



Stratford, Connecticut

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## MINUTES OF MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON MONDAY, JANUARY 12, 2009 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, Ms. Emma Brooks, Mr. John Dempsey, Ms. Amy Wanamaker, Mr. Thomas Moore, Mr. Joseph Kubic, Mr. Michael Henrick

COUNCIL MEMBERS ABSENT: Mr. William Stroomer

OTHERS IN ATTENDANCE: Mayor James Miron, Town Attorney Richard Buturla, CAO Suzanne McCauley

INVOCATION PRESENTED BY FIFTH DISTRICT COUNCIL MEMBER JOHN DEMPSEY FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

**1. APPROVAL OF MINUTES** — Minutes of: Public Forum and Regularly scheduled meeting and executive session of December 8, 2008 and special meeting of December 15, 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. FORRESTER SECONDED BY MR. JULIAN TO APPROVE THE FOREGOING MINUTES. THE MOTION PASSED UNANIMOUSLY.

**2. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM**

Mr. O'Neal — re: Animal Shelter

Ms. Brooks — re: Animal Shelter

**3. COMMUNICATIONS** — None

**4. MAYOR'S REPORT, COMMITTEE REPORTS, TOWN ATTORNEY'S REPORTS**

**4.1 MAYOR'S REPORT**

4.1.1 Economic Development Corporation — No business furnished.

4.1.2 Amendments to Senior Tax Relief Program

4.1.3 Hybrid/Alternative Fuel Vehicle Tax Incentive Ordinance

4.1.4 Local Motor Vehicle Tax Amnesty Program

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. FORRESTR TO PLACE THE FOREGOING THREE ORDINANCES (4.1.2, 4.1.3, AND 4.1.4) ON THE TABLE. THE MOTION PASSED WITH 8 IN FAVOR AND 1, MS. BROOKS, OPPOSED.

4.1.5 Greater Bridgeport Solid Waste Interlocal Agreement

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. DEMPSEY TO AUTHORIZE THE TOWN OF STRATFORD TO ENTER INTO THE INTERLOCAL AGREEMENT. After discussion, A MOTION WAS MADE BY MS. WANAMAKER SECONDED BY MR. FORRESTER TO PLACE THE FOREGOING AGREEMENT ON THE TABLE. THE MOTION PASSED WITH 8 IN FAVOR AND 1, MR. HENRICK, OPPOSED.

4.1.6 Section 8-24 Review: Proposed Animal Control Facility — Town Planner David Killeen and Planning Commission Chairman Joseph Vecsey presented a video re: Greenway. Questions and Answers period followed.

4.1.7 Monthly Personnel Report for Period Ending December 31, 2008 — Mr. Miron distributed a list of Human Resources Dept. Actions for December 2008 through January 1, 2009.

*STRATFORD TOWN COUNCIL PROCEEDED IN THE ORDER AS FOLLOWS:*

6.2 SHAKESPEARE THEATER ASSESSMENT REPORT — Mr. Haney and Attorney Knott presented an update on the facility. Question-Answer period followed.

4.2 COMMITTEE REPORTS — Action not required.

**4.3 TOWN ATTORNEY'S REPORT**

4.3.1 AIRPORT PURCHASE — continuing item — No business furnished.

TOWN ATTORNEY’S REPORT — continued

4.3.2 NATIONWIDE MUTUAL V. TOWN OF STRATFORD

4.3.3 NATIONWIDE MUTUAL V. TOWN OF STRATFORD

Attorney Buturla requests taking the foregoing two items (4.3.2, and 4.3.3) into executive session for the purpose of discussion regarding strategy and negotiations with respect to pending claims or litigation toward the town or a member thereof as a party. Mr. Buturla would like that motion to include members of the Stratford Town Council, the Mayor, and himself.

A MOTION WAS MADE BY MR. DEMPSEY, SECONDED BY MR. FORRESTER TO ENTER INTO EXECUTIVE SESSION PRIOR TO CONCLUSION OF THIS MEETING AT THE RECOMMENDATION OF THE TOWN ATTORNEY TO DISCUSS THE FOREGOING TWO CASES FOR THE REASON STATED ABOVE WITH EXECUTIVE SESSION TO INCLUDE THE ABOVE NAMED INDIVIDUALS. THE MOTION CARRIED UNANIMOUSLY.

