



CHARTER REVISION COMMISSION SPECIAL MEETING MINUTES

July 14, 2008

Auditorium

7:00 P.M.

Commissioners Present: Jack Bashar
Steve Bellis
Susan Coyle
Michael Davis
Paul DiMauro
Chris Gallo
Bob Lally
Ken Nappi (arrived 7:31 pm)
Irene Smith

CALL TO ORDER

Chairman Paul DiMauro called the Special Meeting of the Charter Revision Commission to order at 7:01 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

COMMUNICATION

There was no communication received by the Charter Revision Commission.

The following open items were addressed with resolutions as follows:

Section 2.1. General City Election.

The general City election for the elective offices of the City and each ward of the City shall be held in accordance with the laws of the State on the Tuesday after the first Monday of November of the odd-numbered years **unless otherwise provided for by the Conn. Gen. Stat.**

Section 2.8. Recall.

The electors of the City may recall from public office any elected official of the City in accordance with the provisions of this Section. To initiate a recall, an elector shall submit to the City/Town Clerk a written request for a recall petition which shall specify the name and office of the official whose recall is sought and the grounds for recall and which shall be signed by twenty **(20) percent** ~~(20%)~~ or more electors of the City. Upon receipt of a proper request, the City/Town Clerk shall issue a reasonable number of duplicate copies of a recall petition in such form as the City/Town Clerk may from time to time prescribe provided at the minimum the form shall contain the information required in the written request for the recall provision. Each page of the recall petitions shall contain a statement, signed under penalties of false statement, by the person who circulated it, providing the circulator's name and address and verifying that each person whose name appears on the page signed it in the presence of the circulator and that the circulator either knew the signer or the signer satisfactorily identified himself to the circulator, and any page which does not contain such information shall be invalid. If the recall petitions are returned to the City/Town Clerk within thirty (30) days of the date of issuance and are signed by a total of twenty **percent (20%)** or more of the electors **registered as determined by its last completed registry list** at the last general City election, the City/Town Clerk shall conduct within thirty (30) days of the date of the return of the recall petitions, a vote on the recall, in which the form of the question shall as nearly as possible be "Shall (insert name and office of the official whose recall is sought) be recalled?" If sixty (60%) percent or more of the electors entitled to vote shall vote and if a majority of those voting shall vote in the affirmative, the official shall be recalled and the office filled in such manner as shall be provided by this Charter or the laws of the City or State, except no recalled official shall be appointed to the office from which he/**she** was recalled. The City/Town Clerk shall not issue any recall petition until the official whose recall is sought has held the office from which his recall is sought for a minimum of six (6) months, which time period shall not be deemed broken by reelection to the office previously held. The City/Town Clerk shall not issue during a consecutive period of two (2) years more than one (1) recall petition for any one (1) official.

Section 2.10. Wards.

The City shall be divided into four (4) wards, the boundaries of which shall be established pursuant to Conn. Gen. Stat. Section 9-169(f) as may be amended from time to time and such reapportionment plan shall be filed with the City/Town Clerk's office. ~~as of May 01, 1994 are set forth in Appendix B.~~

~~The boundaries of each such ward shall be reapportioned at such times and in such manner as is mandated by law.~~

Section 3.2. Powers and Duties.

The Mayor shall have all powers and duties of a chief executive officer specifically conferred or imposed by this Charter or the laws of the City or State or United States and all other powers and duties fairly incident to those specifically conferred or imposed. The Mayor shall supervise the general operation **and Departments** of the City **unless otherwise specified by Conn. Gen. Stat. or the City Charter.** He shall preside at all meetings of the Board of Aldermen and the Board of Apportionment and Taxation, at which meetings of the Board he shall have a tie-breaking vote only. He shall prepare and have printed, as soon as possible after the close of each fiscal year, *an* annual City report. He shall prepare and submit to the Board of Apportionment and Taxation an annual budget as provided in Chapter 7 of this Charter. He shall have such other lawful powers and duties as may be conferred or imposed by ordinance or resolution of the Board of Aldermen; provided, however, that the Board of Aldermen shall not diminish, in any way, the powers and duties of the Mayor except those powers and duties conferred or imposed on him by the Board of Aldermen under this Section.

3.3.2. Offices:

Within thirty (30) days after taking office, the Mayor shall make the appointments required of him under Chapter 6 of this Charter, each for a term of two (2) years unless otherwise specified. ~~or until removed and until a successor is appointed.~~

4.3.3. Procedure:

The Board of Aldermen shall, to the extent possible, confine each ordinance and resolution to one subject which shall be clearly stated. The Board shall keep **minutes a**

~~journal~~ of all its proceedings, including all roll call votes, which ~~minutes journal~~ shall be the official record of its proceedings and shall be open to public inspection. The Clerk of the Board shall maintain the ~~minutes journal~~ ~~or~~ *and* an exact copy shall be kept in the office of the City/Town Clerk. The Board of Aldermen shall, by ordinance or resolution, determine other rules of its procedure not specified by the Charter.

4.7.2. Referral to Committee:

Should the Board determine that the proposed Ordinances should be reviewed by a Committee(s) of the Board before going to Public Hearing, it may, by majority vote, agree to refer the proposed Ordinance to a Committee(s) of its choice providing that the reasons for the referral are clearly stated. The Committee(s) shall be required to report back to the full Board no later than sixty (60) days after the date of referral to the Committee(s) with or without comment. In no case shall a Committee(s) of the Board withdraw the proposed Ordinance from further consideration by the Board.

