

Chapter 2

ADMINISTRATION*

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ARTICLE I. IN GENERAL

Sec. 2-1. Self-insurance program reserve fund.

(a) All funds remaining in any self-insurance fund at the close of any fiscal year shall be retained in a permanent reserve fund designated as a reserve for self-insurance and to be utilized only for such purpose. Such reserve fund shall be maintained in a separate bank account or accounts and properly designated. All interest or income earned on such account shall remain in such account and be utilized to increase such reserve.

(b) This procedure shall remain in effect until such time as the town council, upon recommendation of the board of finance, shall determine that sufficient reserves have been accumulated.

(c) At or near the close of each fiscal year, the town attorney shall meet with those individuals familiar with or attending to the self-insurance program to review outstanding claims or other liabilities to satisfy such liabilities. It is understood, however, that the funds budgeted for self-insurance in the annual budget shall be first utilized to pay such claims or liabilities with the reserve fund not being drawn upon unless such annual budgeted amount is exhausted. The town attorney shall provide the mayor with a compilation of the claims and liabilities along with the approximation of reserves.

*Cross references—Airport zoning board, § 3-16 et seq.; courts, Ch. 7; flood and erosion control board, § 9-16 et seq.; flood damage prevention, § 9-31 et seq.; administrator of flood damage prevention regulations, § 9-66; health district, § 10-16 et seq.; community development action plan agency, § 14-16 et seq.; development and industrial commission, § 14-31 et seq.; Greater New Haven Transit District, § 14-46 et seq.; inland wetlands and water courses commission, § 14-66 et seq.; redevelopment agency, § 14-81 et seq.; convention and visitors commission, § 14-96; police, Ch. 15; regulation of recyclable materials, § 16.5-35; South Central Connecticut Recycling Authority, § 16.5-46 et seq.; taxation, Ch. 18; water pollution control authority, § 20-46 et seq.

(d) If any additional risks which are now insured are to be included in the self-insurance program, such addition shall require the approval of the town council and shall provide for adequate funding as recommended by the board of finance and approved by the town council. (Ord. No. 171, §§ 1—4, 3-4-80)

Sec. 2-1.1. Medical self-insurance.

(a) Beginning with the fiscal year commencing July 1, 1993, and continuing until otherwise determined by this council, the town shall self-insure for the town and East Haven Board of Education ("board") employee health and medical expenses for which the town and board have previously purchased health insurance coverage from private insurers. Upon the determination of the director of finance in any subsequent fiscal year, the town may also self-insure for any employee health and medical expenses for which the town and board have previously contracted with health maintenance organizations.

(b) A permanent reserve fund for the self-insured employee health and medical expenses described in subsection (a) shall be established as of July 1, 1993. The funds in said reserve shall be provided by appropriation in the annual town budget for town employees (defined herein as employees of the town other than employees of the board of education); by payment to the fund by the board as hereinafter set forth for the board's employees; and by deposit into the fund of contributions made by employees or former employees toward coverages provided under the program.

(c) Prior to each fiscal year, the director of finance shall determine the rates for self-insuring employees of the town and board according to demographic categories and the benefits and coverages to be provided. Such rates shall be set at levels estimated to meet the expenses of claim processing, administration, excess insurance and actuarially determined claims projections; provided, that the director of finance may also take into consideration the amount of funds remaining in the reserve from prior years. The annual appropriation to the reserve in the town budget for the town's employees for such fiscal year shall be calculated by applying said rates to the census of town employees taken as of January 1 immediately preceding the fiscal year. Unless otherwise determined by the director of finance, such appropriation shall be paid into the reserve fund in monthly installments during said fiscal year.

(d) The establishment of the self-insurance program shall be contingent upon the board's inclusion in the program of all of its eligible employees. During each fiscal year, the board shall be required to pay into the reserve fund the annual cost of its included employees, to be determined by the director of finance prior to the fiscal year by applying the rates determined under subsection (c) to the census of board employees taken as of January immediately preceding the fiscal year. Unless otherwise agreed by the board and the director of finance, the board shall pay such cost into the reserve fund in equal monthly installments during the fiscal year. If during any month the above rates as applied to the board employees then actually

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participating in the program yield a monthly costing excess of one hundred five (105) percent of the monthly installment, the director of finance shall have the right to demand payment of such excess from the board.

