



Stratford, Connecticut

MINUTES OF MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON MONDAY, SEPTEMBER 14, 2009 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT PURSUANT TO NOTICE DULY POSTED.

CALL TO ORDER: 8:03 p.m.

PRESIDING: Council Chairman Michael Henrick

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

COUNCIL MEMBERS ABSENT: Mr. John Dempsey

OTHERS IN ATTENDANCE: Mayor James Miron, Town Attorney Richard Buturla, CAO Suzanne McCauley, Finance Director John Norko, Public Works Director Maurice McCarthy, Town Engineer John Casey

INVOCATION PRESENTED BY FOURTH DISTRICT COUNCIL MEMBER EMMA BROOKS FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

1. APPROVAL OF MINUTES — Minutes of: Public Forum and Regularly scheduled meeting of August 10 and special meeting of August 24, 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. KUBIC SECONDED BY MR. STROOMER TO APPROVE THE FOREGOING MINUTES. THE MOTION PASSED UNANIMOUSLY.

2. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM

Mr. Henrick — re: Stratford High School heating system.

3. COMMUNICATIONS — None.

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

4.1 MAYOR'S REPORT

4.1.1 Title III Older Americans Act funding for Senior Programs through the Southwestern CT Agency of Aging

WHEREAS the *Southwestern CT Agency on Aging (SWCAA)* awards grants and contracts to community agencies through funding received from Title III of the Federal Older Americans Act and matching State of Connecticut funds; and,

WHEREAS funded programs provide supportive services to persons aged 60 and older; and,

WHEREAS, it is both desirable and in the public interest to execute grant agreements with the *Southwestern CT Agency on Aging* for three Title III contracts in amounts not to exceed \$14,075 for the Town's Senior Transportation Program; \$18,766 for the Town's Elderly Outreach Program; and \$30,000 for the Town's Family Caregiver Support Program.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:

1. That it is cognizant of the Town's contracts with the *Southwestern CT Agency on Aging* for funds to operate senior transportation, outreach and family caregiver support programs; and,
2. That it hereby authorizes, directs and empowers the mayor or his designee to execute and file such application with the *Southwestern CT Agency on Aging*, 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. FORRESTER SECONDED BY MR. O'NEAL TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

4.1.2 Resolution authorizing Public Health Emergency Response Program for H1N1 through the Southwestern CT Agency on Aging

WHEREAS, the *Connecticut Department of Public Health*, is authorized and has made funds available to extend financial assistance to municipalities in the form of grants; and,

MAYOR'S REPORT — continued

Public Health Emergency Response Program for H1N1 — continued

WHEREAS, funds under this grant will be used to implement a community level **Public Health Emergency Response program** in preparation for H1N1 vaccine receipt, storage and distribution in Stratford, Trumbull, and Monroe; and,

WHEREAS, it is both desirable and in the public interest that the Town of Stratford execute a grant agreement with **Connecticut Department of Public Health** in an amount not to exceed \$200,000 in connection with this project.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:

1. That it is cognizant of the Town grant application to and contract with the **Connecticut Department of Public Health** for funds in an amount not to exceed \$ 200,000 to implement a community level **PHER H1N1** program in Stratford, Trumbull and Monroe.
2. That it hereby authorizes, directs and empowers the mayor or his designee to execute and deliver such application in the name and on behalf of the Town of Stratford, with **Connecticut Department of Public Health** for a **PHER** project, and to provide such additional information to execute all other phases, contracts and documents as maybe necessary under this program.

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

4.1.3 Resolution authorizing Obesity Reduction Grant Program through the Connecticut Dept. of Public Health

WHEREAS, the **Connecticut Department of Public Health** is authorized and has made funds available to extend financial assistance to municipalities in the form of grants; and,

WHEREAS, funds under this grant will be used to implement a community level **Obesity Reduction Program** in Stratford; and,

WHEREAS, it is both desirable and in the public interest that the **Town of Stratford** execute a grant agreement with **Connecticut Department of Public Health** in an amount not to exceed \$6,884 in connection with this program.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:

Obesity Reduction Grant Program — continued

1. That it is cognizant of the Town of Stratford grant application and contract to the **Connecticut Department of Public Health** in an amount not to exceed \$6,884 to implement a community level Obesity Reduction Program in Stratford.
2. That it hereby authorizes, directs and empowers the mayor or his designee to execute and deliver such application in the name and on behalf of the Town of Stratford, with **Connecticut Department of Public Health** for an **Obesity Reduction Program**, 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. FORRESTER SECONDED BY MR. O'NEAL TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

4.1.4 Resolution authorizing Public Health Preparedness Program through the Connecticut Dept. of Public Health

WHEREAS, the **Connecticut Department of Public Health**, is authorized and has made funds available to extend financial assistance to municipalities in the form of grants; and,

WHEREAS, funds under this grant will be used to implement a **Town of Stratford Public Health Emergency Preparedness Plan**, the development of regional emergency preparedness plans, and the continued development of the MRC team for Mass Dispensing Area 12 (Stratford, Trumbull, Monroe); and,

WHEREAS, it is both desirable and in the public interest that the Town of Stratford execute a grant agreement with **Connecticut Department of Public Health** in an amount not to exceed \$63,647.00 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 of Stratford grant application and contract to the **Connecticut Department of Public Health** for funds in an amount not to exceed \$63,647 to implement a community level **Public Health Emergency Preparedness Plan** and for the development of regional emergency preparedness plans.
2. That it hereby authorizes, directs and empowers the mayor or his designee to execute and deliver such application in the name and on behalf of the Town of Stratford, with **Connecticut Department of Public Health** for a **Public Health Emergency Preparedness Plan** and the development of regional emergency preparedness plans, and to provide such additional information to execute all other contracts and documents as maybe necessary under this program.

MAYOR'S REPORT — continuedPublic Health Preparedness Program — continued

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

4.1.5 Resolution authorizing Stop Underage Drinking Program through the Connecticut Dept. of Public Health

WHEREAS, the *Connecticut Department of Mental Health and Addiction Services* is authorized and has made funds available to extend financial assistance to municipalities in the form of grants; and,

WHEREAS, funds under this grant will be used to implement a community level *Stop Underage Drinking Program* in Stratford; and,

WHEREAS, it is both desirable and in the public interest that the Town of Stratford execute a grant agreement with *Connecticut Department of Mental Health and Addiction Services*, in an amount not to exceed \$60,140 in connection with this project.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:

1. That it is cognizant of the Town grant application and contract to the *Connecticut Department of Mental Health and Addiction Services* for funds in an amount not to exceed \$60,140 to implement a community level *Stop Underage Drinking Program* in Stratford.
2. That it hereby authorizes, directs and empowers the mayor or his designee to execute and deliver such application in the name and on behalf of the Town of Stratford, with *Connecticut Department of Mental Health and Addiction Services* for a *Stop Underage Drinking Program* project, and to provide such additional information to execute all other phases, contracts and documents as maybe necessary under this program.

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

4.1.6 Resolution authorizing Housatonic River Greenway Bicycle/Pedestrian Trail-American Recovery and Reinvestment Act of 2009 funding

WHEREAS, the *CT Department of Transportation* is authorized to extend financial assistance to municipalities in the form of grants using funds from the American *Recovery and Reinvestment Act of 2009*; and

MAYOR'S REPORT — continuedHousatonic River Greenway Bicycle/Pedestrian Trail — continued

WHEREAS, the *Town of Stratford* has been awarded a grant from the *CT Department of Transportation* in an amount not to exceed \$692,200 for the purpose of construction activities related to the Housatonic River Greenway Bicycle/Pedestrian Trail; and

WHEREAS, it is desirable and in the public interest that the Town of Stratford, enter into a construction agreement with the *CT Department of Transportation* for the *Construction, Inspection and Maintenance of Housatonic River Greenway Bicycle/Pedestrian Trail utilizing Federal Funds under the American Recovery and Reinvestment Act of 2009 Public Law 111-5*

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:

1. That it is cognizant of the Town's application and subsequent contract with the *CT Department of Transportation* for funding in connection with the *Construction, Inspection and Maintenance of Housatonic River Greenway Bicycle/Pedestrian Trail utilizing Federal Funds under the American Recovery and Reinvestment Act of 2009 Public Law 111-5* in an amount not to exceed \$692,200; and,
2. That it hereby authorizes, directs and empowers the Mayor or his designee to execute and file such application with the *CT Department of Transportation*, to provide such additional information, to implement the program once the award is secured, and to execute such other contracts and documents as maybe necessary under this program.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. STROOMER TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED WITH 8 IN FAVOR AND 1, MR. HENRICK, OPPOSED.