4.7.3. Hearing:

Within thirty ~~five (35)~~ (30) days after the referral to the Board by the Clerk or in the case of a referral to a Committee(s) within thirty (30) days of the Committee(s) report, the Board shall hold ~~without requirement of a vote~~, at least one (1) public hearing on the proposed Ordinance and notice of such hearing shall be published in a newspaper having substantial circulation in the City at least five (5) days prior to said hearing. ~~The committee shall report to the Board of Aldermen not later than the second regular meeting follow the public hearing.~~

Section 4.10. Emergency Action.

An action stated to be an emergency vote~~s~~, resolution or ordinance ~~as determined by the Mayor and the Board of Aldermen~~ and stating facts constituting an emergency shall not require notice of a public hearing or a public hearing and shall become effective immediately ~~and publicized after publication~~ as required in Section 4.9 of this Charter.

Each such emergency vote, resolution, or ordinance, including any amendments, shall automatically stand repealed ~~sixty one (61)~~ **thirty (30)** days following passage of the emergency vote, resolution, or ordinance.

Section 4.11. Powers of Initiative.

The electors of the City shall have the power **by petition** to propose to the Board of Aldermen ~~by petition~~ passage of a vote, resolution or ordinance (except any emergency vote, resolution, or ordinance adopted under Section 4.10 of this Charter or any vote, resolution, ordinance or action taken pursuant to Chapter 7 of this Charter). Any elector may file with the City/Town Clerk any such petition, and, except as provided in this Section, such petition shall conform to the requirements of **Conn. Gen. Stat.** Section 7-9, as amended from time to time. The petition shall contain the full text of the vote, resolution, or ordinance proposed to be passed or repealed and shall be signed by a total of ~~fifteen percent (15%)~~ **ten percent (10%)** or more of the electors registered at the last general City election. The petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in **Conn. Gen. Stat.** Section 7-9. The City/Town Clerk shall, within five (5) days after receipt of the last page of the petition, determine whether or not the petition and affidavits are sufficient, and if they are, the City/Town Clerk shall certify the petition to the Board of Aldermen. If the Board fails to **take action on passage** or repeal of any vote, resolution, or ordinance so proposed without any substantial change within thirty (30) days after certification by the City/ Town Clerk, the Board shall, ~~within ninety (90) days of the certification,~~ cause a referendum to be held on the proposed passage or repeal of the vote, resolution, or ordinance **at the next general election**. Passage or repeal of any such vote, resolution, or ordinance shall become effective fourteen (14) days after certification by the moderator of the referendum that a majority of those voting on the question have voted in the affirmative; provided, however, that at least twenty percent (20%) of the eligible electors have voted in the referendum. If less than twenty percent (20%) of the electors have voted, the proposal shall be defeated. Passage or repeal of any such vote, resolution or ordinance shall become effective upon certification of the results of the voting regardless of any defect in the petition. The Board shall not act to defeat the effect of passage or repeal of any vote, resolution, or ordinance which shall have been adopted in accordance with the provisions of this Section, except by vote of the electors, which vote shall be conducted in the same manner as the original referendum. Passage or repeal of any vote, resolution, or ordinance, proposed by initiative petition and defeated by referendum shall not be resubmitted by initiative petition until at least two (2) years after the referendum.

5.1.1.1. Board: The City shall have a Board of Apportionment and Taxation, elected as provided by Section 2.4.1(c) of this Charter, no more than three (3) members of ~~which~~ **whom** shall be from the same political party. The members shall hold no other elected or appointed office within the City. The Mayor shall be an ex-officio member of the Board, shall preside at its meetings, and shall vote only in the case of a tie. At the first regular meeting of the Board following the date on which the newly elected members take office, the Board shall choose, by plurality vote, one (1) of its members to be Chairman of the Board. The Chairman shall preside in the absence of the Mayor. Four (4) members of the Board, exclusive of the Mayor, shall constitute a quorum to transact business. The Board shall have the powers and duties conferred or imposed by this Charter. The Board ~~shall~~ **may from time to time, delegate to the Finance Committee of the Board such authority as it deems necessary.** ~~have the authority to award contracts, which authority it may, from time to time, delegate to the Finance Committee of the Board.~~

5.1.2.2. Chairman: ~~No person shall serve as Chairman of the Board for more than four (4) consecutive terms of one (1) year each.~~ The Chairman shall preside over all meetings of the Board. Within thirty (30) days after the Chairman is chosen, the Chairman shall appoint a Clerk of the Board (whose compensation the Board shall establish), who shall attend the meetings of the Board, take the minutes, and prepare and maintain the records of its proceedings. The Chairman shall appoint all committees. The Chairman shall have such other powers and duties consistent with his office as may be conferred or imposed by the Board.

5.1.3. Library Board:

The City shall have a Library Board elected as provided by Section 2.4.1(e) of this Charter no more than four (4) members of ~~which~~ **whom** shall be from the same political party. The members shall hold no other elected office within the City. The Board shall operate a library system in the City and shall appoint and may remove, such librarian, librarians, and other personnel as may be necessary or convenient to the operation of the system. The Board shall make and adopt bylaws, rules and regulations for the governance of the library and reading room and shall have exclusive control of the expenditure of all monies collected to the credit of the library fund, have the supervision, care and custody of the grounds, rooms or building set apart by the Board of Alderman for library purposes; provided that all such monies collected and received shall be placed in the custody of the Finance Director to the credit of its library fund and shall be kept separate from other monies of the City and shall be drawn upon by the proper officers of the City upon duly authenticated vouchers of the Directors. The Board shall have the power to receive, manage and expend any gifts for library purposes, and shall have custody of such gifts, including, but not limited to, any endowment funds.

