



Stratford, Connecticut

MINUTES OF MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON MONDAY, AUGUST 10, 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, 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, Town Attorney Richard Buturla

INVOCATION PRESENTED BY THIRD DISTRICT COUNCIL MEMBER GAVIN B. FORRESTER FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

1. APPROVAL OF MINUTES — Minutes of: Public Forum and Regularly scheduled meeting and executive session of July 13 and special meeting of July 27, 2009.

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. DEMPSEY TO APPROVE THE FOREGOING MINUTES. THE MOTION PASSED UNANIMOUSLY.

2. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM

Mr. Forrester — re: Ordinance Committee Public hearing

Mr. Stroomer — re: appearance of Paradise Green

Mr. Moore — re: appearance of Paradise Green

Mr. Henrick — re: Town Council's high Ethical Behavior

3. COMMUNICATIONS

3.1 FROM: Greater Bridgeport Regional Planning Agency DATED: Aug. 3, 2009
RE: Action by Sept. 30, 2009 on Board appointments (letter previously forwarded)
PARAPHRASED: to adjust all terms of all Board Members throughout the region to expire Sept. 30 in order to be consistent.

RESOLVED: that the terms of office of Stratford’s representatives to the Greater Bridgeport Regional Planning Agency be and are hereby extended to September 30.

3.2 FROM: Planning Commission DATED: August 4, 2009
RE: Section 8-24 review Pirhala Farm (letter previously forwarded)
PARAPHRASED: The Commission voted to approve of the agreement between the Town and the Soundkeeper as long as the Board of Education has access to and reasonable use of the Farm.

RESOLVED: that the recommendation of the Planning Commission be and is hereby accepted.

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. STROOMER TO ACCEPT THE TWO FOREGOING COMMUNICATIONS (3.1 AND 3.2). THE MOTION PASSED UNANIMOUSLY.

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

4.1 MAYOR’S REPORT

4.1.1 Resolution authorizing regional Asthma Program grant

WHEREAS, the *Connecticut Department of Public Health* has made funding available to the *Stratford Health Department* to lead a regional education initiative; and,

WHEREAS, funding will be used by the Stratford Health Department to educate day care providers about childhood asthma; and,

WHEREAS, it is both desirable and in the public interest to execute a grant agreement with the *Connecticut Department of Public Health* in an amount not to exceed \$51,789;

NOW THEREFORE, BE IT RESOLVED BY THE Town Council:

1. That it is cognizant of the Town’s contract with the *Connecticut Department of Public Health* for funds to operate a regional asthma education program; and,

MAYOR’S REPORT — continued

Resolution authorizing Regional Asthma Program grant — continued

2. That it hereby authorizes, directs and empowers the mayor or his designee to execute and file such application with the *Connecticut Department of Public Health*, to provide such additional information and to execute such other contracts and documents as maybe necessary under this program.

A MOTION WAS MADE BY MR. O’NEAL SECONDED BY MR. JULIAN TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

4.1.2 Resolution authorizing School Dental Health grant

WHEREAS, The *Town of Stratford-Stratford Health Department* has been awarded a grant from the *CT Department of Social Services-Dental Improvements Initiative* to expand and improve oral health services for Stratford school-aged children, including restorative and preventative treatment offered in the *Stratford Health Department’s* dental clinics and dental screenings in the elementary schools; and,

WHEREAS, the grant is being administered and funded by the *CT Department of Social Services in an amount not to exceed \$40,371.05* and there is no cash match required; and,

WHEREAS, it is both desirable and in the public interest to execute a grant agreement between the *Town of Stratford* and the *CT Department of Social Services* and to accept funding in connection with this project.

NOW THEREFORE, BE IT RESOLVED BY THE Town Council:

1. That it is cognizant of the Town’s contract with the *Department of Social Services* for funds *in an amount not to exceed \$40,371.05* for dental services to school-aged children; and,
2. That it hereby authorizes, directs and empowers the mayor or his designee to execute and file such application on behalf of the *Town of Stratford*, with the *CT Department of Social Services* for the funding of the *Stratford Health Department’s* oral health services, and to provide such additional information to execute all other contracts and documents as maybe necessary under this program.