4.3.4 AIRPORT — Mr. Buturla requested that this item be removed from the agenda.

4.3.5 QUESTIONS TO THE TOWN ATTORNEY

Mr. Forrester — re: invoices

**5. QUESTIONS TO MAYOR OR STAFF**

Mr. Forrester — re: progress of requests that were previously e-mailed.

Mr. Moore — re: Holiday lighting at Paradise Green, Town website

Mr. Henrick — re: Printing of new charter, Ethics Commissioners, conditions of Carol Road

**6. UNFINISHED BUSINESS**

6.1 SAEP — No business furnished.

6.3 CLAIM OF JAMES FEEHAN — referred to Town Attorney after Council executive session of December 8, 2008.

Attorney Buturla requests taking the foregoing item into executive session for the purpose of discussion regarding a pending claim. Mr. Buturla would like that motion to include members of the Stratford Town Council, the Mayor, and himself.

A MOTION WAS MADE BY MR. JULIAN, SECONDED BY MR. FORRESTER TO ENTER INTO EXECUTIVE SESSION PRIOR TO CONCLUSION OF THIS MEETING AT THE RECOMMENDATION OF THE TOWN ATTORNEY TO DISCUSS THE FOREGOING ITEM FOR THE REASON STATED ABOVE WITH EXECUTIVE SESSION TO INCLUDE THE ABOVE NAMED INDIVIDUALS. THE MOTION CARRIED UNANIMOUSLY.

#### 6.4 TABLED ITEMS

- 6.4.1 CLAIM REFERRED FROM FINANCE AND CLAIMS COMMITTEE MEEETING WITH NO RECOMMENDATION — ACTION NOT TAKEN.
- 6.4.2 TOWN VEHICLE ACCIDENT REPORT/INFORMATION – PROVIDED BY MAYOR’S OFFICE

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

Mr. Miron disseminated a list entitled “Third party damage claims history involving town vehicles”, from July 1, 2007 to June 30, 2008 and “First party damage claims history involving town vehicles”. Council members requested additional information to be included in the next report.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO RETURN THE FOREGOING ITEM TO THE TABLE. THE MOTION PASSED UNANIMOUSLY.

#### SELECTION OF NEW SITE FOR ANIMAL CONTROL FACILITY OR OVERRIDE PLANNING COMMISSION’S RECOMMENDATION RE: § 8-24 REVIEW

A MOTION WAS MADE BY MR. DEMPSEY SECONDED BY MR. O’NEAL TO SELECT SITE #2 FOR THE PROPOSED ANIMAL CONTROL FACILITY. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO REFER THE ABOVE MENTIONED SELECTION TO THE PLANNING COMMISSION FOR A MANDATORY REVIEW PURSUANT TO § 8-24 OF THE CONN. GEN. STATS. THE MOTION PASSED UNANIMOUSLY.

- 6.4.3 SUMMER SHAKESPEARE FESTIVAL – FINAL ACCOUNTING — tabled during Council meeting of December 8, 2008.

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

ITEM WILL BE PLACED ON SPECIAL COUNCIL MEETING AGENDA. A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. KUBIC TO RETURN THE FOREGOING ITEM TO THE TABLE. THE MOTION PASSED UNANIMOUSLY.

- 6.4.4 TRANSFER OF FUNDS FROM BUNNELL FIELD PROJECT — Placed on the table during Special Council meeting of December 15, 2008. — ACTION NOT TAKEN.

6.5 TABLED ORDINANCES AND RESOLUTIONS6.5.1 ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD (#07-06) —  
tabled during Council Meeting of March 12, 2007

Sponsored by: Hon. Michael Julian, 1<sup>st</sup> 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.

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. O'NEAL TO REMOVE THE FOREGOING ORDINANCE FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. DEMPSEY TO APPROVE THE FOREGOING ORDINANCE FOR FINAL PASSAGE WITH THE RECOMMENDATIONS OF THE PLANNING COMMISSION.

