

Derby Police Commission

Derby, Connecticut 06418

Commission

Robert J. Hughes , Chairman
Theodore J. Estwan Jr.
Leo DiSorbo
Terri Kuskowski, Secretary

Traffic Authority

Robert Hughes
Theodore J. Estwan Jr.
Leo DiSorbo
Eugene L. Mascolo

A meeting of the Derby Board of Police Commissioners was held on 08 FEB 10 at the Derby Police Department, 125 Water Street, Derby.

The meeting was called to order at 7:00 P.M. by Chairman Hughes.

1. Pledge of Allegiance

2. Roll Call

Present were Commissioners Hughes, Estwan and DiSorbo. Also present was Chief Mascolo.

3. Public Portion

No one from the public was present.

4. Additions, Corrections, and Adoption of Agenda

Commissioner Hughes requested that the board add "Commission Goals for 2010" to the agenda under Section 7 – New Business. Commissioner Estwan motioned to accept the addition, Commissioner DiSorbo seconded, and the motion carried.

5. Acceptance of Previous Meeting's Minutes

Commissioner Hughes motioned to accept the 11 JAN 10 minutes, Commissioner DiSorbo seconded, and the motion carried. Commissioner Estwan abstained.

6. Old Business

Commissioner Estwan motioned to re-elect Commissioner Hughes as the Chairman of the Derby Police Commission. Commissioner DiSorbo seconded and the motion passed without further discussion.

7. New Business

The board discussed their goals and objectives for 2010.



Derby Police Commission

Derby, Connecticut 06418

8. Department Reports

Chief Mascolo updated the commissioners on the department's patrol activity. He also reviewed the status of the police department's budget. The commissioners discussed revising the format for the police commissioners' report, as well as the way the department reports activity to the Board of Aldermen.

9. Communications

Chief Mascolo forwarded Supernumerary Officer Nicholas Donofrio's official letter of resignation to the commissioners.

The chief briefed the commissioners on several traffic concerns that were received regarding winter parking regulations, anti-loitering signs, and the installation of speed humps. Further discussion was held during the review of the LTA report. See attached report for details.

10. Traffic Authority Business

The Board reviewed and discussed the attached LTA report from LT Todd. After a lengthy discussion, Commissioner Hughes motioned to accept all of LT Todd's recommendations as follows:

Item 1 Winter Parking Issue on Mason Street – Deny request for alternate side of the street winter parking regulation change.

Item 2 No Loitering Signs – Deny request for installation of anti-loitering signs in Derby.

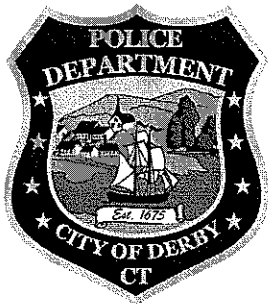
Item 3 Speed Humps – Deny request to install speed humps on Marshall Lane or on any street in Derby without an extensive study from a qualified traffic engineering firm.

Commissioner Estwan seconded and the motion carried.

11. Executive Session

A motion to go into executive session at 8:02 pm and have Chief Mascolo present was made by Commissioner DiSorbo, seconded by Commissioner Estwan, and carried unanimously. The purpose of the executive session was to discuss the following items:

- Contract negotiations



Derby Police Commission

Derby, Connecticut 06418

12. Adjournment

The meeting adjourned at thereafter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri Kuskowski".

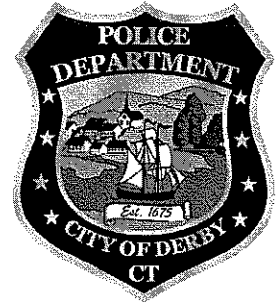
Terri Kuskowski

These minutes are subject to the Board's approval at their next scheduled meeting.



Derby Police Department

125 Water Street
Derby, Connecticut 06418
Tel. (203) 735-7811
FAX (203) 736-1499
Email scott.todd@derbypd.org



TO: CHIEF Mascolo

FROM: LT Todd

SUBJECT: 08 FEB 10 PC Meeting LTA Report

DATE: 04 FEB 10

PAGE 1 OF 4 PAGES

Chief,

The following are the LTA/PC recommendations and/or reports for the FEB 10 Police Commission meeting:

1. Mason Street resident Dorothy Gleason is requesting that the current alternate side of the street winter parking regulations be changed for the residents of her street. She has obtained the support of all of the residents of Mason St., and they wish to obtain permission for permanent even side parking during the winter months. They believe that this would better facilitate clearing of the roadway near their driveways. DPW does not have a problem with this as it would apparently make it easier for them to plow this narrow road (although I don't quite understand how it is easier with the cars on one side versus the other). The issue of snow build-up on the odd side of the road (as has been previously noted as a reason not to allow single side winter parking) would remain.

Although it would be nice to accommodate the wishes of the residents of Mason St., in order to do this we would have to ignore the winter parking ordinance. Additionally, my argument against the Anson St. winter parking issue applies here as well; allowing a group of individuals to make an agreement that supersedes the city ordinance is not, in my opinion, good business.

Since the DPW seems to be in favor of this request (unlike the Anson St. situation), my recommendation is that it only be approved by way of a change to

the ordinance. I believe that the argument for that change should come from DPW as the police department has no desire to change the current ordinance.

