

TOWN TAX RELIEF-5 YEAR HISTORY

	FY 2021		FY 2020		FY 2019		FY 2018		FY 2017	
	# of Apps	TAX LOSS	# of Apps	TAX LOSS	# of Apps	TAX LOSS	# of Apps	TAX LOSS	# of Apps	TAX LOSS
TOTAL CREDIT APPS	1338	-	1,306	3,300,036	1336	3,381,880	1428	\$3,598,903	1462	\$3,667,929
TOTAL FREEZE APPS	0	-	-	-	0	-	0	\$0	4	\$12,544
TOTAL DEFERRAL APPS	5	-	5	22,964	7	29,819	10	<u>\$39,099</u>	9	<u>\$32,080</u>
TOTALS	1343	-	1,311	3,323,000	1343	3,411,700	1438	\$3,638,002	1475	\$3,712,553
TOTAL \$ CHANGE FROM PRIOR YEAR	\$0		-88700		-\$226,302		-\$74,551		-\$136,822	
TOTAL % CHANGE FROM PRIOR YEAR (\$)	0.00%		2.60%		-6.22%		-2.01%		-3.55%	
TOTAL CREDIT APP# NET CHG FROM PRIOR YEAR	0		-30		-92		-34		-63	
TOTAL FREEZE APP# NET CHG FROM PRIOR YEAR	0		0		0		-4		-1	
TOTAL DEFERRAL APP# NET CHG FROM PRIOR YR	0		-2		-3		1		-3	

NEW APPLICATIONS RECEIVED	76	157	94	115	119
DISALLOWED (OVER INCOME, ALL PROGRAMS)	7	53	53	17	23
REMOVED (SOLD,DECEASED,MOVED, NON-RESIDENT)	75	87	120	97	123
REMOVED (FAILED TO REFILE,NON-CT RESIDENTS, OVER ASSET CAP, DQ TAX, INCOMPLETE)	15	49	16	38	40

State Credit Program	GL 2019		GL 2018		GL 2017		GL 2016		GL 2015	
	# of Apps	Tot Benefit	# of Apps	Tot Benefit	# of Apps	Tot Benefit	# of Apps	Tot Benefit	# of Apps	Tot Benefit
NUMBER OF PARTICIPANTS/TOTAL BENEFIT INITIAL (M35B)	668	\$ -	\$ 638.00	\$ 358,510.54	660	\$ 374,397.86	715	\$ 414,037.80	744	\$ 430,622.46
NUMBER OF PARTICIPANTS/TOTAL BENEFIT FINAL (M35P)			\$ (16.00)	\$ (4,083.25)	-10	\$ (2,916.25)	-14	\$ (2,395.25)	-12	\$ (2,852.50)
NET	668	\$ -	\$ 638.00	\$ 354,427.29	650	\$ 371,481.61	701	\$ 411,642.55	732	\$ 427,769.96
TOTAL CHANGE FROM PRIOR YEAR	30.00	-354,427.29	-12.00	-17,054.32	-51.00	-40,160.94	-31.00	-16,127.41	-51.00	-35,417.89
TOTAL % CHANGE FROM PRIOR YEAR (\$)	4.70%	-100.00%	-1.82%	-4.59%	-7.13%	-9.76%	-4.17%	-3.77%	-6.41%	-7.59%



Town of Fairfield

Office of the First Selectwoman
725 Old Post Road
Fairfield, CT 06824

BOARDS AND COMMISSIONS QUESTIONNAIRE

To be considered for appointment to a Board or Commission, please fill out this form, save a copy and email the saved copy, along with a copy of your resume, to the First Selectwoman's Office at jcarpenter@fairfieldct.org. Please note that your resume and completed questionnaire are public documents. If you have any questions, please contact Jennifer Carpenter in the First Selectwoman's Office at 203-256-3095 or jcarpenter@fairfieldct.org.

Board/Commission: **Harbor Management Commission**

Date: May 24, 2020

Name: **Doug Metchick**

Address: **1201 Oldfield Rd, Fairfield CT 06824**

Party Affiliation: Democrat

email: doug.metchick@gmail.com

home phone: 203-255-8768

work phone:

cell phone: 203-418-1017

1. How did you learn about this position? **Nancy Lefkowitz**

2. Why are you interested in serving and how can you contribute to this board/commission?

I am a long time resident of Fairfield and I've been wanting to get more involved. I've spent much of my career in marine related activities and also helping lead organizations.

3. Have you attended any meetings or reviewed past minutes/agendas? If yes, please specify.

I have reviewed almost all of the minutes posted from 2019. I have not attended any HMC meetings yet.

4. Have you spoken with the chair, any members, or the appropriate Department Head? **I have spoken with Sam Cargill.**

5. Have you read the written description of the board's role? **Yes.**
6. Do you have any potential conflict of interest? **No.**
7. Do you know the time, date and location of meetings and will you be able to attend and fulfill the obligations of the position? **Yes.**
8. Participation requires that you are registered voter in the town of Fairfield. Additionally, the Town Charter requires that party balance be maintained on all boards/commissions. Are you registered to vote and what is your party affiliation? **Yes. Democrat.**
9. Please use this space to ask any questions you may have or to provide additional information you'd like to share.

I have been interested in getting more involved in town activities, and have recently attended strategic planning and budget meetings. Nancy Lefkowitz mentioned that HMC might be in need of an alternate and suggested I fill out the online questionnaire.

My professional background over the years has included serving as the Publisher of Pacific Fishing Magazine, the CEO of LaserPerformance (Sunfish and Laser Sailboats), CEO of Morris Yachts Inc. and the Board of Norwalk Cove Marina. As such, I have been exposed to nearly all the marine trades, boat building, marine service yards, commercial fishing, recreational fishing and aquaculture. I am an avid boater and sailor, and a volunteer advisor to US Sailing. I am also a student of history and have been enjoying learning more about Fairfield's and Southport's maritime history.

I'm happy to answer any questions that you , or any of the members may have.

DOUG METCHICK

1201 Oldfield Road • Fairfield, CT • 06824

Tel: (203) 418-1017 • E-mail: doug.metchick@gmail.com

SUMMARY

A seasoned operating executive with deep strategy, innovation, marketing and sales experience that transfers across a variety of industries. A dynamic leader who has successfully managed turn-arounds, restructuring and start-ups. A go-to strategist that has the ability to transform businesses. A track record of increasing sales and profitability. Excellent problem-solving skills. Comfortable in entrepreneurial and corporate environments.

CORE COMPETENCIES

- Visionary Leadership
- Strategy & Innovation
- Values & Culture
- Marketing & Sales
- Product Development
- Excellent Negotiator
- Organizational Alignment
- Team Building
- Budgeting and P&L Oversight

PROFESSIONAL EXPERIENCE

AFFINITY BEVERAGES LLC, Locust Valley, NY

June 2010 – Present

Affinity Beverages is a producer of premium craft mixers under the Regatta brand.

Interim President & CMO (Temporary Position, January 2019 to Present):

- **Acting President & CMO:** Currently serve as interim President & CMO to lead the company's effort to pivot from Regatta Ginger Beer to Regatta Craft Mixers, including adding a full range of premium craft mixers in multiple packages.
- **Brand Re-launch:** Responsible for strategy, branding, marketing, strategic partnerships, sales, product development, packaging, pricing and digital as part of the brand re-launch.

Board of Directors and Advisor (2010 - 2018):

- **Board of Directors:** Serve as independent director and advisor to company CEO from 2010-2016.
- **Sale of Business:** Represented the founder in selling the company to private equity investors in 2016.
- **Advisory Board:** Advisor to CEO and CFO in the areas of strategy, sales, marketing from 2016-2018.

LATICRETE INTERNATIONAL, INC., Bethany, CT

2015 – 2018

President, Laticrete Supercap (acquired by Laticrete in 2018)

Laticrete International is a \$400+ million global manufacturer of flooring and building materials. Supercap is a subsidiary of Laticrete and manufactures self-leveling cements and other floor prep products.

- **New Business Model:** Led strategic process that resulted in successfully transforming company business model from a small regional supplier to the industry's first national ready-mix delivery service.
- **Growth Oriented:** Took joint venture to profitability from a history of losses and underperforming to budget. Achieved 57% revenue growth in 2017 and 44% profit growth in 2018.
- **Sale of Business & Integration:** Architected transaction to Laticrete in 2018, and then responsible for integrating two separate divisions with three overlapping brands into one \$40 million business unit.
- **Financial & Governance Responsibilities:** Full P&L responsibility, drove annual budget process and report to Board of Directors.
- **Sales and Marketing Leadership:** Restructured sales and marketing teams, conducted market research to improve customer insights and reposition products, and opened new distribution channels.
- **Corporate Strategy:** Asked to revamp and then lead the strategic planning and innovation process.