(e) The reserve fund established by this section shall be maintained and accounted for separately from any other funds of the town and shall be used only for the payment of health

and medical insurance claims and expenses, including the other expenses described in subsection (c). All funds remaining in or due to the reserve at the close of any fiscal year shall be retained in the permanent reserve fund. All interest or income earned on the reserve fund shall remain in the reserve fund, to increase the same and to use for the purposes permitted by this section.

(f) The town may not discontinue the self-insurance program except at the end of a fiscal year upon at least six (6) months' prior written notice to the board. The board may not withdraw from the program except at the end of a fiscal year upon at least six (6) months' prior written notice to the director of finance. In the event of discontinuance of the program or withdrawal of the board, the town and the board shall each remain responsible for the payment into the reserve fund of their respective employees' claims incurred but not reported (IBNR) as of the date of discontinuance or withdrawal, plus expenses related to the processing and administration of such claims. The mayor is authorized to execute on behalf of the town an agreement with the board regarding the board's participation in the self-insurance program, on terms consistent with this section.

(g) The director of finance shall be authorized to retain professional services for the administration of the self-insurance program established hereby and for the processing of claims, the costs of which services shall be payable from the reserve.

(h) Nothing contained in this section shall be construed to reduce the benefits or coverages to which employees of the town and board may otherwise be entitled. (Ord. No. 536, §§ 1-8, 3-2-93)

Editor's note—Ord. No. 536, adopted Mar. 2, 1993, did not specifically amend this Code; hence, inclusion of §§ 1-8 as § 2-1.1 was at the discretion of the editor.

Sec. 2-1.2. Self-insurance for workers' compensation liability.

(a) Beginning with the fiscal year commencing July 1, 1993, and continuing until otherwise determined by this council, the town shall self-insure for workers' compensation liability with respect to employees of the town and the East Haven Board of Education ("board").

(b) A permanent reserve fund for the self-insured workers' compensation liability described in subsection (a) shall be established as of July 1, 1993. The funds in said reserve shall be provided by appropriation in the annual town budget with respect to town employees (defined herein as employees of the town other than employees of the board); and by payment to the fund by the board as hereinafter set forth with respect to the board's employees.

(c) The town currently maintains, pursuant to section 2-7, a reserve fund for the town's obligations under G. S. § 7-433c to pay benefits to policemen and firemen who suffer from hypertension and heart disease. Said heart and hypertension reserve fund shall be combined with and made a part of the worker's compensation reserve fund created by this section, and shall be administered as part of the self-insurance program created by this section. The town shall continue to appropriate a separate amount in the annual budget for heart and hypertension liability, which amount shall be added to the reserve created by this section, in monthly installments during the fiscal year or in such other manner as may be determined by

the director of finance. Upon the commencement of the self-insurance program created by this section and the combination of the heart and hypertension reserve fund with the reserve created by this section, the provisions of this section shall supersede and replace the provisions of section 2-7.

(d) At least three (3) months before the commencement of each fiscal year, the director of finance shall determine the funds required for self-insuring the workers' compensation liabilities of the town and board, respectively, for such fiscal year. The director of finance shall first determine "tentative premiums" for the town and the board, respectively, on the basis of occupational categories and estimated payrolls, by a method comparable to that employed by a private insurer. The director of finance may then discount each tentative premium by a percentage, taking into account the then balance of the reserve fund; provided, that for any fiscal year the percentage reduction applied to the town's tentative premium shall be the same as that applied to the board's. The director of finance may then increase the town's and board's discounted tentative premiums by additional charges based upon the respective claims and loss experiences of the town and board during a period not to exceed the five (5) preceding full fiscal years, as well as their respective outstanding liabilities to previous workers' compensation insurance carriers; the method of calculating such additional charges shall be consistent for the town and the board. The tentative premium, after deducting any such discount and adding any such increase, shall be known as the "adjusted premium." The annual appropriation to the reserve in the town budget for the town's workers' compensation liability for each fiscal year shall be equal to the town's "adjusted premium" for that year. Unless otherwise determined by the director of finance, such appropriation shall be paid into the reserve fund in monthly installments during said fiscal year.