4.1.7 Emergency Purchase request from Fire Dept. for Portable Radios and Turn Out Gear — Mayor Miron reported on the request.

4.1.8 Bid Tabulation Results for Animal Control Facility Bid Number 2009-064— Ms. McCauley presented a brief tabulation status report. Questions were posed to her and Mr. Casey.

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

MAYOR’S REPORT — continued

4.1.9 Award of Sidewalk Repair Bid Contract 2009-05 (bid No 2003-061) to lowest responsible bidder Resource Services, LLC

RESOLVED: that the bids of Resource Services LLC and G. Pic & Sons Construction Co. be accepted and the Mayor be and is hereby authorized to execute a contract with Resources Services LLC and G. Pic & Sons Construction Co. on the basis of their bids submitted for the performance of said work in accordance with the specifications prepared by the Engineering Department, and subject to the inspection and approval of the Town Engineer and Director of Public Works.

MR. JULIAN RECUSES HIMSELF DUE TO A CONFLICT OF INTEREST. A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. STROOMER TO APPROVE THE FOREGOING CONTRACT AS STATED ABOVE. THE MOTION PASSED 8 TO 0 WITH 1, MR. JULIAN, ABSTENTION.

4.1.10 Monthly Personnel report for period ending August 31, 2009 — Mr. Miron distributed the report.

4.2 COMMITTEE REPORTS

4.2.1 ORDINANCE COMMITTEE

4.2.1.1 The Ordinance Committee conducted a regularly scheduled meeting on August 27 with the following referred to Council without recommendation:

- A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$~~15,762,000~~ 12,060,700 BONDS OF THE TOWN TO MEET THE APPROPRIATION FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2009-2010 AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#09-22)

First reading: June 8, 2008

Public hearing: June 22, 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. (*Amended Ordinance appended as pages 35-37*)

COMMITTEE REPORTS — continued

ORDINANCE COMMITTEE — continued

#09-22 — continued

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. FORRESTER TO APPROVE THE FOREGOING ORDINANCE FOR FINAL PASSAGE AS AMENDED TO \$12,060,700. THE MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE AS FOLLOWS: MR. JULIAN — YES, MR. O’NEAL — YES, MR. FORRESTER — YES, MS. BROOKS — YES, MR. DEMPSEY — ABSENT, MS. WANAMAKER — YES, MR. STROOMER — YES, MR. MOORE — YES, MR. KUBIC — YES, MR. HENRICK — YES.

B. AN ORDINANCE APPROPRIATING ~~\$15,762,000~~ 12,060,700 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2009-2010. (#09-23)

First reading: June 8, 2008

Public hearing: June 22, 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 38-40)

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. JULIAN TO AMEND THE FOREGOING ORDINANCE AS FOLLOWS: *(NOT included in this motion)

<u>Town Facilities</u>	<u>Town Bond</u>	<u>Proposed</u>	<u>Variance</u>
Boothe Park Improvements	\$ 50,000	\$ 50,000	\$ -
Animal Control Facility	\$ 1,325,000	\$ 1,325,000	
Parking Lot Resurfacing	\$ 100,000	\$ -	\$ 100,000
Police HVAC System	\$ 150,000	\$ -	\$ 150,000
Police Asbestos Abatement	\$ 200,000	\$ -	\$ 200,000
*Police Locker Room Refurbishment	\$ 50,000	\$ 50,000	\$ -
Police Renovation EMS Space	\$ 250,000	\$ -	\$ 250,000
Police General Building Renovations	\$ 50,000	\$ -	\$ 50,000
Stand By Generator: Police Station	\$ 200,000	\$ -	\$ 200,000
Library HVAC Upgrade	\$ 390,000	\$ 390,000	\$ -
Perry House Historic Addition	\$ 65,000	\$ 65,000	\$ -
			\$ -
<u>Roads and Sewers</u>			\$ -
Road Resurfacing	\$ 500,000	\$ 500,000	\$ -
Road Reconstruction	\$ 500,000	\$ 500,000	\$ -
Pine Tree Trail	\$ 400,000	\$ -	\$ 400,000

Barnum Avenue Streetscape	\$ 1,500,000	\$ 1,500,000	\$ -
Whippoorwill Lane Bridge Replacement	\$ 500,000	\$ 500,000	\$ -
California St Condo Channel	\$ 500,000	\$ 500,000	\$ -
Bruce Brook Improvement @ Sage	\$ 1,500,000		\$ 1,500,000
Manor Hill Road Drainage	\$ 125,000	\$ 125,000	\$ -
Bridge Evaluation Study	\$ 100,000	\$ 100,000	\$ -
FiberOptic Transmission Lines	\$ 500,000	\$ 500,000	\$ -

Parks & Recreation

Skate Park Upgrades	\$ 18,000	\$ -	\$ 18,000
Playground Renovations	\$ 100,000	\$ 50,000	\$ 50,000
New Tennis Courts BHS and FMS	\$ 300,000	\$ 150,000	\$ 150,000
New Playground Equipment	\$ 225,000	\$ 125,000	\$ 100,000
Restoration/Improvements Penders	\$ 550,000	\$ 550,000	\$ -
King Street Field - SHS	\$ 100,000	\$ -	\$ 100,000
Resurface Parking Lot @ Short Beach	\$ 100,000	\$ -	\$ 100,000
Picnic Pavilion @ Short Beach	\$ 100,000	\$ 100,000	\$ -
Irrigation @ Short Beach Admin Bldg	\$ 10,000	\$ 10,000	\$ -
Directions Signs @ Short Beach	\$ 10,000	\$ -	\$ 10,000
Paint Interior at Short Beach Concession	\$ 15,000	\$ -	\$ 15,000
Paint Garage Doors at Short Beach	\$ 10,000		\$ 10,000
*Birdseye/Stratford Acad Field	\$ 650,000	\$ 300,000	\$ 350,000
Second Hill Lane Basketball Court	\$ -	\$ 25,000	\$ (25,000)

Capital Equipment

Payloader	\$ 165,000	\$ 165,000	\$ -
Recycling Truck	\$ 175,000	\$ 175,000	\$ -
Log Truck	\$ 130,000		\$ 130,000
Pumper Replacement	\$ 650,000	\$ 350,000	\$ 300,000
Fire Boat	\$ 250,000		\$ 250,000

Municipal Bonding Total	\$12,513,000	\$ 8,105,000	\$ 4,408,000
			\$ -

Board of Education	Town Bond	Proposed	Variance
Technology Infrastructure	\$ 320,000	\$ 500,000	\$ 180,000
School Building Repairs	\$ -	\$ 135,000	\$ 135,000
SHS = Library Retrofit	\$ 450,000	\$ 450,000	\$ -
BHS Science Lab Retrofit	\$ 50,000	\$ 600,000	\$ 550,000
Elevator Code Compliance/Replacement	\$ 100,000	\$ 100,000	\$ -
NIC Lavatory ADA Replacement	\$ 17,000	\$ 17,000	\$ -
LOR Elementary HVAC	\$ 15,000	\$ 15,000	\$ -
Various Masonry Replacements	\$ 375,000	\$ 375,000	\$ -
SHS Science Lab Retrofit	\$ 50,000	\$ 150,000	\$ 100,000
Flooring Replacement Various Schools	\$ 550,000	\$ 550,000	\$ -

BHS - Window/Exterior Panel Replacement	\$ 50,000	\$ 50,000	\$ -
FRA - Window Replacement	\$ 350,000	\$ 350,000	\$ -
Window Replacement Various Schools	\$ 222,000	\$ 267,000	\$ 45,000
BHS - Room HVAC	\$ 200,000	\$ 200,000	\$ -
SHS - HVAC	\$ 500,000	\$ -	\$ (500,000)
Sidewalk Curb replacement	\$ -	\$ 35,000	\$ 35,000
Various Doors and Hardware	\$ -	\$ 137,200	\$ 137,200
FRA - Gate and Rails	\$ -	\$ 9,500	\$ 9,500
NIC - Ceiling Tiles	\$ -	\$ 15,000	\$ 15,000
Total	\$ 3,249,000	\$ 3,955,700	\$ 706,700

	Category	BOE Proposed
Building Education Enhancements	Enhance	\$ 9,335,000
Safety Issues	Safety	\$ 863,700
Window Replacements and Repairs	Windows	\$ 667,000
Heating & Ventilation Issues	HVAC	\$ 715,000
Routine Building Repair/Maintenance	Routine	\$ 375,000
Originally Requested		\$11,955,700
Previous Bonded Honeyspot		\$ (7,500,000)
BOE Adjusted Requested		\$ 4,455,700

Total Bonding \$12,060,700

A MOTION WAS MADE BY MS. WANAMAKER SECONDED BY MS. BROOKS TO FURTHER AMEND THE FOREGOING ORDINANCE BY ADDING POLICE LOCKER ROOM REFURBISHMENT FOR \$50,000, KING STREET FIELD/SHS FOR \$100,000 AND BIRDSEYE/STRATFORD ACAD. FIELD RENOVATIONS FOR \$650,000. MS. WANAMAKER’S AMENDMENT FAILED.