MORRIS YACHTS, INC., Southwest Harbor, ME

2012 – 2015

Chief Executive Officer

Morris Yachts is a premier American manufacturer of custom and semi-custom luxury yachts from 30-90 feet, with a staff of 110 operating across four production and service facilities in Maine.

- **Turn-Around & Sale:** Responsible for leading the turn-around of this luxury yacht builder and marine services business. Company was nearly bankrupt and in workout with the bank. Completely restructured the business, stabilized it, and then sold it to The Hinckley Company in 2015.
- **Service Focus:** Placed emphasis on the company's highly profitable service business, increasing revenue from the service division to become 60% of total revenues and drive the company back to positive EBITDA.
- **Financial Restructuring:** Reduced overhead by 30% and restructured \$8 million of debt with TD Bank to improve cash flow and balance sheet.
- **Sales Driven:** Act as company's Chief Revenue Officer and take lead in increasing sales by restructuring the sales team and taking an active personal role in key customer relationships.
- **Innovation:** Led process for developing, engineering, tooling and launching 4 new boat models, including now popular X-Type and GT Series, winning *SAIL Magazine's* Best Boats "Innovation" Award, *Cruising World's* "Boat of the Year" Award and *Classic Boat's* Award in the "Spirit of Tradition" Category.
- **Customer Centric:** Implemented new CRM platform to improve customer focus and tracking.
- **Marketing Strategy:** Revamped marketing strategy, branding and media mix to create a more refined brand experience across all channels.

LASERPERFORMANCE (formerly AMF/Sunfish), Norwalk, CT

2010 - 2012

CEO

The world's largest producer of small sailboat and sailboat parts, including the popular Sunfish and Laser brands.

- **Sales Increase:** Reversed losses and led turn-around of an underperforming \$50 million global business, generating 20% YOY sales increases and returning to profitability. P&L Responsibility and Report to Board of Directors.
- **Operating Efficiencies:** Reduced product catalogue from 35 boats to 18 in order to create greater manufacturing efficiencies, rationalize losers and improve margins.
- **E-Commerce:** Lead major internal initiative to implement a new e-commerce platform (Demandware) for sales of spare parts and sails.
- **Preferred Supplier Program:** Developed MVP program with key trade partners, improving costs, payment terms and delivery of critical goods within supply chain.
- **Olympic Sponsorship:** Negotiated agreement with London Olympic Committee to produce Laser sailboats for the 2012 Olympic Games.

PENFIELD MARKETING GROUP, Westport, CT

2000 - 2010

President

Sports and lifestyle marketing agency specializing in strategy, business development, sponsorships, experiential and events.

- **Client Relationships:** Developed great relationships with high profile roster of clients including Major League Baseball, Ernst & Young, U.S Ski Team, Bear Naked Granola, Harpoon Brewery, Ferragamo Group, Skip Barber, Morris Yachts, Exclusive Resorts, Clif Bar, Regatta Ginger Beer, Jim's Organic Coffee, Mount Gay Rum, VF Corporation, The Canyons, BVI Tourism, US Sailing, and Vineyard Vines.
- **Entrepreneur and self-starter:** Founded business and grew from one-man consultancy to 10 person sports marketing agency working with major brands and a national reputation.

- **Strategy & Creative:** Recognized for strategic and creative approach to assignments, resulting in diverse solutions for clients across a variety of media.
- **Brand Audits:** Conducted market research and brand audits for Ernst & Young, Ferragamo Group, Morris Yachts and Jim's Organic Coffee resulting new positioning, taglines and marketing plans for these clients.

CLARION MARKETING & COMUNINCATIONS (subsidiary of DMB&B), Greenwich, CT

SVP, Account Director, Sports & Entertainment Division

1996 - 2000

- **Rising Star:** Advanced from Account Supervisor to SVP, managing the Sports and Entertainment Division. Submitted as Clarion's representative of DMB&B's "Rising Star" management training program.
- **New Business Development:** Member of Publicis' new business committee with cross-agency responsibilities. Secured major new accounts like Ernst & Young, Cadillac & Capital One.
- **Major League Deals:** Held office at Sprint with responsibilities for negotiating and managing their NFL, NCAA, NASCAR, PGA Tour and Rolling Stones sponsorships.
- **Account Management:** Day to day responsibilities for clients within division including General Motors, Gillette, IBM, NASCAR, NTRA, Coca-Cola & Chase Bank.

SPORTS FRANCHISES, INC., Norwalk, CT

Director, Sales and Marketing

1992 - 1995

Sports consulting firm headed by former MLB commissioner Bowie Kuhn.

- **General Manager:** Established SFI as a market leader in buy/sell transactions of professional sports teams.
- **Negotiation:** Helped negotiate purchase and sale agreements for Major League and Minor League teams.
- **Franchise Sales:** Sold 17% of the New York Yankees, consulted to MLB on the purchase and relocation of the Washington Nationals, and sold 8 minor league teams in three years.

LINTAS:WORLDWIDE, New York, NY

Account Executive, Diet Coke

1991 - 1992

- **International:** Responsible for supporting the international launch of Diet Coke in 41 countries.
- **Award Winning:** Worked on award-winning advertising campaigns featuring Elton John and Paula Abdul.

NW AYER, New York, NY

Assistant Account Executive, Procter & Gamble (Duncan Hines brand)

1990 - 1991

- **Market Research:** Responsible for market research including tracking market share and MRI data
- **Licensing:** Coordinated licensing deals with Sesame Street, Peanuts and Garfield.

BOARD AFFILIATIONS

- Board of Directors, Affinity Beverages Inc. (2010-2016)
- Board of Directors, SailFast Apparel LLC (2005-2016)
- Advisory Board, Institute for Family-Owned Business (2011-2015)
- Board of Advisors, US Sailing (2017 - Present)

EDUCATION

SKIDMORE COLLEGE, Saratoga Springs, NY

Bachelor of Science, Management and Business, May 1990

Memorandum

To: Board of Selectmen

From: Mark S. Barnhart, Director of Community & Economic Development

Date: June 5, 2020

Re: 2020 Neighborhood Assistance Act Program

As you know, the Town has solicited program proposals from municipal agencies and community non-profit organizations for funding consideration under the Neighborhood Assistance Act (NAA) program.

This program allows businesses to claim a State tax credit for cash contributions made to qualifying community programs conducted by tax exempt or municipal agencies. The types of community programs that qualify for the NAA tax credit program include, but are not necessarily limited to: energy conservation; employment and training; child care services; neighborhood assistance; substance abuse; open space acquisition; crime prevention programs and affordable housing development. The minimum contribution on which a tax credit may be granted is \$250, and the maximum contribution that any non-profit or municipal entity can receive under this program is \$150,000. There are no Town funds involved in this program.

In order to be considered, applications must be completed in full, approved locally following a public hearing, and submitted to the Department of Revenue Services (DRS) in July. Attached for your consideration is a summary of the applications that were received by the April 24, 2020 deadline.

In order to meet the aforementioned submission deadline, I would request that you consider this matter at your next regularly scheduled Board meeting, which I understand to be June 15, 2020

Information and Justification Regarding the Neighborhood Assistance Act Program

1. *BACKGROUND*: The Neighborhood Assistance Act (NAA) program is a State program administered by the Department of Revenue Services that allows eligible businesses to apply for and receive a State tax credit for cash contributions made to qualifying community programs conducted by tax exempt or municipal agencies. More information can be found on the DRS website at www.ct.gov/drs.
2. *PURPOSE AND JUSTIFICATION*: The program is designed to provide funding to municipal and tax-exempt entities by incentivizing donations made by private companies owing a State corporate tax liability. The Town's role is limited to designating a municipal liaison to work with DRS, conducting a public hearing and soliciting applications from eligible municipal and non-profit entities, which activities must be approved by the Town's legislative body prior to their being submitted to DRS by the July 1st deadline. The deadline was extended to July 31st this year due to the pandemic and public health emergency.
3. *DETAILED DESCRIPTION OF PROPOSAL*: See attached summary of applications received.
4. *RELIABILITY OF ESTIMATED COSTS*: There are no Town funds involved. The applicants are responsible for all project cost estimates, and administering any funds received through donations.
5. *PAYBACK PERIOD*: Not Applicable. There are no Town funds involved.
6. *ADDITIONAL LONG RANGE COSTS*: Not Applicable. There are no Town funds involved.
7. *ADDITIONAL USE OR DEMAND ON EXISTING FACILITIES*: Not Applicable
8. *ALTERNATES TO THIS REQUEST*: Participation in the NAA program is optional. Towns may decide not to participate in the NAA program. As of last year, eighty-two communities had designated a municipal liaison and were participating in the NAA program.
9. *SAFETY AND LOSS CONTROL*: Not Applicable
10. *ENVIRONMENTAL CONSIDERATIONS*: Not Applicable
11. *INSURANCE*: Not Applicable
12. *FINANCING*: Not Applicable

13. OTHER CONSIDERATIONS: Not Applicable

14. OTHER APPROVALS: Board of Selectmen (6/15) Public Hearing (tentatively scheduled for 6/15), and RTM approval (6/22) prior to submission to DRS by the revised July 31st deadline.

