



Stratford, Connecticut

MINUTES OF PUBLIC MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON TUESDAY, OCTOBER 14, 2008 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT PURSUANT TO NOTICE DULY POSTED.

CALL TO ORDER: 8:00 p.m.

PRESIDING: Council Chairman Michael Henrick

COUNCIL MEMBERS IN ATTENDANCE: Mr. Michael Julian, Mr. Alvin O'Neal, Mr. Gavin Forrester, Mr. John Dempsey, Ms. Amy Wanamaker, Mr. William Stroomer, Mr. Thomas Moore, Mr. Joseph Kubic, Mr. Michael Henrick

COUNCIL MEMBERS ABSENT: Ms. Emma Brooks

OTHERS IN ATTENDANCE: Mayor James Miron, Special Asst. Town Attorney Warren Holcomb, CAO Suzanne McCauley, Dir. Of Finance John Norko.

INVOCATION AND THE PLEDGE OF ALLEGIANCE PRESENTED BY SECOND DISTRICT COUNCIL MEMBER ALVIN O'NEAL.

1. APPROVAL OF MINUTES — Minutes of: Public Forum and Regularly scheduled meeting of September 8, 2008, special meetings of September 2 and September 29, 2008 and executive session of September 29, 2008.

RESOLVED: That the reading of the foregoing minutes be dispensed with as copies thereof have been previously provided to each Council Member and the same be and are hereby approved.

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. STROOMER TO APPROVE THE FOREGOING MINUTES. MR. FORRESTER MOVED, SECONDED BY MR. STROOMER TO AMEND THE MINUTES AS FOLLOWS:

Minutes of September 8, pages 13 and 14, line item 6.5.2 - Post-Construction Stormwater Ordinance (#05-32), line item 6.5.3 - Illicit discharge and Illegal Connection Ordinance (#05-33), and line item 6.5.4 - Modifications of the Stratford Town Code to be consistent with the CT DEP Phase II General permit program (#05-34). The three foregoing ordinance were referred to the Ordinance Committee for a public hearing.

APPROVAL OF MINUTES — continued

MS. WANAMAKER MOVED, SECONDED BY MR. O’NEAL, TO AMEND THE MINUTES OF SEPTEMBER 2 AS FOLLOWS:

Page 1, Ms. Wanamaker made the friendly amendment to the motion made by Mr. Julian referencing the sale of Long Beach West.

THE MOTION TO APPROVE THE MINUTES PASSED UNANIMOUSLY AS AMENDED.

2. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM

Mr. Julian — re: Hangar and FAA Master Plan

Ms. Wanamaker — re: Arts Commission

Mr. Henrick — re: Coastal resources as mentioned by Ms. Stewart, Financial Advisory Committee

Mr. O’Neal — re: Ms. Brooks’ absence.

3. COMMUNICATIONS

3.1 LETTER OF RESIGNATION — RE: Financial Advisory Committee (letter forwarded) from: Sheryl DeCilio dated: September 25, 2008

RESOLVED: that the resignation of Sheryl DeCilio from the Financial Advisory Committee be and is hereby accepted.

A MOTION WAS MADE BY MR. O’NEAL SECONDED BY MR. MOORE TO ACCEPT THE FOREGOING RESIGNATION. THE MOTION PASSED UNANIMOUSLY.

4. MAYOR’S REPORT, COMMITTEE REPORTS, TOWN ATTORNEY’S REPORTS

4.1 MAYOR’S REPORT

4.1.1 RESOLUTION RE: ALTERNATIVE FUEL VEHICLE GRANT PROGRAM

SPONSORED: Stratford Town Council

WHEREAS, the Connecticut Department of Transportation (CTDOT) has sponsored the Connecticut Alternative Fuel Vehicle (CT-AFV) Program for the last nine (9) years with the basic goal of improving air quality by encouraging the use of alternative fuel vehicles; and

WHEREAS, the purchase cost of alternative fuel vehicles tends to be higher than the cost of conventionally powered vehicles of comparable make and model; and

WHEREAS, the Connecticut Department of Transportation (CTDOT) has approved the Town of Stratford’s request for \$16,880 to fund the incremental cost of two (2) vehicles that are hybrids (electrical and gas powered).

RESOLUTION RE: ALTERNATIVE FUEL VEHICLE GRANT PROGRAM — continued

NOW, THEREFORE, BE IT RESOLVED that the Stratford Town Council has authorized the Mayor, James R. Miron, his successors or his assigns to enter into agreement with the State of Connecticut, Department of Transportation, to execute any amendments, revisions or rescissions thereto, and to act as authorized representative of the Town of Stratford with regard to the Connecticut Alternative Fuel Vehicle (CT-AFV) Program, effective October 14, 2008.

A MOTION WAS MADE BY MS. WANAMAKER SECONDED BY MR. O'NEAL TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

4.1.2 OVERFLOW PARKING LEASE – No business furnished.

4.1.3 PROCLAMATIONS — INFORMATIONAL ITEMS

- a) Adult Day Seniors Week (September 21-27, 2008)
- b) Merritt Parkway's 70th Anniversary Day (September 28, 2008)
- c) National Breast Cancer Awareness Month (October 2008)
- d) National Domestic Violence Awareness Month (October 2008)
- e) National Fire Prevention Month (October 2008)

4.1.4 COMMUNICATIONS — INFORMATIONAL ITEMS

- a) Memo Re: Constituent Concern with Dillon Park Naming (dated October 3, 2008)
- b) Memo Re: Automated External Defibrillators (dated September 26, 2008)
- c) Presentation Regarding Automated External Defibrillators

4.2 COMMITTEE REPORTS

4.2.8 SHORT BEACH COMMISSION — The Short Beach Commission conducted the regularly scheduled meeting of September 2, 2008.

- Resolution regarding a request for qualifications for the hiring of a golf pro to operate the golf course at Short Beach forthcoming. ACTION NOT REQUIRED.
- RFP forthcoming re: takeover of mini golf. ACTION NOT REQUIRED.

4.2.9 TAX PARTNERSHIP SCREENING COMMITTEE — The Tax Partnership Screening Committee conducted a special meeting on September 15, 2008 with the following applications for abatement referred to Council with favorable recommendation:

- A. LA S & CO Holding SRL, a company organized and existing under the laws of the Country of Italy. 429-431 Soundview Ave, Stratford, CT — a 25% abatement for two (2) years based on the total reconstruction costs of \$535,000.00 (estimated abatement: \$8,988.57).

RESOLVED: that the recommendation of the Tax Partnership Screening Committee is accepted and the application for abatement, as described above, of LA S & CO Holding SRL be and is hereby granted/denied.

COMMITTEE REPORTS — continued

TAX PARTNERSHIP SCREENING COMMITTEE — continued

LA S & CO Holding SRL — continued

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. JULIAN TO APPROVE THE FOREGOING APPLICATION FOR ABATEMENT. THE MOTION PASSED UNANIMOUSLY.

- B. Stratford Land Development Company Limited Partnership and 550 Long Beach Limited Liability Company, 300 Long Beach Boulevard — 100% abatement on all improvements over a 3-year period. Improvements +\$405,000.

RESOLVED: that the recommendation of the Tax Partnership Screening Committee is accepted and the application for abatement, as described above, of Stratford Land Development Company Limited Partnership and 550 Long Beach Limited Liability Company 300 Long Beach Boulevard be and is hereby granted/denied.

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. DEMPSEY TO APPROVE THE FOREGOING APPLICATION FOR ABATEMENT. THE MOTION PASSED UNANIMOUSLY.

4.2.22 BEAUTIFICATION COMMITTEE — The Beautification Committee’s regularly scheduled meeting of September 2, 2008 was conducted.

Mr. Stroomer, Chairman of the Committee, stated that the Tenth Anniversary Beautification awards ceremony took place Sept. 18.

4.2.28 AIRPORT NOISE ABATEMENT COMMITTEE — The Airport Noise Abatement Committee did not conduct the regularly scheduled meeting of September 24, 2008.

Committee members will be contacted as to intention/interest in the committee.

4.2.30 FINANCIAL ADVISORY COMMITTEE — The Financial Advisory Committee did not conduct a meeting during the month of September 2008. They conducted their regularly scheduled meeting on October 6, 2008 and referred the following letter, along with recommendations, to Council with favorable recommendations:

LETTER: The Revenue and Revenue Enhancement workgroup, consist of Ed Rodriguez, Tom Moore, and Bob Sammis and led by Art Stengel . The group met with the Finance Director, John Norko, Assistant Finance Director Susan Collier, and the CAO Suzanne McCauley to discuss the existing system and better understand the processes used concerning banking services for the Town.

