

PART I

**ADMINISTRATIVE
LEGISLATION**

DRAFT

Chapter 1

GENERAL PROVISIONS

ARTICLE I Adoption of Code

[HISTORY: Adopted by the Town of East Haddam as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Adoption of Code

[An ordinance adopting the Code of the Town of East Haddam and any revisions made during the course of the codification project has been provided to the Town. Upon adoption, it will be included as Article I of this chapter.]

DRAFT

DRAFT

Chapter 12

BOARDS, COMMISSIONS, COMMITTEES AND AGENCIES

ARTICLE I Board of Finance

- § 12-1. Establishment; authority.
- § 12-2. Terms of office.

ARTICLE II Board of Admissions

- § 12-3. Members.

ARTICLE III Conservation Commission

- § 12-4. Creation.
- § 12-5. Membership; terms.
- § 12-6. Removal; vacancies.

ARTICLE IV Recreation Commission

- § 12-7. Creation; membership.
- § 12-8. Terms.
- § 12-9. Removal; vacancies; representation.
- § 12-10. Duties.

ARTICLE V Inland Wetlands and Watercourses Commission

- § 12-11. Findings and purpose.
- § 12-12. Membership.
- § 12-13. Responsibilities.

ARTICLE VI Economic Development Commission

- § 12-14. Creation.

- § 12-15. Designation as development agency.

- § 12-16. Members.

- § 12-17. Quorum; appointments.

- § 12-18. Chair and officers.

- § 12-19. Removal.

- § 12-20. Appointing employees.

- § 12-21. Duties and responsibilities.

- § 12-22. State and federal grants.

- § 12-23. Budget.

- § 12-24. Meetings and reports.

- § 12-25. Alternate members.

ARTICLE VII Board of Fire Commissioners

- § 12-26. Composition.

- § 12-27. Terms.

- § 12-28. Vacancies.

- § 12-29. Duties.

ARTICLE VIII Agriculture Commission

- § 12-30. Findings and purpose.

- § 12-31. Membership; terms; meetings.

- § 12-32. Duties and responsibilities.

ARTICLE IX Commission on Aging

- § 12-33. Membership; terms; meetings.

- § 12-34. Duties and responsibilities.

[HISTORY: Adopted by the Town of East Haddam as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics — See Ch. 30.

ARTICLE I
Board of Finance
[Adopted 4-6-1937]

§ 12-1. Establishment; authority.

A Board of Finance is hereby established in accordance with Chapter 28 of the General Statutes and Chapter 28 of the Cumulative Supplement to the General Statutes, 1931, 1933, 1935.

§ 12-2. Terms of office.¹

Members of the Board of Finance shall serve staggered terms and shall be elected biennially to serve four-year terms of office.

ARTICLE II
Board of Admissions
[Adopted 2-2-1970]

§ 12-3. Members.

The Board of Admissions for the Town of East Haddam shall be the Town Clerk and the Registrars of Voters as set forth in § 9-15a of the General Statutes of the State of Connecticut.

ARTICLE III
Conservation Commission
[Adopted 6-15-1972]

§ 12-4. Creation.

The Town of East Haddam adopts an ordinance creating a Conservation Commission, which shall be empowered to undertake all activities pursuant to § 7-131a of the General Statutes of the State of Connecticut, Revision of 1958, as amended.

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 12-5. Membership; terms. [Amended 11-19-1996; 3-26-2003]

The Commission shall consist of six regular members and three alternate members who shall be electors of said Town. They shall be appointed by the Chief Executive Officer of said Town to serve for a two-year term commencing at the completion of the current terms.

§ 12-6. Removal; vacancies.

The Chief Executive Officer may remove any member for cause and may fill any vacancy.

ARTICLE IV
Recreation Commission
[Adopted 6-15-1972]

§ 12-7. Creation; membership.

The Town of East Haddam adopts an ordinance creating a Recreation Commission, consisting of nine members appointed by the Board of Selectmen to serve as follows: three members to serve for a three-year term; three members to serve for a two-year term; and three members to serve for a one-year term.

§ 12-8. Terms.

The terms of the members shall run from July 1, and after the initial appointments, all appointments shall be for terms of three years, except when filling vacancies caused by resignation, removal or death, in which case the appointment shall be for the unexpired portion of the term of the member being replaced.

§ 12-9. Removal; vacancies; representation.

The Board of Selectmen may remove any member for cause and may fill any vacancy. The Board of Selectmen shall attempt to appoint members representing as nearly as possible a cross section of the population of East Haddam, including both youth and senior citizens.

§ 12-10. Duties.

It shall be the function of the Commission:

- A. To make a continuing study of recreational activities in the Town of East Haddam.
- B. To keep a continuing inventory of recreational needs and available resources in the Town.
- C. To formulate short- and long-term recreational goals and objectives for the Town.
- D. To advise the Board of Selectmen, as well as other boards, commissions and agencies, regarding the recreational needs of the Town.

- E. To make an annual report to the Town in the manner employed by other Town commissions and agencies.

ARTICLE V
Inland Wetlands and Watercourses Commission
[Adopted 6-20-1974]

§ 12-11. Findings and purpose.

The inland wetlands and watercourses are an indispensable and irreplaceable but fragile natural resource with which the citizens of the Town of East Haddam have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had and will continue to have a significant, adverse impact on the environment and ecology of the Town of East Haddam and has and will continue to imperil the quality of the environment, thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the Town for its citizens now and forevermore. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the Town of East Haddam. It is, therefore, the purpose of this article to protect the citizens of the Town of East Haddam by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution, maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation, preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational, and other public and private uses and dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the Town of East Haddam and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the Town of East Haddam the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

§ 12-12. Membership.

- A. An Inland Wetlands and Watercourses Commission is hereby established which shall consist of five members and two alternates who are electors of East Haddam and shall be appointed by the Board of Selectmen by a majority vote for a term of office of two years. In the event that a Commission member is absent from four consecutive meetings,

the Board of Selectmen may remove the member by a majority vote and fill the vacancy created. **[Amended 3-1-2011]**

- B. Electors of the Town who are also municipal employees may serve as members to the Inland Wetlands and Watercourses Commission as provided by Connecticut General Statutes § 7-421(e)(2)(D). **[Added 12-26-2006]**
- C. At the first regular meeting of the Commission in January of every even-numbered year, the members shall elect officers: a Chairman, a Vice-Chairman and a Secretary. **[Added 3-1-2011]**

§ 12-13. Responsibilities. [Amended 3-1-2011²]

The Commission shall have all the powers and responsibilities authorized under Connecticut General Statutes §§ 22a-36 through 22a-45, inclusive, as amended.

ARTICLE VI
Economic Development Commission
[Adopted 5-26-1987]

§ 12-14. Creation.

The Town of East Haddam hereby establishes, by this article, an Economic Development Commission:

- A. In accordance with the provisions of the General Statutes of the State of Connecticut, as set forth under Chapters 97 and § 7-136, as amended;³
- B. Hereby intending to confer on the Economic Development Commission the powers and duties as currently enumerated in Chapters 97 and 132 of said General Statutes and all other powers and duties which may thereafter be conferred by the General Statutes of the State of Connecticut; and
- C. Hereby intending to promote and develop the economic resources of the Town of East Haddam and make appropriations then in acceptance of the provisions of said General Statutes.

§ 12-15. Designation as development agency.

The Economic Development Commission of the Town of East Haddam is hereby designated as the development agency (municipal development projects) of the Town of East Haddam to exercise powers granted under Chapter 132 of the Connecticut General Statutes.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 12-16. Members. [Amended 4-26-1989⁴]

The Economic Development Commission shall consist of seven electors of voting age of the Town of East Haddam who shall be appointed by the Board of Selectmen. Upon expiration of the term of any member or replacement, they will be appointed for a term of five years. Vacancies, however created, shall be filled by the Board of Selectmen for the unexpired portion of the term of the member creating the vacancy.

§ 12-17. Quorum; appointments.

A majority of the voting members of the Economic Development Commission shall constitute a quorum. All appointments shall be made consistent with the provisions of § 9-167a of the Connecticut General Statutes, with terms of office to run from the date of their appointment or until their successors are appointed and qualified.

§ 12-18. Chair and officers.

The Economic Development Commission shall annually elect from its voting membership a Chairperson and such other officers as it shall from time to time determine may be necessary.

§ 12-19. Removal.

Any member may be removed by the Board of Selectmen for cause and, on request of such member, after public hearing.

§ 12-20. Appointing employees.

The Economic Development Commission may appoint and engage employees, agents, and consultants as may be necessary for the discharge of its duties upon obtaining the approval of the Board of Selectmen within the limits of the appropriations made therefor.

§ 12-21. Duties and responsibilities.

- A. The Economic Development Commission, upon approval of the Board of Selectmen, shall conduct research of the economic conditions and trends in the Town of East Haddam, make recommendations to appropriate officials and agencies of said Town of East Haddam regarding action it believes will improve its economic development, and may advertise and may prepare, print and distribute books, charts and pamphlets which in its judgment will further its official purpose.
- B. The Economic Development Commission shall annually prepare and submit to the Board of Selectmen a report of its activities and of its recommendations for improving such economic conditions and development.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 12-22. State and federal grants.

The Economic Development Commission, following approval of the Board of Selectmen, shall have the authority to apply for, and the First Selectman shall be empowered to receive on behalf of the Town of East Haddam, grants from state and federal agencies and other sources.

§ 12-23. Budget.

The Economic Development Commission shall submit each year a budget to the Board of Selectmen to be included in the Selectmen's budget proposal.

§ 12-24. Meetings and reports.

Meetings of the Economic Development Commission shall be held at least six times annually and at such other times as the Chairman shall deem necessary. The Economic Development Commission shall make a written report of its activities to the Board of Selectmen on or before the first day of April, and such other special reports as the Board may require from time to time.

§ 12-25. Alternate members. [Added 5-12-2010]

There shall be two alternate members who shall be appointed by the Board of Selectmen, each for a term of five years commencing the date of appointment. Any alternate member may be removed in accordance with § 12-18 of this article. An alternate member in attendance at a meeting shall be counted in the determination of a quorum. Whenever a member is absent or recuses himself/herself from participation or voting on a matter before the Commission, the Chairman or the person serving as Acting Chairman of the meeting shall appoint an alternate member to take the place of the absent or recused member, which alternate member shall be invested with all powers and attributes of full membership on the Commission for the duration of the meeting or on the matter from which the regular member has recused himself/herself, including the right to participate in any discussion and the right to vote.