5.1.4. Planning and Zoning Commission:

(a) The City shall have a Planning and Zoning Commission elected as provided by Section 2.4.1(f) of this Charter, no more than five (5) ~~four (4)~~ members of whom ~~which~~ shall be from the same political party. The members and alternates shall hold no other elected or appointed office within the City. The Commission shall have such duties as are provided by the General Statutes of the State of Connecticut relating to planning and zoning, and, subject to the approval of the Mayor, shall appoint and may remove zoning and planning officers and such professional and other personnel as may be necessary or convenient to the operation of the commission.

5.2.1. Parks and Recreation Commission:

The City shall have a Parks and Recreation Commission consisting of twelve (12) members, no more than seven (7) of whom shall be from the same political party, appointed by the Mayor to serve for a staggered term of four (4) years. The terms of three (3) members shall expire each year of a four-year cycle. The Commission shall operate and maintain a system of public recreation facilities and activities in the city and, subject to the approval of the Mayor, shall appoint and may remove a Director of Parks and Recreation, and the Superintendent of Parks and Recreation and such other personnel as may be necessary or convenient to the operation of the system. The director of Parks and Recreation shall report to the Administrative Assistant on a day-to-day basis to carry out the directions of the Parks and Recreation Commission. The Commission shall have the power to receive, manage and expend any gifts for Parks and Recreation purposes which funds shall be subject to audit in compliance with Conn. Gen. Stat. and City Ordinances.

5.2.2. Board of Zoning Appeals:

The City shall have a Board of Zoning Appeals, consisting of five (5) regular members and three (3) alternate members, no more than three (3) of which regular members and no more than two (2) of which alternate members shall be from the same political party, appointed by the Mayor to serve for staggered terms of five (5) years. The term of one (1) regular member shall expire each year of a five-year cycle and the term of one (1) alternate member shall expire in the third, fourth and fifth years of a five-year cycle. The Board of Zoning Appeals shall have all of the powers and duties granted to and imposed them under the appropriate provisions of the Conn. Gen. Stat. and Ordinances and Resolutions adopted by the Board of Aldermen.

5.2.3. Conservation Commission:

The City shall have a Conservation Commission, consisting of seven (7) members, no more than four (4) of whom shall be from the same political party, appointed by the Mayor to serve for staggered terms of three (3) years. The terms of two (2) members shall expire in the first and second years of a three-year cycle and the term of one (1) member shall expire in the third year of a three-year cycle. The Conservation Commission shall have all of the powers and duties granted to and imposed on conservation commissioners under the appropriate provisions of the [Conn. Gen. Stat. Connecticut General Statutes](#) and Ordinances and Resolutions adopted by the Board of Aldermen. The Commission may appoint and remove a Natural Resource Manager subject to the approval of the Mayor.

5.2.4.5. Economic Development Commission:

The City shall have an Economic Development Commission, consisting of five (5) members, no more than ~~three (3)~~ **four (4)** of ~~which~~ **whom** shall be from the same political party, appointed by the Mayor to serve for staggered terms of five (5) years. The term of one (1) member shall expire each year of a five year cycle. [The commission shall promote development of the economic resources of the City and shall have such duties and powers as are set forth in the Conn. Gen. Stat. or by relating to local Economic Development Commissions.](#)

5.2.5.6. Inland Wetlands Commission:

The City shall have an Inland Wetlands Commission, consisting of seven (7) members, no more than four (4) of whom shall be from the same political party, [and two alternates of whom not more than one \(1\) of shall be from a any particular party](#), appointed by the Mayor to serve for staggered terms of five (5) years. The term of one (1) member shall expire in the first second years of a five-year cycle and the terms of two (2) members shall expire in the fourth and fifth year of a five-year cycle.

The Commission shall administer the Inland Wetlands regulations and shall have such duties and powers as are set forth in the General Statutes of the State of Connecticut relating to inland wetlands commissions.

The Commission, subject to the approval of the Mayor, shall appoint and may remove a Wetlands Enforcement Officer and such professional and other personnel as may be necessary or convenient to the operation of the Commission.

Commissioner Bashar motioned to change 5.2.5. Inland Wetlands Commission from an appointed Commission to an elected Commission. Commission Lally seconded the motion.

A voice vote was taken; 5-4 against.

Motion did not pass.

5.3.4. Water Pollution Control Authority:

The City shall have a Water Pollution Control Authority consisting of eight (8) members appointed by the Board of Aldermen to serve for staggered terms of four (4) years. The terms of four (4) members shall expire in the second and fourth years of a four-year cycle. The Water Pollution Control Authority shall have such powers as are set forth in [Conn. Gen. Stat. Section 7-247](#), ~~of the General Statutes~~, as the same may be amended from time to time. It shall also control the revolving sewer fund. The provisions of this Charter relating to the award of contracts, letting to bid, etc. shall be applicable to the Water Pollution Control Authority.

5.3.5. Board of Ethics

The City shall have a Board of Ethics which shall have all the powers conferred and imposed by Ordinance of the City. The Board of Ethics will consist of five (5) members of whom no more than two (2) from the same party and will be appointed by the Board of Aldermen for a term of three (3) years. The terms of the members shall be staggered in a manner that not more than two (2) members' term will expire in any year. There shall be an Ethics Code adopted by Board of Alderman which shall be in compliance with requirements of the Conn. Gen. Stat. and may be amended from time to time. The Ethics Board shall, on a continuous basis, review the Ethics Code of the City, including provisions for enforcement, and recommend any suggested changes to the Ordinance for Board of Aldermen for consideration.

Section 5.5. General Provisions.