The current financial crisis affecting the banking industry requires immediate implementation of the recommendations herein stated.

COMMITTEE REPORTS — continued

FINANCIAL ADVISORY COMMITTEE — continued

Various banks with short-term interest rates were discussed, and the Town's relationship with TD Bank North was emphasized. They indicated that all of the Town's funds are invested with TD Bank North. There was communications with Susan Collier, the Assistant Finance Director in which she indicated that the town has approximately \$70,000,000 in short term accounts.

The workgroup was surprised to learn that the Town had all their funds invested in one institution and felt there was a high risk associated with such strategy, particularly with the volatility of the market and the knowledge of day's bank failures. We were advised by the Town that the bank had "collateralized" the funds at a 104% rate and therefore they were, in fact, secure. Given the market volatility it is imperative the Town fully understand the meaning of "collateralized" and the impact should such a clause be adopted by the financial institution. They also indicated that the bank provided services at competitive fees, as per the contract, and the relationship was of paramount value to the Town.

Our work group requested copies of the RFP for Banking Services put out by the Town of Stratford on March 4th 2005. We received that information and after reviewing found that while it appeared that TD BankNorth was providing one of the best services to the town, it was noted that there was no indication as to what minimum deposit would have to be kept in the account to qualify for those fee rates and services. Moreover, the frequency at which RFP's are put out requesting proposals on over night investments, and lists of services and minimum deposits for those services was at best dated.

RECOMMENDATIONS by the Financial Advisory Committee going forward;

1. To have a defined cash management policy, procedures, and cash flow model.
2. The Town should understand the minimum dollar amount necessary, to maintain the services and current relationship with TD BankNorth. Upon learning this minimum dollar amount required, the Town should search for high yielding deposits at other institutions.
3. The cash should be subject to a stringent maximum for each financial entity that is paying the town for cash under their supervision (\$10,000,000 would be a reasonable amount to catch the interest of the larger financial institutions and provide a goodly level of diversification)
4. The RFP to the financial community should require them to show their current standing by the three rating agencies; Moody's, Fitch, and Standard and Poors.
5. The Town would be well to periodically engage a qualified and respected consultant to overview the procedures, practices and to make suggestions for improvement

MR. NORKO PRESENTED AN OVERVIEW OF THE RECOMMENDATIONS. QUESTION-ANSWER PERIOD FOLLOWED.

4.2.31 ENERGY AND ENVIRONMENT TASK FORCE — This Task Force did not conduct a meeting during the month of September 2008.

Committee members will be contacted as to intention/interest in the committee.

4.3 TOWN ATTORNEY'S REPORT

4.3.1 AIRPORT PURCHASE — No business furnished.

WAIVER OF COUNCIL RULES OF ORDER

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. MOORE TO WAIVE THE COUNCIL RULES OF ORDER TO ADD TWO ADDITIONAL ITEMS ENTITLED “GUBERMAN vs. TOWN OF STRATFORD” AND “PEAL vs. TOWN OF STRATFORD”. THE MOTION PASSED UNANIMOUSLY.

GUBERMAN vs. TOWN OF STRATFORD
PEAL vs. TOWN OF STRATFORD

At the request of Special Asst. Town Attorney Florek, A MOTION WAS MADE BY MR. KUBIC, SECONDED BY MR. DEMPSEY TO ENTER INTO EXECUTIVE SESSION TO DISCUSS THE FOREGOING TWO CASES FOR THE REASON THAT IT IS REGARDING STRATEGY AND NEGOTIATIONS WITH RESPECT TO PENDING CLAIMS OR LITIGATION TOWARD THE TOWN OR A MEMBER THEREOF AS A PARTY WITH EXECUTIVE SESSION TO INCLUDE THE MAYOR, THE TOWN COUNCIL AND MR. FLOREK. THE MOTION CARRIED UNANIMOUSLY.

Stratford Town Council meeting recessed: 8:50 p.m.
Stratford Town Council meeting reconvened: 9:15 p.m.

ACTION FROM EXECUTIVE SESSION

GUBERMAN vs. TOWN OF STRATFORD
PEAL vs. TOWN OF STRATFORD

A MOTION WAS MADE BY MR. O’NEAL SECONDED BY MR. DEMPSEY TO ACCEPT THE SPECIAL ASSISTANT TOWN ATTORNEY’S RECOMMENDATION IN CONNECTION WITH THE TWO ABOVE-CITED CASES. THE MOTION PASSED UNANIMOUSLY.

4.3.2 QUESTIONS TO THE TOWN ATTORNEY

Mr. Forrester — re: Term Limits, charges for legal services for Airport

5. QUESTIONS TO MAYOR OR STAFF

Mr. Kubic — re: Police overtime budget

Mr. Moore — re: cost of damages to Flood School field due to PTA fundraiser.

Mr. Dempsey — re: sidewalk at Cupheag Crescent, invitations to curb-cut ceremony at Franklin School.

QUESTIONS — continued

Mr. Forrester — re: Franklin School curb-cut ceremony, BL contract at Shakespeare Theater, attorneys’ fees for internal investigation, request for copy of internal investigation, Railroad station improvements, fund balance.

Mr. O’Neal — re: Handicapped parking sign for resident on Yarwood Street.

Mr. Julian — re: “Seniors working for Seniors” program as reported by Lordship resident, referendum questions on website.

Mr. Henrick — re: Road near Meadowbrook and Brookbend is on verge of collapse, Carol Road is hazardous, potholes on Adolphson Street, blogs and Police investigation.

WAIVER OF COUNCIL RULES OF ORDER

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. KUBIC TO WAIVE THE COUNCIL RULES OF ORDER TO ADD AN ADDITIONAL ITEM TO THE AGENDA ENTITLED “MEMO re: DRAINAGE”. THE MOTION PASSED UNANIMOUSLY.

MEMO re: DRAINAGE

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. KUBIC TO REFER THE FOREGOING MEMO TO THE PUBLIC WORKS COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

6. UNFINISHED BUSINESS

6.1 SAEP — Mr. Miron reported that the date is extended to October 15, 2008.

6.2 SHAKESPEARE THEATER ASSESSMENT REPORT — No business furnished.

6.3 SHAKESPEARE THEATER REPORT FROM BILL HANNEY— Mr. Haney will report during the next special Council meeting tentatively scheduled for October 27, 2008.

6.4 TABLED ITEMS

6.4.1 PROPOSED BUDGET TRANSFERS — Tabled during special Council Meeting of June 23, 2008.

RESOLUTION AUTHORIZING AMENDMENTS AND TRANSFERS IN THE GENERAL FUND BUDGET FOR FISCAL YEAR 2007-2008

Sponsor: The Stratford Town Council

WHEREAS: The Town of Stratford Town Charter 6.2.2. requires that Council shall annually pass an appropriation ordinance for all departments of the Town and the Town Charter 6.2.3. requires that the total amount of appropriations shall not exceed the estimates of revenues; and

UNFINISHED BUSINESS — continued

TABLED ITEMS — continued

PROPOSED BUDGET TRANSFERS — continued

WHEREAS: The Town Charter 6.2.5. provides that Council may by affirmative vote of seven (7) members authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget; and

WHEREAS: It is desirable to reflect the operations of Town departments accurately by transferring unused funds and appropriating available revenues from time to time.

NOW THEREFORE BE IT RESOLVED: That the Town Council of the Town of Stratford hereby authorizes the Finance Director to transfer funds between various accounts and to appropriate available revenues as shown in Exhibits A, B and C attached and made a part of this resolution.

RESOLVED: that in accordance with § 6.2.5. of the Town Charter, the Town Clerk be and is hereby authorized to post on the public signpost a notice setting forth that it proposed to make the foregoing transfer of funds and to appropriate available revenues in the budget Appropriation for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

EXHIBITS A, B AND C ARE APPENDED (pages 21-24).