ARTICLE VII
Board of Fire Commissioners
[Adopted 6-27-1996]

§ 12-26. Composition.

There shall be a Board of Fire Commissioners consisting of three members, each appointed by the Board of Selectmen.

§ 12-27. Terms. [Amended 10-14-1997]

Effective January 1, 1997, one Commissioner shall be appointed to a one-year term; one Commissioner shall be appointed to a two-year term; and one Commissioner shall be appointed to a three-year term. Thereafter, the terms of office for each Commissioner shall be

three years. As of the amendment effective November 6, 1997, no Commissioner shall serve more than two consecutive three-year terms.

§ 12-28. Vacancies.

In the event a Commissioner leaves office before completing his or her term of service, the Board of Selectmen shall appoint a replacement within 60 days who shall serve the remainder of that Commissioner's term.

§ 12-29. Duties.

The Board of Fire Commissioners shall have the following duties:

- A. To enter into an agreement with the East Haddam Volunteer Fire Department for protection of the Town from fire.
- B. To enter into mutual aid agreements with other entities pursuant to Connecticut General Statutes § 7-310.
- C. To appoint a local Fire Marshal and such Deputy Fire Marshals as may be necessary, giving preference in making such appointments to members of the East Haddam Volunteer Fire Department, pursuant to Connecticut General Statutes § 29-297.
- D. To supervise the care of all fire equipment and buildings and to make appropriate arrangements for the reasonable care thereof.
- E. To recommend the purchase of new apparatus and equipment as needed.
- F. To prepare and submit to the Selectmen an annual budget for the maintenance and proper care of all fire equipment and buildings and, as appropriate, for purchases and for long-term capital planning.
- G. To purchase additional apparatus and equipment as voted by the Town.
- H. To attend, as circumstances permit, fire-emergency calls in order to observe the condition of apparatus, and the efficiency of the East Haddam Volunteer Fire Department, but without authority to direct operations.

ARTICLE VIII
Agriculture Commission
[Adopted 6-1-2010]

§ 12-30. Findings and purpose.

- A. Family farms and the rural landscape they represent are being lost at an alarming rate in Connecticut. East Haddam is among the several towns which have lost valuable farmland to residential development. According to the 1950 Census of Agriculture, there were 15,615 farms in Connecticut using about 40% of the land area in the state (1,254,144 acres of the 3,135,360 total). By 2002, the number of farms dropped to 4,191 and

357,154 acres. During the same period, in Middlesex County, the number of farms had plummeted to 326 from 1,039. This was a change in farmland area from 76,595 acres to 17,806 acres. It is interesting to note that in 2007 the number of farms increased to 393, but the amount of land devoted to farming decreased to 16,623 acres and the size of an average farm was reduced to 42 acres from 55 acres.

- B. Agriculture is an important element of the rural character of East Haddam. It is not difficult to see how far we have come from our early agricultural heritage when one views the many stone walls, now mostly shrouded in trees and separating subdivisions. These walls are a connection to the many farms that once covered the majority of our Town landscape.
- C. The importance of agriculture is expressed very well in the publication "Planning for Agriculture." "Farms and farmland remain cornerstones of many Connecticut communities, linking the past to the future through a landscape of fields and pastures, stone walls and weathered barns shaped by generations of hardworking farm families. This landscape, cherished by so many, is often taken for granted. Some of its benefits are obvious: the bounty of fresh fruits and vegetables in the spring and summer months; pumpkins, chrysanthemums and Christmas trees in the fall and winter; and milk and dairy products year-round. Other benefits are less obvious: the local revenue and jobs farms provide, the recreational and tourism opportunities they create, the wildlife habitat and other environmental benefits they offer. Some benefits are easily quantified; many are not. The benefit that may be most valued by Connecticut residents — the ephemeral 'quality of life' that farms help to provide — unfortunately sometimes is only recognized after it's too late and the last farm in Town has disappeared." (Note: A publication of American Farmland Trust and Connecticut Conference of Municipalities.)
- D. It is therefore incumbent on the Town of East Haddam to endeavor to preserve, protect and promote the few remaining farms contributing to its unique rural character, to encourage new agricultural enterprises and to ensure that our community has a local source of food for the future.

§ 12-31. Membership; terms; meetings.

- A. Appointment. The Agriculture Commission shall consist of five-regular members and three alternates. Regular members and alternates shall be appointed by the Board of Selectmen in accordance with the Connecticut General Statutes. Insofar as practical, members appointed shall be representative of all groups interested in the management, promotion, protection and regulation of agriculture as defined by Connecticut General Statutes § 1-1(q), particularly those involved in agriculture. The Agriculture Commission may recommend to the Board of Selectmen removal of members from the Commission and appointment of new members to fill vacancies on the Commission.
- B. Length of term. Staggered three-year terms, with initial appointments to be three members for two years and two members for one year; thereafter, all terms for members shall be three years; one alternate for two years and two alternates for one year; thereafter, all terms of alternates shall be two years. Terms shall commence on the second Tuesday of January and expire on the second Monday of January. A regular or

alternate member who misses four consecutive meetings may be removed by the Board of Selectmen and a replacement appointed to serve the remainder of that member's term. Members of the Commission shall serve without pay.

- C. Quorum and alternate member voting. A quorum will consist of three regular members. An alternate named to act in place of a regular member at a meeting shall be considered a regular member for purposes of establishing a quorum. Alternate members may participate in Commission discussions but shall vote only when appointed to fill an absence among regular members.
- D. Meetings. The Commission shall meet no less frequently than quarterly in each calendar year.

§ 12-32. Duties and responsibilities.

The Agricultural Commission shall be an advisory board with the following duties and responsibilities:

- A. Advocacy: to act as an advocate for local agriculture.
- B. Information: to serve as a conduit between nonprofit agencies, civic organizations, municipal boards and commissions, elected officials and local farmers.
- C. Education: to recommend changes in local law, regulations, rules and practices of Town departments, boards and commissions regarding compatibility with all forms of agriculture, farms and farming as defined in Connecticut General Statutes; to educate Town government about agricultural laws, such as right to farm, and legal issues regarding farm machinery, buildings and operations; to provide information and guidance on agriculture-related issues, such as zoning, inland wetlands, public works and others, to Town departments and other boards and commissions as necessary; to act as a sounding board/provide review to Town departments, boards and commissions concerning the impact of proposed Town policies on farms; to support vocational/agricultural education of young farmers and new farmers; to support local and regional agriculture education programs.
- D. Conflict resolution: to serve as a resource for information and nonbinding advice for residents, established Town committees and departments concerning resolution of agriculture-related conflicts.
- E. Economic opportunities: to identify innovative opportunities for farming in East Haddam; to promote opportunities for residents and local businesses to support and value farming; to serve as a conduit between nonprofit agencies, funders, and local farmers; to work to create a climate that supports the economic viability of farming as a career in East Haddam; to create a sustainable agriculture community; to work with local land use boards and commissions and East Haddam's Open Space Committee to secure the land base necessary for future agricultural uses.

ARTICLE IX
Commission on Aging
[Adopted 11-30-2010]

§ 12-33. Membership; terms; meetings.

- A. Appointment. The Commission on Aging shall consist of seven regular members and two alternates. Regular members and two alternates shall be appointed by the Board of Selectmen in accordance with the Connecticut General Statutes. The Commission on Aging may recommend to the Board of Selectmen removal of members from the Commission for cause and appointment of new members to fill vacancies on the Commission. For purposes of this article, "for cause" shall mean a member or alternate who is absent from more than three meetings in any calendar year.
- B. Length of term. Members shall serve staggered three-year terms, with initial appointments to be one member for one year; three members for two years; and three members for three years. Thereafter, all terms for members shall be three years; two alternates for one year and thereafter all terms for alternates shall be one year. All terms of regular members (except initial appointments) and alternates shall commence on July 1 and end on June 30. Members and alternates of the Commission shall serve without pay.
- C. Quorum and alternate member voting. A quorum will consist of four regular members. An alternate named to act in place of a regular member at a meeting shall be considered a regular member for purposes of establishing a quorum. Alternate members may participate in Commission discussions but shall vote only when appointed to fill an absence among regular members.
- D. Meetings. The Commission shall meet no less frequently than six times in each calendar year.

§ 12-34. Duties and responsibilities.

The Commission on Aging shall be an advisory board with the following duties and responsibilities:

- A. Advocacy: to promote the health, safety and well-being of the Town's senior citizens, defined as residents who are 50 years of age or older.⁵
- B. Information:
 - (1) To analyze services and programs available through public and private agencies for the Town's senior citizens;
 - (2) To make recommendations to the Board of Selectmen regarding the development and application of services and programs for the benefit of the Town's senior citizens;

5. Editor's Note: This subsection was revised by the Board of Selectmen 12-19-2012 to change "65 years of age" to "50 years of age."

- (3) To exchange information with the state's Commission on Aging and Department of Social Services;
- (4) To serve as a conduit between nonprofit agencies, civic organizations, municipal boards and commissions, elected officials and the Town's senior citizens;
- (5) To apply to the State of Connecticut Commission on Aging, or to other public agencies, for assistance in planning and coordinating services and programs for the benefit of the Town's senior citizens;
- (6) To receive gifts and apply for grants in the name of the Town for the benefit of the Town's senior citizens, and to administer such gifts or grants in accordance with terms of this article and in accordance with any specific purposes or limitations stated in such gifts or grants; and
- (7) To conduct programs for the benefit of the Town's senior citizens, provided monies for such programs are available by gift, grant or Town appropriation. The programs to be conducted may include travel, food services and other services.

DRAFT

Chapter 26
ELECTIONS

ARTICLE I
Registration of Voters

§ 26-1. Additional sessions.

ARTICLE II
Election Date

§ 26-2. November date established.

ARTICLE III
Election Officials

§ 26-3. Shifts of officials.

ARTICLE IV
Location

§ 26-4. Location established.

[HISTORY: Adopted by the Town of East Haddam as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Registration of Voters
[Adopted 5-11-1962]

§ 26-1. Additional sessions.

The Board of Admissions of Electors of the Town of East Haddam is authorized to hold additional sessions on the last Saturday in January and the last Saturday in May from 9:00 a.m. to 12:00 noon.