*Stratford Town Council meeting recessed: 10:07 p.m.*

*Stratford Town Council meeting reconvened: 10:16 p.m.*

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 AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING ~~\$10,890,000~~ \$11,040,000 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2008-2009 (#08-12) — REMAINED ON THE TABLE.6.5.3 AN ORDINANCE AMENDING AN ORDINANCE AUTHORIZING THE ISSUANCE OF ~~\$10,890,000~~ \$11,040,000 BONDS OF THE TOWN TO MEET THE APPROPRIATION FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2008-2009 AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#08-13) — REMAINED ON THE TABLE.6.6 TABLED APPOINTMENTS — All remained on the Table.

## **7. ORDINANCES AND RESOLUTIONS**

### **7.1 AN ORDINANCE AMENDING ORDINANCE (#01-20) FOR FLAGMEN AND SAFETY OFFICERS ON CERTAIN STREETS UNDER CONSTRUCTION OR REPAIR (#09-01)**

sponsored by: Hon. Michael Henrick, 10<sup>th</sup> 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 12-13*)

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

### **7.2 AN ORDINANCE CREATING AN ANIMAL CONTROL COMMISSION (#09-02)**

sponsored by: Hon. Emma Brook, 4<sup>th</sup> 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 10-11*)

A MOTION WAS MADE BY MS. BROOKS SECONDED BY MR. FORRESTER TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED UNANIMOUSLY.

## **8. NEW BUSINESS**

### **8.1 BUNNELL FIELD**

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. FORRESTER TO STRIKE THE FOREGOING ITEM FROM THE AGENDA. THE MOTION PASSED UNANIMOUSLY.

### **8.2 APPOINTMENTS**

8.2.1 **ASSESSMENT APPEALS, BOARD OF – REGULAR MEMBER** — 4-year term, appointed by Council per § 5-77

RESOLVED: that DOUGLAS ZIMAN of 585 HILLTOP DRIVE be and is hereby appointed a member of the Board of Assessment Appeals. (term of Douglas Ziman expired Dec. 31, 2008)

APPOINTMENTS — continued

A MOTION WAS MADE BY MR. MOORE SECONDED BY MR. FORRESTER TO REAPPOINT DOUGLAS ZIMAN TO THE FOREGOING BOARD. THE MOTION PASSED UNANIMOUSLY.

8.2.2 LIBRARY ASSOCIATION — 3-year term, appointed by Council

A. RESOLVED: that THOMAS HALL of 35 COACH HOUSE ROAD be and is hereby appointed a member of the Stratford Library Association. (term of Thomas Hall expired Dec. 31, 2008)

B. RESOLVED: that ROBERT SMITH of 179 WOOSTER AVENUE be and is hereby appointed a member of the Stratford Library Association. (term of Robert Smith expired Dec. 31, 2008)

C. RESOLVED: that SUSAN FENNEL of 82d RIVERBEND ROAD be and is hereby appointed a member of the Stratford Library Association. (term of Susan Fennell expired Dec. 31, 2008)

D. RESOLVED: that JOHN HUTCHINSON of 135 TORSEY DRIVE be and is hereby appointed a member of the Stratford Library Association. (term of John Hutchinson expired Dec. 31, 2008)

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. O’NEAL TO REAPPOINT THOMAS HALL TO FOREGOING POSITION A, ROBERT SMITH TO FOREGOING POSITION B., SUSAN FENNEL TO FOREGOING POSITION C., AND JOHN HUTCHINSON TO FOREGOING POSITION D. THE MOTION PASSED UNANIMOUSLY.