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. O’NEAL TO REMOVE THE FOREGOING ITEM FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MS. WANAMAKER SECONDED BY MR. O’NEAL TO APPROVE THE FOREGOING TRANSFERS. THE MOTION FAILED WITH 2 IN FAVOR AND 7 OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. JULIAN — NO, MR. O’NEAL — YES, MR. FORRESTER — NO, MS. BROOKS — ABSENT, MR. DEMPSEY — NO, MS. WANAMAKER — YES, MR. STROOMER — NO, MR. MOORE — NO, MR. KUBIC — NO, MR. HENRICK — NO.

6.5 TABLED ORDINANCES AND RESOLUTIONS

6.5.1 ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD (#07-06) —
tabled during Council Meeting of March 12, 2007
Sponsored by: Hon. Michael Julian, 1st District Council Member

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage.

ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD (#07-06) — cont'd

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. FORRESTER TO REMOVE THE FOREGOING ORDINANCE FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. After discussion, A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. FORRESTER TO RETURN THE FOREGOING ORDINANCE TO THE TABLE. THE MOTION PASSED UNANIMOUSLY.

6.5.2 ORDINANCE re: AUTOMATIC EXTERNAL DEFIBRILLATORS (#08-05)

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage. *(Ordinance appended as pages 17-20)*

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O'NEAL TO REMOVE THE FOREGOING ORDINANCE FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO APPROVE THE FOREGOING ORDINANCE FOR FINAL PASSAGE.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O'NEAL TO AMEND THE ORDINANCE AS FOLLOWS: page 2 of ordinance, section 2, paragraph E – ...seating capacity of ~~50~~ 125...

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. FORRESTER TO FURTHER AMEND THE ORDINANCE AS FOLLOWS: page 2 of ordinance, section 2, paragraph F – ...rents or leases ~~40~~ 30 or more rooms...

THE MOTION TO APPROVE FOR FINAL PASSAGE PASSED UNANIMOUSLY AS AMENDED VIA ROLL CALL VOTE AS FOLLOWS: MR. JULIAN — YES, MR. O'NEAL — YES, MR. FORRESTER — YES, MS. BROOKS — ABSENT, MR. DEMPSEY — YES, MS. WANAMAKER — YES, MR. STROOMER — YES, MR. MOORE — YES, MR. KUBIC — YES, MR. HENRICK — YES.

6.6 TABLED APPOINTMENTS

6.6.5 LIBRARY BOARD — Appointed by Council, 3-year term

RESOLVED: that NORMAN ALDRICH of 110 BUTTERNUT LANE be and is hereby appointed a member of the Library Board. (term of Judith Crudo expires December 31, 2009)

UNFINISHED BUSINESS — continued

TABLED APPOINTMENTS — continued

LIBRARY BOARD — continued

A MOTION WAS MADE BY MR. MOORE SECONDED BY MR. DEMPSEY TO REMOVE THE FOREGOING APPOINTMENT FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. MOORE SECONDED BY MR. JULIAN TO APPOINT NORMAN ALDRICH OF 110 BUTTERNUT LANE TO THE FOREGOING POSITION. THE MOTION PASSED UNANIMOUSLY.

6.6.6 TRANSPORTATION ADVISORY COMMITTEE —Established per Resolution during Council meeting of August 11, 2008. Comprised of Two Members of the Stratford Town Council (One Republican and One Democratic Member); Both Representatives of the Town of Stratford assigned to the Greater Bridgeport Transit Authority; Two Members of the Current Citizens Metro North Advisory Committee, Two Members of the Greater Stratford Business Community, and the Mayor and or his designee. The Committee will meet a minimum of four times per annum and will report their findings and recommendations to the Stratford Town Council on a minimum of once per annum

6.6.6.1 CITIZENS METRO NORTH ADVISORY COMMITTEE REPRESENTATIVES

A. RESOLVED: that PATRICIA SPERLING of 186 HOLMES STREET be and is hereby appointed the Citizens Metro North Advisory Committee representative to the Transportation Advisory Committee

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. DEMPSEY TO REMOVE THE FOREGOING APPOINTMENT FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY WITH MR. KUBIC ABSENT.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. DEMPSEY TO APPOINT PATRICIA SPERLING OF 186 HOLMES STREET TO THE FOREGOING POSITION. THE MOTION PASSED UNANIMOUSLY WITH MR. KUBIC ABSENT.

6.6.6.2 GREATER STRATFORD BUSINESS COMMUNITY REPRESENTATIVES

A. RESOLVED: that MICHAEL SKURCHAK of SAVOY LINEN SERVICES INC., STRATFORD CT be and is hereby appointed the Greater Stratford Business Community representative to the Transportation Advisory Committee

UNFINISHED BUSINESS — continued

TABLED APPOINTMENTS — continued

TRANSPORTATION ADVISORY COMMITTEE — continued

GREATER STRATFORD BUSINESS COMMUNITY REPRESENTATIVES — continued

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O'NEAL TO REMOVE THE FOREGOING APPOINTMENT FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY WITH MR. KUBIC ABSENT.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O'NEAL TO APPOINT MICHAEL SKURCHAK OF SAVOY LINENS, INC. OF STRATFORD, CT TO THE FOREGOING POSITION. THE MOTION PASSED UNANIMOUSLY WITH MR. KUBIC ABSENT.

7. ORDINANCES AND RESOLUTIONS

7.1 ORDINANCE re: Article IV: ETHICS CODE (#08-09)

sponsored by: Hon. Michael Henrick – Tenth District Council Member
Hon. Alvin O'Neal — Second District Council Member

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.
(appended as pages 25-40)

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O'NEAL TO REFER THE FOREGOING ORDINANCE TO THE ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED UNANIMOUSLY WITH MR. KUBIC ABSENT.

7.2 Amendment to Ordinance 88-1 EMS FUNDING (#08-10)

sponsored by: Hon. Gavin B. Forrester — Third District Council Member

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.
(appended as page 41)

ORDINANCES — continued

7.3 Ordinance Creating Access Road Park (08-11)

Sponsored by: Hon. Alvin O’Neal — Second District Council Member
Hon. Gavin B. Forrester III — Third District Council Member

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing. *(appended as page 43)*

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O’NEAL TO REFER THE FOREGOING TWO ORDINANCE (08-10 AND 08-11) TO THE ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED UNANIMOUSLY WITH MR. KUBIC ABSENT.

RESOLUTION AUTHORIZING THE TOWN CLERK TO PREPARE AND PRINT AN EXPLANATORY TEXT OF THE CHARTER REVISION QUESTIONS ON THE NOVEMBER 4, 2008 BALLOT

OFFERED BY COUNCILMAN MICHAEL HENRICK – 10TH DISTRICT

Resolved, pursuant to the provisions of Section 9-369b(a) of the Connecticut General Statutes, the Stratford Town Council does hereby authorize the Stratford Town Clerk to prepare and print, in sufficient quantities, an explanatory text of the Charter Revision questions which will appear on the November 4, 2008 election ballot.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY WITH MR. KUBIC ABSENT.

8. NEW BUSINESS

8.1 TOWN VEHICLE ACCIDENT REPORTS/INFORMATION PROVIDED BY MAYORS OFFICE (DISCUSSION ITEM)

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. STROOMER TO PLACE THE FOREGOING DISCUSSION ITEM ON THE TABLE. THE MOTION PASSED UNANIMOUSLY WITH MR. KUBIC ABSENT.

8.2 APPOINTMENTS

8.2.1 LIBRARY BOARD

RESOLVED: that _____ of _____ be and is hereby appointed a member of the Stratford Library Board. (term of Richard H. DiVecchio expires December 31, 2008)

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO PLACE THE FOREGOING APPOINTMENT ON THE TABLE. THE MOTION PASSED UNANIMOUSLY WITH MR. KUBIC ABSENT.

9. OLD BUSINESS — None

10. ADJOURNMENT — Hearing no further discussion in connection with the above agenda items or further business, the Chairman called for a motion to adjourn. ON A MOTION MADE BY MR. FORRESTER, SECONDED BY MR. JULIAN, IT WAS VOTED UNANIMOUSLY, WITH MR. KUBIC ABSENT, TO ADJOURN THE MEETING AT 11:35 P.M.

ATTESTED BY: Carol Cabral
Carol Cabral, Council Clerk

AN ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD (#07-06)

WHEREAS, The Town of Stratford wishes to establish a public body with the advisory authority to promote and encourage the highest quality standards of design and development in this community considering existing structures, surrounding properties, the Town's codes and comprehensive plan of development; and

WHEREAS, these goals can best be accomplished with the creation of an Architectural Review Board, which will consist of members who have expertise in or are professionals in the area of design and/or development; and

WHEREAS, the Town Council has determined that the provisions of the proposed ordinance are consistent with, and would implement, the above stated goals and policies.