ARTICLE II
Election Date
[Adopted 12-17-1968]

§ 26-2. November date established.

A municipal election date in accordance with § 9-164 of the General Statutes, as amended, is established, this date to be, in the Town of East Haddam, the first Tuesday after the first Monday in November in odd-numbered years.

ARTICLE III
Election Officials
[Adopted 9-1-1970]

§ 26-3. Shifts of officials. ¹

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Two shifts of election officials shall be established at each polling place, with the exception of the Moderator, pursuant to the provisions of C.G.S. § 9-258a.

ARTICLE IV
Location
[Adopted 9-30-2009]

§ 26-4. Location established.

The Town Meeting hereby establishes the Nathan Hale-Ray High School Gymnasium at 15 School Drive, Moodus, as the polling place for all regular elections held subsequent to this date, and hereby repeals any prior ordinance or resolution establishing a different location.

DRAFT

Chapter 30

ETHICS, CODE OF

- | | |
|--|--|
| <p>§ 30-1. Purpose.</p> <p>§ 30-2. Applicability.</p> <p>§ 30-3. Definitions.</p> <p>§ 30-4. Conflicts of interest.</p> <p>§ 30-5. Conflict of interest statement.</p> <p>§ 30-6. Distribution of code.</p> <p>§ 30-7. Municipal Ethics Commission.</p> <p>§ 30-8. Duties of Commission.</p> | <p>§ 30-9. Procedure for receiving complaint.</p> <p>§ 30-10. Investigation procedures, time limits, notice, hearings.</p> <p>§ 30-11. Confidentiality of complaints; evaluations of possible violations and investigations; publication of findings.</p> <p>§ 30-12. Appeals.</p> |
|--|--|

[HISTORY: Adopted by the Town of East Haddam 3-31-2008. Amendments noted where applicable.]

GENERAL REFERENCES

Boards, commissions, committees and agencies — See Ch. 12.
 Justices of the Peace — See Ch. 57.

§ 30-1. Purpose.

Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials and employees affects every citizen of the municipality, and it must be based on honest and fair deliberations and decisions. This process must be free from threats, favoritism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By enacting this code, this municipality seeks to avoid any loss of trust and to maintain and increase the confidence of our citizens in the integrity and fairness of their government.

§ 30-2. Applicability.

- A. This code shall apply to all current Town officials and employees, whether elected and/or appointed, full-time or part-time, paid or unpaid. All of the above shall be referred to hereinafter as "persons governed by this code."¹
- B. This code shall not be applicable if it conflicts in whole or in part with any labor agreement, employment contract or state statute.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 30-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUSINESS — Any entity through which activity for profit or not for profit is conducted, including but not limited to a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual.

BUSINESS WITH WHICH HE/SHE IS ASSOCIATED — A business of which the person or a member of his/her immediate family is a director, officer, owner, partner, member, employee, compensated agent, or holder of stock which constitutes 5% or more of the total outstanding stock of any class.

CODE — This Code of Ethical Conduct.

COMMISSION — The Municipal Ethics Commission.

COMPLAINANT — Any person who signed a complaint under penalties of false statement alleging a violation of this code.

COMPLAINT — Any complaint received by the Commission alleging a violation of this Code of Ethics.

CONFIDENTIAL INFORMATION — Information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held, that is not, at the time of transmission, a matter of public record or public knowledge.

CONFIDENTIAL INVESTIGATION — The examination, prior to the finding of probable cause, of both written and oral evidence, that is not to be disclosed to any third party by anyone connected with the investigation, except upon the written request of the respondent.

CONFLICT OF INTEREST — An interest that is in substantial conflict with the proper discharge of the official's duties or employment in the public interest and of the official's responsibilities as prescribed by the laws of this state, if the official has reason to believe or expect that the official, the official's spouse or dependent child, or a business with which he is associated, as defined herein, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of the official's official activity.

FINANCIAL INTEREST — Pecuniary or material benefit accruing to a Town official/employee as a result of a contract, transaction, zoning decision or other matter which is, or may be, the subject of an official act or action by or with the Town of East Haddam except for such contracts of transactions 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 persons and/or property similarly situated.

GIFT — Anything of value, including entertainment, food, beverages, travel, and lodging, given or paid to a public official or public employee to the extent that consideration of equal or greater value is not received. A gift does not include:

- A. A political contribution otherwise reported as required by law or a donation or payment as described in Subdivision (9) or (11) of Subsection (b) of C.G.S. § 9-601a;²
- B. A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;
- C. A gift received from a member of a person's immediate family or fiancée;
- D. Goods or services which are provided to the municipality or that support an event and which facilitate government actions or functions;³
- E. A certificate, plaque or other ceremonial award costing less than \$200;
- F. A rebate or discount on the price of anything of value made in the ordinary course of business, without regard to that person's status;
- G. Printed or recorded information germane to government action or functions;
- H. An honorary degree bestowed upon a public official or public employee by a public or private university;
- I. A meal provided at an event or business meeting and/or the registration or entrance fee to attend such an event, in which the public official or public employee participates in his official capacity;
- J. A meal provided in the home by an East Haddam resident;
- K. Gift-giving occasions recognized by the public, including Christmas, Chanukah, birthdays, the birth or adoption of a child, weddings, first communions, confirmations or bar/bat mitzvahs, provided the total value of such gifts for each event shall not exceed \$150;
- L. Services provided by persons volunteering their time;
- M. A promotional item available to the general public;⁴
- N. Anything having a value of not more than \$10, provided the value of all things provided by a donor to a recipient in any calendar year shall not exceed \$50.⁵

IMMEDIATE FAMILY — Spouse, child, parent, grandchild, brother, sister, grandparent, daughter-in-law, son-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, stepchildren and step-grandchildren.

2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

3. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

4. **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

5. **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

ON THE RECORD — In writing, signed and dated, or a directive to the secretary taking the minutes of a meeting to note in the minutes of the meeting a special disclosure or statement.

PERSONAL BENEFICIAL INTEREST — Any interest, other than financial, which would affect the action of the official or employee, except if that interest is based solely on the responsibility of his/her Town office or employment. Membership in or affiliation with a social, fraternal, charitable, service, educational, religious, governmental or similar nonprofit organization is not deemed to automatically create a presumption of personal interest unless the official employee is also an employee of the organization.

PROBABLE CAUSE — Probable cause is defined by determining whether the facts would warrant a reasonable person to believe that a Town official or employee violated this code; the belief should be more than a mere suspicion, but less than proof beyond a reasonable doubt.⁶

RESPONDENT — Any person accused of violating this code.

TOWN OFFICIAL, OFFICER OR EMPLOYEE — An individual, whether elected or appointed, whether paid or unpaid, full- or part-time, including members of boards, commissions and committees in the service of the Town of East Haddam.

§ 30-4. Conflicts of interest.

- A. Persons governed by this code shall not engage in or participate in any business or transaction, nor have an interest, direct or indirect, which is incompatible with the proper discharge of that person's or persons' official duties in the public interest, or would tend to impair that person's or persons' independent judgment or action in the performance of that person's or persons' official responsibilities.
- B. Persons governed by this code shall not be financially interested or have any personal beneficial interest in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the board, agency or commission of which that person or persons is or are a member, or of which that person or persons is or are an employee(s). It is further provided, notwithstanding the above, that no member of the Board of Selectmen of the Town of East Haddam and no member of the Board of Finance of the Town of East Haddam shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by any board, agency, or commission of the Town of East Haddam.
- C. Financial interest in vote or transaction.
 - (1) Persons governed by this code shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if that employee or official, a business with which he/she is associated, or a member of his/her immediate family has a financial or personal interest in the transaction or contract, including but not limited to the sale of real estate, materials, supplies or services to

⁶ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the municipality; provided, however, that the restrictions of this Subsection C(1) shall not apply if such financial or personal interest accrues to him/her, his/her spouse, a dependent child or a business with which he/she, his/her spouse, or a dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group.

- (2) If such participation is within the scope of the public employee's or public official's official responsibility, he/she shall be required to provide written disclosure, which sets forth in detail the nature and extent of such interest, to the Commission.
 - (3) Notwithstanding the prohibition in Subsection C(1), a public employee or public official may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the population of the municipality.
- D. Persons governed by this code shall not request or permit the use of Town-owned vehicles, equipment, facilities, materials, or property for personal convenience or profit, except when such are available to the public generally, or provided by a municipal policy as adopted by the Board of Selectman for the use of such Town official/employee in the interest of the Town.
- E. Gifts.
- (1) No person governed by this code shall solicit or accept any gift from any person who to his/her knowledge is interested in any pending matter within such employee's or official's responsibility.
 - (2) If a prohibited gift is offered, he/she must refuse it, return it, pay the donor the full value of the gift or donate it to a nonprofit organization, provided he/she does not receive the corresponding tax benefit. Alternatively, it may be considered a gift to the municipality, provided it remains in the municipality's possession permanently.
- F. No public employee or public official shall appear on behalf of private interests before any board, agency, or committee of the municipality, with the following exceptions, which shall be permitted:
- (1) A public official who receives no compensation for his/her service to the municipality other than per-diem payments and reimbursement of expenses may so appear; and
 - (2) A public official whose responsibilities in such position include advocacy for members of the public and/or businesses or other applicants (e.g., economic development, land use planner) may so appear, provided said public official is not compensated by the private interests for such appearance.
- G. No public employee or public official shall represent private interests against the interests of the municipality in any litigation to which the municipality is a party, with the following exceptions, which shall be permitted:

- (1) A public official who receives no compensation for his/her service to the municipality other than per-diem payments and reimbursements of expenses may so testify; and
 - (2) A public official may testify in any legal matter in which the municipality is a party, provided said public official is not compensated by the private interest for such a testimony.
- H. Nothing contained in this code shall prohibit or restrict a public employee or public official from appearing before any board or commission of the municipality on his/her own behalf, or from being a party in any action, proceeding or litigation brought by or against the public employee or public official to which the municipality is a party.
- I. No public employee or public official shall disclose confidential information concerning municipal affairs, or use confidential information acquired in the course of and by reason of his/her official duties, nor shall he/she use such information for the financial interests of himself/herself or others.
- J. No public employee or public official shall use his/her position or office to take any action that would benefit, financially or otherwise, such employee or official or any other person or organization in a manner that is not available to all similarly situated persons or organizations, nor shall any public employee or public official take any action in his/her official capacity in exchange for or as a quid pro quo for any benefit of any kind that he/she has received from any persons or organization.
- K. No public official or public employee shall grant or accept any special consideration, treatment or advantage to or from any person beyond that which is available to every other person.
- L. No public employee or public official shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event, in his/her official capacity.