*Stratford Town Council meeting recessed: 9:25 p.m.
Stratford Town Council meeting reconvened: 9:40 p.m.*

MR. JULIAN OFFERED A FRIENDLY AMENDMENT TO ADD: POLICE LOCKER ROOM REFURBISHMENT FOR \$50,000 AND BIRDSEYE/STRATFORD ACAD. FIELD RENOVATIONS FOR \$300,000. *(included in list above) MR. FORRESTER ACCEPTS MR. JULIAN’S FRIENDLY AMENDMENT. MS. WANAMAKER OFFERED A FRIENDLY AMENDMENT TO INCLUDE KING STREET FIELD/SHS FOR \$100,000. MESSRS. JULIAN AND FORRESTER DID NOT ACCEPT HER FRIENDLY AMENDMENT. THE MOTION TO APPROVE AS AMENDED FOR ~~\$15,762,000~~ 12,060,700, AS ITEMIZED ABOVE, PASSED WITH 7 IN FAVOR AND 2 OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. JULIAN — YES, MR. O’NEAL — YES, MR. FORRESTER — YES, MS. BROOKS — YES, MR. DEMPSEY — ABSENT, MS. WANAMAKER — NO, MR. STROOMER — YES, MR. MOORE — YES, MR. KUBIC — NO, MR. HENRICK — YES.

COMMITTEE REPORTS — continuedORDINANCE COMMITTEE — continued

4.2.1.2 At a special Ordinance Committee meeting of September 14, 2009, which followed a Public Hearing, the following was referred:

- A. POST-CONSTRUCTION STORMWATER ORDINANCE — TOWN OF STRATFORD (#05-32) *(As revised) Ordinance as amended printed on pages 41-59*

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

Mr. Buturla read a few non-substantive changes to the foregoing ordinance:

- 2, subparagraph 34 b. second sentence should read “in case of dispute,” final determination of the applicable...
- 3.4 – redevelopment – site’s impervious area; or ~~here~~ where conditions
- 3.5 Variance – request for variance shall be provided to the responsible ~~Authority~~ official
- 4.2 C. last sentence ...Responsible ~~Authority~~ Official
- 12.0 – Penalties – add at end of first sentence: Or as otherwise provided by state law.
- 13.0 – Effective date be deemed July 1, 2010

- B. ILLICIT DISCHARGE AND ILLEGAL CONNECTION ORDINANCE — TOWN OF STRATFORD (#05-33) *(As revised)*

- C. MODIFICATIONS OF THE STRATFORD TOWN CODE TO BE CONSISTENT WITH THE CT DEP PHASE II GENERAL PERMIT PROGRAM. (#05-34) *(As revised)*

A MOTION WAS MADE BY MR. STROOMER SECONDED BY MR. FORRESTER TO PLACE THE FOREGOING THREE ORDINANCES (#05-32, #05-33, #05-34) ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

- D. REPEAL OF AMENDMENT TOWN CODE ART. III — HORSESHOE CRABS (#09-24)

RESOLVED: that the foregoing ordinance (#09-24) be and is hereby repealed and the previous Ordinance (adopted 7-10-1989, 175-9 through 175-11) be and is hereby reinstated.

COMMITTEE REPORTS — continued

ORDINANCE COMMITTEE — continued

HORSESHOE CRABS (#09-24) — continued

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. O’NEAL TO REPEAL THE FOREGOING ORDINANCE AND REINSTATE THE PREVIOUS HORSESHOE CRAB ORDINANCE (adopted 7-10-1989, 175-9 through 175-11). THE MOTION PASSED WITH 6 IN FAVOR AND 3 OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. JULIAN — NO, MR. O’NEAL — YES, MR. FORRESTER — NO, MS. BROOKS — YES, MR. DEMPSEY — ABSENT, MS. WANAMAKER — YES, MR. STROOMER — YES, MR. MOORE — NO, MR. KUBIC — YES, MR. HENRICK — YES.

CODE ARTICLE III - HORSESHOE CRABS AS REINSTATED

§ 175-9. Removal prohibited

No person shall remove live horseshoe crabs from any Town beach, recreational area or the waters adjacent to such areas for commercial purpose.

§ 175-10. Violations and penalties

Any person who violates any provision of this article shall be fined no less than \$25 and no more than \$100 or imprisoned for not more than 15 days, or both.

§ 175-11. Enforcement

The Town of Stratford may enforce the provisions of this article by injunction to prevent the harvest of live horseshoe crabs.

E. ORDINANCE re: ARTICLE IV – ETHICS CODE (#08-09)

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. (*Amended Ordinance appended as pages 17-31*)

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

- A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. FORRESTER TO AMEND THE ORDINANCE BY STRIKING 5-27C AND THE DEFINITION OF GIFTS. THE MOTION TO AMEND PASSED WITH 8 IN FAVOR AND 1, MS. BROOKS, OPPOSED.

COMMITTEE REPORTS — continued

ORDINANCE COMMITTEE — continued

ORDINANCE re: ARTICLE IV – ETHICS CODE (#08-09)

- A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO FURTHER AMEND THE FOREGOING ORDINANCE BY STRIKING REST OF SENTENCE AFTER WORD “INSPECTION” AT § 5-29 AND NUMBERS 3., 4., 5., AND 6. THAT FOLLOW AND STRIKE ANY REFERENCE IN THE DOCUMENT TO “DISCLOSURE”. THE MOTION PASSED WITH 8 IN FAVOR AND 1, MS. BROOKS, OPPOSED.
- MR. O’NEAL OFFERED A FRIENDLY AMENDMENT TO § 5-30 A. 11. ADD: ...SHALL CONSTITUTE A RESIGNATION “WHICH MUST BE ACCEPTED BY THE TOWN COUNCIL”. MR. O’NEAL’S FRIENDLY AMENDED WAS ACCEPTED.

THE MOTION TO APPROVE THE FOREGOING ORDINANCE AS AMENDED FAILED WITH 5 IN FAVOR AND 4 OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. JULIAN — YES, MR. O’NEAL — NO, MR. FORRESTER — YES, MS. BROOKS — NO, MR. DEMPSEY — ABSENT, MS. WANAMAKER — NO, MR. STROOMER — YES, MR. MOORE — NO, MR. KUBIC — YES, MR. HENRICK — YES.

4.2.2 FINANCE AND CLAIMS COMMITTEE — The Finance and Claims Committee did not conduct the regularly scheduled meeting of August 17, 2009 but did conduct a special meeting on August 24, 2009 with the following referred to Council with favorable recommendation:

CLAIM OF: A-1 Auto AMOUNT: \$18,823.26 D/I: 06/06/09
SUMMARY: Patrol vehicle lost control and drove into used car lot, damaging four of the vehicles.

RESOLVED: that the recommendation of the Finance and Claims Committee is accepted and the Claim of A-1 Auto for the amount of \$18,823.26 be and is hereby granted/denied.

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

4.2.25 EMS FUNDING COMMITTEE — This committee’s regularly scheduled meeting of August 18, 2009 was conducted with the following referral to Council:

- Purchase of 4 additional Laptop Computers - \$12,000

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. MOORE TO APPROVE THE FOREGOING PURCHASE. THE MOTION PASSED UNANIMOUSLY.

4.3 TOWN ATTORNEY'S REPORT

4.3.1 AIRPORT PURCHASE — continuing item. No business furnished.

4.3.2 ALBERTSON PROPERTY, BEAVER DAM ROAD — Mr. Buturla distributed a Memo to all Council members re: Albertson Property with excerpted portion of Minutes of Council Meeting of May 9, 2005 which authorizes application for state Open Space funds, map of said property, summary of salient factors and conclusions and approval memo from Planning Commission dated August 26, 2009.