NOW THEREFORE, The Town Council of Stratford, Connecticut, hereby establishes an Architectural Review Board and adopts the following ordinance:

ARCHITECTURAL REVIEW BOARD (ARB)**1. Creation; membership; officers.**

- A. There is hereby created an Architectural Review Board (ARB). The ARB shall consist of five members who shall be nominated by the Mayor, and appointed by approval of six (6) members of the Town Council in the month of _____. Of the five members first appointed, two appointments shall expire on January 1, 200_, two on January 1, 200_, and one on January 1, 200_. Subsequent nominations by the Mayor and appointment by the Town Council of successors to members whose terms have expired shall be for two year terms and shall commence on the first day of January of the appropriate year. Any vacancy on the ARB from whatever cause shall be filled by nomination by the Mayor and appointment of the Town Council for the unexpired portion of the term.
- B. The Mayor shall choose ARB members who are not currently members of the Planning and Zoning Commission, who are residents of the Town of Stratford and, to the extent available, have qualifications, skills or demonstrated interest in one or more of the following categories: (1) architects; (2) landscape architects; (3) planners; (4) engineers; (5) graphic artists; (6) building contractors; (7) professional background relating to design or related fields; and (8) individuals recommended by the Planning and Zoning Commission, Mayor and/or the Building Department.
- C. At its initial meeting and at its first meeting on or after January 1 of each year thereafter commencing in 2007, the ARB shall elect from its members a Chairman, Vice Chairman and Secretary. The presence of three (3) members shall constitute a quorum to transact business. The ARB shall adopt its own procedures consistent with the terms of this ordinance.

AN ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD — continued**2. Purpose**

The purpose of the ARB is to provide guidance in preserving and improving the appearance and beauty of the community; to protect Stratford's architectural heritage; and to conserve the value of buildings, structures and property. This is accomplished by making recommendations to land use boards and town agencies of the Town on future or pending projects prior to the issuance of any building permits. The ARB is also charged with developing guidelines for community design and appearance by creating a publication containing land use design standards appropriate to Stratford.

3. Procedure

- A. The ARB shall meet at regularly scheduled meetings to consider applications filed directly with it or referred to it by the land use boards and town agencies. The ARB shall submit its advisory recommendations to land use boards and town agencies in writing at least five (5) days prior to a meeting by the land use boards and town agencies on the application. The written report shall, to the extent feasible, include specific recommendations regarding plan modifications which the ARB finds desirable based on the General Design Guidelines contained herein and the Design Guidelines developed by the ARB. Reports from the ARB shall be advisory and not compulsory to the land use boards and town agencies, which has final approval authority for all applications.
- B. Preliminary or conceptual plans may be submitted to the ARB for review and comment prior to a formal submission to the land use boards and town agencies. In such instances, the ARB shall submit a report, together with its recommendations and suggestions, to the applicant no later than thirty (30) days after receipt thereof.

4. General Design Guidelines

- A. The ARB will, over time, develop and maintain design guidelines to help applicants and owners understand design considerations in Stratford. Such guidelines will be referred to the land use boards and town agencies for review and comment.
- B. The ARB will consider the following general issues:
 - 1. The basic design for the proposed uses, buildings or development.
 - 2. The relationship between the buildings and the land.

AN ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD — continued

3. The relationship between uses and buildings/structures.
4. The overall physical appearance of the proposed development and its compatibility with surrounding neighborhood.
5. Relationship of width to height of new structures.
6. Colors, materials, location of lighting.
7. Design of streets.
8. Blending of street and mechanical hardware into the overall design.
9. Impact on the historic significance of the site and the affected area.
10. Compatibility with the Plan of Conservation and Development of the Town.
11. Location and dimensions of public and private streets and common drives.
12. Location and dimensions of public and private pedestrian walkways, sidewalks, malls and paths.
13. Types, styles and colors of building materials, exterior facades and facing, fenestration and fire retardant characteristics.
14. Special architectural features.
15. Effect on the health, safety and general welfare of the community.
16. Conformity with other appropriate laws, codes or ordinances.

An Ordinance Regarding Automatic External Defibrillators (#08-05)

WHEREAS, according to the American Heart Association each year, more than 250,000 people of all ages die from sudden cardiac arrest; nearly one death every two minutes; and

WHEREAS, sudden cardiac arrest cases are usually due to abnormal heart rhythms called arrhythmias, the vast majority of which are ventricular fibrillation. Ventricular fibrillation is a condition in which the heart's electrical impulses suddenly become chaotic, causing the heart to cease pumping blood effectively; and

WHEREAS, victims of sudden cardiac arrest collapse and quickly lose consciousness, often without warning and unless a normal heart rhythm is restored, death will follow within a matter of minutes; and

WHEREAS, in addition to causing personal tragedy, these incidents of sudden cardiac arrest are a leading cause of disability and health care costs; and

WHEREAS, the American Heart Association and the American Red Cross state that most effective way to revive them is with CPR and Automated External Defibrillators or AEDs the quicker the response, the greater the chance of survival; and

WHEREAS, the American Red Cross has set forth the cardiac chain of survival as a series of four critical steps. All four steps of the chain must be present to help ensure survival from sudden cardiac arrest. The four steps are:

- Step one: Early access to care (calling 9-1-1 or another emergency number)
- Step two: Early cardiopulmonary resuscitation (CPR)
- Step three: Early defibrillation
- Step four: Early advanced cardiac life support, as needed

WHEREAS, the third step, delivering an electrical shock to the heart, which is known as defibrillation, is recognized as the most critical step in restoring cardiac rhythm and resuscitating a victim of sudden cardiac arrest; and

Accordingly, the Stratford Town Council hereby adopts an ordinance regarding Automatic External Defibrillators

SECTION 1. STATEMENT OF PURPOSE.

The Town of Stratford is committed to ensuring its residents, employees, those employed in the Town of Stratford and those that visit and or conduct business in the Town of Stratford are provided with an opportunity to have automatic external defibrillation should they be stricken with sudden cardiac arrest.

08-05 — continued

SECTION 2. DEFINITIONS.

For the purpose of this section the following words are defined:

A. Automatic External Defibrillator: An Automated External Defibrillator is a portable electronic device that automatically diagnoses the potentially life threatening cardiac arrhythmias of ventricular fibrillation and ventricular tachycardia in a patient, and is able to treat them through defibrillation, the application of electrical therapy which stops the arrhythmia, allowing the heart to re-establish an effective rhythm.

B. AED: An acronym for Automated External Defibrillator.

C. Municipal buildings: Any Town of Stratford owned building that houses municipal employees or is open to the general public, including Town of Stratford schools.

D. Health Club: Any health club, as defined in section 21a-216 of the Connecticut General Statutes, that is located within the Town of Stratford.

E. Dining Establishments: Any establishment within the Town of Stratford that is licensed pursuant to section 105-4 of the Code of the Town of Stratford with a seating capacity of 50 125 or more persons.

F. Lodging Establishments: Any establishment within the Town of Stratford such as a hotel, motel, inn or other similar facility that rents or leases ~~40~~ 30 or more rooms to the general public.

G. Retail Establishments: Any retail store that employs more than 50 persons and or that has a public occupancy of greater than 250 persons.

SECTION 3. INSTALLATION AND MAINTENANCE OF AUTOMATIC EXTERNAL DEFIBRILLATORS.

A. All AED devices must be FDA approved.

~~*B. All AED devices, where required, shall be installed in sufficient numbers and in locations so that an AED device shall be accessible, at a minimum, within one (1) minute in the event of an emergency.~~

*B. Automatic External Defibrillators shall be installed in all municipal Buildings, Health Clubs, Dining Establishments, Lodging Establishments and Retail Establishments in sufficient numbers and locations so that an AED device shall be accessible, at a minimum, within one (1) minute in the event of an emergency.

* amended during Ordinance Committee meeting of August 5, 2008

08-05 — continued

C. All AED devices shall be maintained and tested in accordance with the operational guidelines of the manufacturer. Each place where an AED device is installed must adopt an Automatic External Defibrillator Maintenance Checklist, that can be obtained from the Town of Stratford.

D. All AED devices must identify an individual responsible for inspecting the AEDs at regularly scheduled intervals, as recommended by the AED manufacturer.