§ 30-5. Conflict of interest statement.

All appointed members of Town boards and commissions, elected officials and department heads must recuse themselves from any decision that would incur a conflict of interest or potential conflict of interest. Failure to do so will constitute a violation of this code.

§ 30-6. Distribution of code.

The Board of Selectmen shall cause a copy of this Code of Ethics to be distributed to every public employee and public official within 60 days after enactment of this code. Each public employee and public official shall be furnished a copy before entering upon the duties of his/her office or employment. A signed receipt for all copies shall be returned to the First Selectman and retained on file.

§ 30-7. Municipal Ethics Commission.

- A. There shall be a Municipal Ethics Commission consisting of five members. The members shall be appointed by vote of the Board of Selectmen for a term of three years, except that, of the initially appointed members, one shall serve for one year, two for two years, and two for three years. No individual shall be appointed to more than two consecutive three-year terms, provided that any member may continue in office until a successor has been appointed. No more than three members shall be members of the same political party.
- B. All members shall be electors of the municipality. No member shall:
- (1) Have held public office or have been a candidate for public office for a two-year period prior to appointment.
 - (2) Hold office in any political party or political committee.
 - (3) Be a public official in any other capacity other than a notary public or Justice of the Peace.
- C. The Commission shall elect a Chairperson, who shall preside at meetings of the Commission, and a Vice-Chairperson to preside in the absence of the Chairperson. Three members shall constitute a quorum. A majority vote of the Commission shall be required for action of the Commission. The Chairperson or any three members may call a meeting.

§ 30-8. Duties of Commission.

- A. The Commission shall:
- (1) Compile and maintain a record of all reports, advisory opinions, statements, and memoranda filed by and with the Commission to facilitate public access to such reports and statements;
 - (2) Issue advisory opinions with regard to the requirements of this code upon the written request of any person. Advisory opinions rendered by the Commission, until amended or revoked, shall be binding on the Commission and shall be deemed to be final decisions of the Commission. Any person who requested an advisory opinion and who acts in good-faith reliance on such advisory opinion shall be entitled to use such reliance as an absolute defense to any complaint brought under the provisions of the code in conjunction with the specific activities that were subject of the advisory opinion;
 - (3) Report annually on or before February 1 to the Board of Selectmen summarizing the activities of the Commission.
- B. The Commission may adopt, after a public hearing, rules and regulations not inconsistent with this code for the administration and implementation of the code.
- C. The Commission may employ necessary staff or outside counsel within available appropriations.

§ 30-9. Procedure for receiving complaint.

- A. The Commission shall receive complaints from any person alleging violation of the code. Any complaint received by the Commission must be in writing on a form prescribed by the Commission and signed under penalty of false statement by the individual making said complaint before:
- (1) A judge of a court of record;
 - (2) A clerk or deputy clerk of a court having a seal;
 - (3) A Commissioner of Deeds or Town Clerk;
 - (4) A notary public;
 - (5) A Justice of the Peace;
 - (6) An attorney admitted to the Bar of the State of Connecticut.
- B. If the complainant intentionally makes a false statement, he/she may be subject to fines of up to \$1,000 and penalties of up to one year's imprisonment under the provisions of § 53a-157b of the Connecticut General Statutes, a Class A misdemeanor.

§ 30-10. Investigation procedures, time limits, notice, hearings.

- A. Upon the complaint of any person on a form prescribed by the Commission, signed under penalty of false statement, or upon its own complaint, the Commission shall investigate any alleged violation of this code. Until such time as the Commission makes a determination of probable cause, any allegations and any information supplied to or received from the Commission shall not be disclosed to any third party by a complainant, witness, or Commission or staff member, except upon the written request of the respondent.
- (1) Not later than 10 days after the receipt or issuance of such complaint, the Commission shall provide notice of such receipt or issuance and a copy of the complaint by registered or certified mail to any respondent against whom such complaint is filed and shall provide notice of the receipt of such complaint to the complainant. Complaints shall be noted as received at a scheduled meeting.
 - (2) If the complaint has been filed by a member of the public, the Commission shall review the complaint to determine:
 - (a) Whether the allegations contained therein, if proved, would constitute a violation of any provisions of the code. If the Commission determines that the complaint does not allege sufficient facts to constitute a violation, the Commission shall dismiss the complaint and duly notify the complainant and respondent by registered or certified mail.
 - (b) If the Commission determines that the complaint alleges sufficient facts to constitute a violation, then within 30 days after so determining, the Commission shall fix a date for the commencement of the hearing on the

allegation contained therein. Such hearing shall be conducted in two phases. In the first phase, the Commission will make a confidential determination as to whether there is probable cause to believe the facts alleged in the complaint actually occurred. If the Commission does not make a finding of probable cause, the complaint and all records of the hearing shall remain confidential except upon the written request of the respondent. If the Commission makes a finding of probable cause, the Commission shall proceed to the second phase, which shall be a public hearing to determine whether a violation has occurred. The hearing date regarding any complaint shall be not more than 60 days after the filing of the complaint.

- B. In the conduct of an investigation of an alleged violation of this code:
- (1) The Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and require the production for examination by the Commission of any books and papers that the Commission deems relevant in any matter under investigation or in question. In the exercise of such powers, the Commission may use the services of the municipal police, who shall provide the same upon the Commission's request.
 - (2) The respondent shall have the right to appear and to be represented by legal counsel and to examine and cross-examine witnesses. All witnesses will be sworn.
- C. The Commission shall make no finding that there is a violation of any provision of the code except upon the concurring vote of at least four of its members.
- D. Any hearing conducted by the Commission shall be governed by the Uniform Administrative Procedures Act, C.G.S. § 4-166 et seq., as amended.⁷
- E. No complaint may be made under this code except within three years after the violation alleged in the complaint has been committed.
- F. No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the Commission under the provisions of this code.

§ 30-11. Confidentiality of complaints; evaluations of possible violations and investigations; publication of findings.

- A. Unless the Commission makes a finding of probable cause, a complaint alleging a violation shall be confidential except upon the written request of the respondent unless such information is required to be disclosed pursuant to the Freedom of Information Act as set forth in Connecticut General Statutes § 1-200 et seq.
- B. Prior to any other action on a complaint, the Commission may conduct a preliminary investigation to determine whether the filing of a complaint is warranted. This

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

preliminary investigation shall be confidential except upon the written request of the respondent.

- C. 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, witness, designated party, or commission or 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. The Commission shall inform the complainant and the respondent of its finding by registered or certified mail not later than three business days after termination of the hearing or investigation.
- D. The Commission shall make public a finding of a violation not later than five business days after the termination of the hearing. At such time, the entire record of the investigation shall become public.
- E. The Commission shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making such a finding by registered or certified mail not later than three business days after termination of the hearing.

§ 30-12. Appeals.

Any person aggrieved by any final decision of the Commission may appeal such decision in accordance with the provisions of § 4-175 or 4-183 of the Connecticut General Statutes. If successful, any and all reasonable legal fees will be paid by the Town of East Haddam.

Chapter 35

FUNDS

ARTICLE I Albert E. Purple Memorial Fund

- § 35-1. Establishment.
- § 35-2. Investment of funds.
- § 35-3. Committee.
- § 35-4. Delivery of assets to financial institution.
- § 35-5. Transfer of securities.
- § 35-6. Financial agent.

ARTICLE II Reserve Fund

- § 35-7. Establishment; authority.

ARTICLE III Open Space Trust Fund

- § 35-8. Findings and purpose.
- § 35-9. Goals.
- § 35-10. Benefits.
- § 35-11. Definitions.
- § 35-12. Types of land.
- § 35-13. Public hearings.
- § 35-14. Approval of acquisition; administration.
- § 35-15. Funding.
- § 35-16. Stewardship of acquired properties and development rights.

[HISTORY: Adopted by the Town of East Haddam as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Albert E. Purple Memorial Fund [Adopted 2-10-1930]

§ 35-1. Establishment.

The Town of East Haddam hereby accepts with grateful appreciation the generous bequest of \$400,000 in trust, as a permanent fund to be known as the "Albert E. Purple Memorial Fund" for high school purposes, as provided in the will of our late fellow townsman, Arthur J. Silliman, deceased. The Town agrees to assume said trust for the benefit of its inhabitants and to carry out the provisions of said bequest, and the Town Treasurer is hereby authorized to accept the receipt for said fund, on behalf of the Town.

§ 35-2. Investment of funds.

The Town School Committee, increased as hereinafter provided, in cooperation with the Town Treasurer, is hereby instructed and empowered in behalf of the Town to enter into such institution having a trust department, located in the State of Connecticut and selected by said Treasurer and Committee increased as aforesaid, as may be deemed by them to be for the best interests of the Town, to act as financial agent of the Town in the care, custody, management,

investment and reinvestment of said trust fund, said agreement to be executed in behalf of the Town by the Chairman of the Town School Committee and by the Treasurer.

§ 35-3. Committee.

In the preparation of said agreement and in any subsequent transaction relating to said trust fund, the Town School Committee is hereby authorized to associate with itself one person selected by a majority of its members, who is a resident of East Haddam, but not a member of said committee, all of said persons to constitute and be known as the "Albert E. Purple Memorial Fund Committee."

§ 35-4. Delivery of assets to financial institution.

The Town Treasurer, upon said bequest from the Silliman Estate, and upon the completion of said agreement, shall deliver to such trust company or banking institution, as financial agent of the Town, the assets of said trust fund, to be invested and administered by the financial agent according to the terms of said bequest and of such agreement.

§ 35-5. Transfer of securities.

Any transfer of securities or other property in said fund, when duly executed by said financial agent and countersigned by the Town Treasurer then in office, or in his absence or by reason of his inability to act, by the Chairman of the Town School Committee, shall be effectual to confer a good title.

§ 35-6. Financial agent.

The appointment of any financial agent under said agreement shall continue (except in case of resignation) until rescinded by a two-thirds vote of a Town Meeting legally warned for that purpose; and said financial agent shall not resign or relinquish its duties and obligations under said agreement (unless in case of the removal for cause), except upon three months' written notice to the Town Treasurer then in office.