2020
Neighborhood Assistance Act Applicants

Program	Agency Sponsor	Agency Address	Funds Requested	Other Funds	Tax Credit	Program Category
FTC Accoustical Improvemets for Educational Classrooms	Fairfield Theatre Company	70 Sanford Street, Fairfield	\$ 30,000	\$ 2,000	60%	Other: General Operating
FTC Energy Efficient Lighting Upgrades	Fairfield Theatre Company	70 Sanford Street, Fairfield	\$ 60,000	\$ 2,000	100%	Energy Conservation
Economic Empowerment Program for Youth	Jr. Achievement of Western CT	835 Main Street, Bridgeport	\$ 5,000	\$ -	60%	Other: Financial Literacy Training
Energy Efficient HVAC and roofs for affordable housing units	Operation Hope of Fairfield	636 Old Post Road, Fairfield	\$ 50,000	\$ -	100%	Energy Conservation
Community Hunger & Homelessness Services	Operation Hope of Fairfield	636 Old Post Road, Fairfield	\$ 100,000	\$ 2,613,656	60%	Program serving Low Income Populations
Roof Replacement	Pequot Library Association	720 Pequot Ave, Southport	\$ 8,050	\$ 1,493,230	100%	Energy Conservation
Energy Conservation Upgrades to Facilities	Connecticut Audubon Society	314 Unquowa Road, Fairfield	\$ 4,686	\$ -	100%	Energy Conservation
Clubhouse Energy Efficiency Upgrades	Wakeman Boys & Girls Club	385 Center Street, Southport	\$ 22,371	\$ -	60%	Program serving low-income persons

Memorandum

To: Board of Selectmen

From: Mark S. Barnhart, Director of Community & Economic Development

Date: June 5, 2020

Re: Program Year 46 Annual Plan, Community Development Block Grant

I am forwarding herewith for your consideration and approval the proposed activities to be funded under the Community Development Block Grant (CDBG) Program for Program Year 46, which begins on October 1, 2020, and ends on September 30, 2021.

The Community Development Block Grant (CDBG) Program is authorized under Title I of the Housing and Community Development Act of 1974, and is administered by the U.S. Department of Housing and Urban Development (HUD) through its Office of Community Planning and Development. The primary objective of this program is the development of viable communities by providing decent housing, a suitable living environment and expanded economic opportunities, principally for persons of low and moderate income. As a municipality with a population of more than 50,000 persons, the Town of Fairfield qualifies as an entitlement community, meaning that it receives an annual allocation of CDBG funds.

Each year, the Town must prepare an Annual Action Plan that identifies those projects and activities that it proposes to fund through CDBG for the upcoming year. The Town is required to develop and adhere to a citizen participation process that includes the community in the development of its Annual Action Plan. In accordance with its citizen participation plan, the Town conducted the first of two scheduled public hearings to solicit comments on housing and community development needs on February 25, 2020. Due to the pandemic, a second public hearing is scheduled to be held virtually by teleconference on June 15 2020.

The Town of Fairfield has been advised by HUD that it can expect to receive \$521,653 in CDBG funds for the upcoming PY46 program year. Please note that the proposed budget presented herewith includes \$23,847 in estimated program income, for a total combined budget of \$545,500. Please also keep in mind that the Town may allocate not more than fifteen percent (15%) of its entitlement to public service category activities and that general administrative costs cannot exceed twenty percent (20%) of the allocation.

6/5/20

I respectfully request your timely and favorable consideration of the proposed PY 46 CDBG activities at your June 15, 2020, meeting so that we might present our proposed allocation plan to the Representative Town Meeting at its June 22 meeting, and prepare and submit our Annual Action Plan to HUD. Please do not hesitate to contact me in the event that you have any questions.

Thank you for your consideration.

Information and Justification Regarding the Community Development Block Grant

1. *BACKGROUND*: HUD designates Fairfield as an entitlement community for its CDBG program. As an entitlement community, the Town receives grant funds in an amount established by HUD for each fiscal year to be used for various HUD eligible activities.
2. *PURPOSE AND JUSTIFICATION*: The objective of this program is to develop viable communities by providing decent housing, a suitable living environment and expanded economic opportunities, principally for persons of low and moderate income.
3. *DETAILED DESCRIPTION OF PROPOSAL*: See attached program description.
4. *RELIABILITY OF ESTIMATED COSTS*: The grant funds are a fixed amount established annually by HUD.
5. *PAYBACK PERIOD*: Not Applicable
6. *ADDITIONAL LONG RANGE COSTS*: Not Applicable
7. *ADDITIONAL USE OR DEMAND ON EXISTING FACILITIES*: Not Applicable
8. *ALTERNATES TO THIS REQUEST*: Not Applicable
9. *SAFETY AND LOSS CONTROL*: Not Applicable
10. *ENVIRONMENTAL CONSIDERATIONS*: HUD requires that all recipients of CDBG funds follow Federal regulations as contained in 25 CFR Part 58, thereby furthering the purposes of the National Environmental Policy Act of 1969.
11. *INSURANCE*: Not Applicable
12. *FINANCING*: Not Applicable
13. *OTHER CONSIDERATIONS*: Not Applicable
14. *OTHER APPROVALS*: Public Hearings (conducted on 2/25 and 6/15), Board of Selectmen, RTM, and 30 Day Public Comment Period prior to submission to HUD.

Town of Fairfield
Office of Community and Economic Development
Proposed PY 46 Annual Allocation Plan
Community Development Block Grant Program

Public Service Activities (15%)

Operation Hope Housing Support	\$	21,000
Center for Family Justice Advocacy/Support	\$	9,000
Lifebridge Mental Health/Counseling Services	\$	11,000
JSS/Grasmere on Park Social Worker	\$	5,000
BOE Special Education Vocational Training	\$	4,000
Connecticut Legal Services	\$	4,000
Jewish Senior Services Elder Abuse Prevention	\$	4,000
Fairfield History Museum Educational Enrichment	\$	3,000
Fairfield Human Services Senior Outreach	\$	10,000
Bridge House – Life Skills Development/Support	\$	4,500
Pilot House Special Needs	\$	4,000
Wakeman Boys & Girls Club After School Program	\$	5,000
Bpt Neighborhood Trust Homebuyer Counseling	\$	5,000
Woofgang Volunteer Coordinator	\$	4,000
Subtotal	\$	93,500

Public Facilities and Non-Housing Needs

DPW Street/Sidewalk Improvements	\$	75,000
Micro-Enterprise Assistance	\$	25,000
Subtotal	\$	100,000

Affordable Housing Activities

Multi-Family Rehab Program	\$	60,000
Single-Family Rehab Program	\$	75,000
Handyman	\$	17,000
Homeownership Assistance	\$	75,000
Parish Court Life Safety Enhancements	\$	15,000
Subtotal	\$	242,000

Program Administration (20%)

Administration	\$	110,000
Subtotal	\$	110,000

CDBG PROGRAM YEAR 46 SUMMARY**USES:**

Public Service Activities (<15%)	\$ 93,500
Public Facilities and Non-Housing Needs	\$ 100,000
Affordable Housing Activities	\$ 242,000
Program Administration (<20%)	<u>\$ 110,000</u>

TOTAL USES	<u>\$ 545,500</u>
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SOURCES:

CDBG Entitlement	\$ 521,653
Program Income (Estimated)	<u>\$ 23,847</u>

TOTAL SOURCES	<u>\$ 545,500</u>
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Town of Fairfield

Sullivan Independence Hall
725 Old Post Road

Fairfield, Connecticut 06824
Town Plan and Zoning Commission

(203) 256-3050

May 27, 2020

To: Board of Selectmen

From: Jim Wendt, Planning Director

Re: Cherry Street Abandonment

On May 26, 2020, the Town Plan and Zoning Commission voted to recommend favorably the request to abandon the remaining portion of Cherry Street. The Commission recommends that the proposed drainage easement shown as the attached map be finalized and recorded on the Land Records as a condition of abandonment.

