Hopefully, this is a process where for the next 5 years we will be all set and then after that technology will hopefully be our friend in terms of moving forward.

- Officer Naccarato says in terms of storage, these cameras are 480 and the new ones are 1080 so it is double the storage. The new generation cameras are all 1080 so they will be using more than double the storage.
- Councilman Robert Sand says since the major cost of the system is the storage, what is the alternative to a cloud based system?
- Deputy Chief Lennon says they would have to purchase their own servers or additional servers to store this; he did an estimate for about 2 years of that the storage they would need, maintaining and keeping up on having firewall and replicating and backing it up. They have to remember they are required under public record evidence to store it someplace else; they store it elsewhere not just in their building, they have a second backup location. They would have to duplicate all of that which would cost about \$200,000 just for the storage and that means they would have to maintain it and make sure everything stays up; average life of the servers they stop giving technical support after 3 years then you can purchase more but it gets so much more costly.
- Councilman Sand says they mentioned they are storing more than they need to at this point, is it for consent decree reasons?
- Attorney Sgrignari says more than they need to under the State requirements for storing based on the consent decree and policy they have enacted.
- Councilman Sand says so at some point that number is going to be dictated to be higher, by resolution it is going to double already and the necessity of how long whether it is a 2 year or 3 year period that is another driving factor?
- Attorney Sgrignari says the length of time that they have to maintain, if they have data that is stored and reach the capacity, they can only fit more data if they release some of the data. He doesn't recall the exact maintenance schedule but it ranges from about 120 days on.
- Deputy Chief Lennon says they have to also remember that even if they do have to take it off there, the way the new law is written, the change in use of force law, if it is a case that is still going on in Court, even though they may be able to dispose of the record under FOI, they still have to keep that evidence until the court case is disposed of. They recently had one that sat out there for 3-4 years until the case was disposed of. They would still have to keep that footage anyway so doing it this way cuts down on their man hours, they don't have to maintain, move or store it. He wouldn't be able to put a price on what that would be.
- Councilman Sand says the procedure for the Police Department deleting the data, is there a procedure with a sign off that allows them to do that and say who is authorized.
- Deputy Chief Lennon says they don't need anything it is governed by a State law they have it set for 120 days, it automatically deletes it there is no human intervention in that. That is for a non-arrest situation; calls for service for example

where they investigate a damaged mailbox or something small like that. For an arrest or use of force they keep it for 3 years and there is no human interaction on that at all.

- Officer Naccarato says they get notified by an email prior to that about upcoming deletions automatically.
- Councilman Sand says that notification is from the storage company who is monitoring it?
- Attorney Sgrignari says from the settings when the data is loaded based on the nature of the incident; that controls when it is going to be deleted.
- Officer Naccarato says each type of call has their retention period that they set the parameters for.
- Deputy Chief Lennon says as a policy they are not touching it, it is considered evidence anyway so the computer selects when to destroy it and even though it is deleted the file is not really deleted; if the file were touched by anyone it tells who/what/where/when.
- Chairman Parlato asks who has legal access to that information, there has to be some type of protocol. In case there is a court case.
- Chief Larrabee says it depends upon what it is, if it is evidence that is one thing if it is FOI-able that's another area. It would depend on the nature of the footage, if it is routine they give it to anybody there is no sense fighting an FOI. They haven't had many FOI requests surprisingly. If it is evidence then the prosecutor and the officer decide.
- Councilman Gary Depalma says a couple weeks ago there was an assault at 65 Messina and the taser was deployed. From what he understands the Officer had to go hands on because the taser was ineffective.
- Chief Larrabee says it was ineffective on this individual, if you watch the footage it went from escalation to an actual fist fight and they tried to stun him one time and it had no effect on him. The taser worked and the body camera worked; this was a man who was having a very difficult psychotic event and it eventually went hands on.

Item #3

Adjournment of Public Hearing #1.

Councilman Ken Mckay makes a motion.

Councilman Vincent Spaduzzi seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #4

To conduct Public Hearing #2 regarding "An Ordinance Reallocating \$28,963.00 of Capital Funds among Capital Account #85-3 Et. seq. (Public Works Capital Accounts) and Account #86-2-006 (Public Works - SUV)."