Unless otherwise provided by this Charter or the laws of the City or State, the following general provisions shall govern all boards, commissions and other bodies referred to in this Chapter 5:

- (a) Members shall serve without compensation, but may receive reimbursement for reasonable and necessary expenses **in accordance with procedures as established by the Finance Director.**
- (b) Members shall be electors of the City.
- (c) Members shall hold no more than **one (1) appointed position, as defined in Section 5.2. and 5.3. of this Charter, and one (1) elected municipal office, within the City. ~~other elected office and/or two (2) other appointed offices with the City.~~** Members of the Board of Ethics shall not be allowed to hold any other City position.
- (d) A simple majority shall constitute a quorum for the transaction of business.
- (e) No ex-official ~~o~~ member shall have a vote.
- (f) At its first regular meeting following the date on which the newly elected or appointed members take office, each board, commission and other body shall elect, by plurality vote, a chairman from its members who shall serve until the next regular election or appointment of members to the board, commission or other body. A chairman, by virtue of his position, shall not be deprived of his vote nor given an added vote, **unless otherwise specified in the provisions of this Charter.**
- (g) Each board, commission and other body shall establish its own rules of procedure **provided they are not inconsistent with any other section of the Charter.**
- (h) Each board, commission and other body shall have all powers and duties conferred or imposed upon such a board, commission or other body under the **Conn. Gen. Stat., ~~General Statutes,~~** as amended from time to time, and shall also have all powers and duties specifically conferred or imposed by this Charter or the laws of the City or State or United States,

and all other powers and duties fairly incident to those specifically conferred or imposed.

- (i) No board, commission or other body shall have the power to obligate the City in an amount greater than is available in its budget.
- (j) Each appointment or removal shall be in accordance with Chapter 8 of this Charter if applicable to the position in question.
- (k) If not appointed, no appointee as defined in Sections 5.2. or 5.3. shall serve beyond his/her designated term, unless the appointing authority fails to appoint a replacement. In such case he/she shall serve until a replacement has been appointed per Section 9.6. Vacancies; 9.6.2. Appointed Office.
- (l) The Administrative Assistant or his/her designee shall maintain a current list of appointed positions whose terms will be expiring within thirty (30) days. Such list shall be posted on the City website and a copy made available at the Office of the Mayor and the City/Town Clerk for public viewing.

6.4.5. Electronic Data Processing:

The Finance Director shall be responsible for maintaining the City website, all electronic data processing systems and related technologies and shall provide such services to the City, its Boards, Commissions and other bodies, its departments, officers, agencies, and officials as may be directed by the Mayor. The management of the existing electronic data processing system by the Board of Education shall remain under the management of the Board of Education until such Board otherwise determines. Subject to the approval of the Mayor, the Director of Finance may appoint an Information Technology to perform such duties.

6.7.2. Director of Public Works:

The Mayor shall appoint and may remove a Director of Public Works. The Director, subject to the approval of the Mayor, shall **supervise**, appoint and may remove the City Engineer, the Superintendent of Highways and Bridges, the Tree

Warden, and such other personnel as may be necessary or convenient to the operation of the Department.

6.7.3. Powers and Duties:

The Department of Public Works shall administer all maintenance **and engineering** of the public works of the City except for those areas designated by the Board of Aldermen as the responsibility of the Parks and Recreation Commission and except for those areas subject to the control of the Board of Education. The Department shall administer all maintenance of the areas subject to the control of the Board of Education if the Board of Education so requests provided that such work shall be charged to the appropriation of the Board of Education and approved by the Board of Aldermen.

Section 6.8. Health ~~Department and Public Assistance Department.~~

The City shall have a **Health Department** ~~Director of Health and a Director of Public Assistance~~; provided, however, that the City may participate in a district health department as prescribed in **Conn. General Stat.** Sections 19-105 to 19-111, ~~of the General Statutes~~, as amended from time to time.

6.9.3.4. Officers' Council:

The Fire Department shall have an Officers' Council, which shall consist of the **Captain and Lieutenants from each company, the Department Training Officer, the Fire Chief (Ex Officio), the Fire Marshal (Ex Officio), and the Deputy Fire Chief and Deputy Fire Marshal.** ~~and the Captain and Lieutenants from each company.~~ The Officers' Council shall serve to recommend ~~resolve~~ operational policies and procedures to the Fire Chief ~~problems as well as to hear appeals within the Department~~ and ~~may shall~~ recommend **administrative** policy to the Board of Fire Commissioners.

Commissioner Bellis motioned to take a break. Commissioner Bashar seconded the motion.

A voice vote was taken; motion passed unanimously.

Chairman DiMauro adjourned at 9:25 pm.

Chairman DiMauro reconvened the Special Meeting of the Charter Revision Commission at 9:40 pm.

There was a consensus to add language for Office of Emergency Management.

6.9.5.4. Office of Emergency Management ~~Civil Defense:~~

The City shall have an Office of Emergency Management (OEM) which shall carry out the local municipal duties and responsibilities of civil preparedness in accordance with the state civil preparedness plan and program. The Office shall have those function and authority as provided for under Conn. Gen. Stat.

An emergency plan of operations for the City shall be prepared and submitted to the State Office of Emergency Management by the local director upon approval of the Mayor. The plan shall be developed and implemented in accordance with applicable Conn. Gen. Stat. and Regulations.