(e) The establishment of the self-insurance program shall be contingent upon the board's participation. During each fiscal year, the board shall be required to pay into the reserve fund its "adjusted premium" as determined by the director of finance in accordance with subsection (d). Unless otherwise agreed by the board and the director of finance, the board shall pay its adjusted premium into the reserve fund within thirty (30) days after the commencement of the fiscal year.

(f) The establishment of the self-insurance program shall be further contingent upon the approval of the program by the state workers' compensation commissioner as required by the General Statutes.

(g) The reserve fund established hereby shall be maintained and accounted for separately from any other funds of the town and shall be used only for the payment of workers' compensation claims, expenses, and liabilities (including the police and fire heart and hypertension liabilities described in subsection (c)); claim processing expenses and administrative fees; medical, investigative, legal, and related expenses; premiums for excess liability insurance with limits and coverages to be determined annually by the director of finance; liabilities due to previous workers' compensation carriers as the result of audits, retrospective adjustments, loss experience and the like; assessments, taxes or other charges due to the state, and expenses necessary to meet state requirements; and such other expenses as may be necessary or appro-

priate for fulfilling the purposes of the self-insurance program established by this section. All funds remaining in or due to the reserve at the close of any fiscal year shall be retained in the permanent reserve fund. All interest or income earned on the reserve fund shall remain in the reserve fund, to increase the same and to use for the purposes permitted by this section.

(h) The town may not discontinue the self-insurance program except at the end of a fiscal year upon at least six (6) months' prior written notice to the board. The board may not withdraw from the program except at the end of a fiscal year upon at least six (6) months' prior written notice to the director of finance. In the event of discontinuance of the program or withdrawal of the board, the town and the board shall each remain responsible for the payment into the reserve fund of their respective claims and liabilities outstanding or accrued as of the date of discontinuance or withdrawal, plus expenses related to the processing and administration of such claims. The mayor is authorized to execute on behalf of the town an agreement with the board regarding the board's participation in the self-insurance program, on terms consistent with this section.

(i) The director of finance shall be authorized to retain professional services for the administration of the self-insurance program established by this section and for the processing of claims, the costs of which services shall be payable from the reserve. The initial agreement between the Town of East Haven and The Mathog & Moniello Companies, Inc., to provide such services during the period from July 1, 1993, to June 30, 1996, is hereby approved, and the mayor is hereby authorized to execute said agreement on behalf of the town.

(j) For purposes of the town's health benefits and workers' compensation self-insurance programs, employees of the Water Pollution Control Authority ("WPCA") shall be eligible for inclusion in such programs as employees of the town even though they may be paid from the WPCA's separate budget funds; provided, that the director of finance shall be authorized to require the WPCA in each fiscal year to contribute an amount of funds to each self-insurance reserve calculated in a manner consistent with the method used for town and board appropriations thereto.

(Ord. No. 546, §§ 1—10, 5-4-93)

Editor's note—Ord. No. 546, adopted May 4, 1993, did not specifically amend this Code; hence, inclusion of §§ 1—10 as § 2-1.2 was at the discretion of the editor.

Sec. 2-1.3. Purchase of excess liability insurance to supplement self-insurance reserve.

(a) The purchase of excess liability insurance coverage by the town to protect against catastrophic liability claims, in accordance with the terms of this section, is hereby approved.

(b) Excess liability insurance policies may be purchased by the town from time to time, with such liability limits, coverage exclusions, and self-insured retention amounts as may be determined by the director of finance after consultation with the town attorney. With the prior approval of the town council, such policies may be purchased on the basis of requests for proposals rather than on the basis of competitive bids. The premiums for such insurance shall be paid in accordance with subsection (c) of this section.