SECTION 4. ACTIVATION OF THE EMERGENCY MEDICAL SERVICE.

The Emergency Medical Service System shall be activated immediately upon the discovery of a situation in which the use of an AED is anticipated. Activation will be via the 911 emergency telephone system. The activation of the Emergency Medical Service System must not be delayed due to the actual or anticipated use of an AED.

SECTION 5. REGISTRATION.

A. Each AED device shall be registered with the Connecticut Office of Emergency Medical Services. Each person and or entity required to install an AED device shall complete an AED Registry Form, which can be obtained from the Town of Stratford, for each AED unit.

B. A copy of the form required to be filed with the state in Section 5 (A) shall also be filed with the Town of Stratford Fire Department and Emergency Medical Services.

SECTION 6. INSPECTIONS.

All AED installations shall be subject to periodic inspections by the Stratford Fire Department or its designee.

SECTION 7. PENALTY FOR NON-COMPLIANCE.

Any person or entity that fails to comply with any portion of this ordinance shall be subject to:

1. A fine of \$100.00 per day of violation
2. Withholding of any Town of Stratford new or renewal license and or permit issuances

SECTION 8. IMMUNITY FROM LIABILITY.

08-05 — continued

Persons who use an AED to render emergency care shall be immune from liability pursuant to Connecticut General Statutes Section 52-557b.

SECTION 9. REPEALER.

All ordinances or parts of ordinances heretofore adopted by the Town Council of the Town of Stratford, Connecticut, which are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

SECTION 10. SEVERABILITY.

If any part, section, or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 11. Effective Date.

A. This ordinance shall become effective January 1, 2009 for those facilities identified in Section 2 (D); 2(F) and 2 (G).

B. This ordinance shall become effective July 1, 2009 for those facilities identified in Section 2 (C); and 2 (E).

BUDGET TRANSFERS
— FY2007-08

Exhibit A

Inter Department Budget Transfers:

		<u>From</u>	<u>To</u>
ACCOUNT 01 -	102	Office of the Mayor	1,817
	101	Council Clerk	753
	103	Human Resources	53,830
	104	Town Attorney	461,014
	105	Chief Administrative Officer	15,661
	106	Registrar of Voters	7,119
	107	Town Clerk	23,155
	108	Town Buildings	60,717
	109	Agencies	47,213
	111	Planning	18,062
	151	Contingency	788,708
	201	Debt Retirement	272,637
	251	Employee Benefit	77,773
	301	Finance Administration	13,252
	302	Finance Accounting	5,534
	303	Finance Purchase	11,136
	304	Tax Assessment	61,894
	305	Tax Collector	44,072

	306 Computer Services		39,830
	351 Community Services	25,084	
	352 Health Department	7,928	
	353 Recreation Department		26,419
ACCOUNT 01 -	354 Senior Services		25,500
	356 Library Association	7,130	
	358 Economic Development	18,922	
	361 Short Beach	4,209	
	402 Building Inspections		17,205
	403 Public Building Maintenance		63,776
	404 Public Works Engineering		10,008
	406 Town Garage	3,385	
	407 Parks		38,750
	408 Public Works Refuse	68,273	
	461 Fire Administration		27,377
	462 Fire Fighting		408,744
	463 Fire Prevention		13,621
	471 Police Administration		116,414
	473 Police Investigation	20,905	
	474 Police Patrol / Private Duty	82,507	
	475 Communication Center		61,669
	476 Police Records		29,805
	477 Police Traffic	105,871	

551 Board of Education	4,515
TOTAL GENERAL FUND	<u>\$ 1,596,097</u> <u>\$ 1,596,097</u>

FY2007-08

Exhibit B

Appropriate Revenue:

		<u>From</u>	<u>To</u>
ACCOUNT 100 -	4012 Current Taxes	570,783	
	4013 Current Tax Interest	102,302	
	4014 Current Tax Liens	258	
	4021 Suspense Taxes	5,478	
	TOTAL	<u>\$ 678,821</u>	
ACCOUNT 01 -	104 Town Attorney - Claims		128,194
	401 DPW - Workers Compensation		182,242
	405 Highways - Street Lights		105,124
	405 Highways - Gas & Oil		64,203
	407 Parks - Gas & Oil		27,263
	462 Fire Suppression - Callback		171,795
	TOTAL		<u>\$ 678,821</u>

FY2007-08

Exhibit C

Appropriate Revenue:

			<u>From</u>	<u>To</u>
ACCOUNT 474 -	4314	Police Private Duty Revenue	1,330,088	
ACCOUNT 01 -	474	Police Patrol - Private Duty		1,330,088

Ordinance re: Article IV: ETHICS CODE (#08-09)

§ 5-23 Title

This ordinance shall be known as the Ethics Code for the Town of Stratford.

§ 5-24 Statement of Purpose

The trust of the public is essential for government to function effectively. In order to establish this trust and integrity of our local government, this Ethics Code is established with the best interest of the Town of Stratford.

The purposes of this Ethics Code are:

To establish standards of ethical conduct - specifically those dealing with conflicts between personal interests and those of the town - for town officials, employees and candidates for public office.

To provide clear guidance with respect to such standards by clarifying which acts are allowed and which are not;

To promote public confidence in the integrity of the town's governance and administration;

To provide for the consideration of potential ethical problems before they arise, to minimize unwarranted suspicion and to enhance the accountability of the town's government to town residents; and

To provide for the fair and effective administration and enforcement of this Code.

This Code also references other state ethics-related laws not within the scope of the Ethics Commission to clarify what is excluded from this ordinance.

This Code is enacted pursuant to Section 7-148h of the Connecticut General Statutes and is not intended to authorize any conduct prohibited by that section.

§ 5-25 Applicability

This Code shall apply to all full-time or part-time elected or appointed public officials and town employees whether compensated or not, including those on boards, commissions, committees, or other entities appointed or created by the Town of Stratford and where specifically identified, this Code shall apply to candidates for public offices in the Town of Stratford.

PART A: ETHICS PROVISIONS

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

§ 5-26 Prohibited activities

§ 5-26 A. Conflict of interest

1. A public official or employee may not use his or her official position or office in a manner which they know or have reason to believe may result in financial benefit not shared with a substantial segment of the town's population, for any of the following persons or entities:
 - a. Himself or herself;
 - b. Member of his or her household, including a domestic partner, dependents, or the employer or business of any of these people;
 - c. Members of his or her immediate family as identified in the Part E Definitions Section;
 - d. Outside employer or business of his or hers, or someone who works for such outside employer or business;
 - e. Customer or client;
 - f. A person or entity from whom the elected public official has received an election campaign contribution of more than \$200 in the aggregate during the past election cycle;
 - g. Substantial debtor or creditor;
 - h. Nongovernmental civic group, union, social, charitable, or religious organization of which he or she is an officer or director.

2. Substantial interest
No public official or employee shall, while serving as such, have any financial interest or engage in any business, employment, transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest, or fail to take action.

3. Incompatible employment
No public official or employee shall accept other employment which will either impair his or her independence of judgment as to his or her official duties or employment or require him or her or induce him or her to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties.

4. Nepotism
 - a. No public official or employee may appoint or hire an immediate family member or a related family member or member of his or her household for any type of employment with the Town.
 - b. No public official or employee may supervise or be in direct line of supervision over his or her immediate family.
 - c. Immediate family members of the Mayor, the Chief Administrative Officer, any member of the Town Council, any member of the Human Resources Department, any member of the Board of Education Central Administration Office and the elected Board of Education Members position bodies, may not be hired by the Town.

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

5. Confidential Information

- a. No public official or employee shall willfully and knowingly disclose confidential information to advance:
 - i. The financial or other personal interest of himself or herself;
 - ii. Any other person required by him or her in the course of and by reason of his or her official duties or employment;
 - iii. Or use of any such information for the purpose of pecuniary gain.
- b. No public official or employee shall use his or her position or any confidential information received through his or her position to obtain financial gain for himself or herself, immediate family, or a business with which he or she is associated.

§ 5-26 B. Quid Pro Quo

1. No person shall offer to give a public official or employee or candidate for public office, or his or her household, or domestic partner, immediate family or a business with which he or she is associated, anything of value, including but not limited to a gift, loan, political contribution, reward or promise of future employment, based on any understanding that a vote, official action or judgment of the public official or employee or candidate for public office would be or had been influenced thereby.
2. No public official or employee or candidate for public office shall solicit or accept anything of value, including but not limited to a gift, loan, political contribution, reward or promise of future employment based on any understanding that a vote, official action or judgment of the public official or employee or candidate for public office would be or had been influenced thereby.