ARTICLE II
Reserve Fund
[Adopted 9-19-1950]

§ 35-7. Establishment; authority. ¹

The Town hereby creates a reserve fund for capital and nonrecurring expenditures, termed the "Reserve Fund for Capital and Nonrecurring Expenditures," in accord with C.G.S. § 7-360.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE III

Open Space Trust Fund**[Adopted 6-25-1998; amended in its entirety 12-30-2002]****§ 35-8. Findings and purpose.**

Open space areas within the Town of East Haddam have been and continue to be a diminishing resource, and such open space areas are considered a valuable asset to the community. It is recognized that there is a need to obtain additional open space areas in order to meet future recreational needs, to preserve agricultural lands, to protect natural resource areas and to maintain the Town's quality of life. In the 1980s, the State of Connecticut, through its plan of conservation and development, made commitments to acquire open space but has fallen for short of its commitment. The Town of East Haddam cannot depend solely on the state. The establishment of an open space trust fund will permit the acquisition of land and/or purchase of development rights for areas identified in the Plan of Development Open Space Plan and other recreational and conservation planning documents.

§ 35-9. Goals.

Not in any set order of importance:

- A. Protect contiguous areas of open space; assemble corridors or greenbelts, wildlife corridors and trails, and add to present open space throughout the Town and adjoining communities.
- B. Protect surface water, wetlands, watercourses, and aquifers.
- C. Protect critical or threatened species and natural communities with emphasis on areas identified in Connecticut's Natural Diversity Data Base and Endangered Species List; preserve areas to support the existing diversity of species, species in decline and improve habitats.
- D. Preserve farmland and productive forest land.
- E. Protect lands of cultural importance, including archeological and historical sites.
- F. Encourage development only in areas capable of supporting development without adversely impacting the environment.

§ 35-10. Benefits.

Not in any set order of importance:

- A. Protect East Haddam's rural character and maintain and improve the quality of life for the residents.
- B. Preserve the diverse and native plants, animals and natural communities indigenous to East Haddam by protecting the open spaces they need to survive and coexist with the residents of East Haddam.

- C. Tourism is recognized as of major economic importance to East Haddam. Retaining open space will provide a long-term economic base for tourism by continuing to maintain an attractive landscape for the tourism industry.
- D. Protect and enhance the value of all properties with progressive planning.
- E. Reduce the final burden on the taxpayers. It is recognized that development increases the tax base but never covers the cost incurred for Town services. Studies concluded that towns with the most commercial and industrial activity still have higher yearly tax rates. The Town can preserve open space without sacrificing the tax base.
- F. Provide property owners with another option or device to protect their property rather than selling the property for development.

§ 35-11. Definitions.

The following definitions shall apply in the interpretation of this article:

AGRICULTURAL LAND — Any land in the Town suitable by reference to soil types, existing and past use of such land for agricultural purposes and other relevant factors for the cultivation of plants for production of human food and fiber or production of other useful and capable plant products and for production of animals, livestock and poultry useful to man and the environment and land capable of providing economically profitable farm units, which may include adjacent pastures, woodland, natural drainage areas and other adjacent open areas.

APPROPRIATION — A legal authorization granted by the Town Board of Finance and Town Meeting to make expenditures and to incur obligations for specific purposes.

CONSERVATION EASEMENT — The grant of a property right stipulating that the described land will remain primarily in its natural state and limited future or additional development.

DEVELOPMENT RIGHTS — The right or combination of rights of fee simple owners of open, unimproved, forest and agricultural land to develop, construct on, sell, lease or otherwise develop or improve such land for uses that render such land no longer open, unimproved, forest or agricultural. The acquisition of development rights is not intended to prevent any development of the land to which the development rights relate. Development may be allowed which is consistent with the public purpose for which such development rights are purchased and provided that such development is permitted, pursuant to a written document approved by the Town.

GREENWAY — Any corridor of open space that protects natural resources and/or provides recreation. By way of example, greenways can be located along a waterway or other defining feature, such as a ridgeline, or along a man-made corridor such as an abandoned right-of-way, abandoned Town road or a woods road. It can be a green space along a highway or around a village. Greenways can provide the vital "missing links" to connect existing protected areas and to give people convenient access to the outdoors. A greenway can be as wide as a river valley or as narrow as an abandoned roadbed.

OPEN SPACE COMMITTEE — The Board of Selectmen shall appoint a Land Preservation Committee. The membership of the Committee shall be composed of an individual or representatives from each of the following commissions, boards and organizations: the Board of Selectmen, the Board of Finance, the Board of Education, the Planning and Zoning Commission, the Conservation Commission, the Inland Wetlands and Watercourses Commission, the Historic District Commission, the Economic Development Commission, the Recreation Commission, the Agriculture Commission and the East Haddam Land Trust, Inc. The membership shall coincide with the terms of election or appointment from each committee or board and follow the political balance in accordance with Connecticut General Statutes. This Committee will be responsible for the preservation of agricultural and open space in Town, for the review and selection of agricultural and open space and for making recommendations to the Town for the land and for expenditures of any funds from the Open Space Trust Fund or any other source. **[Amended 11-30-2010]**

OPEN SPACE LAND — Any area of land, including forest land, land designated as wetland under C.G.S. § 22a-38 and farmland, the preservation or restriction of the use of which would:

- A. Maintain and enhance the conservation of natural or scenic resources;
- B. Protect natural streams or water supplies;
- C. Promote conservation of soils, wetland, beaches or tidal marshes;
- D. Enhance the value to the public or abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces;
- E. Enhance public recreation opportunities;
- F. Preserve historic or archaeological sites; or
- G. Promote orderly development compatible with the aforementioned goals.

OPEN SPACE PLAN — A plan or plans prepared by the Conservation Commission pursuant to § 7-131a of the General Statutes and/or prepared/assisted by the Planning and Zoning Commission, Recreation Commission or special advisory committee.

PAYMENT OF FEE IN LIEU OF OPEN SPACE — Funding option, pursuant to C.G.S. § 8-25, as amended. The Planning and Zoning Commission may authorize a subdivider to pay a fee into an Open Space Trust Fund administered by the Town of East Haddam in lieu of the disposition of land, as set forth in the East Haddam Subdivision Regulations.²

PLAN OF DEVELOPMENT — A plan or plans prepared by the Planning and Zoning Commission pursuant to C.G.S. § 8-23.

2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

§ 35-12. Types of land.

- A. The types of land to be considered for acquisition by the Open Space Committee must meet at least one of the following criteria (not in any set priority):
- (1) Land that assembles greenbelt corridors and is adjacent to or in close proximity to present open space.
 - (2) Land that is or could be agricultural land, as recommended in the Plan of Development or open space plans.
 - (3) Land that is productive forest land.
 - (4) Land that protects critical or threatened natural communities and species as identified by the Department of Energy and Environmental Protection.
 - (5) Land that has recreation value, as recommend in the recreation and/or open space plan component of the Plan of Development, or as such plans are adopted by the Town.
 - (6) Land that has significant scenic, conservation, or natural resource value based on the characteristics of the land.
 - (7) Land that has significant historical or archeological value, based on the character of the land and/or improvements thereon.
- B. The types of development rights to be considered for purchase by the Open Space Committee must be consistent with the general purpose of this article and may include one or more of the following:
- (1) Development rights which will tend to maintain and enhance the conservation of natural or scenic resources;
 - (2) Development rights which will tend to protect natural topography, streams or water supply;
 - (3) Development rights which will tend to enhance public recreation opportunities;
 - (4) Development rights which will tend to protect historical or archeological sites;
 - (5) Development rights which will tend to promote conservation of agricultural soils, particularly prime farmland soil;
 - (6) Development rights which will tend to contribute towards preservation of agriculture in Town.
 - (7) Development rights which will tend to promote certain publicly desirable uses of land, expected at the present time to include agricultural, forest and natural uses.
- C. In considering the acquisition of a particular parcel of land or certain development rights thereto, the Open Space Committee may obtain written recommendations from:

- (1) The Planning and Zoning Commission as to the recommendation for the Plan of Development and other open space/farmland preservation reports.
- (2) The Conservation Commission and East Haddam Historical Commission as to the value of the land as a scenic, archeological or historic site.
- (3) The Recreation Commission as to the recreational value.
- (4) The University of Connecticut Cooperative Extension system as to the agricultural value.
- (5) The East Haddam Land Trust, Inc., as to the value of the land for natural resources.
- (6) A statement from any other advisory committee or organization whose opinion is deemed appropriate by the Open Space Committee.

§ 35-13. Public hearings.

- A. The Open Space Committee shall hold one or more informational public hearings regarding a proposed acquisition of a particular parcel of land(s), or acquisition of the development rights thereto.
- B. When a public informational hearing is to be held, the Open Space Committee shall cause notice to be published at least twice at intervals of not less than two days, the first not more than 15 days nor less than 10 days and the last not less than two days before such hearing in a newspaper having substantial circulation in the Town.

§ 35-14. Approval of acquisition; administration.

- A. Prior to final action, a referral to the Planning and Zoning Commission shall be made, pursuant to C.G.S. § 8-24, Municipal improvements.
- B. Upon determination that a particular parcel of land(s) or development rights thereto are to be acquired with monies in the fund or any other source, the Open Space Committee shall, by resolution, request the Board of Selectmen and the Board of Finance to consider the appropriation of funds and set a Town Meeting for the Town's people to vote on said issue.
- C. As provided in C.G.S. § 7-131b, Acquisition of open space and easement, the Town may vote to accept the recommendation of the Open Space Committee; provided, however, that such acquisition is approved by the Board of Finance and the Board of Selectmen.
- D. The fund shall be administered by the Board of Finance.

§ 35-15. Funding.

- A. In preparing the annual Town budget, the Board of Finance shall consider additions to the fund as part of its Open Space Trust Fund or "sinking fund." The Town shall also

investigate, on a continuing basis, the availability of any state and federal monies available for land acquisition and development rights.

- B. The fund shall include payments received in lieu of open space, pursuant to C.G.S. § 8-25, as amended.³
- C. Contributions to the reserve can be accepted from individuals, corporations, associations, partnerships and any other legal entities. Said contributions shall be used exclusively for the herein stated purposes of the fund if by resolution the Board of Selectmen, Board of Finance, and Town Meeting accepts the funds for the purposes intended.
- D. Funds can be used for appraisal, survey, legal research, fees and preparation of documents for any acquisition of property or development rights.