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

4.1.3 Monthly Personnel Report for Period Ending July 31, 2009 — Report disseminated.

WAIVER OF COUNCIL RULES OF ORDER

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. DEMPSEY TO WAIVE THE COUNCIL RULES OF ORDER TO ADD THE ITEM: “CLAIM OF JOSIE CICERALE” OF 1565 ELM STREET FOR THE AMOUNT OF \$811.85. THE MOTION PASSED UNANIMOUSLY.

CLAIM OF: JOSIE CICERALE, 1565 Elm Street, AMOUNT OF: \$811.85
Damage to vehicle when Police Officer J. LoSchiavo crashed his patrol car into her vehicle.
Estimated \$800.00 and \$11.85 for copy of accident report.

RESOLVED: that the claim of Josie Cicerale for the amount of \$811.85 be and is hereby granted.

A MOTION WAS MADE BY MR. DEMPSEY SECONDED BY MR. FORRESTER TO APPROVE THE FOREGOING CLAIM. THE MOTION PASSED UNANIMOUSLY. Mr. Buturla stated that a release from the claimant is necessary.

4.2 COMMITTEE REPORTS

4.2.1 ORDINANCE COMMITTEE — The Ordinance Committee conducted a public hearing and a regularly scheduled meeting on July 27 with the following referred to Council without recommendation:

A. 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

First reading: October 14, 2008 Public hearing: October 28, 2008

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 11-26)

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

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. O’NEAL TO AMEND THE FOREGOING ORDINANCE BY DELETING AT § 5-26 A., LINE ITEMS a., b., c., d., e., f., g., and h. THAT FOLLOW THE NUMBER 1. THE MOTION TO AMEND PASSED UNANIMOUSLY.

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

MR. JULIAN OFFERED A FRIENDLY AMENDMENT TO INCLUDE AN EFFECTIVE DATE OF JANUARY 1, 2010.

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. FORRESTER TO FURTHER AMEND THE FOREGOING ORDINANCE AT § 5-26 C. GIFTS, 4., c. Anything of value of \$50.00 \$150.00.... THE MOTION PASSED UNANIMOUSLY.

MR. JULIAN WITHDRAWS THE FRIENDLY AMENDMENT THAT SPECIFIES THE EFFECTIVE DATE OF JANUARY 1, 2010.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. MOORE TO PLACE THE FOREGOING ORDINANCE ON THE TABLE. THE MOTION PASSED WITH 7 IN FAVOR AND 2, MR. KUBIC AND MS. WANAMAKER, OPPOSED.

B. GREENWAY IMPROVEMENT ORDINANCE (#09-16)

Sponsored by: Stratford Town Council

First Reading: April 13, 2009

Public hearing: April 27, 2009

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

C. AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$10,890,000 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2008-2009. (#09-20)

Sponsored by: The Stratford Town Council

First reading: June 8, 2009

Public hearing: June 22, 2009

D. AN ORDINANCE AMENDING AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$10,890,000 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 (#09-21)

Sponsored by: The Stratford Town Council

First reading: June 8, 2009

Public hearing: June 22, 2009

COMMITTEE REPORTS — continued

ORDINANCE COMMITTEE — continued

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O’NEAL TO STRIKE THE FOREGOING TWO ORDINANCES (C. AND D.) FROM THE AGENDA. THE MOTION PASSED WITH 8 IN FAVOR AND ONE, MS. WANAMAKER, OPPOSED.

E. AMENDMENT TO AN ORDINANCE REGARDING AUTOMATIC EXTERNAL DEFIBRILLATORS (#09-26)

Sponsored by: Hon. Michael Henrick – Tenth District Council Member

First reading: July 13, 2009

Public hearing: July 27, 2009

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 27-30)*

A MOTION WAS MADE BY MR. STROOMER SECONDED BY MR. JULIAN TO APPROVE THE FOREGOING ORDINANCE FOR FINAL PASSAGE. THE MOTION PASSED WITH 8 IN FAVOR A ONE OPPOSED 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 — NO, MR. HENRICK — YES.