8.2.3 PLANNING COMMISSION, ALTERNATE MEMBER — 3-year term appointed by Council

RESOLVED: that CHRISTOPHER W. WALKER of 70 UNITY DRIVE be and is hereby appointed an alternate member of the Planning Commission. (term of Howard Johnson expires January 2009)

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. JULIAN TO NOMINATE CHRISTOPHER WALKER TO THE FOREGOING COMMISSION. A MOTION WAS MADE BY MR. O’NEAL SECONDED BY MS. BROOKS TO NOMINATE HOWARD JOHNSON TO THE FOREGOING COMMISSION. MR. WALKER’S NOMINATION PASSED WITH 5 IN FAVOR VIA ROLL CALL VOTE AS FOLLOWS: MR. JULIAN — WALKER, MR. O’NEAL — JOHNSON, MR. FORRESTER — JOHNSON, MS. BROOKS — JOHNSON, MR. DEMPSEY — WALKER, MS. WANAMAKER — JOHNSON, MR. STROOMER — ABSENT, MR. MOORE — WALKER, MR. KUBIC — WALKER, MR. HENRICK — WALKER.

8.2.4 ZONING COMMISSION, ALTERNATE MEMBER — 3-year term appointed by Council

RESOLVED: that THOMAS MALLOY of 80 SEKELSKY DRIVE be and is hereby appointed an alternate member of the Zoning Commission. (term of Michael Buckmir expires January 2009)

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. JULIAN TO APPOINT THOMAS MALLOY TO THE FOREGOING COMMISSION. THE MOTION PASSED UNANIMOUSLY.

8.2.5 BOARD OF ZONING APPEALS, ALTERNATE MEMBER — 3-year term appointed by Council

RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed an alternate member of the Board of Zoning Appeals. (term of Michael Reekie expires January 2009)

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

**9. OLD BUSINESS**

9.1 STRATFORD BRAKETTETS

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O'NEAL TO STRIKE THE FOREGOING ITEM FROM THE AGENDA. THE MOTION PASSED UNANIMOUSLY.

*Stratford Town Council meeting recessed: 10:20 p.m.*

*Stratford Town Council meeting reconvened: 10:30 p.m.*

ACTION FROM EXECUTIVE SESSION

4.3.2 NATIONWIDE MUTUAL V. TOWN OF STRATFORD

4.3.3 NATIONWIDE MUTUAL V. TOWN OF STRATFORD

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. DEMPSEY TO ACCEPT THE TOWN ATTORNEY'S RECOMMENDATION IN CONNECTION WITH THE TWO FOREGOING CASES. THE MOTION PASSED UNANIMOUSLY.

6.3 CLAIM OF JAMES FEEHAN — referred to Town Attorney after Council executive session of December 8, 2008.

A MOTION WAS MADE BY MR. MOORE SECONDED BY MR. DEMPSEY TO DENY THE FOREGOING CLAIM. THE MOTION PASSED UNANIMOUSLY.

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. DEMPSEY, IT WAS VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:35 P.M.

ATTESTED BY:

*Carol Cabral*

Carol Cabral, Council Clerk

AN ORDINANCE CREATING AN ANIMAL CONTROL COMMISSION (#09-02)

Sponsored by: Hon. Emma Brooks, 4th District Council Member

## ARTICLE XVIII — Animal Control Commission

§ 593. — Mission statement.

To provide vision, public policy development, and recommendations to the Mayor and Town Council in order to meet the present and future needs of the Town of Stratford's animal care services. The Animal Control Commission (hereinafter "Commission") will inform and educate the Mayor, the Town Council and the public regarding animal control and animal welfare issues in the Town. The Animal Control Commission shall monitor the Town of Stratford's animal control facilities and compliance with all town and state laws governing its operation.

§ 594. — Membership; appointments; terms of office; alternates.

A. The Commission shall be composed of a total of nine (9) members - two (2) members of the Town Council and seven (7) members appointed by the Mayor - according to the following provisions:

1. One member who is a licensed Connecticut veterinarian;
2. The Police Chief or the Police Chief's designee;
3. The board chair of an animal advocacy group with its principal location in the Town of Stratford, or said chair's designee, or, if there is no such board chair willing and able to serve, the board chair of the nearest regional animal advocacy group, or said chair's designee;
4. Four electors of the Town of Stratford who have demonstrated experience as animal welfare professionals or volunteers in the field; and
5. Two members shall be appointed from the Town Council as follows: the Council Member representing the Council District in which the Town's primary Animal Control Facility is located; and another Council Member from a political party other than that of the Council Member representing the Council District in which the Town's primary Animal Control Facility is located. Their terms shall run concurrently with their term of office.