§ 35-16. Stewardship of acquired properties and development rights.

As provided in § 7-131a of the Connecticut General Statutes, as amended, the East Haddam Conservation Commission shall administer the properties and rights acquired as intended.

DRAFT

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 57
JUSTICES OF THE PEACE

§ 57-1. Number.

[HISTORY: Adopted by the Town of East Haddam 6-27-1996. Amendments noted where applicable.]

GENERAL REFERENCES

Police protection — See Ch. 95.

§ 57-1. Number.

Pursuant to the provisions of Connecticut General Statutes § 9-183a, as amended, the number of Justices of the Peace which shall be elected in 1996 and quadrennially thereafter shall be 18.

DRAFT

DRAFT

Chapter 62

LIBRARY

§ 62-1. Establishment.

§ 62-2. Board of Trustees; bylaws.

§ 62-3. Board of Trustees membership.

§ 62-4. Election of Trustees; terms; vacancies.

§ 62-5. Officers; quorum.

§ 62-6. Responsibilities of Board of Trustees.

§ 62-7. Appropriations.

§ 62-8. Library Director.

§ 62-9. Condition precedent to establishing system.

[HISTORY: Adopted by the Town of East Haddam 6-19-2013. Amendments noted where applicable.]

§ 62-1. Establishment.

The East Haddam Public Library System is hereby established. The East Haddam Free Public Library shall be designated as the principal public library, and the Rathbun Free Memorial Library shall be made a part thereof. The East Haddam Free Public Library and Rathbun Free Memorial Library shall constitute one library at two locations and all library services provided the public from said two locations shall be part of one unified library system known as the "East Haddam Public Library System." The library building at 36 Main Street, East Haddam, Connecticut shall continue to bear the name "Rathbun Free Memorial Library" in perpetuity.

§ 62-2. Board of Trustees; bylaws.

The Board of Trustees shall be the only library board operating and existing under the ordinances of East Haddam, and any other board or boards, committees or councils established prior to the date of the first organizational meeting of the Board of Trustees under the ordinances of East Haddam or holding office as elected trustees of the East Haddam Free Public Library for the purpose of overseeing, managing or operating either the East Haddam Free Public Library or Rathbun Free Memorial Library is abolished. The Board of Trustees may create a set of bylaws for its governance and from time to time, in the discretion of the Board, amend its bylaws.

§ 62-3. Board of Trustees membership.

There shall be a Board of Trustees consisting of nine elected trustees whose terms of office shall be six years. Said trustees shall be elected in the manner provided in Connecticut General Statutes § 9-207.

§ 62-4. Election of Trustees; terms; vacancies.

In 2013, nine Trustees shall be elected, three to a term of two years and hence in 2015 to a term of six years, three to a term of four years and hence in 2017 to a term of six years, and

three to a term of six years and hence in 2019 to a term of six years. Upon the election of said nine Trustees to the Board of Trustees in 2013 and upon the taking of the oath of office, the Board of Trustees shall be duly constituted under the laws of the State of Connecticut and able to carry out its responsibilities as enumerated below in § 62-6. Any vacancy in the office of Library Trustee created by death, resignation, ceasing to be an elector of East Haddam or removal from the Board of Trustees for any other reason shall be filled by appointment of the Board of Selectmen in accordance with Connecticut General Statutes §§ 9-220 and 9-167a.

§ 62-5. Officers; quorum.

The Board of Trustees shall hold an organizational meeting within 30 days of the 2013 election, at which a Chairperson and Secretary shall be elected. Five Trustees present shall constitute a quorum.

§ 62-6. Responsibilities of Board of Trustees.

The Board of Trustees is authorized under the provisions of this chapter and the laws of the State of Connecticut to carry out the responsibilities of trustees of the system. The Trustees shall be principally responsible, in consultation with the Library Director, for developing appropriate policies for overseeing the management of the system's finances, purchasing, budgeting and accounting systems; maintenance of the buildings, interior and exterior, contents and the grounds, driveways and parking areas; hours and use of the premises by the public; developing a job description for the Library Director and evaluating the performance of the Library Director and staff; promoting gifting and other forms of private donation and fund-raising; and advocating for the system to the public.

§ 62-7. Appropriations.

All appropriations for the system shall be requested in accordance with the Town's established municipal budgeting procedures as determined by the Board of Selectmen and the Board of Finance and adopted at the annual budget town meeting.

§ 62-8. Library Director.

The Board of Selectmen shall hire a Library Director, who shall have responsibility for the day-to-day operations and management of the system, including assisting the Board of Trustees in developing appropriate policies for management of the system's finances, purchasing and accounting systems; maintenance of the buildings, interior and exterior, contents and the grounds, driveways and parking areas; hours and use of the premises by the public; evaluating the performance of the staff; promoting gifting and other forms of private donation and fund-raising; and advocating for the system to the public.

§ 62-9. Condition precedent to establishing system.

The conveyance, transfer and delivery of appropriate documents of title to the physical assets consisting of the real property located at 36 Main Street, East Haddam, Connecticut and the

contents and tangible personal property located in the library building situated on said real property by Bank of America, Trustee of the Norris W. Rathbun Trust fbo Rathbun Free Memorial Library, as directed in the decree of the Probate Court, Region #14 Probate District dated January 3, 2013, is deemed a condition precedent to establishing the system and the Board of Trustees under this chapter, and failure or refusal of Bank of America, Trustee, to make said transfer and deliver said physical assets as authorized under the terms of the decree will render this chapter null and void.

DRAFT

DRAFT

Chapter 71

NOTICES AND REPORTS

ARTICLE I

Legal Notices; Publication of Ordinances

- § 71-1. Advertising.
- § 71-2. Summary publication of ordinances.

ARTICLE II Annual Report

- § 71-3. Availability.

[HISTORY: Adopted by the Town of East Haddam as indicated in article histories. Amendments noted where applicable.]

ARTICLE III

Notice to Abutting Property Owners

- § 71-4. Scope of notice required.
- § 71-5. Compliance required prior to action.
- § 71-6. Proof of notice.
- § 71-7. Exceptions.
- § 71-8. Definitions.

ARTICLE I

Legal Notices; Publication of Ordinances [Adopted 4-6-1971]

- § 71-1. Advertising. [Amended 2-3-2009]

All future legal Town notices shall be advertised as provided by law.

- § 71-2. Summary publication of ordinances. [Added 5-2-1995]

Pursuant to the authority of Connecticut General Statutes § 7-157, for the purpose of legal notice, the Town of East Haddam shall publish a summary of a proposed ordinance in lieu of it being published in its entirety, provided the Town Clerk shall make available for public inspection and shall, upon request, mail a copy of said proposed ordinance to any person requesting the same. Any summary so published shall bear the disclaimer, "This notice is prepared for the benefit of the public, solely for the purpose of information, summarization and explanation. This notice does not represent the intent of the legislative body of the Town of East Haddam for any purpose." This section shall not apply to any proposal which makes or requires an appropriation.

ARTICLE II
Annual Report
[Adopted 11-19-1974]

§ 71-3. Availability.

The annual report shall be made available to the residents of the Town of East Haddam during the calendar year in which the fiscal year ends.

ARTICLE III
Notice to Abutting Property Owners
[Adopted 9-18-1990]

§ 71-4. Scope of notice required.

In addition to the provisions for notice contained in any other statute, ordinance or regulation, no individual, company, corporation, municipal legislative or administrative body shall enact or act on any ordinance, regulation or rule or other matter specifically affecting the use of a parcel(s) of land, with or without improvements, situated within the Town of East Haddam, until the owner of said parcel(s) and all owners of parcels as recorded on the last completed Grand List of said Town of East Haddam within a distance of 100 feet, from any boundary, of said parcel(s) affected, has been notified, in writing, certified mail, return receipt requested, not less than 14 days prior to any hearing or meeting pertaining to any such act or enactment.

§ 71-5. Compliance required prior to action.

Any request to or by a public body for such an act or enactment shall not be heard or acted upon until the party making such request submits evidence of compliance with the notice provisions of this article.

§ 71-6. Proof of notice.

The deposit of notice, addressed to the proper parties, in writing, in the United State Post Office, certified mail, return receipt requested, shall be deemed sufficient notice and evidence thereof may be given by filing an affidavit, with return receipts attached, attesting that such notice was complied with by the requesting party, who shall be responsible for such notice, which shall become a part of the file of said public body.

§ 71-7. Exceptions.

The requirements and provisions of this notice and article shall not apply to the enactment of any ordinance or regulation of general application and/or enforcement, nor shall it apply to the ordinary maintenance and repair of municipal property, including highways.

§ 71-8. Definitions.

The term "act or enactment," as used in this article, shall be defined to mean the actual adoption of any ordinance, regulation or rule or other matter specifically affecting the use of a parcel of land, with or without improvements, situated within the Town of East Haddam, which must be obeyed by the owner(s) as hereinbefore defined, subject to sanctions or legal consequences.

DRAFT

DRAFT

Chapter 84

PENSION AND RETIREMENT PLANS

ARTICLE I
Employee Pension Plan

ARTICLE II
Volunteer Fire Pension Plan

§ 84-1. Purpose.

§ 84-2. Contract and plan authorized.

§ 84-3. Delegation to plan administrator.

§ 84-4. Waiver of competitive bidding.

§ 84-5. Limitation on eligibility for
Volunteer Firefighters' Incentive
Plan.

§ 84-6. Establishment of Length of
Service Award Plan.

[HISTORY: Adopted by the Town of East Haddam as indicated in article histories.
Amendments noted where applicable.]

ARTICLE I
Employee Pension Plan

[A new plan, enacted with an effective date of July 1, 1986, is on file in the Town
Clerk's office.]

ARTICLE II
Volunteer Fire Pension Plan
[Adopted 12-13-1990]

§ 84-1. Purpose.

In recognition of the particular problems and unusual risks attendant upon fire-fighting duties undertaken by members of the several companies and their chief officers of the East Haddam Volunteer Fire Department; and in recognition that the enactment of an ordinance authorizing the Board of Fire Commissioners and the Board of Selectmen to enter into a contract for such services and directing that such payments be devoted exclusively to the establishment of a plan which confers benefits upon active volunteer firefighters following retirement would act as an inducement in attracting and retaining superior personnel and in recognition that the public interest, safety and welfare will be promoted by the authorization of such a contract and incentive plan, the Board of Selectmen, in order to give practical effect to this policy, hereby adopts the following article.