4.3 TOWN ATTORNEY'S REPORT — No Report.

4.3.2 QUESTIONS TO THE TOWN ATTORNEY

5. QUESTIONS TO MAYOR OR STAFF

Mr. Julian — re: unspent/unused Veterans’ Tax Relief funds

Mr. O’Neal — re: the Fire that took the lives of a mother and her son.

Mr. Forrester — re: Agreement with the Brakettes

Ms. Wanamaker — re: sidewalk on Woodcrest, Blighted foreclosed homes.

Mr. Moore — re: RFP and RFQ process, cash accounts

6. UNFINISHED BUSINESS

6.2 TABLED ITEMS

6.2.1 CLAIM REFERRED FROM FINANCE AND CLAIMS COMMITTEE MEEETING WITH NO RECOMMENDATION — (tabled during Council meeting of September 8, 2008)

Claim of USAA ASO D. Kleber D/I 03/12/08 Amount of: **\$2,851.58**

Description: seeking reimbursement for damage to insured's vehicle, which was struck by a police vehicle. Both vehicles had been stopped for a school bus, when officer made sudden left turn from right lane and struck insured's vehicle, which had started to go.

RESOLVED: that the recommendation of the Finance and Claims Committee is accepted and the claim of USAA ASO D. Kleber for an amount not to exceed \$2,851.58 be and is hereby approved/denied.

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. FORRESTER TO REMOVE THE FOREGOING ITEM FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. Mr. Buturla stated that no new information is available. A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. FORRESTER TO RETURN THE FOREGOING ITEM TO THE TABLE. THE MOTION PASSED UNANIMOUSLY.

6.2.2 TOWN VEHICLE ACCIDENT REPORT/INFORMATION – PROVIDED BY MAYOR'S OFFICE

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. FORRESTER TO REMOVE THE FOREGOING ITEM FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. Mr. Miron stated that the report would be available soon. A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. FORRESTER TO RETURN THE FOREGOING ITEM TO THE TABLE. THE MOTION PASSED UNANIMOUSLY.

6.2.3 SHAKESPEARE THEATER ASSESSMENT REPORT

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

6.2.4 PARKS AND RECREATION COMMITTEE referred the following item to Council during their regularly scheduled meeting in March 2009 — TABLED DURING COUNCIL MEETING OF APRIL 13, 2009.

The Recreation Department is recommending the following fee increase to assist in offsetting budget increases. Fees would take effect March 2009:

1. Playground Program fee will increase from \$5 per participant to \$25 per week or \$100 per participant for the summer. The anticipated revenue is \$40,000.

UNFINISHED BUSINESS — continued

TABLED ITEMS — continued

PARKS AND RECREATION — continued

2. Increase Swim Lesson fees from \$25 for half hour lessons to \$30 and from \$30 for hour lessons to \$35. The anticipated revenue is \$6,000.
3. Increase Open Swims from \$1 for youth to \$2 and from \$2 for adults to \$3. The anticipated revenue is \$1,000.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. STROOMER TO REMOVE THE FOREGOING ITEM FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO AMEND THE DATE OF THE FOREGOING ITEM FROM 2009 TO 2010. THE MOTION TO AMEND WAS WITHDRAWN. A MOTION WAS MADE BY MR. O’NEAL SECONDED BY MR. STROOMER TO STRIKE THE FOREGOING ITEM FROM THE AGENDA. THE MOTION PASSED UNANIMOUSLY.

6.2.5 MEADOWMERE SEWERS — referred from Water Pollution Control Authority for further investigation during meeting of March 2009: TABLED DURING COUNCIL MEETING OF APRIL 13, 2009.

This project is substantially complete. Current cost summary and potential assessment is provided below. During the original public hearing for this project a possible cost range of \$30-35,000 per homeowner was put forth. Ultimately, the WPCA will set the assessment amount, pay back period and interest rate.