JRW/ds

AMBROSE & STRAZZA, LLC

Attorneys at Law
1100 KINGS HIGHWAY EAST
FAIRFIELD, CONNECTICUT 06825

PETER AMBROSE
ALBERT T. STRAZZA*
ROBERT F. HILGENDORF
*LICENSED TO PRACTICE IN CT, NY & RI

TEL. (203) 333-2116
FAX (203) 334-6085

March 05, 2020

Honorable Brenda L. Kupchick
First Selectwoman
Town of Fairfield
725 Old Post Road
Fairfield, CT 06824

Re: Road Abandonment
Cherry Street

Dear First Selectwoman,

This office represents Scott Johnston, the owner of Fairfield Automatic Transmission (located at 2196 Kings Highway East), as well as Mark Sabia and Linda Lindwall, the owners of Circle Collision (located at 2230 Kings Highway East), which owners' properties border on the paper street known as, Cherry Street. Furthermore, a small piece of the parcel is owned by 2180 Kings Highway DE, LLC of 1720 Post Road, Fairfield, CT 06824. I enclose herewith a A2 Survey prepared by the Huntington Company which sets forth all properties in question. Said survey also depicts Cherry Street running through the center of both properties.

In the year 1980, the Board of Selectmen in the Town unanimously approved the abandonment of a portion of Cherry Street for a distance of 118 ft. My clients are requesting that the remainder of Cherry Street now be abandoned. This street has never been developed and the abandonment of the same would have no adverse effect on traffic circulation in this area, as they are now dead-ended into property owned by Bed, Bath & Beyond. The portion of this road will also allow both businesses to operate in a more efficient manner and would create additional tax revenue for the Town of Fairfield.

Please accept this correspondence as my clients' request to place this item on the Agenda for the next Board of Selectmen Meeting and thereafter, on the Agenda for the RTM. Please let me know if you require any additional information relative to this request. I thank you in advance for your attention to this matter.

Very Truly Yours,

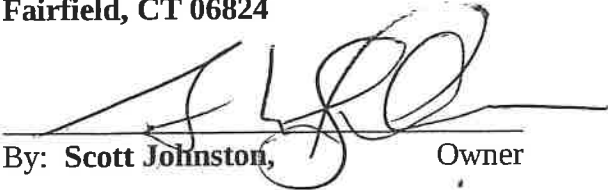
Peter Ambrose

D:\Andres\Letter for Abandonment.odt

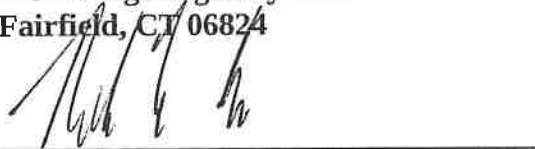
Consent For Abandonment of
Cherry Street, Fairfield, CT 06825

We the undersigned property and business owners, whose business properties border Cherry Street, seek the Abandonment of said Cherry Street by the Town of Fairfield. Said business owners, whose properties lay adjacent to Cherry Street, request that the paper road be divided equally between both businesses.

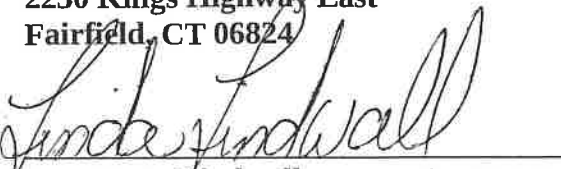
**Fairfield Automatic Transmission,
2196 Kings Highway East
Fairfield, CT 06824**


By: **Scott Johnston,** Owner

**Circle Collision,
2230 Kings Highway East
Fairfield, CT 06824**


By: **Mark Sabia,** Co-Owner

**Circle Collision,
2230 Kings Highway East
Fairfield, CT 06824**


By: **Linda Lindwall,** Co-Owner

Wendt, James

From: Carey, Brian
Sent: Thursday, January 2, 2020 9:59 AM
To: Hurley, William; Wendt, James; Rogers, Christopher
Cc: Bremer, Tom
Subject: RE: Cherry Street Rd. Abandonment (DISCONTINUANCE) request

Bill,

This would not have to go in front of the Land Acquisition Committee since it is just the abandonment of a paper road.

The Conservation Department would not have any issues with the abandonment of the ROW. The adjacent property owners are already using it for commercial car storage without paying taxes.

Best regards,

Brian Carey, Conservation Director
Sullivan Independence Hall, Second Floor
725 Old Post Road
Fairfield, CT 06824
203-256-3071

If you need to print this email or any attachments, reuse and recycle the paper.

Current Weather
<https://www.weatherlink.com/embeddablePage/show/39a644bf3dd64b778eba901c1c3bd0aa/signature>

From: Hurley, William <WHurley@fairfieldct.org>
Sent: Tuesday, December 31, 2019 3:38 PM
To: Wendt, James <JWendt@fairfieldct.org>; Rogers, Christopher <CRogers@fairfieldct.org>
Cc: Bremer, Tom <TBremer@fairfieldct.org>; Carey, Brian <BCarey@fairfieldct.org>
Subject: RE: Cherry Street Rd. Abandonment (DISCONTINUANCE) request

This "Paper Street" (ROW) has been utilized by the abutting property owners for some time. We would need to keep a drainage easement as pipe runs through the current Right of Way. Most of the area is paved or dirt and is being used as parking. One important item is abandonment would go to 3 owners not just two. I agree with Chris Rogers comment of exposing manhole and keeping access open to it at all times. Provision for no structures within drainage easement and prefer no structures within the old ROW. The 20 ft access should be enough but if structures are in the way, access could be difficult. Note utility wires and pole appear to be on private property. I am cc'ing Brian as Land Acquisition to make sure there is no Town use needed for this ROW parcel. I don't see use for gross particle separator or any Town structure for this location. I'm ok with discontinuance- check also with Town Attorney and correct process of abandonment –which is really discontinuance.

William Hurley P.E.
Engineering Manager
Fairfield Engineering Department
725 Old Post Road
Fairfield CT 06824
p 203-256-3015

From: Wendt, James <JWendt@fairfieldct.org>
Sent: Friday, December 27, 2019 11:54 AM
To: Hurley, William <WHurley@fairfieldct.org>; Rogers, Christopher <CRogers@fairfieldct.org>

Cc: Bremer, Tom <TBremer@fairfieldct.org>
Subject: FW: Cherry Street Rd. Abandonment request

Bill / Chris: Please see attached a request to abandon the remaining portion of Cherry Street. It appears that the a 20 foot drainage easement is proposed over the existing storm sewer. Please let me know if you have any comments regarding the Town’s abandonment of this right of way.

Jim

From: Bremer, Tom <TBremer@fairfieldct.org>
Sent: Friday, December 27, 2019 10:29 AM
To: Wendt, James <JWendt@fairfieldct.org>
Cc: Bertolone, Jackie <JBertolone@fairfieldct.org>; Carpenter, Jennifer <JCarpenter@fairfieldct.org>
Subject: FW: Cherry Street Rd. Abandonment request

Jim, I assume you are the appropriate department for this. If not let me know.

Jen, I assume you can put this on for consideration on the next appropriate BOS meeting after Jim has an opportunity to review.

From: James Baldwin <jbaldwin@cbklaw.net>
Sent: Tuesday, December 24, 2019 5:39 PM
To: Bremer, Tom <TBremer@fairfieldct.org>
Cc: jackielbertolone@gmail.com
Subject: Cherry Street Rd. Abandonment request

This should probably be reviewed by Jim and team and if all up to snuff, put on BOS agenda.