RESOLVED: that the acquisition of the Albertson Property, Beaver Dam Road (1.978 acres) as shown on map, be and is hereby approved.

A MOTION WAS MADE BY MS. BROOKS SECONDED BY MR. FORRESTER TO APPROVE THE FOREGOING ACQUISITION. THE MOTION PASSED UNANIMOUSLY.

4.3.3 QUESTIONS TO THE TOWN ATTORNEY

Mr. Forrester — re: Tax ID for Brakettes

Ms. Brooks — re: possible criminal activity on Honeyspot Road

5. QUESTIONS TO MAYOR OR STAFF — Questions were addressed to Ms. McCauley in the absence of Mr. Miron.

Mr. Julian — re: requests for bids and other cost data and other information for West Broad Street project.

Mr. Kubic — re: Status of Revaluation of Real Estate. Mr. Kubic also requested this item on the next Council Agenda.

Mr. Moore — re: Dead trees on Warner Hill Rd: 2 requests (Nov. 18 and July 2) were sent to the Mayor for removal of trees. The dead trees have not been removed, yet trees on Paradise Green that were not dead were removed. Intent to remove trees from Paradise Green area was not posted.

Mr. Forrester — re: Automated Phone calls

Mr. Henrick — re: Storm drain at Meadowbrook and Brookbend

6. UNFINISHED BUSINESS

6.3 TABLED ORDINANCES AND RESOLUTIONS

6.3.1 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

UNFINISHED BUSINESS — continued

ORDINANCE #07-06 — continued

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. (*Amended Ordinance appended as pages 32-34*)

A MOTION WAS MADE BY JULIAN SECONDED BY MR. FORRESTER TO REMOVE THE FOREGOING ORDINANCE FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. FORRESTER TO APPROVE THE FOREGOING ORDINANCE AS AMENDED. Discussion of amendments took place. THE MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE AS FOLLOWS: MR. JULIAN — YES, MR. O’NEAL — YES, MR. FORRESTER — YES, MS. BROOKS — YES, MR. DEMPSEY — ABSENT, MS. WANAMAKER — YES, MR. STROOMER — YES, MR. MOORE — YES, MR. KUBIC — YES, MR. HENRICK — YES.

6.4 TABLED APPOINTMENTS — All Tabled appointments remained on the table.

Stratford Town Council meeting recessed: 11:04 p.m.
Stratford Town Council meeting reconvened: 11:10 p.m.

7. ORDINANCES AND RESOLUTIONS — None.

RECONSIDERATION OF ACTION RE: PREVIOUS QUESTION 4.2.1.2 E. ORDINANCE #08-09

A MOTION WAS MADE BY MR. MOORE SECONDED BY MR. FORRESTER TO RECONSIDER THE ABOVE-CITED PREVIOUS QUESTION. THE MOTION PASSED WITH 6 IN FAVOR AND 3 OPPOSED.

ORDINANCE #08-09 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. (*Amended Ordinance — pages 17-31*)

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. FORRESTER TO APPROVE THE FOREGOING ORDINANCE (#08-09) FOR FINAL PASSAGE. THE MOTION PASSED WITH 6 IN FAVOR AND 3 OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. JULIAN — YES, MR. O’NEAL — NO, MR. FORRESTER — YES, MS. BROOKS — NO, MR. DEMPSEY — ABSENT, MS. WANAMAKER — NO, MR. STROOMER — YES, MR. MOORE — YES, MR. KUBIC — YES, MR. HENRICK — YES.

8. NEW BUSINESS

8.1 JUSTIN LoSCHIAVO ACCIDENT COST TO TOWN — DISCUSSION ITEM

Ms. McCauley will gather and disseminate requested information to Council Members.

8.2 APPOINTMENTS — None.

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.

Ms. McCauley is currently addressing the items with Board of Education personnel Mr. Branyan and Mr. Sweger.

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 TO ADJOURN THE MEETING AT 11:20 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 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.

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.

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. Exception to gifts includes:~~

- ~~a. Anything of value received by the public official or employee from an immediate family member;~~
- ~~b. Anything of value received by the public official, employee, family member as described above (§5-26 C) having an aggregate value of \$150.00 \$50.00 or less during any twelve month period;~~

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

- ~~c. Anything of value of \$150.00 \$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.~~

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.

§ 5-25 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 to promote the best interests of the Town of Stratford.

The purpose of this Ethics Code is:

To establish standards of ethical conduct - specifically those dealing with conflicts between personal interests and those of the town - for town officials and employees;

To provide clear guidance with respect to such standards by clarifying those acts which are allowed and those 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 is enacted pursuant to Section 7-148h of the Connecticut General Statutes and is not intended to authorize any conduct prohibited by that section.

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

§ 5-26 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.

PART A: ETHICS PROVISIONS

§ 5-27 Prohibited activities

§ 5-27 A. Conflict of interest

1. A public official or employee shall 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;~~
- ~~e. Members of his or her immediate family as identified in the 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. 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.

3. Nepotism

- a. No public official or employee shall 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.

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

- 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.

4. 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.

§ 5-27 B. Quid Pro Quo

- 1. No person shall offer to give a public official or employee, 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 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 would be or had been influenced thereby.

§ 5-27 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 member of his or her household is prohibited from accepting or soliciting gifts from any individual or business doing business with or soliciting business from the Town.~~

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

- 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.~~

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 the Town Clerk for determination and donation.

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.

§ 5-27 D. Use of Town Resources

No public official or employee 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.

§5-27 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.

§ 5-27 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.

§ 5-27 G. Disclosure of Actual or Potential Conflict of Interest, Disqualification

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

1. Upon discovery of an actual or potential conflict of interest, a public official or employee 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 or employee 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 §5-27 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.

§ 5-27 H. Political Solicitation

A public official or employee shall 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.

§ 5-27 I. Patronage

No public official or employee shall 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.

§ 5-27 J. 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.

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

§ 5-28. Annual Disclosure

§ 5-28 A. Officials and Employees who are required to file

All public officials and department heads are required to file a signed annual disclosure statement:

§ 5-28 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 position of public official or department head; and no later than May 15 of each year thereafter.
2. Within thirty days after a change in the information contained in his or her most recently filed annual disclosure statement, a public official or department head must file a signed amendment to the statement indicating the change.

§ 5-28 C. Contents of Annual Disclosure Statement

The annual disclosure statement will include:

1. The location of any real property in the Town of Stratford, or within one mile of the boundary of the Town of Stratford, 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 (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

§ 5-29. Duties of the Town Clerk

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, 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;

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

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.~~

§ 5-30. Ethics Commission Establishment; Membership; Terms; Vacancies; Compensation; Legal counsel

§ 5-30 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.
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. In the event of resignation or vacancy, the Mayor will nominate a

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

replacement within 30 days. 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 by a two-thirds vote of the Town Council and the concurment of the Mayor. ~~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, which must be accepted by the Town Council.
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.

§ 5-30 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.

§ 5-30 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 §5-32.3, 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.

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

§ 5-30 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.

§ 5-31. 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.

§ 5-32. Complaint procedures; investigations; hearings

1. Filing a complaint:
 - 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.

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

- 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 four (4) 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, the complainant shall be notified that the case will not continue and the complaint remains confidential. The complainant 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. The complainant 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. The Probable Cause Investigation will proceed in a reasonable time frame.
 - c. 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.
 - d. 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 books, papers, and electronic communication which the Commission deems relevant in any matter under investigation or in question.
 - e. 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.
 - f. Any witness summoned before the Commission shall receive the witness fee paid in the courts of this state.

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

- g. 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.
 - h. 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.

§ 5-33. 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.
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

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

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 §5-32.4 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.

§ 5-34. 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.

§ 5-35. Location of hearings

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

§ 5-36. 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

§ 5-37. 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;
 - 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

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

of the violation, together with costs of collection, interest fees, and attorney's fees expended by the Town.

PART D FEDERAL LAW AND DISTRIBUTION OF THE CODE**§ 5-38. 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.

§ 5-39. Distribution of the Code

The Town Clerk shall cause a copy of this Code to be distributed to every public official and 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.

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.

