

Special Town Meeting

March 28, 2018

Town Clerk, Debra H. Denette called the Special Town Meeting to order at 8:00 p.m. at the Town Meeting Hall, 492 town Street, East Haddam. Six people attended (five were eligible to vote). The Pledge of Allegiance was recited.

First Selectman Emmett Lyman motioned to nominate Deb Denette as Moderator. Ron Turner seconded the motion. Additional nominations were solicited, none were offered. Mr. Lyman motioned to close nominations, Mr. Turner seconded the motion. The motion closing nominations carried unanimously via voice vote. The Town Clerk called for a vote appointing Deb Denette to serve as Moderator, the motion carried unanimously via voice vote.

The Moderator briefly defined the rules of conduct and read the call of the meeting. Dave Denette motioned to accept the call as read. Mr. Lyman seconded the motion. The motion accepting the call as presented carried unanimously via voice vote.

Item #1 Mr Lyman motioned that the legislative body herein assembled act upon the recommendation of the Board of Selectmen and approve the following ordinance, Mr. Turner provided the second:

ARTICLE I Adoption of Code

§ 1-1. Adoption of Code.

The compilation of the Special Acts and ordinances of a general and permanent nature of the Town of East Haddam, as revised, codified and consolidated into chapters and sections by General Code LLC, and consisting of Chapters 1 through 301, together with an Appendix, is hereby approved, adopted, ordained and enacted as the "Code of the Town of East Haddam, Connecticut," hereinafter called the "Code." All provisions contained in the compilation provided for herein and known as the "Code of the Town of East Haddam" shall be in force and effect on and after the effective date of this ordinance.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the legislation in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such legislation and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior legislation.

§ 1-3. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Town Clerk, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-4. Publication; filing.

The Clerk of the Town of East Haddam shall cause to be published, in the manner required by law, a copy of this Adoption Ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-5. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Town to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of East Haddam" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be included in the Code as amendments and supplements thereto.

§ 1-6. Code to be kept up-to-date.

It shall be the duty of the Town Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-7. Supplementation of Code.

- A. Supplements to this Code shall be prepared whenever authorized or directed by the Board of Selectmen. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the Town and all changes made thereby in the Code.
- B. When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into the unified Code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subsections;
 - (2) Provide appropriate headings and titles for sections and other subdivisions of the Code included in the supplement, and make changes in such headings and titles;
 - (3) Assign appropriate numbers to chapters and sections to be inserted in the Code and, where necessary to accommodate new material, change existing or other section numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," etc., as the case may be, or to "§§ _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already in the Code.

§ 1-8. Sale of Code.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the Board of Selectmen. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of East Haddam to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine of not more than \$250.

§ 1-10. Severability.

- A. Severability of Code provisions. Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.
- B. Severability of ordinance provisions. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11. Repealer.

All ordinances or parts of ordinances of the Town of East Haddam of a general and permanent nature in force on the date of the adoption of this ordinance which are inconsistent with any provisions of the Code are hereby repealed from and after the effective date of this ordinance.

§ 1-12. Certain ordinances not affected by Code.

- A. Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:
 - (1) Any ordinance promising or guaranteeing the payment of money for the Town, or any evidence of the Town's indebtedness;
 - (2) Any appropriation ordinance providing for the levy of taxes or for any annual budget;
 - (3) Any order annexing territory to the Town or excluding territory as a part of the Town;
 - (4) Any ordinance granting any franchise, permit or other right;
 - (5) Any Zoning Ordinance or amendment thereto;
 - (6) Any Subdivision Ordinance or amendment thereto;
 - (7) Any ordinance creating a special services district;

- (8) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;
 - (9) Any ordinance adopting a preliminary or development plan;
 - (10) Any temporary or special ordinance.
- B. All ordinances pursuant to this section are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this section.

§ 1-13. Effect of repeal of ordinances.

- A. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect, unless expressly stated.
- B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

§ 1-14. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the Town of East Haddam, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsection B hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A, attached hereto and made a part hereof, are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-15. Catchlines, histories and references.

- A. The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.
- B. The histories appearing in brackets after sections and subsections and the references and notes located throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

Mrs. Denette noted that codification takes the existing laws, compiles them into a new format and adjusts where appropriate to reflect current law. It was emphasized that changes in substance were not part of this process. There being no questions, the Moderator called for a vote to approve the Code Adoption Ordinance. The motion carried unanimously via voice vote.

Item 2. Dora Lyman motioned that the legislative body herein assembled authorize a transfer of \$4,409.68 from the General Fund (10549101-58928) to the Board of Education Capital Reserve Fund. (3320-10505-25790). Responsive to inquiry from Mr. Denette, Mrs. Denette advised that this action transfers unspent funds from the Board of Education 2016/2017 budget and moves them to an Education Capital Reserve Fund for future Board of Education projects.

There being no further discussion, the Moderator called for a vote to approve the transfer of \$4,409.68 from the General Fund (10549101-58928) to the Board of

Education Capital Reserve Fund. (3320-10505-25790). The motion carried unanimously via voice vote.

Item #3. Mr. Denette motioned, Mr. Lyman provided the seconded that the legislative body herein assembled act upon the recommendation of the Board of Selectmen and the Board of Finance to transfer an amount not to exceed \$200,000 from the Education Reserve Fund (3320-10506-25790) to the Capital Project Fund for the purpose of removing an underground fuel oil tank at the East Haddam Elementary School (33250013-58926-C0147).

No discussion was held. The Motion carried unanimously via voice vote.

There being no further business to discuss, Mr. Lyman motioned to adjourn, which was duly seconded. The motion carried upon a unanimous voice vote at 8:07 p.m.

Attest: Debra H. Denette, Town Clerk