

Board of Selectmen
First Selectman's Office
September 17, 2012
Special Meeting Minutes

Selectmen Present: Mark Walter, Emmett Lyman and John Blaschik
Also Present: D. Denette and L. Zemienieski

1. First Selectman Walter called the meeting to order at 10:12 am and the attendees said the Pledge of Allegiance.

2. Ordinance Review: Deb Denette explained the status of the codification project. She noted that some of the items in the code book were obsolete and that the board agreed to review the ordinance book in sections. Ms. Denette explained that she reviewed each section of the ordinance book with the respective department heads and reviewed how the new ordinance book was set up.

The board reviewed General Code's editorial analysis suggestions and made the following recommendations:

General Comments – Nomenclature

Chapters of the code use both terms "building inspector" and "building official". The recommendation to use building official was determined.

General Comments – Vital Statistics Fee

Information provided notes that this fee was to be repealed. The Department of Health advised that the municipality had no jurisdiction to override the Commissioner of Health with this ordinance. It was decided not to include in the code.

Part 1 Administrative Legislation

Chapter 1 – General Provisions

ARTICLE I – Adoption of Code: Deb Denette explained that this section will include the ordinance adopting the Code of the Town of East Haddam and any revisions made during the course of the codification project will be provided to the town at the end of the project. Upon adoption, it will be included as part of this chapter.

Chapter 12 - Boards, Commissions, Committees and Agencies

ARTICLE I – Board of Finance

Section 12-1 Established; Authority: This section references older sections of state law that have been superseded. It was recommended to revise this section using current state law. The question still stands on whether to incorporate the clause in the elections section of the ordinance book regarding electing at each biennial election three members for a term of four years (Special

Town Meeting 7-31-1939). Deb Denette is waiting for a legal opinion on whether this special act remains valid.

ARTICLE II – Midstate Regional Planning Agency

Section 12-3A Membership: This section states the town should have two representatives but the agency website shows three representatives and some of the population language is also outdated. It was decided to table this section as Midstate Regional Planning Agency is currently merging with CREPA as one regional planning group and the representation has not yet been determined.

ARTICLE III – Board of Admissions

Section 12-5 Members: This article appears to be sufficient and in line with C.G.S. 9-15a.

ARTICLE IV - Community Development Action Plan Agency

Section 12-6 Creation; authority: It was determined that the town does not have such an agency. This ordinance should be deleted.

ARTICLE V – Conservation Commission

Sections 12-7 to 9: This article appears to be sufficient as written.

ARTICLE VI – Recreation Commission

Sections 12-10 to 13: This article appears to be sufficient as written.

ARTICLE VII - Inland Wetlands and Watercourses Commission

Section 12-14 Statement of Purpose: This section appears to be sufficient as written.

Section 12-15A Membership: It was noted that General Code did not include the latest revision to this ordinance pertaining to membership changes (Town Meeting 3-1-11). This will be provided to General Code.

Section 12-15B Membership: This section appears to be sufficient as written.

Section 12-16 Responsibilities: This section should be revised to account for future amendments to state law.

ARTICLE VIII - Midstate Regional Resource Recovery Authority

Sections 12-17 to 25: This entity does not exist anymore and all reference should be deleted.

ARTICLE IX – Economic Development Commission

Section 12-26A Creation: This section should be revised to account for future amendments to state law.

Section 12-28 Members: Amendment date needs to be verified and recommendation was made by General Code to revise this section to delete provisions regarding initial membership creation. Mr. Walter noted that the Economic Development Commission was looking into revising their ordinance.

ARTICLE X – Board of Fire Commissioners

Sections 12-38 to 41: This article appears to be sufficient as written.

Mr. Walter noted that he would like to review this ordinance for potential revisions at a future date.

ARTICLE XI - Agriculture Commission

Sections 12-42 to 44: General Code questioned the title of this commission. The website uses Agricultural Commission. It was determined that the proper title is Agriculture Commission.

ARTICLE XII – Commission on Aging

Sections 12-45 to 46: This article appears to be sufficient as written.