Surplus construction	\$124,080.16
Police	\$44,689.68
Miscellaneous	\$200.00
TOTAL PROJECT COST	For 4 units - \$168,969.84 Unit assessment - \$42,242

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO REMOVE THE FOREGOING ITEM FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. FORRESTER TO SEE THAT \$44,689 FOR POLICE IS NOT PAID FROM THE WPCA BUDGET. THE MOTION PASSED WITH 6 IN FAVOR AND 3 OPPOSED.

6.2.6 PROCESS OF ADDRESSING ORDINANCES THAT FAIL TO GET MOVED BACK TO COUNCIL — referral from Ordinance Committee meeting of March 23, 2009 —Mr. Forrester, Chairman of the Committee, recommended that Council undertake this issue. *Council Rules of Order* was suggested. TABLED DURING COUNCIL MEETING OF MAY 11, 2009.

PROCESS OF ADDRESSING ORDINANCES — continued

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO REMOVE THE FOREGOING ITEM FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. Mr. Forrester, Chairman of the Ordinance Committee, recommended that the next Council address the issue in the *Council Rules of Order*. A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO STRIKE THE FOREGOING ITEM FROM THE AGENDA. THE MOTION PASSED UNANIMOUSLY.

6.2.7 INCORPORATE LOT 55 INTO ROOSEVELT FOREST: .83 ACRES — referral from Roosevelt Forest Commission meeting of April 15, 2009 with favorable recommendation. — TABLED DURING COUNCIL MEETING OF MAY 11, 2009.

Councilor Kubic stated that a map of the acreage will be available through the Commission’s Chairman, Mr. Marcone. A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. FORRESTER TO REMOVE THE FOREGOING ITEM FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. FORRESTER TO REFER THE FOREGOING INCORPORATION TO THE PLANNING COMMISSION FOR A MANDATORY REVIEW PURSUANT TO § 8-24 OF THE CONN. GEN. STATS. THE MOTION PASSED UNANIMOUSLY.

6.3 TABLED ORDINANCES AND RESOLUTION — All ordinances and resolutions remained on the table.

6.4 TABLED APPOINTMENTS — All appointments remained on the table.

7. ORDINANCES AND RESOLUTIONS — None.

8. NEW BUSINESS

8.1 APPOINTMENTS

8.1.1 GREATER BRIDGEPORT REGIONAL PLANNING AGENCY — 2-YEAR TERM, appointed by Council

RESOLVED: that JOSEPH A. VECSEY of 488B COMMANCHE LANE be and is hereby appointed a member of the Greater Bridgeport Regional Planning Agency (term of Laura Hoydick expires May 2010) — resignation of 7/27/09

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. FORRESTER TO APPOINT JOSEPH A. VECSEY OF 488B COMMANCHE LANE TO THE FOREGOING POSITION. THE MOTION PASSED UNANIMOUSLY.

9. OLD BUSINESS

9.1 REVIEW/DISCUSSION ITEM — list of outstanding building and facilities maintenance tasks re: Board of Education as forwarded from the Building Needs Committee. (List appended as pages 45-53) — updated and forwarded Aug. 3, 2009. — NO ACTION TAKEN.

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. KUBIC, SECONDED BY MR. FORRESTER, IT WAS VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:35 P.M.

ATTESTED BY:

Carol Cabral

Carol Cabral, Council Clerk

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~~ \$150.00 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 of 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.

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

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.

* amended during Ordinance Committee Meeting of July 27, 2009.

An Ordinance Regarding Automatic External Defibrillators (#09-26)

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.

Ordinance #09-26 — 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. 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.

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.

Ordinance #09-26 — continued

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.

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.

Ordinance #09-26 — continued

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~~ January 2010 for those facilities identified in Section 2 (D); 2(F) and 2 (G).

B. This ordinance shall become effective ~~July 1, 2009~~ July 2010 for those facilities identified in Section 2 (C); and 2 (E).