NOW THEREFORE, The Town Council 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 January. Of the five members first appointed, two appointments shall expire on January 1, 2011, two on January 1, 2012, and one on January 1, 2013. 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 in a related field; 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 2010, 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 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 ten (10) 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 for all commercial applications relating to new construction or renovation of existing or proposed commercial structures must be submitted to the ARB for review and comment prior to a formal submission to any 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 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:

AN ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD — continued

1. The basic design for the proposed uses, buildings or development.
2. The relationship between the buildings and the land.
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.

5. The ARB Authority

The ARB authority is limited to making recommendations to land use boards and town agencies which will evaluate and consider said recommendation as part of its deliberative process in deciding applications before them. The ARB recommendation report shall not override the authority vested in the land use boards and town agencies under state law nor shall it abridge the land use boards and town agencies duty to act in the best interest of the community.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ~~\$15,762,000~~ 12,060,700 BONDS OF THE TOWN TO MEET THE APPROPRIATION FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2009-2010 AND PENDING ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#09-22)

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

Section 1. To meet the appropriation of ~~\$15,762,000~~ 12,060,700 made in the ordinance enacted together herewith for various public improvements in the capital improvement and equipment program for fiscal year ending June 30, 2010 (the "Project"), ~~\$15,762,000~~ 12,060,700 bonds of the Town may be issued maturing not later than the twentieth year after their date (the "Bonds").

Section 2. The Bonds may be issued in one or more series as determined by the Mayor and the Director of Finance. The amount of Bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amounts and timing of State and Federal grants-in-aid for the Project, provided that the total amount of Bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of the Bonds outstanding at the time of the issuance thereof, and to pay for costs of issuance of the Bonds. The Bonds shall be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor and the Director of Finance, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The Bonds shall be general obligations of the Town and each of the Bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such Bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The Town shall levy taxes in each year to meet principal and interest due and payable on the Bonds issued pursuant to this ordinance. The aggregate principal amount of the Bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, the date, time of issue and sale and other terms, details and particulars of such Bonds, including the approval of the rate or rates of interest, shall be determined by the Mayor and the Director of Finance in accordance with the General Statutes of Connecticut, Revision of 1958, as amended (the "Connecticut General Statutes").

The Bonds shall be sold by the Mayor and the Director of Finance in a competitive offering or by negotiation in their discretion. If sold in a competitive offering, the Bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the Bonds and setting forth the terms and conditions of the sale

ORDINANCE (#09-22) — continued

shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the Bonds are sold by negotiation, the provisions of the bond purchase agreement shall be approved by the Mayor and Director of Finance.

Section 3. The Mayor and the Director of Finance are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of the Bonds. Notes evidencing such borrowings shall be signed by the Mayor and the Director of Finance, have the seal of the Town affixed, be payable at a bank or trust company designated by the Mayor and the Director of Finance, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor and the Director of Finance pursuant to Section 7-373 of the Connecticut General Statutes. The Notes shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing, to the extent paid from the proceeds of such renewals or the Bonds, shall be included as a cost of the Project. Upon the sale of the Bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 4. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 5. The Mayor and the Director of Finance are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the Bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

ORDINANCE (#09-22) — continued

Section 6. It is hereby found and determined that the estimated period of utility for the Project is at least twenty years.

Section 7. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

AN ORDINANCE APPROPRIATING ~~\$15,762,000~~ 12,060,700 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2009-2010 (#09-23)

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

Section 1. The sum of ~~\$15,762,000~~ 12,060,700 is hereby appropriated to meet the estimated costs of the public improvements set forth below, as more fully described in the narrative description of such public improvements in the capital improvement and equipment program of the Town for the fiscal year ending June 30, 2010, said appropriation to be inclusive of administrative, financing, legal and costs of issuance related thereto, and any and all State-grants-in aid thereof:

<u>Town Facilities</u>	<u>Town Bond</u>	<u>Proposed</u>	<u>Variance</u>
Boothe Park Improvements	\$ 50,000	\$ 50,000	\$ -
Animal Control Facility	\$ 1,325,000	\$ 1,325,000	
Parking Lot Resurfacing	\$ 100,000	\$ -	\$ 100,000
Police HVAC System	\$ 150,000	\$ -	\$ 150,000
Police Asbestos Abatement	\$ 200,000	\$ -	\$ 200,000
*Police Locker Room Refurbishment	\$ 50,000	\$ 50,000	\$ -
Police Renovation EMS Space	\$ 250,000	\$ -	\$ 250,000
Police General Building Renovations	\$ 50,000	\$ -	\$ 50,000
Stand By Generator: Police Station	\$ 200,000	\$ -	\$ 200,000
Library HVAC Upgrade	\$ 390,000	\$ 390,000	\$ -
Perry House Historic Addition	\$ 65,000	\$ 65,000	\$ -
<u>Roads and Sewers</u>			-
Road Resurfacing	\$ 500,000	\$ 500,000	\$ -
Road Reconstruction	\$ 500,000	\$ 500,000	\$ -
Pine Tree Trail	\$ 400,000	\$ -	\$ 400,000
Barnum Avenue Streetscape	\$ 1,500,000	\$ 1,500,000	\$ -
Whippoorwill Lane Bridge Replacement	\$ 500,000	\$ 500,000	\$ -
California St Condo Channel	\$ 500,000	\$ 500,000	\$ -
Bruce Brook Improvement @ Sage	\$ 1,500,000		\$ 1,500,000
Manor Hill Road Drainage	\$ 125,000	\$ 125,000	\$ -
Bridge Evaluation Study	\$ 100,000	\$ 100,000	\$ -
FiberOptic Transmission Lines	\$ 500,000	\$ 500,000	\$ -
<u>Parks & Recreation</u>			
Skate Park Upgrades	\$ 18,000	\$ -	\$ 18,000
Playground Renovations	\$ 100,000	\$ 50,000	\$ 50,000
New Tennis Courts BHS and FMS	\$ 300,000	\$ 150,000	\$ 150,000

Total	\$ 3,249,000	\$ 3,955,700	\$ 706,700
	Category	BOE Proposed	
Building Education Enhancements	Enhance	\$ 9,335,000	
Safety Issues	Safety	\$ 863,700	
Window Replacements and Repairs	Windows	\$ 667,000	
Heating & Ventilation Issues	HVAC	\$ 715,000	
Routine Building Repair/Maintenance	Routine	\$ 375,000	
Originally Requested		\$11,955,700	
Previous Bonded Honeyspot		\$ (7,500,000)	
BOE Adjusted Requested		\$ 4,455,700	

Total Bonding

\$12,060,700

Section 2. Any of the estimated amounts for the public improvements set forth in Section 1 not required to meet the actual cost of such public improvement may only be transferred by the Town Council to meet the actual cost of any other public improvement set forth in Section 1.

Section 3. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

POST-CONSTRUCTION STORMWATER ORDINANCE — TOWN OF STRATFORD (#05-32)**Table of Contents**

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1.0 PURPOSE AND AUTHORITY

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with post-construction stormwater runoff. Proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land and wetlands, control stream channel erosion, reduce local flooding, improve water quality, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

The provisions of this ordinance are pursuant to Connecticut State Statutes 7-148 (c) (8) (A)¹, 8-2 (a)², 8-25³, and 22a-36 to 22a-45 inclusive⁴, and 8-2(b)⁵ and shall apply to all development

¹ Municipal Powers: The municipality has the power to “Provide for the protection and improvement of the environment including, but not limited to, coastal areas, wetlands and areas adjacent to waterways in a manner not inconsistent with the general statutes.

² Regulations: The zoning commission is authorized to adopt regulations “...to secure safety from ...flood and other dangers; to promote health and the general welfare...”

³ Subdivision of land: Authorizes the zoning commission to see “...that proper provision shall be made for... drainage...” and “that proper provision shall be made for protective flood control measures...”

⁴ The Inland Wetlands and Watercourses Act.

ORDINANCE #05-32

occurring within the incorporated area of the Town of Stratford, Connecticut. The application of this ordinance and provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. The agencies defined in Section 2.0 as the “Responsible Official” shall be responsible for the coordination and enforcement of the provisions of this ordinance.

⁵ “In any municipality that is contiguous to Long Island Sound the regulations adopted under this section shall be made with reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound and shall be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound. Such regulations shall provide that the zoning commission consider the environmental impact on Long Island sound of any proposal for development.”

1.1 Incorporation by Reference

For the purpose of this ordinance, the Connecticut Stormwater Quality Manual (as amended) is incorporated by reference by the Town of Stratford Connecticut and shall serve as the official guide for stormwater principles, methods, and practices.