~~The Mayor shall appoint and may remove a Director of **Emergency Management** ~~Civil Defense.~~~~

6.9.6. Advisory Council:

There shall be a Civil Preparedness Advisory Council appointed by the Mayor which shall contain representatives of city agencies concerned with civil preparedness and include representatives of the public reflecting areas which are important to the civil preparedness program in the community as provided by Conn. Gen. Stat. The Council shall provide input as to the local plan and shall offer recommendations as to the operation of the local Office of Emergency Management. Members of the Advisory Council shall serve a two (2) year term.

The Council shall perform other duties as provided by Conn. Gen. Stat. Regulations or City Ordinance.

6.9.7. Director:

The Mayor shall appoint and may remove, subject to applicable Conn. Gen. Stat., a Director of Emergency Management. The Director shall have such duties, responsibilities and authority as prescribed by Conn. Gen. State. and Regulations. The Director shall also be responsible for the organization, administration and operation of the local Office of Emergency Management. The Director shall report to the Mayor and be subject to the direction and control of the State Commissioner as provided by Conn. Gen. Stat. and Regulations. The Mayor may appoint such other persons as he/she deems necessary or convenient to the operations of this office.

Section 6.11. City ~~Constables.Sheriffs:~~

The Mayor shall appoint and may remove two (2) City ~~Constables Sheriffs~~ no more than one (1) of whom shall be from the same political party, for a term of two (2) years each who shall have such powers as defined in Conn. Gen. Stat. Sec. 7-89.

Section 7.14. Purchases and Bidding ~~Accounting.~~

(A) The Purchasing Agent shall make all purchases on behalf of the City. He/She shall purchase all goods and services required by the City and its boards, commissions, and other bodies (except the Board of Education, with which the Purchasing Agent shall work on coordinating major purchases under single contract), and its departments, offices and other agencies and its officials. The Purchasing Agent shall act upon receipt of a requisition signed by a responsible representative designated by any board, commission, other body or department, office or other agency or official. The Purchasing Agent shall, to the extent requested by the Chairman of the Board of Education, serve as the purchasing agent for the Board of Education. The Purchasing

Agent shall hold no other elected or appointed office within the City and shall have no other employment with the City.

(B) Bidding:

1. The Purchasing Agent shall let to bid all purchases (including those made by the Board of Education) which reasonably may involve the expenditure of ~~Seventy Five Hundred Dollars (\$7,500.00)~~ ~~Five Thousand Dollars (\$5,000.00)~~ or more by the invitation of sealed bids, giving at least ten (10) days notice of the closing date for bids by publication at least once in a newspaper having a substantial circulation in the City. ~~Within five (5) days after the closing date for bids,~~ The bids shall be opened publicly ~~at the time stated in the notice,~~ during regular working hours, by the Purchasing Agent and a representative of the entity requesting the purchase, at a time which shall be published in the notice. A list of all bids received shall be prepared and recorded in the City/Town Clerk's Office and a copy of all bids shall be available for public inspection in the Office of the Purchasing Agent. ~~and the Board of Apportionment and Taxation (or the Finance Committee if the authority to award contracts has been delegated).~~ The Board of Apportionment and Taxation (or the Finance Committee if the authority ~~to award contracts~~ has been delegated) shall ~~award the contract for the purchase to determine~~ the lowest responsible bidder; ~~provided however unless however~~ it may reject any, all or any part of any bids. If the authority ~~to award contracts~~ has been delegated, the Finance Committee shall ~~award contracts~~ determine the lowest responsible bidder only by unanimous decision and if a unanimous decision cannot be reached, the matter shall be determined by the Board of Apportionment and Taxation. Such determination shall be forwarded to the Purchasing Agent for necessary action. The Board of Aldermen may establish such other regulations for purchases and bidding as it deems appropriate.
2. When any purchase involves an expenditure in excess of One Thousand Dollars (\$1,000.00) and does not exceed ~~Seven Thousand Four Hundred Ninety Nine Dollars and Ninety Nine Cents. (7,499.99),~~ ~~Four Thousand~~

~~Nine Hundred Ninety Nine Dollars (\$4,999.00) the Purchasing Agent, or in the case of the Board of Education, an agent designated by the Board of Education, shall obtain a minimum of three (3) written proposals for the purchase of the item and shall make such purchase from the lowest responsible vendor. ,unless the Purchasing Agent, or in the case of the Board of Education, an agent designated by the Board of Education determines otherwise and in that event, the Purchasing Agent or in the case of the Board of Education, an agent designated by the Board of Education shall create and maintain a written record of the reasons for such choice.~~

3. "Purchase" as used herein shall be defined to include the purchase in any fiscal year of any ~~goods, item,~~ services or combination of ~~goods and items or~~ services, including but not limited to public improvements and professional services. ~~which singly or in the aggregate total the amounts indicated herein.~~ Aggregate purchases shall not be divided into small increments so as to avoid the provisions called for herein.

(C) Professional services:

1. Professional services are defined as those that meet the following tests:
 - a. Work requiring knowledge of an advanced type or field of science (such as engineers), appraisers, attorneys, auditors, medical services; or
 - b. Work that is original and creative in character in a recognized field or artistic endeavor and the result of which depends on a person's invention, imagination or talent.
2. The requesting authority shall develop specifications for use in a request for proposal (RFP_ to enable the Purchasing Agent to seek multiple proposals for evaluation which shall be competitive, albeit on a subjective basis.

3. The Board of Aldermen shall appoint a Committee(s) consisting of five (5) members, of which a minimum of one (1) shall have been selected by the requesting authority, to evaluate the proposals. The Committee shall forward its recommendation to the Purchasing Agent for appropriate action.