Chapter 18 - Constables

Section 18-1 Appointment of constables: This section refers to older sections of state law that have been repealed. It was recommended to revise this section referring to current state law.

Section 18-2 Public record: This section should be deleted in its entirety as such information is prohibited pursuant to FOI as a protected group.

Section 18-3 Vacancies: Failure to post bond should be removed from this section.

Section 18-4 Removal of constables from office: Remove this whole section. This will be dictated by union contract.

Sections 18-5 Terms of Office: This section appears to be sufficient as written.

Section 18-6 Bonds and oaths: This section refers to older sections of state law that have been repealed. It was recommended to revise this section referring to current state law.

Sections 18-7 Ineligibility for office: This section appears to be sufficient as written.

Chapter 26 - Elections

ARTICLE I – Registration of Voters

Section 26-1 Additional sessions: This section appears to be sufficient as written.

ARTICLE II – Election Date

Section 26-2 November date established: This section appears to be sufficient as written.

ARTICLE III – Election Officials

Section 26-3 Shift of officials: Statutory reference will be revised.

ARTICLE IV – Location

Section 26-4 Location established: Current voting location was questioned. It was determined that General Code did not have the latest Town Meeting change (9-30-2009) to the voting location.

Chapter 30 – Ethics, Code of

Section 30-1 Statement of Purpose: This section appears to be sufficient as written.

Section 30-2 Applicability: This section appears to be sufficient as written.

Section 30-3 Definitions: It was noted that the reference to the statute in the definition of gift under subsection (a) is no longer current. It was recommended to revise to reflect the current statute. Gift subsection (d) was also revised to parallel state law provisions. It was further suggested to add the following additional exceptions: “A promotional item available to the general public” and “Anything having a value of not more than \$10, provided the value of all things provided by a donor to a recipient in any calendar year shall not exceed \$50”.

Consistency in using “Town Official, officer or employee” or “Town official or employee” was questioned. It was decided to make the terms consistent and use “Town official or employee”.

Sections 30-4 to 9: Sections sufficient as written.

Section 30-10 Investigation procedures, time limits, notice, hearings: Subsection D reference to name of statute and number needs to be updated. It was agreed to revise to reflect the current statute.

Sections 30-12: Section sufficient as written.

Chapter 35 – Funds

ARTICLE I – Albert E. Purple Memorial Fund

Sections 35-1 to 6: It was noted that if this fund was still in existence that the article appeared to be sufficient as written. The board requested that the Finance Director review all language regarding this fund to verify accuracy.

ARTICLE II – Reserve Fund

Section 35-7: The statutory reference is no longer current. General Code recommends updating if the fund is still in existence. The board requested that the Finance Director review all language regarding this fund to verify accuracy.

ARTICLE III – Open Space Trust Fund

Sections 35-8 to 16: General Code noted that the statutory reference should be corrected in the definition of “open space land” and “payment of fee in lieu of open space” section 35-11. The board agreed it should be revised as suggested. Section 35-15B was noted to be an incomplete sentence and also refers to just one of many amendments to C.G.S. 8-24. The board agreed it should be revised as suggested. Mr. Walter also noted that he would like to review this ordinance in more detail at a later date.

Chapter 43 – Gifts, Devises and Bequests

Sections 43-1 to 2: This chapter appears to be sufficient as written.

Chapter 57 – Justices of the Peace

Section 57-1 Number: This chapter appears to be sufficient as written.

Chapter 71 – Notices and Reports

ARTICLE I – Legal Notices; Publication of Ordinances

Section 71-1 to 2: This article appears to be sufficient as written. It was suggested by the board to use the word “forward a copy” instead of “mail a copy” in section 71-2.

ARTICLE II – Annual Report

Section 71-3 Availability: This article appears to be sufficient as written.

ARTICLE III – Notice to Abutting Property Owners

Section 71-4 to 8: This article appears to be sufficient as written.