2.0 DEFINITIONS

A. For the purpose of this ordinance, the following definitions describe the meaning of the terms used in this ordinance:

- (1) "Adverse impact" means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.
- (2) "Agricultural land management practices" means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.
- (3) "Applicant" means any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.
- (4) "Aquifer" means porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.
- (5) "BMP (Best Management Practice)" means a structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.
- (6) "Clearing" means the removal of trees and brush from the land (i.e., removal of vegetative cover) but shall not include the ordinary mowing of grass
- (7) "DEP" means the Connecticut Department of Environmental Protection.
- (8) "Design Manual" means the most current edition of the Connecticut Stormwater Quality Manual that serves as the official guide for the stormwater management principles, methods, and practices.
- (9) "Detention structure" means a permanent structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.
- (10) "Develop land" means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, municipal, or institutional construction or alteration.

- (11) "Direct discharge" means the concentrated release of stormwater to tidal waters or vegetated tidal wetlands from new development or redevelopment projects in the Critical Area.
- (12) "Disturb" or "Disturbance" means any activity consisting of the removal of vegetation, topsoil, or overburden, or the placement of topsoil, spoil, or other material, as defined in the Guidelines.
- (13) "Drainage area" means an area that contributes runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.
- (14) "Easement" means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.
- (15) "Exemption" means those land development activities that are not subject to the stormwater management requirements contained in this ordinance.
- (16) "Extended detention" means a stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events. Methods for designing extended detention BMPs are specified in the Design Manual.
- (17) "Extreme flood volume" means the storage volume required to control those infrequent but large storm events in which overbank flows reach or exceed the boundaries of the 100- year floodplain.
- (18) "Flow attenuation" means prolonging the flow time of runoff to reduce the peak discharge.
- (19) "Grading" means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.
- (20) "Groundwater recharge volume (GRV)" means that portion of the water quality volume used to maintain groundwater recharge rates at development sites. Methods for calculating the groundwater recharge volume are specified in the Design Manual.
- (21) "Guidelines" means the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, or as may be amended, established pursuant to Section 22a-328 of the Connecticut General Statutes.
- (22) "Infiltration" means the passage or movement of water into the soil surface.
- (23) "Off-site stormwater management" means the design and construction of a facility necessary to control stormwater from more than one development.
- (24) "On-site stormwater management" means the design and construction of systems necessary to control stormwater within an immediate development.
- (25) "Peak runoff attenuation" means controlling by structural practices the volume to prevent an increase in the frequency of out of bank flooding generated by development.

ORDINANCE #05-32

- (26) “Primary treatment practice”, as defined in the Design Manual, means a stormwater treatment practice that is capable of providing high levels of water quality treatment as a stand-alone measure.
- (27) “Redevelopment” means any construction, alteration, or improvement exceeding five thousand (5,000) square feet of land disturbance performed on sites where existing land use is commercial, industrial, municipal, institutional or multifamily residential.
- (28) “Responsible Authority” means employees, members, or designees of the Town of Stratford Water Pollution Control Authority. Other responsible agencies under this ordinance include:
- (a) The Inland Wetlands and Watercourses Commission for stormwater runoff impacting wetlands and watercourses. (For the purposes of only this paragraph, the definition of “wetlands” and “watercourse” is the definition used in the most current version of the Inland Wetland and Watercourses regulations of the Town of Stratford).
 - (b) The Engineering Division of the Department of Public Works for stormwater runoff from public roads and sidewalks.
 - (c) The Planning Commission and the Zoning Commission for all other stormwater runoff.
- (29) “Responsible Official” means the Town of Stratford Director of Public Works (“Director”) or his designee.
- (30) "Retention structure" means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.
- (31) “Retrofitting” means the construction of a structural BMP in a previously developed area, the modification of an existing structural BMP, or the implementation of a nonstructural practice to improve water quality over current conditions.
- (32) “Secondary treatment practice”, as defined in the Design Manual, means a stormwater treatment practice that may not be suitable as stand-alone treatment because is not capable of meeting the water quality treatment performance criteria in the Design Manual or has not yet received the thorough evaluation needed to demonstrate the capabilities for meeting the performance criteria in the Design Manual.
- (33) "Sediment" means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.
- (34) "Site" means:
- (a) For “new development” any tract, lot or parcel of land or combination of tracts, lots, or parcels of land, which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

- (b) For “redevelopment” the area of new construction as shown on an approved site plan or the original parcel. In case of dispute, final determination of the applicable area shall be made by the Responsible Authority.
- (35) "Stabilization" means the prevention of soil movement by any of various vegetative and/or structural means.
- (36) "Stormwater management" means the selective use of various management measures to effectively address the adverse water quality and quantity impacts of urban stormwater runoff.
- (37) "Stormwater Management Plan" means a set of drawings or other documents that describe the potential water quality and quantity impacts associated with a development project after construction. A stormwater management plan also identifies selected source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.
- (38) “Stormwater Treatment Practice”, as defined in the Design Manual, means a measure constructed for primary treatment or secondary treatment of stormwater runoff.
- (39) “Stream Channel Protection” means restricting peak flows from storm events that result in flow conditions where the stream is flowing to the full extent of its banks so the damaging effects to the channel of increased runoff from urbanization can be reduced. Methods for calculating stream channel protection are specified in the most current edition of the Design Manual.
- (40) "Variance" means the modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would result in necessary hardship and not fulfill the intent of this ordinance.
- (41) "Waiver" means the relinquishment from stormwater management requirements by the Responsible Authority for a specific development on a case-by-case review basis.
 - (a) “Quality stormwater management waiver” includes water quality volume and groundwater recharge volume design parameters.
 - (b) “Quantity stormwater management waiver” includes stream channel protection, peak runoff attenuation, and extreme flood volume design parameters.

"Watercourse" means any natural or artificial stream, river, brook, lake, pond, marsh, swamp, bog, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, wash, and all other bodies of water, natural or artificial, vernal or intermittent, public or private in and including any adjacent area that is subject to inundation from overflow or flood water.

- 42) Watershed” means the total drainage area contributing runoff to a single point.
- 43) “Water quality volume” means the volume of runoff generated by one inch of rainfall on the site.

3.0 APPLICABILITY

3.1 Scope

No person shall develop land for residential, commercial, industrial, municipal, or institutional uses without having provided stormwater management measures that control or manage runoff from such development, except as provided within this section. The stormwater management measures must be designed consistent with the Design Manual and constructed according to an approved plan for new development or the policies stated in Section 3.4 for redevelopment.

3.2 Exemptions

The following development activities are exempt from the provisions of this ordinance and the requirements of providing stormwater management, except as noted:

- A. Development of single family residential property that results in the disturbance of less than one (1) acre of land, not including projects less than one (1) acre that are part of a larger common plan of development or sale that will ultimately disturb greater or equal to one (1) acre must conform to the requirements presented in Section 4.4.
- B. Agricultural land management practices;
- C. Any activity that will disturb an area less than five thousand (5,000) square feet over the total project;
- D. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- E. Repair or replacement of an existing roof of a single family dwelling;
- F. Construction of utilities (gas, water, electric, telephone, sanitary sewer, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns;
- G. Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Responsible Authority.

3.3 Waivers / Watershed Management Plans

A. Stormwater management quantity control waivers may be granted by the Responsible Authority to projects when the Responsible Authority determines that circumstances exist that prevent the reasonable implementation of quantity control practices.

B. Stormwater management quality control waivers granted by the Responsible Authority apply to:

(1) In-fill development projects where implementation of stormwater management quality controls is not feasible;

(2) Redevelopment projects if the requirements of Section 3.4 of this ordinance are satisfied; or

(3) Sites where the Responsible Authority determines that circumstances exist that prevent or make unnecessary the reasonable implementation of quality control practices.

C. Waivers must be requested in writing one week in advance of the regular meeting of the Water Pollution Control Authority in a manner prescribed by the Director of Public Works.

D. Waivers granted must:

- (1) Be on a case-by-case basis;
- (2) Consider the cumulative effects of the waiver policy; and
- (3) Reasonably ensure the development will not adversely impact stream quality.

3.4 Redevelopment

A. All redevelopment projects shall reflect an effort to reduce existing site impervious area. Where site conditions prevent the reduction of impervious area, then stormwater management practices shall be implemented to provide quality control for at least 20% of the site's impervious area; or ~~here~~ where conditions prevent impervious area reduction or on-site stormwater management, the Responsible Official may consider practical alternatives including:

- (1) Watershed or stream restoration;
- (2) Improving the existing stormwater management system;
- (3) Other practices approved by Responsible Official.