(D) The Board of Aldermen shall establish by resolution those services which are considered as professional and as to which selection **by bidding to determine the lowest responsible provider** is not required. The Board of Aldermen ~~may~~ **by such** shall **by** resolution establish such procedures with regard thereto as **each** deems reasonable. When the purchase of goods and the provision for services are combines, that portion involving the purchase of goods shall be subject to the provisions of this section.

(E) Waiver of Bids: Whenever the Purchasing Agent shall determine that bidding for any particular goods or services would be impractical, impossible or unwise, the Purchasing Agent shall recommend to the Board of Aldermen that bids be waived. Each such recommendation shall be in writing and shall state its reason. If the Board approves such recommendation by an affirmative vote of at least six (6) of the eight (8) members, bids shall be waived and the goods or services shall be purchased in such manner as the Board of Aldermen directs.

(F) The Director of Finance shall record the amount of each authorized purchase and each contract for a future purchase as an encumbrance against the appropriation from which it is paid or to be paid.

(G) Each charge and prospective charge against the City shall state the department and the appropriation against which it is to be charged. The Director of Finance or his agent shall audit and approve as correct and valid each charge against the City and shall authorize payment of all approved charges in writing. At the end of each month the Board of Apportionment and Taxation shall review the charges against the City for the preceding month and may make recommendations to the Mayor concerning charges against the City.

(H) The Director of Finance shall prescribe the time at which and the manner in which persons receiving money for the account of the City shall pay the money to him/*her*.

Section 8.2. The Classified Service.

The classified service shall include all appointees to all positions now or hereafter created, except the following: all elected officials and persons appointed to fill vacancies in elective offices; members of boards, commissions and other bodies, professional employees and consultants; positions involving temporary, seasonal, stipend or part-time employment; the Administrative Assistant; the Chief of Police; the Corporation Counsel; the Assistant Corporation Counsel, unless such Assistant Corporation Counsel is designated by Ordinance as a full-time employee; the Director of Public Works; the Director of *Emergency Management, the Director of Health; Civil Defense; the Directors of Health and Public Assistance*; and volunteer personnel serving without pay.

(waiting response from Corp. Coun.)

Section 9.4. Definitions; Construction.*9.4.1. Definitions:*

- (a) City shall mean the City of Shelton.
- (b) State shall mean the State of Connecticut.
- (c) Person shall mean any natural person and any legal entity.
- (d) Conn. Gen. Stat. will mean the Connecticut General Statutes as may be amended from time to time.

9.4.2. Construction:

- (a) Where required the ~~masculine gender shall include the feminine gender.~~ ~~and the~~ singular number ~~and~~ shall include the plural number.
- (b) Headings are for convenience only.

9.6.2. Appointed Office:

Any vacancy ~~in any appointed office~~ shall be filled within thirty (30) days of the vacancy by the appointing authority in such manner as the original appointment was made including one created by completion of a member's appointed term. In the event that the appointing authority fails to do so, the remaining members of such Board or Commission

shall appoint a replacement within thirty (30) days who shall have the same voter registration affiliation of the member who has vacated such appointed office.

Section 9.7. Conflicts of Interest.

Any City ~~elected or appointed~~ official or employee who has a conflict of interest, financial interest or beneficial interest, direct or indirect in any contract, transaction or decision within the purview of his/her responsibilities shall disclose the interest as prescribed by the City Code of Ethics and on the record of the body of which he/she is a member or in the case of an employee, in writing to the Mayor and a written record shall be kept of each such disclosure. ~~is called upon to participate in a decision on any matter in which he has a financial interest shall disclose the interest on the record of the body of which he is a member or in writing to the Mayor and the Board of Aldermen, and a written record shall be kept of each such disclosure.~~ Violation by any official or employee of this Section shall be grounds for his/*her* removal. Violation of this Section with knowledge, ~~express~~ *expressed* or implied by any person participating in the matter shall render the transaction voidable by the Board of Aldermen or by a court of competent jurisdiction.

APPROVAL OF MINUTES

Commissioner Coyle motioned to approve the minutes of July 8, 2008. Commission Bellis seconded the motion.

A voice vote was taken; motion passed unanimously.

ADJOURNMENT

Commissioner Bashar motioned to adjourn the Special Meeting of the Charter Revision of July 14, 2008. Commissioner Gallo seconded the motion.

A voice vote was taken; motion passed unanimously.

Chairman DiMauro adjourned the meeting at 11:06 P.M.

The next meeting of the Charter Revision Commission is scheduled as a Public Hearing on Tuesday, July 29, 2008 in the Auditorium at City Hall with a Regular Meeting scheduled immediately following to vote on the proposed strikethrough copy of the Charter Revision before being submitted to the Board of Aldermen.

Respectfully submitted,

Sophia V. Belade

Sophia V. Belade
Charter Revision Clerk

TAPES ARE AVAILABLE IN THE TOWN CLERK'S OFFICE

**ALL ATTACHMENTS MAY NOT BE AVAILABE ON THE WEB, FULL
COPIES AVAILABLE IN CITY/TOWN CLERK OFFICE**

Sec. 28-7. Local and joint organizations. (a) Each town or city of the state shall establish a local organization for civil preparedness in accordance with the state civil preparedness plan and program, provided any two or more towns or cities may, with the approval of the commissioner, establish a joint organization for civil preparedness. The authority of such local or joint organization for civil preparedness shall not supersede that of any regularly organized police or fire department. No town or city of the state shall be eligible for any state or federal benefits under this chapter until such town or city has submitted to the commissioner an emergency plan of operations approved by the local director of civil preparedness and the local chief executive which is subsequently approved by the commissioner.