§ 5-26 C. Gifts

1. A gift is anything of value that is received by a public official or town employee that is not available to the general public. This includes entertainment, tickets, food, beverage, travel, and lodging, given or paid to a public official or employee to the extent that consideration of equal or greater value is not received by the giver from the public official or employee.
2. A public official or employee, his or her immediate family, domestic partner, or his or her household is prohibited from accepting or soliciting gifts.
3. Higher officials (i.e. department heads and officials/employees who deal directly with contractors and permittees) are prohibited from receiving any gifts at all, other than campaign contributions.

4. What is NOT considered a gift under this Code:

- a. Anything of value received by the public official or employee from an immediate family member.

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

- b. Anything of value received by the public official, employee, family member as described above (§5-26 C) having an aggregate value of \$50.00 or less during any twelve month period;
- c. Anything of value of \$50.00 or less that is received by a public official or employee for the solemnization of a marriage officiated by that public official or employee at a place other than his or her normal public place of business and at a time other than his or her normal hours of business.
- d. Public awards from charitable organizations.
- e. Public functions where public officials and department heads attend such functions in their official capacity, as sponsored by various organizations and companies acting a good corporate citizens and causes of benefit to the general public of the Town.
- f. Campaign contributions. The provisions of this section shall be inoperative for contributions made to candidates for elected office in the Town or to solicitations for such contributions.
- g. Contributions of this sort shall be governed by Chapter 150 of the Connecticut General Statutes.

5. What to do when receiving a gift:**Turnover of gifts.**

If it is impossible or inappropriate (e.g. culture appropriate) to refuse a gift or offering, the recipient shall inform Town Clerk for determination and donation.

6. Courtesies:

Courtesies that are associated and directly related with the daily business routine of public officials and employee department heads are allowed when they are present in their official capacity and related to town business.

§ 5-26 D. Use of Town Resources

No public official, employee or other persons defined herein shall request or permit himself or herself or others the use of Town-owned or leased vehicles, equipment, materials or property for personal use, business or profit, except when such services are available to the public generally or permitted by agreement of the Town and are provided in conformance with established Town policies for the use of such official, employee or other persons defined herein in the conduct of Town business.

§5-26 E. Preferential treatment

Public officials and employees shall not offer or render preferential treatment to others in regard to Town contracts on the basis of such factors as family ties, financial interest, or other personal interests.

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

§ 5-26 F. Prohibition against Contingent Fees; Exception for Retention of Counsel in Accordance with the Rules of Professional Responsibility of the Connecticut Bar Association

Contingent Fees: Public officials and employee department heads shall not retain a person, to solicit or secure a contract with the Town upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. It shall be a violation of this Code for a person to be retained, or to retain a person, to solicit or secure a contract with the Town upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. This provision shall not apply to full-time employees who, as a condition of their employment may be entitled to bonuses or other fees in accordance with their employment relationship. Notwithstanding the foregoing, the Town Attorney may retain counsel for purposes of representing the interests of the Town on the basis of contingency fees in accordance with the Rules of Professional Responsibility of the Connecticut Bar Association and the Town may retain State Marshals or Constables acting pursuant to the General Statutes.

§ 5-26 G. Disclosure of Actual or Potential Conflict of Interest, Disqualification

1. Upon discovery of an actual or potential conflict of interest, a public official or employee or others defined herein, shall state on the record, disclose the conflict and thereafter abstain from voting or otherwise participating in any further proceedings on such issue. The public official, employee, or others defined herein may, at the same time, apply to the Ethics Commission, for an advisory opinion as to what further participation, if any, he or she may have in the transaction.
2. Recusal
 - a. A public official or employee must refrain from acting on or discussing, formally or informally, a matter before the town, if acting on the matter, or failing to act on the matter, may personally or financially benefit any of the persons or entities listed in sections §5-26 A & B of this Code.
 - b. A public official or employee must refrain from acting or discussing, formally or informally, a matter involving a person who appointed or recommended him or her for that position, if he or she is aware of such appointment or recommendation.
 - c. If a board or agency member is requested to recuse himself or herself with respect to a matter, for the reason that he or she has a conflict of interest, by; another member, a party to the current matter, or a member of the public who may be affected by the decision relating to this matter, this member must decide whether to recuse himself or herself.
 - d. If the member decides not to recuse himself or herself, the unchallenged members must consider any relevant evidence concerning such claimed conflict of interest, as defined in this code, and vote whether or not to allow the request and require that the member refrain from participating in the matter.

§ 5-26 H. Political Solicitation

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

A public official, or employee or candidate for elected office may not knowingly request, require or authorize anyone else to request, that any subordinate participate in an election campaign or make a political contribution. Nor may he or she engage in any political activity while on duty for the Town, with the use of town funds, supplies, vehicles, or facilities, or during any period of time during which he or she is normally expected to perform services for the Town, for which compensation is paid.

§ 5-26 I. Patronage

No public official or employee or candidate for elected office may promise an appointment or the use of his or her influence to obtain an appointment to any position as reward for any political activity or contribution.

§ 5-26 J. Whistleblower protection

No public official, employee, or candidate shall take or threaten to take official action against an individual in retaliation for such individual's disclosure of information to the Commission under the provisions of this Code. The provisions of this section shall apply in addition to the provisions of §31-51m of the Connecticut General Statutes, as amended. A violation of this section shall be a violation of this Code.

§ 5-26 K. Duty to Disclosure

All public officials and employees who have knowledge of violations of any provisions in this Code are to report those violations to the Ethics Commission with the exception of those individuals who are governed by recognized professional privilege. It shall be a violation of this Code for a person to falsely and maliciously charge, as found in the sole discretion of the Ethics Commission, another with violations of this Code.

§ 5-27 Annual Disclosure

§ 5-27 A. Officials, Employees, and Candidates who Are Required to File

Those holding the following job titles or positions are required to file a signed annual disclosure statement:

1. Elected officials (including Zoning Commission and Board of Zoning Appeals);
2. Department heads and those authorized to act on their behalf (e.g., assistant directors);
3. Public officials and employees who hold policymaking positions, including members of municipal boards, included but not limited to ethics commission, finance boards, planning and zoning boards, board of zoning appeals, historic district, buildings, assessment appeals,

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

wetlands and conservation boards, economic development boards, and parks and recreation boards;

4. Public officials whose job descriptions or whose actual duties involve:
 - i. The negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses;
 - ii. The purchase, sale, rental, or lease of real property, personal property, or services, or a contract for any of these;
 - iii. The obtaining of grants of money or loans;
 - iv. The adoption or repeal of any rule or regulation having the force and effect of law;
 - v. Candidates for elected office;

§ 5-27 B. Time and Place for Filing

1. Annual disclosure statements (for the calendar year) are to be filed with the Town Clerk within one-hundred-and-twenty days after the effective date of this Code; and within thirty days after taking one of the job titles or positions listed in subsection 27A of this section; and no later than May 15 of each year thereafter.
2. For candidates for elected office: Annual disclosure statements are to be filed with the Town Clerk with the filing of the certificate of candidacy or declaration of intent.
3. Within thirty days after a change in the information contained in his or her most recently filed annual disclosure statement, a public official, employee, or candidate for elected office must file a signed amendment to the statement indicating the change.

§ 5-27 C. Contents of Annual Disclosure Statement

The annual disclosure statement will include:

1. The location of any real property in the Town, or within one mile of the boundary of the Town, in which the person disclosing, or his or her [immediate](#) family, has a [financial](#) interest, and the type of financial interest.
2. With respect to each outside employer or business of the person disclosing:
 - i. Its name and address (if any);
 - ii. The nature of its business;
 - iii. If it is an entity, the type of entity;
 - iv. The person disclosing's relationship to it, such as sole proprietor, owner, partner, official, director, member, employee, bondholder, or shareholder.

PART B: ADMINISTRATIVE PROVISIONS**§ 5-28 Duties of the Town Clerk**

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

The Town Clerk must maintain on file for public inspection and, with respect to disclosure statements, index in alphabetical order by the last name of the relevant official, employee, candidate, or applicant the following documents:

1. A copy of the Code of Ethics and amendments thereto;
2. A copy of the Acknowledgement Statement of the Code;
3. A copy of the form of Annual Statement of Disclosure;
4. A list of the names and offices, or positions, of all officials and employees required to file annual disclosure statements;
5. List of reported gifts and their disposition;
6. Copies of all transactional, applicant, and annual disclosure statements filed pursuant to this Code.