**AUTHORIZING ORDINANCE OF THE
East Haven Town Council**

An Ordinance Reallocating \$28,963.00 of Capital Funds among Capital Account #85-3 Et. seq. (Public Works Capital Accounts) and Account #86-2-006 (Public Works - SUV)

WHEREAS, the Town Council of the Town of East Haven, upon recommendation of the Board of Finance, must approve both transfers of monies in excess of \$50,000.00 in any given fiscal year and reallocations of previous bond authorizations;

AND WHEREAS, the Board of Finance, on January 20, 2016, approved and recommended the following transfers/bond reauthorizations to the Town Council:

Acct. #85-3 Et seq.		
To:	For:	
85-3-200-3	Public Works (Side Cutter)	\$28,963.00
TOTAL		\$28,963.00
From:		
85-3-200-1	Public Works (Backhoe)	\$25,583.00
85-3-200-2	Public Works (Lawnmowers)	\$2,286.00
86-2-006	Public Works (SUV)	\$3,094.00
TOTAL		\$28,963.00

Reason: Reallocation of prior, unspent bond funds for necessary repairs.

NOW THEREFORE, be it **ORDAINED** by the Town Council of the Town of East Haven that said transfers/bond reauthorizations are approved.

This Ordinance shall be effective in accordance with the provisions of the East Haven Town Charter.

Submitted by:	Danelle Feeley, Council Clerk	Date: _____
Approved by:	Joseph Maturo, Jr., Mayor	Date: _____
Received by:	Stacy Gravino, Town Clerk	Date: _____

Council comment:

- Councilman Parente explains that they came before the board 2 years ago when they had a damaged backhoe from an accident. Since that time, they had the side cutter go down which basically is the tractor with a long arm on it to go over the guardrail and do all of the mountains and brush they can't get to with their lawn mowers. That necessitated originally \$33,000 in repairs; they found a company in New York who did it for \$28,000. Basically the leftover monies from the backhoe which they elected not to repair, they decided to repair the side cutter with the monies that were originally allocated for the backhoe. There was also money left over for an SUV that was in the budget for the Director's automobile and there was an additional surplus left over from 2 lawn mowers that they acquired last summer. So those three combinations add up to the \$28,000 to pay for the side cutter.

No public comment.

Council comment:

- Councilman Anania asks if they purchased two lawn mowers.
- Councilman Parente says yes.
- Councilman Anania says so they had \$2,286 left over even after they purchased the lawn mowers?
- Councilman Parente says yes.
- Chairman Parlato says originally for the backhoe and the damage done to it they thought they could repair it, but the damage is such that it wouldn't be worth it. It is probably old enough where it should be replaced. The side cutter was out of service for quite a while; they spent quite a bit of money renting one, which was totally inefficient. This piece of equipment isn't recognized often but when you see all the weeds on the side of the road, it goes out quite a bit. So it is a bill that they have to pay and the money is already bonded for so this is the best place to use it. We will be taking care of another bill they haven't taken care of in a while. It's not adding anything; it is just repairing something we have.
- Councilman Santino asks if a bid was done on the side cutter repair.
- Councilman Parente says there is nobody else in Connecticut that does it; this company in New York was the only one that handled it.
- Councilman Santino says the backhoe is used every day, we are going to keep it broken like that?
- Councilman Parente says they use a portion of it; the bucket is basically so warped.
- Councilman Santino asks how long they will let that go.
- Councilman Parente says they are putting it in the capital budget for a new one next year.

Item #5

Adjournment of Public Hearing #2.

Councilman Spaduzzi makes a motion.

Councilman Parente seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #6

Hearing Committee report to the full Town Council and recommendation of action on Public Hearings #1 and #2.

Councilman Santino makes a motion.

Councilman Anania seconds the motion.

Roll call vote: all in favor-none oppose-none abstain. Motion carries.

Item #7

Adjournment of Hearing Committee.

Councilman Santino makes a motion.

Councilman Spaduzzi seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Meeting is adjourned at 7:35PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council