Chapter 84 – Pension and Retirement Plans

ARTICLE I – Employees Retirement System

Sections 84-1 to 5: It was determined that the retirement system has been superseded by the pension plan in Article II and as such the Employees Retirement System reference should be removed. Mr. Walter noted that all items such as this should be verified with the Finance Director prior to removal.

ARTICLE II – Employees Pension Plan

General Code noted that they included this reference statement to the pension plan as it appeared in the Town’s prior compilation and asked if it should be retained in the Code. Mr. Walter asked that this be referred to the Finance Director.

ARTICLE III – Volunteer Fire Pension Plan

Sections 84-6 to 9: It was noted that since this plan underwent recent changes he suggested this section be reviewed with the Finance Director for accuracy.

Chapter 90 – Planning and Zoning

ARTICLE I – Planning and Zoning Commission; Zoning Board of Appeals

Sections 90-1 to 4: General Code questioned a typographical error in section 90-2. The word “elevated” should be “elected”. The board agreed it should be revised as suggested. Section 90-2 also references that at no time shall the membership of the Commission consist of more than four members of the same political party but C.G. S. Minority representation dictates that in a seven member commission as in the case of the Planning and Zoning Commission the maximum number of members from one party shall not exceed five. The reference to membership of the Zoning Board of Appeals has a similar discrepancy. The board will review these discrepancies but the general consensus was to follow state statute.

ARTICLE II – Planning and Zoning Commission Alternates

Sections 90-5 to 6: This article appears to be sufficient as written.

Chapter 95 – Police Protection

Section 95-1 Resident State Trooper: It was noted that as long as this authority and agreement were still in place that this chapter appeared to be sufficient as written.

Chapter 106 – Purchasing

Section 106-1 Competitive bidding required for certain purchases: The board noted that this ordinance was adopted in 1996 and the cost for most items is higher today so it would make sense to increase the dollar value required for a competitive bid and the dollar range for price quotes. The board debated where to set the threshold. It was determined that if the purchase price exceeded \$12,500, the selectmen, when possible, shall invoke an advertised/sealed bid process and if the purchase can reasonably be anticipated to fall between \$10,000 and \$12,500 two price quotes would be required.

Section 106-2 Solicitation of sealed bids: This section is sufficient as written.

Section 106-3 Number of bids required; negotiated purchases or contracts: The dollar value in this section should be increased to \$12,500.

Sections 106-4 to 7: These sections are sufficient as written.

Chapter 123 – Social Security

Sections 123-1 to 3: General Code questioned the deletion of the phrase “with the exception of is elected officials” and its replacement of the phrase “including its elected officials who serve on a full-time basis and/or whose annual salaries are \$2,000 or more” as it pertains to Public Act Number 277. The board suggested this section be reviewed with the Finance Director for accuracy.

Chapter 133 – Town Clerk

ARTICLE I - Salary

Section 133-1 Establishment: This article appears to be sufficient as written and in line with C.G.S. 7-34b.

Chapter 138 – Water Pollution Control Authority

Section 138-1 Creation; authority; regulation: General Code notes that this section refers to the powers granted to Water Pollution Control Authorities by C.G. S. 7-245 but C.G.S. 7-246 establishes Water Pollution Control Authorities and suggested it might be more appropriate to refer to 7-246. The board agreed to revise as suggested.

Sections 138-2 to 5: Sections are sufficient as written.

Part II General Legislation

Chapter 150 – Adult-Oriented Establishments

Section 150-1 Findings and purpose: This section is sufficient as written.

Section 150-2 Definitions: General Code suggested that the definition of “adult bookstore” be updated to account for current technology. They also noted that there was missing text in the definition of “adult-oriented establishment”. The board agreed to revise as suggested.

Section 150-3 Requirements for adult-oriented establishments: General Code questioned the way the hours of operation were written (in subsection I) and suggested alternate language. The board agreed to revise as suggested.

Sections 150-4 to 6: Sections are sufficient as written.