§ 5-29 Ethics Commission Establishment; Membership; Terms; Vacancies; Compensation; Legal counsel

§ 5-29 A. There is hereby established an Ethics Commission consisting of five members and three alternates to be appointed according to the Town Charter. The Town Council will seek applications from the general public through newspaper postings, web postings, the Mayor, and through church and civic groups. Any registered elector may apply for consideration of appointment.

1. Members of the Commission and alternates shall serve four-year terms, except that members first appointed shall have the following terms: one member for one year, one member for two years, one member for three years, two members for four years. Thereafter, members and alternates shall be appointed annually upon term expiration and/or resignation to serve four years. If a member of said Commission is absent or has a conflict of interest, the Chairman of the Commission shall designate an alternate to act in his or her place, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.
2. Vacancies of Commission members will be filled for the unexpired term in the same manner as the original appointment.
3. Alternates should be considered in filling appointments for Commissioner as vacancies arise;
4. The Commission shall elect annually (October meeting) a Chairperson, a Vice Chairperson, and a Recording Secretary from its own number.

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

5. No individual shall be appointed to more than two (2) four-year terms as a member of such Commission, provided that members and alternates shall continue in office until successors are duly appointed and qualified. Former members and alternates may reapply for membership on the Commission two years after expiration of term and/or resignation.
6. An individual selected to fill a vacancy shall be eligible for appointment to one (1) full four-year term thereafter. Any vacancy occurring on the Commission shall be filled within sixty (60) days.
7. All members and alternates shall serve without compensation.
8. No more than two (2) members and one (1) alternate shall be of the same political party.
9. Alternates shall take part in the same manner as a Commissioner, providing five (5) Commissioners are not present or will not vote.
10. A Commission member or alternate member may only be removed for cause in accordance with §2.2.12 of the Stratford Town Charter.
11. The unexcused absence of any member from three consecutive meetings, unless the Ethics Commission has excused the absence for good and sufficient reason, shall constitute a resignation.
12. The Ethics Commission will participate in the vetting process of Commission appointments by interviewing potential candidates to discuss the involvement and commitment of being a Commission member and making recommendations to the appointing person/body.

§ 5-29 B. All members shall be electors of the Town of Stratford. No member or employee of the Ethics Commission shall hold, or campaign for any public office, have held or have been a candidate for a seat on the Stratford Town Council or for office of the Mayor for a two (2) year period prior to his or her appointment to the Commission, or hold executive office in any political party. No member should be employed by the Town.

1. Any member or employee of the Commission shall have an unrestricted right to vote and attend political events, but no member or employee of the Commission shall publicly support, or contribute to any candidate for municipal office or attend a political fundraising event which is subject to the Commission's jurisdiction. For the purposes of this Code, a member or employee is deemed to "publicly support" a candidate if that member or employee formally endorses a candidate, volunteers as a campaign worker for a candidate, gives a speech supporting the candidacy of a candidate, or takes any other overt or public action intended to convey a message of support to members of the general public for the candidacy of a candidate.

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

2. No candidate for elected office shall disseminate information which indicates that a Commission member or employee supports his or her candidacy.

§ 5-29 C. The Chairperson will preside at meetings of the Commission, and a Vice Chairperson will preside in the absence of the Chairperson. Three (3) members of the Commission shall constitute a quorum. Except as provided in §5-31.3, a majority vote of the quorum shall be required for action of the Commission. The Chairperson or any three (3) members may call a meeting.

§ 5-29 D. The Ethics Commission may employ necessary staff, including outside counsel through the Office of the Town Attorney as it deems necessary within available appropriations.

§ 5-30 Powers and Duties of the Commission

The Commission shall have all duties provided within this Code and shall have the authority to recommend action to the Town Council, the Mayor and the Board of Education. Additionally, the Commission shall:

1. Preserve memoranda, statements and reports with the Town Clerk;
2. Provide Advisory Opinions. The Ethics Commission provides advisory opinions of ethical questions and interpretations of this Code under the following conditions:
 - a. Requests for advisory opinions will be made in writing and the opinion will be rendered as follows:
 - i. In writing;
 - ii. By a quorum of members of the Ethics Commission;
 - iii. At a scheduled meeting of the Commission;
 - b. Advisory opinions will be provided based on information presented at the scheduled meeting.
 - c. Advisory opinions will be non-binding on the person making the request, Ethics Commission, and the Town if information supplied was inaccurate or incomplete at the time the decision was made.
 - d. Advisory opinions may be requested by any public official, employee or citizen of the Town of Stratford.
3. Provide training of this Code to public officials and employees;
4. Investigate complaints, conduct investigations and hearings, and recommend disciplinary action.
5. Advisory opinions may also be directed to the Town Attorney for interpretation of this Code.

§ 5-31 Complaint procedures; investigations; hearings

1. Filing a complaint:

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

- a. The Complainant will complete the complaint form prescribed by the Ethics Commission (available on Town of Stratford Website at the Stratford Library, and at the Town Clerk's Office), signed under penalty of false statement, and submitted with relevant documentation to the Town Clerk. The Complaint will name the Respondent who is alleged to have violated this Code.
 - b. The Town Clerk, upon receipt of complaint, will immediately notify the Commission Chairperson.
 - c. The Commission may initiate its own complaint by a vote of a majority of its members present and voting at a meeting at which a quorum is present.
 - d. No complaint may be made under this Code except within two (2) years after the violation alleged in the complaint has been committed.
 - e. The Ethics Commission will negate any complaint filed with the Commission if the complainant(s) disclose information about the complaint and/or respondent (person accused of violation) during the confidentiality phase of the investigation period through the media or other individuals that results in public knowledge of complaint filing.
2. Determination Phase:
- a. Within twenty (20) business days of receiving a complaint, the Commission shall determine whether the allegations in the complaint, if true, would constitute a violation of the Code. A simple majority of the Commission decides whether to proceed with the complaint.
 - b. Meetings of the Commission held for the purpose of making such determinations shall be exempt from the provisions of the Freedom of Information Act to the extent set forth in Subsections (a)-(e) inclusive of §1-82a of the Connecticut General Statutes.
 - c. If the complaint is rejected pursuant to subsection 1, both parties shall be notified that the case will not continue and the complaint remains confidential. Both complainant and respondent shall be notified of the outcome within five (5) business days after the determination has been made.
 - d. If the complaint is accepted pursuant to the determination in subsection 1, the complaint proceeds to a Probable Cause Investigation. Both complainant and respondent shall be notified of the outcome within five (5) business days after the determination is made.
3. Probable Cause Investigation:
- a. The purpose of a probable cause investigation is to determine whether there is probable cause to believe the respondent may be in violation of any provision of this Code and therefore, that further investigation is warranted. A finding of probable cause requires the concurring votes of three (3) Commission members.
 - b. Meetings of the Commission held for the purpose of making such determinations shall be exempt from the provisions of the Freedom of Information Act to the extent set forth in subsections (a)-(e) of §1-82a of the Connecticut General Statutes.
 - c. In the conduct of its investigations, the Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, compel attendance before the Commission and require the production of any

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

- books, papers, and electronic communication which the Commission deems relevant in any matter under investigation or in question.
- d. In the exercise of such powers, the Commission may use the services of the local police, who shall provide the same upon the Commission's request.
 - e. Any witness summoned before the Commission shall receive the witness fee paid in the courts of this state.
 - f. During the investigation, the respondent shall have the right to appear and be heard and to offer information. The respondent shall also have the right to be represented by legal counsel and to examine and cross-examine witnesses.
 - g. The Commission will notify both the complainant and respondent of findings within three (3) business days thereafter and provide them with a summary of its reasons for making that finding.
4. Public Hearing:
- a. If the Commission makes a finding of probable cause, the Commission shall initiate a public hearing to determine whether there has been a violation of this Code;
 - b. The Chairperson of the Commission shall preside over such hearing;
 - c. Legal counsel to the Commission shall rule on all matters concerning the application of the rules of evidence, which rules shall be as set forth in the Administrative Procedure Act, §4-178, of the Connecticut General Statutes;
 - d. In all hearings, the Commission shall have the same powers as under §5-30 of this Code,
 - e. The respondent shall have the right to be represented by legal counsel, to present evidence; to compel attendance of witnesses and the production of books, documents, electronic communication, records and papers and to examine and cross-examine witnesses;
 - f. The Commission shall make a record of all proceedings pursuant to this subsection;
 - g. The Commission shall find no person in violation of any provision of this Code except upon the concurring vote of four (4) of its members;
 - h. If the Commission finds, after a hearing pursuant to this section, or if a court of competent jurisdiction overturns a Commission finding of a violation by such a respondent, the Town shall pay the reasonable legal expenses of the respondent as determined by the Town Attorney, or by the court, if appropriate.