2. I was tasked to investigate a request from the Mayor's office to look into the feasibility of posting no loitering signs in certain areas of the city. Here are the basic issues as I understand them:

- The leading case law is a U.S. Supreme court decision, *Chicago v. Morales* (1999). Chicago's anti-loitering ordinance was overturned because it did not specifically spell out what constituted loitering, and it left too much discretion in the hands of police officers to make that decision;
- While we do have a loitering ordinance, Chapter 109-1, I have a concern with section D which states that no persons can "congregate with other persons in a public place and refuse to comply with a reasonable official request or order to disperse". This language is vague and does not establish specific actions which amount to the definition of loitering. It is similar to some of the language in the *Morales* case, and there is case law establishing the unconstitutionality of generic language such as this. This should be reviewed by counsel prior to any decision to post signage regarding the enforcement of the city ordinance;
- The limited research that I have conducted does not show a clear trend for or against anti-loitering enforcement. There were cases striking down vague loitering laws following the *Morales* decision, but current case law seems to hold loitering enforcement as valid as long as the ordinance is very specific;
- It must be stressed that groups of youths, or any age persons for that matter, would not be in violation of any loitering law or ordinance, ours included, unless they are committing certain prohibited acts such as interfering with free passage of others, causing annoyance or alarm, etc. The posting of no loitering signs would not allow our officers to move groups of youths who are simply congregating for a lawful purpose. I believe that many people are under the impression that posting a no loitering sign would give them the right to have people moved away from a specific area simply because the sign is there. This is not the case;
- The posting of signage is not required by any statute, ordinance, or case law that I can find for police officers to enforce no loitering statutes. Any signage that is posted would have to be placed on city property or specific permission would have to be obtained from private property owners. Therefore we may be talking about post mounted signage at the curb line which will add to an already cluttered streetscape;

- Finally, anticipate the cost of \$35.00 per sign plus \$20.00 per post if required.

I was unable to find any studies on the effectiveness of anti-loitering signs in problem areas, but the general comments that can be found on the web indicate that they are completely ineffective and mostly ignored. They are not needed to enforce our anti-loitering ordinance (if the ordinance language is in fact constitutional), and my recommendation is that we do not entertain installation of the signage.

3. I have concluded my research on speed humps. This is a very complicated issue that is most often researched by a certified traffic engineer, but here are some key points that I found:

- The Institute for Transportation Engineers maintains that effective speed humps should be placed 300 to 600 feet apart, usually around the 400 foot mark, and are not typically installed on major roads. Typical installation sites are downtown business areas with high pedestrian activity. Marshall Lane is approximately 8/10's of a mile long. At 400 feet apart approximately ten (10) speed humps would be necessary on Marshall Lane. Typical installation costs vary from \$3000 to \$4500 (dependant on width) for each permanent asphalt hump. On a higher speed road such as Marshall Lane, it would be expected that a 22 foot wide speed hump would be necessary placing the cost at or over \$4500 per hump. Temporary rubber humps (which can be removed during the winter months) can cost as much as \$200 per linear foot. Marshall Lane is 30 feet wide leading to a per speed hump cost for rubber humps of \$6000. On the low end, using asphalt humps, installation costs can be expected to be at least \$30,000. The high end cost for rubber humps can be as much as \$60,000. Neither price includes required signage or striping. Typically, public works departments are not qualified to install or repair speed humps due to the very technical nature of the installation. Therefore, cost savings can not be anticipated by using local public works for installation;
- Speed humps require pavement markings and signage prior to and at the point of the speed hump. This significantly increases the cost, and many residents find the warnings obtrusive;
- Speed humps should only be installed on roads with grades less than 8%. I can not determine the grade of Marshall Lane, but it very well may be in excess of 8% in some areas;
- Speed humps are typically only effective in reducing speed by 7 to 10 mph. A typical crossing speed at a speed hump is 20 to 25 mph, although the

SUBJECT:

purpose of a speed hump is to force drivers to reduce their speed to 15 to 20 mph. The posted speed limit on Marshall Lane is 25 mph. Therefore, installation of speed humps would theoretically force drivers to travel below the posted limit. The last data collected for Marshall Lane traffic showed an 85 percentile speed of 38 mph so, in theory, with a 7 to 10 mph reduction in speed, drivers may attempt to cross the speed humps at speeds near 30 mph. This is in excess of the safe crossing speed;

- Drivers typically increase their speed by 10+ mph 200' downstream of a speed hump in an attempt to make up time. This is much like the effect seen when departments attempt to use stop signs to slow traffic. Drivers inevitably will try to make up the time in between speed humps;
- Studies have shown that the installation of speed humps on a road may lead to a decrease in traffic flow on that road of as much as 18% as drivers attempt to avoid the speed humps. Unfortunately, this forces traffic off of the well traveled road onto smaller, previously quiet side streets;
- Residents living near speed humps must endure and increase in traffic noise at all hours of the day and night. Traffic noise is increased as trucks and buses must brake and then accelerate at every speed hump. Municipalities typically refuse requests for speed humps on any street with bus and/or truck traffic;
- Emergency response is affected. Studies have shown that due to jarring of the vehicle fire truck response may be delayed 3-5 seconds per speed hump while ambulances may be delayed up to 10 seconds per speed hump;
- Snow plows are negatively impacted by speed humps. Unless high cost removable speed humps are installed and then removed prior to winter, plow drivers are forced to slow significantly to cross the hump. Failure to do so will lead to premature equipment failure and/or speed hump destruction.

I do not recommend that the LTA approve the installation of speed humps on any street in Derby without first obtaining an extensive study from a qualified traffic engineering firm. Following an engineering study, many municipalities require that 60% to 70% of the residents on the street in question agree to the installation of speed humps. Furthermore, typically 80% to 100% of the residents within 100 feet of a speed hump must agree to the installation.

Scott R. Todd

Lieutenant,
Derby Police Department