Section 150-7 Penalties and prosecution: General Code notes that this section provides for a penalty not exceeding \$100 for each violation but the C.G.S. have been amended to permit penalties not to exceed \$250 and suggested the penalty be increased. The board agreed to change the penalty from \$100 to \$250.

Chapter 154 – Alcoholic Beverages

ARTICLE I – Possession by Minors

Sections 154-1 to 4: This article appears generally sufficient as written however General Code suggests increasing the penalty in 154-4 to not more than \$250. The board noted that they would discuss this with Youth and Family Services Director, Toni McCabe and Resident State Trooper, Jeff Rhoades.

Chapter 162 – Beaches

Section 162-1 Admission: It was noted to delete 162-1 A & B which pertain to the beach being restricted to residents and the need to exhibit parking permit sticker. It was further noted to change 162-1 C to reflect the beach closing at “5:00pm” not “dusk” and changing the “Town Beach Committee” to “Board of Selectmen”.

Section 162-2 Parking regulations: This section is sufficient as written.

Section 162-3 Beach regulations: 162-3C states that refuse must be placed in designated containers. The town website states that there are not garbage receptacles at the beach. Mr. Walter noted that because of the Dog Park at the Town Beach he would be putting trash receptacles at that location. The board made no change to this item.

Section 162-4 Boat regulations: This section is sufficient as written.

Section 162-5 Fishing regulations: This section should be deleted.

Section 162-6 Penalties for offenses: The Town should review the penalty to ensure that it is current. C.G.S. permits penalties “not to exceed \$250”. The board agreed to revise penalty to “not more than \$250”.

Section 162-7 Alcoholic beverages: This section is sufficient as written.

Chapter 166 – Bingo, Bazaars and Raffles

ARTICLE I – Bingo

Section 166-1 Authorization: This article appears to be sufficient as written.

ARTICLE II – Bazaars and Raffles

Section 166-2 Authorization: This article appears to be sufficient as written.

Chapter 171 – Boating

ARTICLE I – Lake Hayward

Section 171-1 to 2: This article appears to be generally sufficient as written although the Town may wish to increase the penalty to \$250. The board agreed to revise penalty to “not more than \$250”.

ARTICLE II – Bashan Lake and Moodus Reservoir

Section 171-3 Speed limits: General Code suggested language to clarify the speed limit for a specific period of time from 8:00am through ½ hour after sunset. The board agreed to revise as suggested.

Section 171-4 to 9: Sections are sufficient as written.

Section 171-10 Penalties for offenses: Should the penalty be increased to the current statutory limit of \$250? The board agreed to change the penalty from \$50 to \$250.

Chapter 177 – Building Numbering

Sections 177-1 to 6: Sections are sufficient as written.

Section 177-7 Violations: General Code questioned whether there were penalties for violating the requirements of this chapter. The board discussed whether the Building Official or Fire Marshal should be the enforcement authority. The board decided to have the Fire Marshal assume those duties. They elected to have section 177-7C added to the ordinance which states “The Fire Marshal shall advise of the violation in writing. If not remedied within ten (10) business days, the offense shall be turned over to the authorities. Any person violating the provisions of this chapter shall be subject to a penalty in an amount not to exceed \$250. Each day of violation shall be considered a separate offense.

Chapter 183- Burning, Open

Sections 183-1 to 11: Sections are sufficient as written.

Section 183-12 Penalties for offenses: General Code questioned whether the penalties in 183-12A were current. The board agreed to increase the first offense or violation from \$25 to \$50. In section 183-12C the reference to Chapter 93, Ordinance Enforcement does not appear to be a part of the Town’s provision and appears to be a subsection that may have been left over from a sample used to create this chapter. The board agreed to delete this subsection.

The board noted that the time allotted for ordinance discussion had expired. The next meeting for code review was scheduled for 9/24/12 at 10:30am.

3. Adjournment: There being no further business to discuss, a motion was made by Mr. Walter, seconded by Mr. Lyman, to adjourn the meeting at 12:15 p.m.

Tape: None

Respectfully submitted,

Emmett Lyman, Secretary