§ 5-32 Confidentiality and publications of findings

1. If the Commission makes a finding of probable cause of a violation of this Code, it shall make public the complaint and the record of all proceedings, including the Commission's.
2. No later than three (3) business days after the termination of the investigation, the Commission shall inform the complainant and the respondent of its finding and provide them with a summary of its reasons for making that finding. The Commission shall publish its findings upon the respondent's request and may also publish a summary of its reasons for making such a finding.

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3. If the Commission makes a finding of no probable cause, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent. No complainant, respondent, witness, designated party, or board staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. If such a disclosure is made, the Commission may, after consultation with the respondent if the respondent is not the source of any disclosure, publish its findings and a summary of its reasons therefore.
4. The Commission shall make public a finding of probable cause not later than five (5) business days after the termination of the investigation. At such time, the entire record of the investigation shall become public.
5. Not later than fifteen (15) business days after the public hearing conducted in accordance with §5-31.4 hereof to determine whether there has been a violation of this Code, the Commission shall publish its finding and a memorandum of its reasons therefore and shall transmit, along with any recommendations, to the Stratford Town Council and the Mayor.

§ 5-33 Confidentiality of deliberations

All deliberations of the Commission shall remain confidential, and no Commission member or alternate member may disclose the deliberations of the Commission to any party, the media, and to members of the public.

§ 5-34 Location of hearings

All hearings of the Ethics Commission shall be conducted in Town Hall, except as otherwise scheduled with proper notification.

§ 5-35 Appeals

Any person aggrieved by any final decision of the Commission made pursuant to this Code may appeal such decision in accordance with the provisions of Connecticut General Statutes, Section 4-183.

PART C SANCTIONS IN VIOLATION OF ANY PROVISION OF THIS CODE**§ 5-36 Violations and penalties**

1. Recommendations from the Ethics Commission to the Mayor, the Town Council, or the Board of Education may include:
 - a. Removal, termination, suspension without or without pay, and/or censure. The authority affected will report within (30) days to the Commission the action taken or lack of action and the reasons therefore;
 - b. Restitution of any pecuniary benefits received because of the violation committed;
 - c. A fine which may be the maximum amount allowed by the Connecticut General Statutes;

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

d. Referral to the State Attorney General for prosecution under the penal code of the State of Connecticut, if applicable.

2. Civil Actions

The Town may recover in a civil action from any person found by the Ethics Commission to have violated this Ordinance a sum equal to any pecuniary benefits received as a result of the violation, together with costs of collection and attorney's fees expended by the Town.

PART D FEDERAL LAW AND DISTRIBUTION OF THE CODE

§ 5-37 Savings Clause

Should any provision of this Code of Ethics conflict with any provisions of federal law or the Connecticut General Statutes, the provisions of the federal law or the Connecticut General Statutes shall prevail.

§ 5-38 Distribution of the Code

The Town Clerk shall cause a copy of this Code to be distributed to every public official, employee, and other persons defined herein with the Town within sixty (60) days after enactment of this Code. Each public official, employee and other persons defined herein shall be furnished a copy before entering upon the duties of his/her office or employment. A signed *Acknowledgement Statement* shall be returned to the Town Clerk.

PART E DEFINITIONS

Business with which he or she is associated means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or state employee or member of his immediate family is a director, officer owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class, provided, a public official or state employee, or member of his immediate family, shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the public official or state employee or member of his immediate family is an unpaid director or officer of the not for profit entity. "Officer" refers only to the president, executive or senior vice president or treasurer of such business.

Candidate for public office means any individual who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official.

Commission means the Stratford Ethics Commission established pursuant to Section 7-148 of the Connecticut General Statutes.

Complainant means any person, association, company or the Ethics Commission who or which files a complaint pursuant to this Code.

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

Confidential Information means any information concerning the property, business or affairs of the Town which is exempt or, if put in writing, would be exempt from disclosure under the Freedom of Information Act.

Domestic partner is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

Employee means an individual employed by the Town, whether as a classified or unclassified, permanent or temporary, full-time or part-time employee, or employed by contract on a continuing basis and all employees of the Board of Education.

Gift means anything of value, including entertainment, tickets, food, beverage, travel, and lodging, given or paid to a public official or employee to the extent that consideration of equal or greater value is not received by the giver from the public official or employee.

Household includes anyone whose primary residence is in the [official or employee's](#) home, including non-[relatives](#) who are not rent payers or servants.

Immediate Family means a spouse, domestic partner, children, step-children, parents, step-parents, siblings and step-siblings, and grandparents and grandchildren.

Individual means a natural person.

Interest means any benefit accruing to a public official or employee, whether in his or her own name or in the name of any person from which he or she is entitled to receive any actual or potential benefit, as a result of a matter which is or which is expected to become the subject of an official action by or with the Town. Excluded, are benefits which, by their terms and by the substance of their provisions, confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this Code, a public official, employee, or other persons defined herein shall be deemed to have an interest in the affairs of:

- a. Immediate family
- b. Any person that has a contractual relationship with a public official or employee or a member of his or her immediate family;
- c. Any business with which he or she is associated.

Official or employee means any official or employee of the Town, whether paid or unpaid, and includes all members of an office, board, body, advisory board, council, board of education, commission, agency, department, district, administration, division, bureau, committee, Board of Education or subcommittee of the Town.

Ordinance re: Article IV: ETHICS CODE (#08-09) — continued

Official Act or Action means any legislative, administrative, appointive or discretionary act of any public official or employee of the Town, or of any agency, board, committee or commission thereof.

Person means an individual, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.

Probable cause means more than mere suspicion. For a finding of probable cause, there must be facts and circumstances within the Commission members' knowledge, and of which they have trustworthy information, sufficient to justify the belief of a reasonable person that the respondent may have violated this Code.

Respondent means any person to whom this Code applies, pursuant to subsection §5-31 against whom a complaint has been filed pursuant to this Code.

Subordinate means another [official](#) or employee over whose activities an official or employee has direction, supervision or control.

Town Political Party Committee Officer means the chairman, vice chairman, treasurer or secretary (or comparable titles) of any organized political party town committee in the Town of Stratford.

Amendment to Ordinance 88-1 EMS FUNDING (08-10)

88-5 C Membership

(2) Five active volunteer members of Stratford EMS to be appointed by the Town council upon recommendation by the majority vote of all active *Volunteer* members of Stratford EMS, such a vote to be conducted by the Board of Directors of the Stratford Volunteer EMS Association Incorporated, ~~through an election process approved, and certified, by the Town Clerk.~~

General Repealer to change the anywhere in the language of the text of the Ordinance the term "Town Manager" to "Mayor"

Ordinance Creating Access Road Park (08-11)

Sponsored by Alvin O'Neil (D-2); Gavin B. Forrester III (D-3)

Statement of Purpose; Intent;

The Town of Stratford is committed to preserving open space where possible and to provide passive recreation to residents of the Meadowmere Avenue residential district. The Town of Stratford is the owner of a parcel of land as depicted on the map attached to this ordinance which is bordered by the streets known as Access Road; Meadowmere Avenue; Philo Street; Ketcham Road; Woodend Road; and the adjacent property owners along the Southwestern transverse of the parcel. The property serves as a natural barrier between commercial development and the residential property owners and will provide an area of refuge for area residents and wildlife.

Restrictions on development

No structures can be constructed in the Park without the approval of the Town Council and Administration of the Town of Stratford, notwithstanding, improvements such as landscaping; plantings to include trees, shrubs or flowers; benches or walkways maybe be added with the approval of the Parks and Recreation Committee of the Town Council.

Restrictions on usage

All conditions on usage imposed in parks located within the Town of Stratford shall apply to activities within the Access Road Park.