B. Two alternate members meeting any of the qualifications listed in subparagraphs 1 through 4 above shall also be appointed by Mayor. Such alternate members may attend and participate in the meetings of the Commission, but may only vote when fewer than nine (9) Commission members are present. Alternate members shall participate every other meeting in cases where only one (1) Commission member is absent.

C. Members and alternate members appointed by the Mayor shall serve for consecutive three (3) year terms the first of which shall commence on the first day of the month after the effective date of this ordinance.

§595. — Authority and responsibility.

The Animal Control Commission is charged with:

A. Making recommendations to the Mayor and the Town Council as to necessary ordinances, regulations, procedures and policies concerning the care, treatment and control of animals in the Town, including, but not limited to:

1. Generating and providing strategies designed to ensure quality, humane care for all animals housed at any municipal animal control facility within the Town;
2. Making recommendations to the Mayor and Town Council relating to necessary changes in the Town Code regarding the care, treatment and control of animals in the Town;
3. Recommending protocols for handling overcrowding and alternative methods of animal housing during times when the Town's animal control facilities exceed recommended occupancy;
4. Reporting animal abuse or neglect to the Mayor, Town Council and Police Department so that appropriate action may be taken; and
5. Recommending a screening and adoption programs that allow for a happy and healthy home for adopted animals.

B. Reviewing the finances, facilities and operations of the Animal Control Division of the Police Department, including, but not limited to:

1. Disbursements from the Dog Fund, Animal Control Fund and/or equivalent funds of the Town;
2. Record keeping and compliance with state laws; and
3. Capital improvement, maintenance and repair requirements for the Town's animal control facilities.

C. Maintaining and improving the Town's public and animal relations, including but not limited to:

1. Serving as a liaison to the Mayor, the Town Council, and Police Chief on behalf of animal advocacy groups and the general community in matters related to the Town's animal control services;
2. Educating the community regarding the humane treatment of animals and other matters related to the Town's animal-care responsibilities;
3. Increasing awareness of the importance of spaying/neutering animals as a preventative measure for the control of the stray animal population in the Town;
4. Recommending a spay/neuter policy for the animals in the care of the Town's animal control facilities;
5. Providing a forum for public discussion of the Town's efforts to bring about positive change and improvements at the Town's animal control facilities; and
6. Increasing awareness of animals available for adoption at the Town's animal control facilities.

FLAGMAN (#09-01)

186-55 WHEN WORK IS TO BE DONE TO OPEN A ROADBED, EXCAVATE, CONSTRUCT, DIG, OR DO ANY OTHER MAJOR WORK SUCH AS SEWER, PIPES, CABLE OR OTHER UNDERGROUND WORK AND THE WORK IS BEING DONE ON STREETS DEEMED "HIGH TRAFFIC" UNDER THIS ARTICLE, SUCH STREETS BEING LISTED § [186-61](#), ENTITLED "HIGH-TRAFFIC ROADS, THE CONTRACTOR, SHALL PROVIDE TRAFFIC CONTROL OFFICERS WHOSE SOLE PURPOSE IS TO ~~Flagmen, police officers, safety officers or other public safety personnel must be present to~~ direct traffic at certain road ~~THE traffic sites. under certain conditions. These conditions are as follows:~~

~~A.~~

~~When work is to be done to open a roadbed, excavate, construct, dig, or do any other major work such as sewer, pipes, cable or other underground work; and~~

~~B.~~

~~When the work is being done on streets deemed "high traffic" under this article, such streets being listed § [186-61](#), entitled "High traffic roads."~~