§ 84-2. Contract and plan authorized.

Pursuant to §§ 7-148(c)(2), 7-194(43) and 7-301 of the Connecticut General Statutes, the East Haddam Board of Selectmen hereby authorizes the Board of Fire Commissioners and the Board of Selectmen to enter into a contract for an indefinite term with the several companies and the chief officers of the East Haddam Volunteer Fire Department for the purposes of providing the Town of East Haddam with fire protection services in consideration for an

annual payment, the amount of which shall be determined annually by the plan administrator, said contract to provide, inter alia:

- A. That such annual sum be paid into the Volunteer Firefighters' Incentive Plan, as established herein, to be used exclusively for the purpose of funding an incentive plan for the benefit of the members of the several companies and the chief officers of the East Haddam Volunteer Fire Department;
- B. That the amount of such annual sum be determined each year by the funding estimated to be required to offset the future benefits liability incurred for each firefighter computed at the rate stated in the plan document;
- C. That said incentive plan, upon adoption by the Board of Selectmen, shall be incorporated in and become an integral part of said contract;
- D. That said plan and the benefits provided thereunder shall be made available to volunteer members of the several companies and the chief officers of the East Haddam Fire Department in accordance with such criteria as the plan prescribes;
- E. That said plan and the benefits provided thereunder shall be retroactively effective as to members of the several companies and the chief officers of the East Haddam Volunteer Fire Department who would have qualified thereunder as of July 1, 1990;
- F. That said incentive plan be administered by the plan administrator as defined in the plan;
- G. That said plan and Town payments into the incentive plan shall automatically terminate at such time as one or more of the several companies of the East Haddam Volunteer Fire Department cease to be organizations composed of volunteer firefighters who are unpaid for their fire-fighting services except for chief officer stipends, special payments for fire watches, forest firefighting and training exercises, and reimbursements for losses of personal property. Said termination shall occur when any form of compensation, such as but not limited to reimbursement for personal automobile usage (mileage allowance) for time on fire-fighting duty, and for per-call compensation, is instituted. It may otherwise be terminated by either of the parties upon 180 days' written notice of such intention to terminate;
- H. That in the event of the termination of said incentive plan, the balance on hand in said plan at the time of such termination, except for the reasonable costs of administration and any funds which may be required for the payment of benefits which may have accrued or vested at the time of such termination, shall revert back to the Town of East Haddam, and neither the several companies and the chief officers of the East Haddam Fire Department nor any member thereof shall have any claim upon such balance; and
- I. That said incentive plan, together with any amendments thereto, shall be consistent with the terms of this article.

§ 84-3. Delegation to plan administrator.

The adoption of this article shall constitute a specific delegation to the plan administrator, pursuant to the Board of Selectmen, to accept the responsibilities of and to perform the duties involved in the administration of said incentive plan.

§ 84-4. Waiver of competitive bidding.

Inasmuch as the services which are the subject of the contract herein described are of a hazardous and unique character and directly affect the public health, safety and welfare, competitive bidding requirements are hereby determined to be unnecessary and not for the best interests of the Town, and said competitive bidding requirements are therefore waived.

§ 84-5. Limitation on eligibility for Volunteer Firefighters' Incentive Plan. [Added 12-28-2011]

The only individuals who are eligible to receive a benefit from or participate in the Volunteer Firefighters' Incentive Plan established by §§ 84-1 through 84-4 of this article (the "incentive plan") are those individuals who were eligible to receive a benefit from or participate in the incentive plan on December 31, 2011, or who had a vested benefit under said incentive plan on December 31, 2011. Individuals who become members of the East Haddam Volunteer Fire Department after December 31, 2011, shall not be eligible to receive a benefit from or participate in the incentive plan with regard to volunteer services performed by such individuals for the East Haddam Volunteer Fire Department after December 31, 2011. All plan documents for the incentive plan are hereby amended to incorporate the provisions of this § 84-5.

§ 84-6. Establishment of Length of Service Award Plan. [Added 12-28-2011]

- A. Statement of purpose. In recognition that the public interest, safety, and welfare will be promoted and advanced through the retention and recruitment of volunteer members for the East Haddam Volunteer Fire Department ("the Department") and through the encouragement of active involvement by those volunteer members in the fire-fighting and prevention services which the Department provides to the Town of East Haddam ("the Town"), it is in the best interests of the Town to establish a system which will provide length of service awards to the following active volunteer members of the Department (the "eligible volunteers"):
- (1) Active volunteer members of the Department who become members of the Department after December 31, 2011, and who meet the eligibility requirements for participation set forth in the plan documents for the length of service award system; and
 - (2) Active volunteer members of the Department who became members of the Department on or before December 31, 2011, and who have five years or less of credited service under the Volunteer Firefighters' Incentive Plan established by §§ 84-1 through 84-4 of this article (the "existing incentive plan") and who do not have a nonforfeitable interest or vested interest in any accrued benefit under the

existing incentive plan and who, no later than February 1, 2012, waive all benefits and rights which they may be entitled to under the Town's existing incentive plan and who meet the eligibility requirements for participation set forth in the plan documents for the length of service award system.

- B. Establishment. Pursuant to §§ 7-148(c)(5)(A) and 7-148(2) of the Connecticut General Statutes, the Town establishes a system for providing length of service awards to the eligible volunteers, and such system (the LOSAP) is intended to be a length of service award plan as defined in §§ 457(e)(11)(A)(ii), 457(e)(11)(B), and 457(e)(11)(C) of Title 26 of the United States Code, as amended, and any successor sections.
- C. The First Selectman is empowered, authorized and directed to enter into and execute on behalf of the Town a plan document for the LOSAP and such other documents and agreements as may be required to establish and maintain the LOSAP, such plan document and such other documents and agreements to become effective after approval by the Board of Selectmen and the Board of Finance.
- D. The LOSAP shall be administered by the plan administrator as defined in the plan document for the LOSAP. The adoption of this § 84-6 shall constitute a specific delegation to the plan administrator, pursuant to the Board of Selectmen, to accept the responsibilities of and to perform the duties of the plan administrator in the administration of the LOSAP and to exercise the powers and rights of the plan administrator to administer the LOSAP.
- E. The Town shall enter into a trust agreement establishing a trust (the LOSAP Trust) to receive contributions from the Town to fund the length of service awards under the LOSAP. The trustee shall be a trustee approved by the plan administrator of the LOSAP. The trustee shall disburse funds from the LOSAP Trust in accordance with the provisions of the trust agreement, Connecticut law and this § 84-6.
- F. The Town may periodically contribute to the LOSAP Trust such amounts of cash as may be determined and approved by the Board of Selectmen and the Board of Finance to fund the length of service awards which have been credited under the LOSAP to the accounts of the eligible volunteers under the plan document for the LOSAP.

Chapter 90

PLANNING AND ZONING

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

ARTICLE II
**Planning and Zoning Commission
Alternates**

§ 90-1. Establishment.

§ 90-5. Number; term; appointment.

§ 90-2. Membership; terms.

§ 90-6. Municipal employees may serve.

§ 90-3. Zoning Board of Appeals.

§ 90-4. Municipal employees may serve.

[HISTORY: Adopted by the Town of East Haddam as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Planning and Zoning Commission; Zoning Board of Appeals
[Adopted 9-15-1960]

§ 90-1. Establishment.

The Town of East Haddam adopts the provisions of Chapters 124 and 126 of the General Statutes of Connecticut, Revision of 1958, as amended, and elects to exercise through a single Planning and Zoning Commission the powers granted therein.

§ 90-2. Membership; terms.¹

The Planning and Zoning Commission of the Town of East Haddam shall consist of seven members who shall be electors of said Town. They shall be appointed by the Board of Selectmen of said Town on the effective date of this article, to serve as follows: two to serve until the biennial Town election of 1961, at which two members shall be elected to replace the two whose terms then expire; two to serve until the biennial Town election of 1963, at which election their successors shall be chosen; and three to serve until the biennial Town election of 1965, at which time their successors shall be chosen. All of said elected members of the Commission shall serve for six years from the dates of their respective elections, after which their successors shall be chosen at regular Town elections, also for terms of six years. At each such election at which two members of the Commission are to be elected, one shall be from each of the two major political parties. At an election at which three members are to be elected, not more than two shall be of the same party. In the event of a vacancy on said Commission, the Board of Selectmen shall fill the vacancy for the unexpired period, by appointing a member of the same political party as that of the member who is being replaced. At no time shall the membership of the Commission consist of more than five members of the

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

same political party. No member of the Commission may be at the same time a member of the Zoning Board of Appeals. (Section 9-167a of the General Statutes of Connecticut, minority representation: total membership of seven; maximum from one party: five.)

§ 90-3. Zoning Board of Appeals. ²

The Zoning Board of Appeals of East Haddam shall consist of five members and three alternate members who shall be electors of said Town, as provided by Chapter 124 of the General Statutes of Connecticut, Revision of 1958, as amended. They shall be appointed by the Board of Selectmen in the first instance, to serve as follows. one of the regular members for one year, one for two years, one for three years, one for four years and one for five years. The alternate members shall be appointed to serve for three years, four years and five years, respectively. Thereafter, each new regular member and each new alternate member shall be appointed for five years, except that an appointment to succeed a member whose term has not expired shall be only for the unexpired balance of said term. At no time shall the regular members of said Board include more than four members of one political party, nor shall the alternate members include more than two members of the same political party. In all matters relating to the Zoning Board of Appeals not specifically covered by this article, the provisions of Title 8 of the General Statutes of Connecticut, Revision of 1958, as amended, shall apply.

§ 90-4. Municipal employees may serve. [Added 12-26-2006]

Electors of the Town who are also municipal employees may serve as members of the Planning and Zoning Commission and the Zoning Board of Appeals as provided by Connecticut General Statutes §§ 7-421(e)(2)(A) and 7-421(e)(2)(C).

ARTICLE II
Planning and Zoning Commission Alternates
[Adopted 7-21-1978]

§ 90-5. Number; term; appointment.