(c) Any premiums for such coverage which are payable during the 1993-1994 fiscal year shall be paid from Account #01-881-0950 Self-Insurance. In any subsequent fiscal year for which such coverage is to be purchased, a separate appropriation shall be provided in the section of the annual budget which includes the appropriation for the liability self-insurance reserve. In the event that the appropriation for excess liability insurance is insufficient to pay the annual premium, then the balance of the premium may be paid from the self-insurance reserve appropriation without necessity of a budget transfer. If the appropriation for excess liability insurance exceeds the amount necessary to pay the premium, then the remainder of the appropriation shall be added to the permanent self-insurance reserve fund at the close of the fiscal year.

(d) Nothing in this section shall be construed to require the town to purchase excess liability insurance during a fiscal year in which no appropriation is made therefor in the annual town budget.

(Ord. No. 560, §§ 1—4, 12-7-93)

Editor's note—Ord. No. 560, adopted Dec. 7, 1993, did not specifically amend this Code; hence, inclusion of §§ 1—4 as § 2-1.3 was at the discretion of the editor.

Sec. 2-1.4. Inclusion of street and sidewalk liability claims in liability self-insurance program.

(a) The town's liability risks with respect to alleged defects or conditions in town streets and sidewalks are hereby included in the liability self insurance program, effective as to expenses paid or incurred after the effective date of this section.

(b) Nothing in this section shall be construed to increase the liability of the town with respect to the claims described herein.

(c) This section shall be effective in accordance with the provisions of the East Haven Town Charter.

(Ord. No. 594, §§ 1—3, 3-13-96)

Editor's note—Ord. No. 594, adopted March 13, 1996, did not specifically amend the Code; hence, inclusion of §§ 1—3 as § 2-1.4 was at the discretion of the editor.

Sec. 2-2. School building committee.

(a) There shall be a school building committee. The committee shall be a standing committee and shall be composed of nine (9) persons, not more than five (5) of whom may be of the same political party. The town council shall by majority vote appoint members of the school building committee, including the filling of vacancies for the unexpired portion of any term, in accordance with the terms of subsections 2-2(a) through 2-2(d), of this code.

(b) The committee shall exercise all of the functions to make application for federal and state loans and grants for school construction and improvements, provide supervisory services for the construction of schools and do all other things necessary to secure loans and grants incidental to such construction not inconsistent with the town charter.

(c) Such committee shall convene at least once every four (4) months, submit copies of the minutes of all meetings within thirty (30) days of a meeting to the town council. Such committee shall, by a majority vote, appoint a clerk whose compensation shall be set by the town council.

(d) Terms of office. All present appointments to the school building committee shall expire on February 1, 1992, at which time appointments or reappointments shall be as follows:

- (1) Three (3) members for terms of three (3) years each;
- (2) Three (3) members for terms of two (2) years each;
- (3) Three (3) members for terms of one (1) year each.

Upon the conclusion of such appointments, all members shall thereafter be appointed for terms of three (3) years each.

(Ord. No. 12-2-69; Ord. No. 449, 4-4-89; Ord. No. 566, § 1, 6-7-94)

Sec. 2-3. Regional council of elected officials.

(a) The town hereby joins with such of the towns and cities, within its planning region as defined by the state development commission, as may enact a similar ordinance, to create a regional council of elected officials as such council is defined by G. S., §§ 4-124c—4-124f.

(b) The representative to such regional council shall be the mayor or first selectman.

(c) The regional council shall have such powers, purposes, responsibilities and duties as stated in G. S. §§ 4-124c—4-124f. (Ord. of 7-21-68, §§ 1—3)

State law reference—Regional councils of elected officials, G. S. §§ 4-124c—4-124f.

Sec. 2-3.1. Regional council of governments.

(a) The town hereby adopts the provisions of G. S. §§ 4-124i—4-124p, inclusive, of the concerning regional councils of government, as the same may from time to time be amended.

(b) The regional council of governments shall be entitled to exercise all of the rights and authority and shall be subject to all of the responsibilities and duties provided for in the General Statutes; said powers and duties shall consist of consideration of such matters of a public nature, common to two (2) or more members of the council, as it deems appropriate, including matters affecting the health, safety, welfare, education and economic conditions of the area comprised of its members.