(The elements and principles of stormwater quality control are noted in the Design Manual.)

3.5 Variance

The Responsible Authority may grant a written variance from any requirement of Section 4.0 (Stormwater Management Criteria), of this ordinance if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and not fulfill the intent of this ordinance. A written request for variance shall be provided to the Responsible ~~Authority~~ Official and shall state the specific variances sought and reasons for their granting. The Responsible ~~Authority~~ Official shall not grant a variance unless and until the person developing land provides sufficient justification.

4.0 STORMWATER MANAGEMENT CRITERIA

4.1 Minimum Control Requirements

- A. The minimum control criteria established in this section and the Design Manual are as follows:
- (1) Shall require that the groundwater recharge volume, water quality volume, and peak runoff attenuation for the 2-year frequency storm event be used to design BMPs according to the Design Manual. Control of the 10-year frequency storm event is required according to the Design Manual. Control of larger storm events may be required at the discretion of the Responsible Authority if a flooding problem exists

and downstream floodplain development and conveyance system design cannot be controlled.

- (2) Shall require that the groundwater recharge volume, water quality volume, and stream channel protection sizing criteria be used to design BMPs according to the Design Manual.
 - (3) The Responsible Authority may require more than the minimum control requirements specified in this ordinance if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or water quality problems exist downstream from a proposed project.
- B. Stormwater management and development plans where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the DEP.

4.2 Stormwater Management Measures

The structural and nonstructural stormwater management measures established in this ordinance shall be used, either alone or in a combination, in developing a stormwater management plan.

A. Nonstructural Stormwater Management Measures.

- (1) The following nonstructural stormwater management practices shall be applied according to the Design Manual to minimize increases in new development runoff:
 - (a) Natural area conservation;
 - (b) Disconnection of rooftop runoff;
 - (c) Disconnection of non-rooftop runoff;
 - (d) Sheet flow to buffers;
 - (e) Grass channels; and
 - (f) Environmentally sensitive development and Low Impact Development (LID) practices;
- (2) The use of nonstructural stormwater management practices shall be encouraged to minimize the reliance on structural BMPs.
- (3) The minimum control requirements listed in Section 4.1 of this ordinance may be reduced when nonstructural stormwater management practices are incorporated into site designs according to the Design Manual.
- (4) The use of nonstructural stormwater management practices may not conflict with existing State or local laws, ordinances, or policies.
- (5) Nonstructural stormwater management practices used to reduce the minimum control requirements must be recorded and remain unaltered by subsequent property owners. Prior approval from the Responsible Authority shall be obtained before nonstructural stormwater practices are altered.

B. Structural Stormwater Management Measures.

- (1) The following structural stormwater management practices or “Stormwater Treatment Practices” shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in Section 4.1 of this ordinance.
 - (a) Primary Treatment Practices, including stormwater ponds, stormwater wetlands, stormwater infiltration practices, stormwater filtering practices, and water quality swales.
 - (b) Combination of primary treatment practices and secondary treatment practices.
 - (c) Multiple secondary treatment practices, at the discretion of the Responsible Authority.
- (2) The performance criteria specified in the Design Manual with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance shall be considered when selecting structural stormwater management practices.
- (3) Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic regions of the state.

C. Alternative structural and nonstructural stormwater management practices may be used for new development water quality control if they meet the performance criteria established in the Design Manual. Practices used for redevelopment projects shall be approved by the Responsible Authority Official.

D. For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit at the request of the Responsible Authority an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted stream flow. The point of investigation is to be established with the concurrence of the Responsible Authority.

4.3 Specific Design Criteria

The basic design criteria, methodologies, and construction specifications, subject to the approval of the Responsible Authority, shall be those of the Design Manual.

4.4 Single Family Residence Lot Level Controls

Construction of single family residences that results in the disturbance of less than 1 acre of land must minimize or disconnect impervious area runoff from the public storm drainage system by implementing stormwater management measures designed in accordance with the Design Manual.

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The applicant shall submit evidence on a form prescribed by the Responsible Official that the requirements of Section 4.4 have been met prior to issuance of a building permit.

5.0 STORMWATER MANAGEMENT PLANS**5.1 Review and Approval of Stormwater Management Plans**

- A. For any development subject to this ordinance, the developer shall submit a stormwater management plan or waiver application to the Responsible Official or his designee for review and approval, unless otherwise exempted. The stormwater management plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire development. The Responsible Official or his designee shall review the plan to determine compliance with the requirements of this ordinance prior to approval. The plan shall serve as the basis for all subsequent construction.
- B. Notification of approval or reasons for disapproval or modification shall be given to the applicant within sixty-five (65) days after submission of the completed stormwater plan, unless otherwise extended by agreement. If a decision is not made within sixty-five (65) days, the applicant shall be informed of the status of the review process and the anticipated completion date. The stormwater management plan shall not be considered approved without the inclusion of the signature and date of signature of the Responsible Official or his designee on the plan.

5.2 Contents of the Stormwater Management Plan

- A. The developer is responsible for submitting a stormwater management plan that meets the design requirements of this ordinance. The plan shall be accompanied by a report that includes sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. An engineer licensed in Connecticut shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. If a stormwater management plan involves direction of some or all runoff off of the site, it is the responsibility of the developer to obtain from adjacent property owners any easements or necessary property interests concerning flowage of water. Approval of a stormwater management plan does not create or affect any right to direct runoff onto adjacent property without that property owner's permission.

The minimum information submitted for support of a stormwater management plan or application for a waiver shall be as follows:

- B. Reports submitted for stormwater management plan approval shall include:
 - (1) A brief narrative description of the project;

- (2) Geotechnical investigations including soil maps, borings, site-specific recommendations, and any additional information necessary for the proposed stormwater management design;
 - (3) Descriptions of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater directly flows;
 - (4) Hydrologic computations, including drainage area maps depicting pre development and post development runoff flow path segmentation and land use that demonstrate compliance with Section 4.0 of this ordinance;
 - (5) Hydraulic computations;
 - (6) Structural computations;
 - (7) Hydrologic sizing criteria computations according to the Design Manual; and
 - (8) Any other information required by the Responsible Official.
- C. Construction drawings submitted for stormwater management plan approval shall include the following:
- (1) A vicinity map;
 - (2) Topography survey showing existing and proposed contours, including the area necessary to determine downstream analysis for proposed stormwater management facilities;
 - (3) Any proposed improvements including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;
 - (4) The location of existing and proposed structures and utilities;
 - (5) Any easements and rights-of-way;
 - (6) The delineation, if applicable, of the 100-year floodplain and any on-site wetlands;
 - (7) Structural and construction details for all components of the proposed drainage system or systems, and stormwater management facilities.
 - (8) All necessary construction specifications;
 - (9) A sequence of construction;
 - (10) Data for total site area, disturbed area, new impervious area, and total impervious area;
 - (11) A table showing the hydrologic sizing criteria volumes described in the Design Manual;
 - (12) A table of materials to be used for stormwater management facility planting;
 - (13) All soil boring logs and locations;
 - (14) A maintenance schedule;

- (15) Certification by a Connecticut certified engineer that all stormwater management construction will be done according to this plan;
- (16) An as-built certification signature block to be executed after project completion; and
- (17) Any other information required by the Responsible Official.

5.3 Preparation of the Stormwater Management Plan

- A. A professional engineer licensed in the State shall design and prepare a stormwater management plan as necessary to protect the public and the environment.
- B. If a stormwater treatment practice requires either a dam safety permit from DEP or approval from the Inland Wetlands and Watercourses Agency, the Responsible Official shall require that a professional engineer licensed in the State prepare the design.

6.0 PERMITS

6.1 Permit Requirement

A building permit may not be issued for any parcel or lot unless a stormwater management plan has been approved or waived by the Responsible Official or waived by the Responsible Authority as meeting all the requirements of this ordinance. Where appropriate, a building permit may not be issued without:

- A. Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;
- B. A recorded stormwater management maintenance agreement;
- C. A cash bond; and
- D. Permission from adjacent property owners as necessary.

6.2 Permit Fee

A non-refundable permit fee will be collected at the time the stormwater management plan or application for waiver is submitted. The permit fee will provide for the cost of plan review, administration, and management of the permitting process, and inspections by the Responsible Official of all projects subject to this ordinance. A permit fee schedule shall be established by the Responsible Authority based upon the relative complexity of the project and may be amended from time to time.