(b) Each local organization for civil preparedness shall consist of an advisory council and a director appointed by the chief executive officer. The advisory council shall contain representatives of city or town agencies concerned with civil preparedness and representatives of interests, including business, labor, agriculture, veterans, women's groups and others, which are important to the civil preparedness program in the particular community. The director shall be responsible for the organization, administration and operation of such local organization, subject to the direction and control of the commissioner. The chief executive officer may remove any local director for cause.

(c) Each local or joint organization shall perform such civil preparedness functions in the territorial limits within which it is organized as the commissioner prescribes. In addition, such local or joint organization shall conduct such functions outside such territorial limits as are prescribed by the state civil preparedness plan and program or by the terms of any mutual aid agreements to which the town is a party.

(d) The director of each local or joint organization may, with the approval of the commissioner, collaborate with other public and private agencies within the state and develop or cause to be developed mutual aid agreements for civil preparedness aid and assistance in case of disaster too great to be dealt with unassisted. The director of such joint or local organization may, with the approval of the commissioner, enter into such mutual aid agreements with civil preparedness agencies or organizations in other states. Such agreements shall be consistent with the state civil preparedness plan and program and, in time of emergency, each local or joint organization shall render assistance in accordance with the provisions of such agreements to which it is a party unless otherwise ordered by the commissioner.

(e) Each town or city shall have the power to make appropriations for the payment of salaries and expenses of its local or joint organization or any other civil preparedness agencies or instrumentalities.

(f) In the event of a serious disaster or of a sudden emergency, when such action is deemed necessary for the protection of the health and safety of the people, and upon request of the local chief executive authority, the Governor or the commissioner, without regard to the provisions of section 22a-148, may authorize the temporary use of such

civil preparedness forces, including civil preparedness auxiliary police and firemen, as he deems necessary. Personnel of such civil preparedness forces shall be so employed only with their consent. The provisions of section 28-14 shall apply to personnel so employed.

(g) The state shall reimburse any town or city rendering aid under this section for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of employees of such town or city while rendering such aid, and for all payments for death, disability or injury of such employees in the course of rendering such aid and for all losses of or damage to supplies or equipment of such town or city incurred in the course of rendering such aid.

(h) Whenever, in the judgment of a local civil preparedness director, with prior approval of the commissioner, it is deemed essential to authorize the temporary assignment, with their consent, of any members of civil preparedness forces who are not paid employees of the state or any political subdivision thereof, for a temporary civil preparedness mission, the provisions of section 28-14 shall apply. A complete written record of the conditions and dates of such assignment shall be maintained by the local director concerned and such record shall be available for examination by the commissioner and the Attorney General. The commissioner shall establish the necessary procedures to administer this section.

(June, 1951, S. 1911d; 1957, P.A. 469, S. 2; September, 1957, P.A. 2, S. 1; 1959, P.A. 214, S. 1; 275, S. 1; P.A. 73-544, S. 7; P.A. 75-567, S. 51, 80; P.A. 77-571, S. 1-3; P.A. 79-417, S. 2; P.A. 90-230, S. 39, 40, 101, P.A. 04-219, S. 17.)

History: 1959 acts provided in new Subsec. (h) for temporary civil defense mission as determined essential by local civil defense director with prior approval of state director and amended Subsec. (f) to provide for the governor to authorize temporary use of civil defense forces upon request of the local chief executive authority in event of serious natural disaster or sudden emergency, personnel to be employed only with their consent; P.A. 73-544 substituted "civil preparedness" for "civil defense" throughout; P.A. 75-567 deleted in Subsec. (f) the word "natural" in characterizing "serious disaster"; P.A. 77-571 provided in Subsec. (a) for municipalities to submit an emergency plan of operation in order to be eligible for benefits, substituted in Subsec. (b) the chief executive officer for the state director as authority to remove any local director for cause; P.A. 79-417 provided in amendment of Subsec. (a) by P.A. 77-571 that plan submitted be subsequently approved by the state director; P.A. 90-230 and editorial change corrected a reference to the state director of emergency management in Subsecs. (a) and (h); P.A. 04-219 substituted "commissioner" for references to director, state director and state director of emergency management, effective January 1, 2005.

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Sec. 28-8. Outside aid by local police, fire or other preparedness forces. (a) At the request of the chief executive authority of any town or city, the appropriate authority of any other town or city may, with the approval of the commissioner, or, if so ordered by the commissioner, shall, assign and make available for duty and use outside his own town or city, under the direction and command of an officer designated for the purpose, any part of the police, fire fighting or other civil preparedness forces under his control.

(b) The officers and members of police, fire fighting or other civil preparedness forces rendering outside aid pursuant to this section shall have the same powers, duties, rights, privileges and immunities as if they were performing their duties in their home town or city.

(c) The state shall reimburse any town or city rendering aid under this section for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of employees of such town or city while rendering such aid, and for all payments for death, disability or injury of such employees in the course of rendering such aid and for all losses of or damage to supplies or equipment of such town or city incurred in the course of rendering such aid.

(June, 1951, S. 1912d; 1959, P.A. 65, S. 2; P.A. 73-544, S. 8; P.A. 04-219, S. 18.)

History: 1959 act included police and fire fighting forces in category of civil defense forces; P.A. 73-544 substituted "civil preparedness" for "civil defense" throughout; P.A. 04-219 amended Subsec. (a) to substitute "commissioner" for "state director", effective January 1, 2005.

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Sec. 28-8a. Municipal chief executive officers' powers during emergency. Benefits for certain persons assisting during emergency. Procedure for payment.

(a) The chief executive officer of the municipality in which a major disaster or emergency occurs, or his designee, may take such action as he deems necessary to mitigate the major disaster or emergency and to secure and preserve any documents and evidence pertinent to and necessary for a future investigation.