The Board of Selectmen of East Haddam, Connecticut, shall appoint three alternate members to the Town Planning and Zoning Commission on the effective date of this article. Alternate members shall be appointed to serve as follows: one until the biennial Town election of 1979, at which time a successor shall be elected; one until the biennial Town election of 1981, at which time a successor shall be elected; and one until 1983, at which time a successor shall be elected. Thereafter, each alternate member shall be elected for six years, except that vacancies, which may occur from time to time, shall be filled by appointment by the Board of Selectmen and the term of alternate members so appointed shall be only for the unexpired balance of said term. At no time shall the alternate member to such Commission include more than two members of the same political party. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth in the General Statutes or any special act relating to such municipality for such Commission and its members. Such alternate members shall be electors and shall not be members of the Zoning Board of Appeals. If a

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

regular member of the Town Planning and Zoning Commission is absent or disqualified, the Chairman of said Commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly an equal number of times possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

§ 90-6. Municipal employees may serve. [Added 12-26-2006]

Electors of the Town who are also municipal employees may serve as alternates to the Planning and Zoning Commission as provided by Connecticut General Statutes §§ 7-421(e)(2)(A) and 7-421(e)(2)(C).

DRAFT

DRAFT

Chapter 95
POLICE PROTECTION

§ 95-1. Resident State Troopers.

[HISTORY: Adopted by the Town of East Haddam 11-21-1961; amended in its entirety 5-8-2013. Subsequent amendments noted where applicable.]

§ 95-1. Resident State Troopers.

The Board of Selectmen shall be authorized to enter into such agreements and contracts with the Commissioner of the State of Connecticut, Department of Emergency Services and Public Protection so that Resident State Trooper(s) be appointed to serve the Town of East Haddam. The First Selectman shall be authorized to sign such agreements and contracts on behalf of the Town.

DRAFT

DRAFT

Chapter 106

PURCHASING

§ 106-1. Competitive bidding required for certain purchases.

§ 106-2. Solicitation of sealed bids.

§ 106-3. Number of bids required; negotiated purchases or contracts.

§ 106-4. Preference for local businesses.

§ 106-5. Additional purchasing procedures.

§ 106-6. Change orders.

§ 106-7. Selectmen's authority.

[HISTORY: Adopted by the Town of East Haddam 9-11-1996. Amendments noted where applicable.]

§ 106-1. Competitive bidding required for certain purchases. [Amended 3-12-2014]

All contracts for and single purchases of supplies, materials, equipment and contractual services (except utilities, gravel and materials necessary on an as-needed basis) shall be based, when possible, on competitive bids if such purchase price exceeds \$15,000. If the purchase can reasonably be anticipated to fall between \$7,500 and \$15,000, the purchase order shall be accompanied by documentation for two price quotes. This documentation shall be maintained in Town records for one year. If such purchase price exceeds \$15,000, the Selectmen, when possible, shall invoke an advertised/sealed bid process.

§ 106-2. Solicitation of sealed bids.

The First Selectman, acting on behalf of the appropriate agency, shall solicit sealed bids by the sending of notice to prospective suppliers and by advertising in a newspaper having a general circulation in said Town of East Haddam. The First Selectman may place advertisements in other periodicals, trade magazines, etc., but may not exempt above said newspaper. Each sealed bid shall be publicly opened at the time stated in the notice soliciting such bid. Bids selected by this process shall be publicly awarded at a Board of Selectmen meeting.

§ 106-3. Number of bids required; negotiated purchases or contracts. [Amended 3-12-2014]

All purchases or contracts above \$15,000 shall be based on at least two competitive bids. When at least two such bids shall not have been received, the Board of Selectmen may, at the request of the Town agency represented, void the bid and direct said agency to identify and negotiate with at least two suppliers (one of whom shall be the sole bidder of the voided bid if there was only one such bidder) for the best price and product for the Town of East Haddam. Such negotiated purchase or contract must be approved by the Board of Selectmen before being placed into effect.

§ 106-4. Preference for local businesses.

If the low bidder is not a local business (as defined hereinafter), then the next low bidder, provided it is within 10% of the next low bidder, may, at its option, if it is a local business, match the bid of the low bidder. The Board of Selectmen retains the sole judgment, within its discretion, to determine what constitutes low bidder and next low bidder, after due consideration to base bid, allowances and alternates to a bid, as they may apply. For the purpose of this provision only, "local business" is defined as a business or individual who or which is assessed real, personal, or motor vehicle taxes in East Haddam on the previous October 1 to the date of the bid opening.

§ 106-5. Additional purchasing procedures.

In lieu of the standard competitive bid process, any agency of the Town of East Haddam may:

- A. With prior approval of the Board of Selectmen, use one or more of the following options:
 - (1) A request for proposal (RFP). Vendors of goods or services will be asked to submit a proposed solution or solutions (including costs) to a problem or issue described in writing by the Town. Prices are finalized by negotiation.
 - (2) A request for qualifications (RFQ). Vendors of professional services will be asked to present their qualifications for resolving the problem or issue at hand. Price will be negotiated with the vendor deemed best qualified.
 - (3) Simple negotiations with appropriate legitimate suppliers.
 - (4) An agent of record. The Town retains an agent to seek out and evaluate proposals and to bring forward a recommended course of action.
- B. All such purchases or contracts shall be approved by the Board of Selectmen before being awarded or placed into effect.
- C. The Town agency, at its discretion, may award such purchase or contract to the legal state low bidder, a supplier which has been selected by the State of Connecticut's purchasing procedure following a competitive bid.

§ 106-6. Change orders.

If, after the awarding of any bid or its appropriate alternative as described herein, changes in the scope of work or specifications become necessary, they shall be done only through a work change order system as developed by the First Selectman. All payments for such changes shall be made with the appropriate distinctions as such.

§ 106-7. Selectmen's authority.

The Board of Selectmen reserve the right to accept or reject any and all, or any and all parts of any bids and may waive any informalities in the bidding.

Chapter 123

SOCIAL SECURITY

§ 123-1. Participation in state program.

§ 123-3. Duties of Treasurer.

§ 123-2. Duties of First Selectman.

[HISTORY: Adopted by the Town of East Haddam 10-22-1951. Amendments noted where applicable.]

§ 123-1. Participation in state program. [Amended 6-25-1975; 7-10-1975]

The Town of East Haddam shall apply for membership and to participate in the Old Age and Survivor's Insurance System under Title II of the Social Security Act as amended in accordance with Public Act Number 277 of the 1951 Public Acts as of the first day of July 1951, for all its employees, including its elected officials who serve on a full-time basis and/or whose annual compensation from the Town, including salary and fees, is \$2,000 or more, and the employees excluded by § 3 of said Public Act Number 277.

§ 123-2. Duties of First Selectman.

The First Selectman shall execute on behalf and in the name of the Town of East Haddam any and all agreements with the State Employees' Retirement Commission for the purpose outlined in § 123-1, in accordance with, and subject to the provisions of said Public Act Number 277, and subject to the regulations promulgated by the State Employees' Retirement Commission pursuant to said public act.

§ 123-3. Duties of Treasurer.

The Town Treasurer of the Town of East Haddam is authorized and directed to make deductions from the wages of the employees participating in said Old Age and Survivors' Insurance System, as required by § 4 of said Public Act Number 277, and to forward the amount thereof, together with the contribution of the Town of East Haddam, to the State Employees' Retirement Commission in manner and form prescribed by said regulations.

DRAFT

Chapter 133
TOWN CLERK

ARTICLE I
Salary

§ 133-1. Establishment.

[HISTORY: Adopted by the Town of East Haddam as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Salary
[Adopted 5-21-1986]

§ 133-1. Establishment.

Under the provisions of § 7-34b of the Connecticut General Statutes, the Town of East Haddam hereby provides that the compensation of the Town Clerk shall be by the salary established and fixed by Town Meeting of East Haddam, which salary shall be in lieu of all fees and other compensation provided for in the General Statutes.

DRAFT

DRAFT

Chapter 138

WATER POLLUTION CONTROL AUTHORITY

§ 138-1. Creation; authority; regulations.

§ 138-4. Budget.

§ 138-2. Membership; terms.

§ 138-5. Removal of members.

§ 138-3. Officers; records; meetings.

[HISTORY: Adopted by the Town of East Haddam 8-10-1988. Amendments noted where applicable.]

§ 138-1. Creation; authority; regulations. ¹

The Town of East Haddam hereby creates a Water Pollution Control Authority. Such authority shall have all the powers, purposes, objectives, duties and obligations set forth in Chapters 102 and 103 of the General Statutes of the State of Connecticut, Revision of 1958, and existing and future amendments thereto, and all powers inuring or granted to Water Pollution Control Authorities by § 7-246 and by other relevant sections of the General Statutes of Connecticut, Revision of 1958, and existing and future amendments thereto. Such authority shall have the power to develop and enforce activities to protect the groundwater and aquifers of the Town of East Haddam. Said regulations promulgated by the authority would need approval by the legislative body of the Town.

§ 138-2. Membership; terms. [Amended 4-27-1994]

Said Authority shall consist of six regular members and two alternates, all electors of the Town of East Haddam, who shall be designated and approved by the Board of Selectmen and serve without compensation. Members and alternates appointed shall serve for a term of five years; terms shall expire June 30. However, the first term of each new seat hereby created will expire on June 30, 1998.

§ 138-3. Officers; records; meetings.

The Authority shall elect a Chairman from among its own members at the first meeting and annually thereafter at the first meeting held after the first day of July in each year. The Authority shall appoint a Secretary. The Secretary shall keep a complete record of the proceedings of the Authority and, when ordered by the Authority, shall file the same with the Town Clerk. All such records shall be open for public inspection at reasonable hours. Meetings of the Authority may be called by the Chairman or any three members upon 24 hours' notice thereof.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 138-4. Budget.

The Authority shall prepare annually a budget of estimated revenue and expenditures for the ensuing fiscal year.

§ 138-5. Removal of members.

A commissioner may be removed for inefficiency or neglect of duty or misconduct in office by the Board of Selectmen after a hearing conforming to recognized standards of due process of law; a commissioner shall be removed only after opportunity to be heard in person or by counsel before the Board of Selectmen at least 10 days prior to which he shall have been given a copy of the charges against him. In the event of the removal of any commissioner, a record of the proceeding, together with the charges and findings thereon, shall be filed in the office of the Town Clerk of East Haddam.

DRAFT