6.3 Permit Suspension and Revocation

Any building permit issued by the Responsible Official or waived by the Responsible Authority may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

- A. Any violation(s) of the conditions of the stormwater management plan approval.
- B. Changes in site runoff characteristics upon which an approval or waiver was granted.
- C. Construction is not in accordance with the approved plan.

- D. Noncompliance with correction notice(s) or stop work order(s) issued for the construction of the stormwater management facility.
- E. An immediate danger exists in a downstream area in the opinion of the Responsible Authority.

6.4 Permit Conditions

In granting the plan approval, the Responsible Official or the Responsible Authority may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this ordinance and the preservation of the public health and safety.

7.0 CASH BOND

The Responsible Official or the Responsible Authority shall require from the developer a cash bond prior to the issuance of any building permit for the construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility. The bond required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this ordinance, and other applicable laws and regulations, and any time limitations. The bond shall not be fully released without a final inspection of the completed work by the Responsible Official, submission of "as-built" plans, and certification of completion by the Responsible Official that the stormwater management facilities comply with the approved plan and the provisions of this ordinance. A procedure may be used to release parts of the bond held by the Responsible Official after various stages of construction have been completed and accepted by the Responsible Official. The procedures used for partially releasing performance bonds must be specified by the Responsible Official in writing prior to stormwater management plan approval. Any permittee may appeal any decision pertaining to the cash bond made by the Responsible Official to the Responsible Authority.

The bond requirement under this ordinance may be waived by the Responsible Official provided that a bond is required by another agency in the amount equal to or greater than the total estimated construction cost of the stormwater management facilities for the project.

8.0 INSPECTION

8.1 Inspection Schedule and Reports

- A. The developer shall notify the Responsible Official at least 48 hours before commencing any work in conjunction with the stormwater management plan and upon completion of the project when a final inspection will be conducted.
- B. The developer shall retain a professional engineer licensed in the State to conduct inspections. Written inspection reports shall be made of the periodic inspections necessary during construction of stormwater management systems to ensure compliance with the approved plans.

- C. Written inspection reports shall be provided by the developer's engineer to the Responsible Official on a standard form provided by the Town.
- D. The owner/developer and on-site personnel shall be notified in writing when violations are observed. Written notification shall describe the nature of the violation and the required corrective action.
- E. No work shall proceed until the Responsible Official or the Responsible Authority approves the work previously completed. The inspector shall provide the developer and Responsible Official with the results of the inspection reports as soon as possible after completion of each required inspection.

8.2 Inspection Requirements During Construction

- A. At a minimum, inspections shall be made and documented at the following specified stages of construction:
 - (1) For stormwater ponds:
 - (a) Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:
 - (i) Core trenches for structural embankments
 - (ii) Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes; and
 - (iii) Trenches for enclosed storm drainage facilities;
 - (b) During placement of structural fill, concrete, and installation of piping and catch basins;
 - (c) During backfill of foundations and trenches;
 - (d) During embankment construction; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.
 - (2) For stormwater wetlands – at the stages specified for pond construction in 8.2 A (1) of this section, during and after wetland reservoir area planting, and during the second growing season to verify a vegetation survival rate of at least 50 percent.
 - (3) For infiltration trenches:
 - (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems and observation wells;
 - (c) During placement of geotextiles and all filter media;
 - (d) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and

- (e) Upon completion of final grading and establishment of permanent stabilization;
 - (4) For infiltration basins – at the stages specified for pond construction in 8.2 A (1) of this section and during placement and backfill of underdrain systems.
 - (5) For filtering systems:
 - (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems;
 - (c) During placement of geotextiles and all filter media;
 - (d) During construction of appurtenant conveyance systems such as flow diversion structures, pre-filters and filters, inlets, outlets, orifices, and flow distribution structures; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.
 - (6) For open channel systems:
 - (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems for dry swales;
 - (c) During installation of diaphragms, check dams, or weirs; and
 - (d) Upon completion of final grading and establishment of permanent stabilization.
 - (7) For nonstructural practices – upon completion of final grading, the establishment of permanent stabilization, and before issuance of use and occupancy approval.
 - (8) For secondary treatment practices, including subsurface manufactured devices:
 - (a) During excavation to subgrade;
 - (b) During placement and backfill of treatment unit;
 - (c) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and
 - (e) Upon completion of final grading and establishment of permanent stabilization;
- B. The Responsible Official may, for enforcement purposes, use any one or a combination of the following actions:
- (1) A notice of violation shall be issued specifying the need for a violation to be corrected if the stormwater management plan noncompliance is identified;

- (2) A stop work order shall be issued for the site by the Responsible Authority if a violation persists;
 - (3) Bonds or securities may be withheld or the case may be referred for legal action if reasonable efforts to correct the violation have not been undertaken; or
 - (4) In addition to any other sanctions, a civil action or criminal prosecution may be brought against any person in violation of the Stormwater Management subtitle or this ordinance.
- C. Any step in the enforcement process may be taken at any time, depending on the severity of the violation.
- D. Once construction is complete, as-built plan certification shall be submitted by a professional engineer licensed in the State to ensure that constructed stormwater management practices and conveyance systems comply with the specifications contained in the approved plans. At a minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed the Responsible Authority may require additional information.

9.0 MAINTENANCE

9.1 Maintenance Inspection

- A. The owner (or the developer during construction) shall ensure that all stormwater management systems are inspected for performance of preventative maintenance. Inspection shall occur during the first year of operation and at least once every 3 years thereafter. In addition, a maintenance agreement in a form approved by the Town Attorney between the owner and the Responsible Authority shall be executed for privately owned stormwater management systems as described in 9.2 of this section.
- B. The owner (or the developer during construction) shall maintain inspection reports for all stormwater management systems.
- C. Inspection reports for stormwater management systems shall include the following:
- (1) The date of inspection;
 - (2) Name of inspector;
 - (3) The condition of:
 - (a) Vegetation or filter media;
 - (b) Fences or other safety devices;
 - (c) Spillways, valves, or other control structures;
 - (d) Embankments, slopes, and safety benches;
 - (e) Reservoir or treatment areas;
 - (f) Inlet and outlet channels or structures;

- (g) Underground drainage;
 - (h) Sediment and debris accumulation in storage and forebay areas;
 - (i) Any nonstructural practices to the extent practicable; and
 - (j) Any other item that could affect the proper function of the stormwater management system.
- (4) Description of needed maintenance.
- D. After notification is provided to the owner of any deficiencies discovered from an inspection of a stormwater management system, the owner shall have 30 days or other time frame mutually agreed to between the Responsible Authority and the owner to correct the deficiencies. The Responsible Authority shall then conduct a subsequent inspection to ensure completion of the repairs.
- E. If repairs are not undertaken or are not done properly, then enforcement procedures following 9.2 C of this section shall be followed by the Responsible Authority

9.2 Maintenance Agreement

- A. Prior to the issuance of any building permit for which stormwater management is required by this ordinance, the Responsible Authority shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the Responsible Official or his authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.
- B. The applicant and/or owner shall record the agreement in the land records of the Town of Stratford.
- C. The agreement shall also provide that, if after notice by the Responsible Official to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within a reasonable period of time (30 days maximum), the Responsible Authority may impose a fine in accordance with Section 12 herein.

9.3 Maintenance Responsibility

- A. The owner of the property on which work has been done pursuant to this ordinance for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.
- B. A maintenance schedule shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be printed on the approved stormwater management plan.

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10.0 APPEALS

Any person aggrieved by the action of any official charged with the enforcement of this ordinance as the result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforce this ordinance in regard to a specific application, shall have the right to appeal to the Responsible Authority in a manner prescribed in the regulations and procedures of the Responsible Authority and the State of Connecticut.

11.0 SEVERABILITY

If a court of competent jurisdiction holds any portion of this ordinance invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this ordinance. It is the intent of the Town of Stratford that this ordinance shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

12.0 PENALTIES

Any person convicted of violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment not exceeding 1 year or both for each violation with costs imposed in the discretion of the court otherwise provided by state law. Each day that a violation continues shall be a separate offense. In addition, the Responsible Authority may institute or cause to be instituted injunctive, mandamus or other appropriate action or proceedings of law to correct violations of this ordinance. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.

13.0 EFFECTIVE DATE

And be it further enacted, that this ordinance shall take effect ~~July 2, 2009~~ July 1, 2010.