Best, Jim

James T. Baldwin



Town Attorney
Coles, Baldwin, Kaiser & Creager LLC
Attorneys and Counselors at Law
1 Eliot Place, 3rd Floor
Fairfield, Connecticut 06824

Tel: 203.319.0800 (Ext 302)
Fax: 203.319.1210

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- STREET ADDRESS #2196 & 2230 KINGS HIGHWAY
ASSESSORS MAP# 13 PARCELS# 479 & 485
ZONE DESIGNED COMMERCIAL DISTRICT
OWNER/APPLICANT SCOTT M. JOHNSTON C/O
FAIRFIELD AUTOMATIC TRANSMISSIONS
TRANS.
2196 KINGS HIGHWAY
FAIRFIELD, CT 06824
CIRCLE HOLDINGS OF CONNECTICUT, LLC
2230 KINGS HIGHWAY
FAIRFIELD, CT 06824
PROPOSAL ABANDON CHERRY STREET
DATE 11.06.01 SCALE 1"=20'

NOT VALID UNLESS EMBOSSED WITH SEAL OR
FIXED WITH THE LIVE STAMP OF THE SIGNATORY

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS
SUBSTANTIALLY CORRECT AS NOTED HEREON

NO.	DATE	DESCRIPTION
REVISIONS		

Jason T. Spath Sr., L.S. #70136

HK

SCALE: 1"=20'	DRAFTER: SJR	JOB NUMBER: S019	PROJECT #: 0219
THE HUNTINGTON COMPANY, LLC Consulting Engineers & Surveyors 303 Linwood Avenue, Fairfield, CT 203.259.1091			1/1

1/1

FAIRFIELD POLICE DEPARTMENT: POLICY AND PROCEDURE MANUAL			
CHAPTER: 11	SUBJECT: Use of Force		
SECTION: 11.1	SUBJECT: Use of Force		
EFFECTIVE DATE: January 25, 2017		DATE WRITTEN:	
DISTRIBUTION: All Police Personnel			PAGE: 1 OF 13

11.1.1 Use of Force (general)

Police officers shall use only that force that appears reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another, as per CGS 53a-22 to include subsequent changes and revisions. The use of force under certain circumstances is permitted by law (CGS) and a police officer is authorized to exercise force in those circumstances. The unnecessary use of force is contrary to law and places the department in a position of civil liability and places the officer in a position of civil and criminal liability. Therefore, the unnecessary use of force is prohibited.

Members of the Fairfield Police Department are strictly prohibited from the use of excessive physical force against any individuals engaged in non-violent civil rights demonstrations. Peaceful demonstrations will be closely monitored, and in the event that arrests are necessary, they will be carried out in a calm and quiet manner using only such force sufficient to secure the prisoner. Individual rights shall be respected as guaranteed in the Constitution of the United States and the State of Connecticut.

Officers are authorized to carry weapons as detailed in this policy manual in the performance of their official duties. (C.G.S. 53-106)

Officers shall draw their firearms when they have reason to believe deadly force may have to be employed, for training, to dispatch an animal, or for maintenance or inspection.

11.1.2 Definitions

Deadly Physical Force: Physical force which can be reasonably expected to cause death or serious physical injury. (CGS 53a-3(5))

Serious Physical Injury: Physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ. (CGS 53a-3(4))

Reasonable Belief: the belief in facts or circumstances which if true, would in law, constitute an offense. (CGS 53a-22)

Non-Deadly Force: Any use of force other than that which considered deadly force.

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Probable Cause: Where facts and circumstances known to the officer, or those circumstances on which he has reasonable reliable information, are sufficient to lead a reasonable person to believe that the person has committed, is committing, or is about to commit a crime.

Substantial Risk: A realistic danger or probability of an event occurring. Not just a mere possibility of something happening, but a practical certainty it will happen.

Physical Force: For purposes of this policy, the application of strength, restraints, or weapon(s) to control and/or overcome resistance or assault.

Imminent: likely to occur at any moment; impending.

Choke Hold: A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.

Less Lethal Weapons: Weaponry designed and used for stopping a violent act or for gaining compliance and/or overcoming physical resistance to custodial arrest or protective custody at levels of force which would not normally cause serious physical injury or death by their application.

11.1.3 General Provisions

- Whenever safe and if possible, officers should attempt to use de-escalation techniques prior to the use of physical force.
- Any use of physical force should be discontinued when resistance ceases or the incident is under control.
- Physical force should not be used against individuals in restraints, except as objectively reasonable to prevent escape, bodily injury to an officer or other person (see 11.1.4).
- All officers have a duty to intervene to prevent or stop the use of excessive force by another officer whenever it is safe and reasonable to do so.

11.1.4 Reasonable Non-Deadly Force

Where lethal force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control and necessary to affect lawful objectives. When force is warranted, officers should assess the incident in order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control. Once the threat of resistance has been reduced, the amount and level of the less than lethal force shall be reduced proportionately.

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When the offender has been secured by a restraint device and is compliant, the use of less than lethal force is limited to escort/touch techniques. If restrained, the use of chemical agents, electronic defense weapons, or impact weapons is not permitted unless the subject still poses a danger to officers, other persons, or themselves.

An officer is justified in using reasonable non-deadly force on another person when and to the extent he reasonably believes it necessary to:

- To effect an arrest or prevent the escape of a person (actively evading or resisting) whom they reasonably believe to have committed an offense;
- To defend themselves or others from the use or imminent use of physical force (CGS 53a-22);
- To take persons into protective custody when authorized by law;
- To prevent someone from committing suicide or inflicting serious injury upon themselves;
- To assist a licensed physician or psychologist in providing necessary medical treatment;
- To bring an unlawful situation safely and effectively under control.

11.1.5 Deadly Physical Force

The use of deadly physical force by sworn officers is permitted under the following circumstances:

- To defend the officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force or great bodily harm. (C.G.S.53a-19)
- To affect an arrest or prevent the escape from custody of a person whom he reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury and where feasible, he has given warning of his intent to use deadly physical force. (C.G.S. 53a-22(c))
- To shoot an animal in instances such as to prevent harm to the officer or to another person; or when the animal is so badly injured or ill that humanity requires its relief from further suffering.

The use of deadly physical force by sworn officers of the Fairfield Police Department by discharging a firearm at or from a moving vehicle is NOT permitted EXCEPT:

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- As the ultimate measure of self-defense when other reasonable alternatives are not available or practical;
- In defense of another when a suspect is using deadly physical force by any means, including the operation of a vehicle in a manner deliberately intended to strike an officer or another individual(s), and all other means of defense have been exhausted or not practical;
- When the occupants of the vehicle have committed a felony in which deadly force was used and the officer reasonably believes the occupants still pose an imminent threat of serious physical injury or death if their apprehension is delayed.

11.1.6 Issuance of Directive

Every sworn member of the department shall be provided with a copy of this policy and will be instructed on the policy and procedures contained herein prior to being authorized to carry any lethal or less than lethal weapon and at each retraining session thereafter.

11.1.7 Choke Holds

Choke holds are prohibited unless deadly force is authorized.

11.1.8 Warning Shots

Warning shots are inherently dangerous. A warning shot may only be used if the use of deadly force is justified and the officer reasonably believes that the warning shot will reduce the possibility that deadly force will have to be used. The warning shot must not pose a substantial risk of injury or death to the officer or others and must be shot at a defined target.

11.1.9 Equipment (general regulations) including Non-Lethal Weapons

The Support Services Bureau is responsible for keeping a record of all department owned weapons and all department approved weapons.

Under normal circumstances, only weapons, equipment, and ammunition supplied by and authorized by the department will be carried and used by those officers trained in the use of such weapons and equipment.

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With prior approval in writing by the Chief of Police, officers may carry a secondary weapon. In addition to the written approval, the weapon must be inspected by a department armorer and deemed to be in safe operating condition. It must be registered with the department and the officer must be qualified with it through an official department qualification course. This weapon shall not be utilized as a primary weapon without prior approval by the Chief of Police. (All officers shall receive training and demonstrate proficiency in use in each approved weapon before they will be authorized to carry such weapon.)

All officers who have received training on and been issued a Taser shall carry the Taser as the standard less-than-lethal weapon issued to them while on duty and in uniform. Officers who have not been trained or issued a Taser shall carry at least one other form of issued less-than-lethal weapon (as detailed below).

Officers wearing “plain-clothes” shall carry at least one less-than-lethal device (Taser, ASP, OC spray) on their person while on duty.

It is recognized that in emergency situations officers may have to resort to the use of instruments (rocks, knives, vehicles, wooden, metal or other objects) and unconventional weapons when they cannot readily avail themselves of department issued weapons for the purpose of protecting themselves or others. Under such circumstances, officers are expected to act in conformance with legal standards and this policy.

Handcuffs:

As a general rule, persons taken into custody shall be handcuffed with their hands behind the back and the cuffs will be double locked whenever possible. If a disability, injury, deformity or volatile situation prevents behind the back handcuffing, a prisoner may be handcuffed in front of his body. If a prisoner handcuffed in the front presents a risk, a tying device may be used to restrain the prisoner’s arms and/or shackles and the prisoner van may be utilized. An officer should not be handcuffed to a prisoner.