186-56 Whenever work as described in § [186-55](#) above is being done on high-traffic roads, the Town of Stratford Public Works must be given 48 hours' notice before such work begins. Such notice must include details of work to be done, number of TRAFFIC ~~safety~~ CONTROL officers required, estimated time table of project, and the name, title, and phone number of contact person. THE PERMITTEE IS UNDER NO OBLIGATION TO USE THE SERVICES OF ANY STRATFORD EMPLOYEE AS A TRAFFIC CONTROL OFFICER. IF THE PERMITTEE SO CHOOSES, THE PERMITTEE MAY HIRE AN OFF DUTY STRATFORD POLICE OFFICER OR OFFICERS TO SERVE AS SAID TRAFFIC CONTROL OFFICER, HOWEVER, IN THE EVENT THAT AN OFF DUTY STRATFORD POLICE OFFICER OR OFFICERS ACCEPT SAID POSITION, THE PERMITTEE SHALL RETAIN THE OFF DUTY POLICE OFFICER OR OFFICERS AS AN EMPLOYEE OF THE PERMITTEE FOR THE TIME PERIOD IN WHICH THE OFF DUTY POLICE OFFICER OR OFFICERS IS WORKING AS A TRAFFIC CONTROL OFFICER. EMPLOYMENT OF THE OFF DUTY POLICE OFFICER SHALL NOT IMPACT THE POLICE OFFICER'S EMPLOYMENT STATUS WITH THE TOWN OF STRATFORD. ~~Further, the Stratford Police Department shall be first to be requested for such traffic duty; and only if the Police Department declines, to provide such traffic officers may the permittee hire private traffic or safety officers.~~

FLAGMAN (#09-01) — continued

186-57 Any time a traffic control officer is required under the terms of this article, a drive-through or passageway shall be maintained at all times of construction such that emergency vehicles may pass through or arrive at the construction area

186-58 The costs of the traffic control ~~and safety~~ officers required under this article shall at all times be borne by the permittee, i.e., the entity or persons doing the road work. THE COST OF THE TRAFFIC CONTROL OFFICER SHALL BE PAID BY THE PERMITTEE DIRECTLY TO THE TRAFFIC CONTROL OFFICER. THE TOWN OF STRATFORD SHALL NOT BE RESPONSIBLE FOR THE DIRECT PAYMENT OF ANY WAGE, SALARY, FEE, EXPENSE, OR COST OF ANY TRAFFIC CONTROL OFFICER. THE PERMITTEE SHALL ENSURE THAT ALL TRAFFIC CONTROL OFFICERS ARE COVERED AND INCLUDED ON AND WITHIN THE PERMITTEE'S WORKER COMPENSATION INSURANCE AND LIABILITY INSURANCE. THE TOWN OF STRATFORD SHALL BEAR NO RESPONSIBILITY IN THE EVENT THE TRAFFIC CONTROL OFFICER IS INJURED WHILE PERFORMING SUCH DUTIES. NO PERSON WORKING AS A TRAFFIC CONTROL OFFICER SHALL, AT ANY TIME DURING SAID WORK, BE CONSIDERED AN EMPLOYEE OF THE TOWN OF STRATFORD.

186-59 During an emergency situation (such as power outages, flooding, or snowstorm), when it is not possible to give forty-eight-hour notice, utility companies may use their own employees as flagmen or safety officers until the Stratford Police Department or other flagmen arrive.

186-60 Failure to comply with this article's requirements automatically voids the permit to do road work and, after notice to the permittee, will result in an assessment of a fine of \$100 per day for each day work is done without a valid permit.

186-61 High-traffic roads are as follows: Access Road, Barnum Avenue, Barnum Terrace, Birdseye Street, Boston Avenue, Broadbridge Avenue, Bruce Avenue, Canaan Road, Connors Lane, East Broadway, East Main Street, Elm Street, Ferry Boulevard, Freeman Avenue, Hawley Lane, Henry Avenue, Huntington Road, James Farm Road, Knowlton Street, Longbrook Avenue, Lordship Boulevard, Main Street, Main Street Putney, Moffitt Street, Nichols Avenue, Oronoque Lane, Patterson Avenue, Prospect Drive, Second Hill Lane, Sedgewick Avenue, Silver Lane, Stonybrook Road, Stratford Avenue, Stratford Road, Success Avenue, Surf Avenue, Tavern Rock Road, Wakelee Avenue, Warner Hill Road, West Broad Street, Wilcoxson Avenue, and Woodend Road, North Avenue, Honeyspot Road, Cutspring Road and such other roads that the Chief of Police may designate from time to time.