(b) Any person who is not a member of a civil preparedness force and who is requested by the chief executive officer of a municipality or his designee to render aid in any major disaster, emergency, disaster emergency or attack shall register, as soon as practicable, with the local chief executive authority of the municipality requesting such aid, or his designee. Any such person for whom workers' compensation benefits are not otherwise provided shall be compensated for death, disability or injury resulting from the rendering of such aid pursuant to the provisions of chapter 568, except that (1) such person shall be construed to be an employee of the municipality where the aid was rendered and (2) the person's average weekly wage, as said term is used in chapter

568, shall be ascertained pursuant to the provisions of subdivision (2) of subsection (a) of section 28-14. All claims under this subsection shall be determined according to the procedures specified in chapter 568.

(P.A. 88-359, S. 8, 12; P.A. 89-316, S. 3.)

History: P.A. 89-316 added Subsec. (b) concerning workers' compensation benefits for certain persons injured while assisting in a major disaster, emergency, disaster emergency or attack.

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Sec. 28-8b. Use of nerve agent antidote medications. (a) Any paid or volunteer firefighter, police officer or emergency medical service personnel who successfully completes a training course in the use of automatic prefilled cartridge injectors may carry and use such injectors containing nerve agent antidote medications in the event of a nerve agent exposure for self-preservation or unit preservation. Such training course shall be approved by the commissioner and provided by the Connecticut Fire Academy, the Capitol Region Metropolitan Medical Response System or the federal government.

(b) The state of Connecticut shall save harmless and indemnify any sponsor hospital or the medical director or designated staff of a sponsor hospital certified by the Department of Public Health to oversee the training, distribution or quality assurance of nerve agent antidote kits for purposes of subsection (a) of this section, from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in personal injury, which acts are not wanton, reckless or malicious, provided such person at the time of the acts resulting in such injury was acting in the discharge of such person's duties in providing such training, distribution or quality assurance of nerve agent antidote kits.

(c) For purposes of this section, "sponsor hospital" means a hospital that has agreed to maintain staff for the provision of medical control, supervision and direction to an emergency medical service organization and its personnel and that has been approved for such activity by the Office of Emergency Medical Services.

(June 30 Sp. Sess. P.A. 03-6, S. 168; P.A. 04-219, S. 26; P.A. 05-259, S. 4.)

History: June 30 Sp. Sess. P.A. 03-6 effective August 20, 2003; P.A. 04-219 substituted commissioner for director of the Office of Emergency Management, effective January 1, 2005; P.A. 05-259 designated existing language as Subsec. (a), added Subsec. (b) to provide immunity from liability, under certain circumstances, to sponsor hospitals and their staff who oversee the training, distribution or quality assurance of

Result #4: Connecticut Statutes - Sec. 9-210. Incompatible town offices.

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Connecticut Statutes

- Connecticut Statutes
- TITLE 9 ELECTIONS
- CHAPTER 146 ELECTIONS
- PART II PARTICULAR OFFICERS

Sec. 9-210. Incompatible town offices.

No selectman shall hold the office of town clerk, town treasurer or collector of town taxes during the same official year, nor that of judge of probate for the district within which such town is located; no town treasurer shall hold the office of collector of town taxes during the same official year; nor shall any town clerk or selectman be elected a registrar of voters; and no registrar of voters shall hold the office of town clerk. No assessor shall act as a member of the board of assessment appeals. No member of the board of finance of any town shall hold any salaried town office unless otherwise provided by special act. If any registrar of voters is elected to the office of town clerk or selectman and accepts the office, he shall thereupon cease to be a registrar; and, if any town clerk or selectman is elected registrar of voters, the election shall be void; and in either of said cases the selectmen shall forthwith appoint another registrar by a writing signed by them and filed with the town clerk; but the person so appointed shall be a member of the same political party as that to which the person so elected belongs.

(1949 Rev., S. 773; 1953, S. 691d; 1959, P.A. 130, S. 1; 1961, P.A. 517, S. 9; P.A. 95-283, S. 29, 68.)

History: 1959 act added prohibition against town treasurer or town clerk holding office of trial justice; 1961 act eliminated same; P.A. 95-283 replaced board of tax review with board of assessment appeals, effective July 6, 1995.

Selectman may not by his own vote appoint himself collector.
66 Conn. 294. Selectman may be appointed collector, but cannot remain selectman. Id. What constitutes office within purview of statute.
121 Conn. 242.

INCOMPATIBLE MUNICIPAL OFFICES:

No Mayor or member of the Board of Alderman shall hold the office of or be appointed to the position of Town Clerk, City Treasurer or Tax Collector during the term of his/her elected office as Mayor or Alderman, nor that of Judge of Probate for the City of Shelton. No Treasurer shall hold the office of or be appointed to the position of Tax Collector during the term of his/her elected office as Treasurer, nor shall any Mayor, Town Clerk or Alderman be elected a Registrar of Voters. No Registrar of Voters shall hold the office of Town Clerk. No Tax Assessor shall act as a member of the Board of Tax Review. No member of the Board of Alderman shall hold any salaried town office unless otherwise provided by special act. If any Registrar of Voters is elected to the office of Town Clerk or Alderman and accepts the office, he/she shall thereupon cease to be a Registrar; and, if any Town Clerk or Alderman is elected Registrar of Voters, the election shall be void; and in either of said cases the Mayor shall forthwith appoint another Registrar by a writing signed by him/her and filed with the Town Clerk; but the person so appointed shall be a member of the same political party as that to which the person so elected belongs.