Handcuffing is discretionary when the officer is transporting prisoners who are obviously no threat; e.g. young children, elderly or handicapped persons or persons whose injuries may be exacerbated by handcuffing.

The following equipment has been approved for use by the Fairfield Police Department:

TASER:

The Taser shall be carried only by officers trained and assigned this device. Plain-clothes officer who are trained in use the Taser may carry it while on duty.

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The Taser may be used to defend officers and others from persons who are engaged in or about to become engaged in violent activity, or to control persons who officers believe will actively resist arrest, thereby resulting in injury to the officers or to others (see FPD Policy 11.2).

O.C. Spray:

O.C. spray may be used to defend officers and others from persons who are engaged in or about to become engaged in violent activity; or to control persons who officers believe will actively resist arrest, thereby resulting in injury to the officers or to others. Officers may choose to make the OC spray, which is issued by this agency, part of their regular police equipment.

ASP:

The ASP is the official defensive impact weapon of the Fairfield Police Department. Each officer who has been trained in the use of the ASP may choose to make it part of his regular police equipment and may carry it with the officer when assigned to police duties while in uniform. Plain-clothes officers may carry the ASP while on duty as necessary. When used as a striking weapon, the ASP should only be used when necessary to defend the officer or others. As a general rule, and whenever lethal force is not necessary, officers should avoid an opponent's head and neck area entirely as well as other lethal areas.

Flashlights:

Flashlights should not be used as weapons unless necessary to protect the officer or others and the officer cannot readily avail him/her of a more effective weapon. As in the use of ASPs, striking persons above the shoulder should be avoided unless necessary to prevent serious physical injury to the officer or others.

Kinetic Energy Impact Projectiles:

The Fairfield Police Department has adopted less lethal extended range munitions as an option to assist with the de-escalation and resolution of potentially violent confrontations. Only officers trained and certified may utilize such munitions.

Such munitions are flexible, less lethal projectiles which are intended to incapacitate a subject with minimal potential for causing death or serious injury when compared to conventional projectiles. These projectiles include but are not limited to the 12 gauge "super sock" rounds and the 40mm "foam baton" rounds currently in our inventory.

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11.1.10 Off-Duty Carrying of Firearms

The carrying of a firearm off-duty by a Fairfield police officer is optional.

11.1.11 Privately Owned Weapons

Officers who carry privately owned firearms off duty shall be governed by Connecticut General Statutes.

Officers must request and receive written permission from the Chief of Police to carry privately owned weapons for the purpose of enforcing the law as a police officer. The weapon must be inspected by a department armorer and deemed to be in safe operating condition. Officers will be required to demonstrate proficiency in their ability to safely handle and discharge any firearm to be carried off duty by a Fairfield Police Firearms instructor. All such weapons shall be registered with the Department on the "Request to Carry" form (FPD-37).

11.1.12 Police Involved Shootings Without Injury

(All discharges of firearms by police personnel without death or injury not covered by other written policies.)

Officer's Responsibilities

If a member of the department discharges a weapon while on or off duty, whether in or outside the Town of Fairfield, (other than while participating in firearms training or dispatching animals), he/she shall:

- Immediately notify the shift commander, or in his absence, the ranking patrol supervisor on duty at the time of the discharge
- Submit an oral report to a supervisor or investigator immediately and a written report as soon as possible following the incident.

Shift Commander or Officer in Charge Responsibilities

The shift commander or ranking patrol supervisor shall make notification to:

- Investigative Division
- Chief of Police
- Deputy Chief of Police
- The Commander of the Office of Professional Standards
- Division Commander of any officer involved in the shooting.
- The local police jurisdiction if the discharge occurred outside the Town of Fairfield.

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Investigative Division Responsibilities

If the discharge occurred while on-duty or while off-duty within the Town Of Fairfield, the Investigative Division shall investigate the criminal aspects of the incident that led to the discharge, and shall establish a separate investigation team who will be responsible to investigate the discharge.

Office of Professional Standards Responsibilities

The Office of Professional Standards shall conduct an investigation and review all reports to determine if department policy was followed.

11.1.13 Police Involved Shootings or Any Use of Force Resulting in Serious Injury or Death

Officer's Responsibilities

- Notify ECC of the incident
- Provide medical care to injured party if possible
- Provide basic information to supervisor so that evidence may be preserved, witnesses located and suspects identified, and a preliminary investigation initiated.
- Should avoid discussing the incident with media or other officers involved in the incident.

It is understood that circumstances may prevent an officer from accomplishing the above requirements (e.g. officer injured).

ECC Responsibilities

- Dispatch a patrol supervisor
- Notify shift commander
- Dispatch medical assistance

Patrol Supervisor Responsibilities

- Respond to the scene.
- Obtain/confirm medical assistance for officer & injured party
- Secure the scene
- Notify Shift Commander
- Assign an officer to establish a crime scene log

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Shift Commander or Officer-in-Charge Responsibilities

- Report to the scene as soon as possible.
- Offer the officer medical evaluation/treatment
- Ensure the notification of the following:
 - Investigative Division.
 - Chief of Police.
 - Deputy Chief of Police.
 - Division Commander.
 - The Commander of Professional Standards.
 - The local police jurisdiction if the discharge occurred outside the Town of Fairfield.
- Ensure that the officer(s) involved in the shooting is removed from the scene as soon as possible and not left unattended and offer union consultation.
- Assure that the crime scene is protected or that the local jurisdiction has been contacted to send officers to investigate.

Investigative Division Responsibilities

The Investigative Division supervisor shall be responsible for notifying:

- State's Attorney's Office
- CSP Major Crime Squad
- Other Investigative resources as needed

If the incident occurred while on-duty or while off-duty but within the Town of Fairfield, the Investigative Division shall investigate the criminal aspects of the incident that led to the use of force and shall establish a separate investigative team that will be responsible to investigate the use of force incident itself unless/until relieved by the State's Attorney Office.

Investigative Division supervisor shall take immediate custody of all firearms (or any weapon used) by the officer(s) involved in the incident. A replacement firearm should be issued unless circumstances dictate otherwise (the Chief of Police will determine when a replacement weapon will not be issued).

Office of Professional Standards Responsibilities

The Commander of the Office of Professional Standards shall report to the scene as quickly as possible and conduct an internal investigation into the incident. This investigation will be separate from any criminal investigation and upon completion he/she will report their findings to the Chief of Police.

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Reports

Officers who utilize a firearm that results in injury or death or uses other means of force that results in serious injury or death shall complete a written report of the incident within a reasonable period of time following the incident, not to exceed 48 hours, unless circumstances prevent the officer from completing a report (e.g. officer injured). The officer shall be given the opportunity to consult with a union representative prior to making any statements or completing any written reports (except as detailed above under "Officer Responsibilities").

All other officers involved in the incident (present at shooting, assigned to or involved in the incident, or have information pertinent to the investigation) shall complete a written report immediately following the incident. If the officer was off duty at the time of the incident, they may be recalled for the time necessary to complete any necessary reports.

Follow-Up Services

The Division Commander of the officer(s) involved shall be assigned by the Chief of Police to make contact with the officer(s) as soon as practicable to see if the officer or his immediate family is in need of assistance. The Division Commander shall ensure that the officer(s) seeks psychological review within a three week period from the date of the shooting. The Division or Bureau Commander shall maintain liaison with the Chief of Police and the officer(s) involved concerning the need and coordination of any psychological counseling that may be necessary.

11.1.14 Restrictions / General Regulations

1. The Glock .40 caliber model 23 handgun, the M-16 rifle platform, and the 12 gauge pump shotgun are the official service firearms and property of the Fairfield Police Department. Each sworn officer shall be issued a firearm which shall have been reviewed, inspected, and approved by a qualified armorer prior to issuance.

The department may authorize specialty weapons as required such as the .22 rifle and .410 shotguns for use in the disposal of sick/injured animals. Only firearms authorized by the department should be utilized by on-duty members of the department unless an emergency situation dictates otherwise.

- The Support Services Bureau shall maintain a current inventory of all departmental weapons.

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2. Only department issued ammunition shall be carried in such weapons while on or off-duty. (Exceptions shall only include training/range usage.)
3. On-duty officers shall carry only their issued/approved weapons unless authorized by the Chief of Police. Weapons shall be carried in a manner consistent with training.
4. Sworn members of the department shall carry their issued firearms in an appropriate holster while on duty and in a manner consistent with training. Unless specifically authorized by the commanding officer of the officer's unit or division, no officer shall carry their firearm without a holster or in a holster that is inconsistent with the officer's training and departmental directives.
5. Officers will be responsible for the care and cleaning of their issued weapons.
6. It will be the responsibility of the officer to report to his immediate supervisor any problems and/or malfunction with his/her issued pistol, shotgun, rifle or other issued weapons. It will be the responsibility of the supervisor to make arrangements for the issued weapon to be repaired and have another weapon temporarily issued to the officer by the Support Services Bureau.
7. Supervisors shall physically inspect yearly the issued weapons of their subordinate officers. The weapons will be inspected for cleanliness, mechanism function, and the condition of ammunition. The supervisor shall also inspect the magazines carried for same conditions.
8. All officers shall strictly comply with the rules and regulations posted in the department firing range, or while using other firing range facilities for the purpose of training.
9. No officer shall modify, in any way, a firearm owned by the Fairfield Police Department without approval by the Chief of Police.

11.1.15 Qualifications

All sworn personnel shall qualify on an annual basis with their issued pistols. Officers shall also receive annual in-service training on the use of force policy. Officers shall receive biennially in-service training for all less than lethal weapons.

Officers assigned to carry a department shotgun or rifle shall qualify annually. Only officers who are qualified shall be authorized to carry a shotgun/rifle on duty. Such qualification shall be conducted by a POST certified weapons instructor.

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Officers may not carry any weapon with which they have not qualified or have failed to meet qualification requirements.

The qualification standards shall comply with or exceed the standards used by the Police Officer Standards and Training Council.

Officers who fail to meet certification requirements for their pistol at the time they are done shall be given a 30-day grace period. Within the 30-day grace period, the officer must report to the department firearms training officer for remedial training and re-certification. Officers who fail to achieve certification after attending the remedial firearms training shall be placed on suspension from regular police duty and may be otherwise assigned.

In addition to training required for firearms qualification, officers shall receive authorized training designed to simulate actual shooting situations and conditions and, as otherwise necessary, to enhance officers' discretion and judgment in using deadly and non-deadly force in accordance with policy.

All training shall be documented. Such documentation shall be maintained by the Support Services Bureau.

11.1.16 Written Reports

An officer shall submit a complete written report whenever that officer:

- Takes an action that results in, or is alleged to have resulted in, injury or death of another person.
- Applies force through the use of lethal or less-than-lethal weapons.
- Has any accidental discharge of a firearm.
- Applies force by any other means.

An officer utilizing any level of force shall complete a use of force report. The report shall be reviewed by the officer's supervisor and forwarded through the chain of command to the office of the Chief of Police. After it is reviewed at each level, the Chief will forward the report to the Office of Professional Standards. The Office of Professional Standards may supply a copy to training for review.

Photographs of the injured person or allegedly injury should be taken when any use of force is applied to a person.

Members of the department who have force used against them shall have photographs taken of any injury sustained or any damage to clothing or equipment. All reports submitted pursuant to this directive shall detail the

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circumstances of the incident leading to said action and shall be promptly filed. The Office of Professional Standards shall review the use of force report and determine if the use of force was appropriate or should be further investigated. The report shall be retained for use in the annual analysis conducted by the Support Services Commander.

The Deputy Chief of Police shall be responsible for conducting an annual review of all use of force incidents.

11.1.17 Reassignment

When the use of force by an officer results in death or serious physical injury, the Chief of Police shall immediately remove that officer from a frontline duty assignment pending administrative review of the incident.

11.1.18 Rendering Medical Aid after Injury Resulting from the Use of Force

Officers shall assure that prompt medical attention is afforded to all persons who have been affected by the use of lethal or less than lethal force. If the person refuses attention, the refusal must be noted in the written report. (All individuals struck by a Taser shall be transported to a hospital for evaluation – see Section 11.2.6.) Any person taken into custody that has been injured or requests medical attention as a result of a lethal or less than lethal weapon shall be transported to the hospital for treatment. If treatment is refused at the hospital, the name of the medical personnel who accepted the refusal must be noted in the written report. Persons who have been affected by exposure to O.C. spray shall be provided the opportunity to wash their eyes as soon as it is safe and practical to do so.

APPROVED: _____ DATE: _____

FAIRFIELD POLICE DEPARTMENT : POLICY AND PROCEDURE MANUAL		
CHAPTER:11.0	SUBJECT: Use of Force	
SECTION: 11.2	SUBJECT: Electronic Control Weapon - Taser	
REFERENCE: CT POSTC:		
EFFECTIVE DATE: November 8, 2016		DATE WRITTEN:
SUPERSEDES: All Previous Taser Policies		
DISTRIBUTION: All Police Personnel		PAGE: 1 OF 6

11.2.1 Policy

The Fairfield Police Department authorizes the use of the TASER as a non-lethal use of force option. Fairfield Police Department officers will only use the level of force necessary to accomplish lawful objectives.

11.2.2 Definitions

A. ELECTRICAL WEAPON (Taser):

A less than lethal weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.

B. PHYSICAL FORCE:

Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

C. LESS-THAN-LETHAL FORCE:

A use of force which is not likely to cause death or serious physical injury.

D. ACTIVE RESISTANCE:

Any physical act, or failure to act, undertaken by a subject against an officer that could reasonably interfere with or defeat a lawful attempt by the officer to gain physical control of the subject.

E. PASSIVE RESISTANCE:

The mere failure or refusal to cooperate with the lawful directions of a police officer by one or more unarmed, non-violent persons, such as in the case of an act of civil disobedience or a non-violent handcuffed prisoner.

F. DEPLOYMENT:

This is defined as the use of a Taser against any person or the illumination of the laser on an individual.

G. Cartridge:

A replaceable cartridge for the Taser which uses compressed nitrogen to fire two barbed probes on connecting wires sending a high voltage/low current signal into a subject.

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H. Drive Stun:

Secondary function of the Taser to stun a subject by making direct contact with the body after the cartridge has been expelled and/or removed.

11.2.3 General Information:

Only department members who have satisfactorily completed the agency's approved training course shall carry Tasers. Department members are not authorized to draw or display the Taser, except for training and daily function test, unless circumstances create a reasonable belief that it may be necessary to use it. Tasers will be carried in an approved holster on the side of the body opposite the service handgun. It shall be carried fully armed with the safety on in preparation for authorized use. In addition, a minimum of one spare cartridge shall be stored and carried in a manner consistent with training. The cartridges shall be replaced consistent with the manufacturer's expiration requirements.

11.2.4 Deployment:

The Taser may be used when a subject is displaying active and/or aggressive resistance to an officer attempting to conduct legal law enforcement activities. The Taser may also be used to defend against attack from a dangerous animal. In such cases, the Fairfield Police Department Animal Control Officers shall be notified and called to scene.

Use of the Taser shall be consistent with training. Anytime an officer deploys a Taser, the deploying officer shall notify his or her supervisor as soon as practical after such use and complete the appropriate Use of Force form. (The Use of Force form must be completed any time the Taser is discharged and/or the laser is illuminated.)

Patrol Officers should give a loud, clear warning (when practical) to the subject and other officers before firing the Taser at the subject. Center mass of body should be primary target area; particularly the center mass of the back, as clothing tends to be tighter on this part of the body. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as a target. Care should be given to avoid hitting the subject in sensitive tissue areas such as head, face, neck, groin, or female breast area; however probes penetrating these areas shall be removed by medical personnel at a medical facility.

Multiple "Drive Stuns" are discouraged and must be justified and articulated on the Use of Force form. If initial application is ineffective, officer will reassess situation and consider other available options. Subjects should be secured as soon as possible after the incident.

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There are three separate types of reportable Taser applications:

Spark display – A non-contact demonstration of the Taser's ability to discharge electricity. This is conducted only when the cartridge has been removed from the weapon. The purpose of this display is to convince the subject to comply with a lawful order and avoid the Taser from being deployed in either the Drive Stun or Probe mode.

Drive Stun – Contact is made by pressing the front of the Taser (cartridge removed) into the body of a subject resisting lawful orders and activating it. The Drive Stun causes significant localized pain in the area touched by the Taser but does not have a significant effect on the central nervous system. The Drive Stun does not incapacitate a subject but may assist in taking a subject into custody. (If a Taser is fired using the cartridge at a distance of less than three feet, the effect will be very similar to a Drive Stun.)

Probe - The Taser is most effective when the cartridge is fired and the probes/darts make direct contact with the subject. Proper application will result in temporary immobilization of the subject and provide the officer an opportunity in which to take the subject safely into custody. Optimum range for probe deployment is 7 to 15 feet with a 21 foot maximum distance. Deployment of the Taser cartridge at distances of less than three feet may not result in temporary immobilization or central nervous system disruption.

The Taser is one of the options available to officers. The Taser, like the ASP, OC spray, or empty hand techniques may not be effective in every situation. Officers must assess the effectiveness of each application and determine whether further applications are warranted or a different tactic should be employed. The decision to use the Taser will be dependent upon ~ the actions of the subject, the threat facing the officer, and the totality of circumstances surrounding the incident.

Officers shall not carry Taser as an off-duty weapon.

The Taser shall not be used:

- When the officer knows a subject has come in contact with flammable liquids or is in a flammable atmosphere.
- When the subject is in a position where a fall may cause substantial injury or death.
- Punitively for purposes of coercion, or in an unjustified manner.
- To escort or jab individuals.
- When the subject is visibly pregnant unless deadly force is the only other option.
- On any subject demonstrating only passive resistance.

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The TASER should not be used in the following circumstances (unless there are compelling reasons to do so which can be clearly articulated):

- When the subject is operating a motor vehicle.
- When the subject is holding a firearm.
- When a prisoner is handcuffed.
- When the subject is very young, elderly, or physically disabled or
- In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officers and/or civilians as necessary.

11.2.5 Mentally Ill Persons

When dealing with mentally ill persons who are not an immediate threat to themselves or others, officers should attempt to control the situation through less intrusive means prior to any Taser deployment.

11.2.6 Post-deployment

Officers should ensure the probes are removed from the subject's skin by police personnel trained in their removal, Fire Department personnel, or emergency medical personnel. Police personnel shall treat Taser probes as a biological hazard and dispose of them accordingly. If however, the probes strike and embed in what is considered a sensitive area, the probes shall be left in place and removed at the hospital by medical staff. For purposes of this policy, sensitive areas are defined as any area above the clavicle, female breasts, genitalia, or anytime the probe is believed to be embedded in bone.

Any subject struck with a Taser either through drive stun or probes shall be transported to the hospital for evaluation. Officers will ensure that medical personnel are aware subject was "tased."

Officers shall notify their immediate supervisor whenever the Taser has been used (who shall report to the scene). In addition to a detailed incident report, the supervisor shall ensure a Use of Force form is completed and that the injuries and/or probe sites are photographed.

The Taser shall be seized by the supervisor and turned in to the Support Services Bureau who will download the data to a dedicated computer. This data report shall be printed and forwarded to Professional Standards as soon as practicable.

11.2.7 Training and Certification

Fairfield Police Instructors who have been certified as Taser instructors will be the only authorized persons to instruct on the Taser. Training will be conducted in accordance with department protocols. Officers authorized to use a Taser must successfully complete an initial certification training course, to include written and practical tests. Once certified, officers must attend annual re-certification training. All Fairfield police officers who are certified in its use and have been issued a Taser must carry it while in uniform.

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11.2.8 Equipment Care and Handling

Officers will use only authorized Taser equipment issued by the Fairfield Police Department. Serial numbers and all identifiable components assigned to officers will be recorded by the Support Services Bureau. The Taser will be inspected for damage and cleanliness, and batteries and cartridges replaced when required by the officer. The battery display will be checked on the CID at the beginning of each shift. A reading of 20% or less will require the DPMI battery pack be changed. The DPMI battery pack will not be removed from the Tasers except when the reading is 20% or less or to conduct a data download. The Taser will never be stored more than 48 hours without the DPMI battery pack attached, to avoid loss of memory. When off duty, Tasers must be stored and secured in a climate-controlled area (i.e. locker), not in a vehicle.

Officers must conduct a spark check at the beginning of shift to ensure the Taser will function properly. A spark check is an equipment check conducted outside of public view to ensure the Taser is operable. It is conducted by removing the cartridge, test firing the weapon, and observing the electrical arc. This spark check does not require completion of a Use of Force report.

Uniformed officers will carry the Taser in a department issued holster. The holster will be carried on the duty belt, on the side opposite the duty firearm. Non-uniformed officers will carry the Taser in an approved holster on the side opposite the duty firearm.

11.2.9 Accidental Discharge

The following procedure should be followed in the event of an accidental deployment/discharge of an officer's Taser:

- No Use of Force form is required for a non-deployment discharge unless someone is "tased"; however, a memorandum must be completed by the involved officer to his or her division commander (and ultimately forwarded to the Support Services Commander who will maintain a record of all discharges).
- The shift commander will issue a replacement Taser cartridge from the department armory and have the officer complete an information change form (FPD-154) which will be forwarded to Support Services.

11.2.10 Annual Reports / Audits (Office of Professional Standards)

Beginning January 1, 2016, and annually thereafter, the Office of Professional Standards shall complete the POSTC EDW/CEW annual report form as required by statute. Said report form shall be submitted to the State of Connecticut Criminal Justice Policy and Planning Division within the Office of Policy and Management no later than January 15th covering the preceding calendar year.

Additionally, the Office of Professional Standards shall conduct an annual review of all Taser deployments to ensure policy compliance.

From: [Karen Wackerman](#)
To: [Browne, Betsy](#)
Subject: Fwd: Questions for Chief Lyddy
Date: Thursday, June 18, 2020 5:13:55 PM

Betsy -

Please add the email below to the materials for Monday's meeting. I'll be sending you another one as well.

Thanks.

Karen

Karen Wackerman
RTM Moderator
RTM District 7 Representative
203-984-1673

----- Forwarded message -----

From: **Karen Wackerman** <karenrtm7@gmail.com>
Date: Thu, Jun 18, 2020 at 2:07 PM
Subject: Questions for Chief Lyddy
To: Karen Wackerman <karenrtm7@gmail.com>
Cc: Lyddy, Chris <CLyddy@fairfieldct.org>

To the RTM:

Rep. Tallman asked me to ask Chief Lyddy how many complaints "pertaining to racism" the Fairfield Police Department has received.

I happened to speak with Chief Lyddy today, and he told me that so far in 2020 the FPD has received no complaints of racism.

I asked the Chief how many instances of "use of force" cases there have been. He said that 12 incidents were investigated in 2019, comprised of the following:

- 5 taser use (in 3 of those the taser was not fired)
- 2 dog bites
- 2 fist blows
- 1 take-down
- 1 physical escort
- 1 felony stop with firearms drawn but not fired

The Chief is going to provide a breakdown of these incidents by race and ethnicity of the alleged perpetrator.

I am copying the Chief to make sure I am reporting this correctly. I would also like to ask the Chief if he can tell me whether there were any incidents in 2019 of allegations of racism

against the FPD, since we're less than half way through 2020 and the number above pertains only to this year.

Karen

Karen Wackerman
RTM Moderator
RTM District 7 Representative
203-984-1673

From: [Karen Wackerman](#)
To: [Browne, Betsy](#)
Subject: Fwd: 2019 Use of Force incidents
Date: Thursday, June 18, 2020 5:14:28 PM

Betsy -

Please add this email to the materials for Monday's meeting as well. Thanks.

Karen

Karen Wackerman
RTM Moderator
RTM District 7 Representative
203-984-1673

----- Forwarded message -----

From: **Karen Wackerman** <karenrtm7@gmail.com>
Date: Thu, Jun 18, 2020 at 5:11 PM
Subject: Fwd: 2019 Use of Force incidents
To: Karen Wackerman <karenrtm7@gmail.com>
Cc: Lyddy, Chris <CLydddy@fairfieldct.org>

To the RTM -

Below is Chief Lyddy's breakdown of the use of force episodes in 2019 by race.

Karen

Karen Wackerman
RTM Moderator
RTM District 7 Representative
203-984-1673

----- Forwarded message -----

From: **Lyddy, Chris** <CLydddy@fairfieldct.org>
Date: Thu, Jun 18, 2020 at 3:16 PM
Subject: 2019 Use of Force incidents

CASE	Race/Sex	Year of Birth	Force used
19-45106	W/M	1972	Taser- Fired
19-36811	B/M	1970	Closed fist punch
19-37930	W/M	1991	Dog bite
19-35648	W/M	1998	Taser- not fired

19-27840	B/M	1999	Closed fist punch
19-22665	W/M	1971	Take down
19-11384	W/M	1985	Taser- not fired
19-10213	W/F	1960	Taser- not fired
19-10160	B/M	2001	Dog bite
19-6543	W/M	1966	Take down
19-3400	W/M, W/F	1990,1994	Felony stop
19-2332	W/M	1975	Taser- fired

Chris Lyddy, Chief of Police

Fairfield CT Police Department

203-254-4828