(c) The council shall promote cooperative arrangements and coordinate action among its members and make recommendations therefor to the members and such other public and private agencies as exist or perform functions within the region.

(d) The planning duties and responsibilities of the regional council of governments shall be carried out exclusively by a regional planning commission in accordance with G. S. § 4-1240.

The planning and zoning commission of the town shall appoint one of its members to be its representative to the regional planning commission, said appointment subject to the concurrence of the mayor.

(e) The mayor shall be the representative of the Town of East Haven on the South Central Council of Governments. (Ord. No. 281, §§ 1—5, 3-6-84)

Editor's note—Ord. No. 281, §§ 1—5, adopted Mar. 6, 1984, did not specifically amend this Code; hence, codification herein as § 2-3.1 was at the discretion of the editor.

Sec. 2-4. Election districts.

(a) *Established.* The election of councilpersons for the East Haven Legislative Council for the 2003 biennial election and thereafter shall be by district, and there shall be five (5) council districts within the town.

(b) *Membership.* The East Haven Town Council shall be composed of fifteen (15) members, three (3) of which shall be elected from each district. Each political party shall nominate no more than three (3) persons from each district, and the three (3) candidates receiving the greatest number of votes in that district shall be declared elected. Each elector may vote for three (3) candidates in such elector's district.

(c) *Continuity of office.* All terms of office, powers and provisions of tenure, as set forth in the Town Charter for the town council, shall remain in full force and effect.

(d) *Council districts.* The perimeter boundaries for the five (5) town council districts shall be as described in Schedule A attached to Ordinance No. 732 and made a part of this section [by this reference].

(Ord. No. 193, §§ 1—4, 4-7-81; Ord. No. 732, 5-19-2003)

Editor's note—Ord. No. 193, adopted Apr. 7, 1981, did not specifically amend this Code; hence inclusion of §§ 1—4 as § 2-4 was at the discretion of the editor. The boundary lines of the districts, referred to in subsection (d), have been established by Ord. No. 198, § 1, adopted May 5, 1981; Ord. No. 215, § I, adopted Apr. 3, 1982; and Ord. No. 732, adopted May 19, 2003. For convenience' sake, the editor has added italic subcatchlines.

Sec. 2-5. Sales of town-owned property.

(a) *Bids required.* All sales of town-owned personal property valued by the director of finance at less than the minimum value which is subject to the competitive bidding a requirements of the East Haven Town Charter, as such minimum value may be amended from time to time, shall nevertheless be made on the basis of competitive bids, under the supervision and control of the director of finance. Except as otherwise provided in this section, all such sales shall be made in accordance with the competitive bidding procedures applicable to the sale of town-owned personal property which does come within the competitive bidding requirements of the East Haven Town Charter, as such procedures are set forth in the East Haven Town Charter as amended from time to time.

(b) *Determination of nonusefulness.* No item of town-owned personal property shall be sold or otherwise disposed of pursuant to this section unless and until the director of finance, after consultation with the appropriate department heads or other town officials, determines that such item is no longer useful to the town.

(c) *Disposition of property.* In the event the director of finance receives no responsible bids for an item of personal property offered by the town for sale pursuant to subsection (a) of this section, such item shall be disposed of as follows:

- (1) If the item, in the opinion of the director of finance, has a value of one thousand dollars (\$1,000.00) or less, the director of finance shall sell or otherwise dispose of the item in the manner deemed most appropriate by him, provided that he shall thereupon make a written report of such sale or other disposition to the director of finance.
- (2) If the item, in the opinion of the director of finance, has a value in excess of one thousand dollars (\$1,000.00) no sale of such item shall be made unless and until the terms thereof have been approved by the director of finance, whereupon such sale shall be made under the supervision of the director of finance.

(d) *Payment.* Payment for each item of personal property sold pursuant to this section shall be made to the director of finance by certified check, bank check or money order payable to the "Town of East Haven." All proceeds of any such sale shall be deposited into the town's general fund. (Ord. No. 244, §§ 1-4, 1-5-83)

Editor's note—Section 5 of Ord. No. 244, adopted Jan. 5, 1983, repealed a resolution adopted Apr. 5, 1977, relating to the disposal of town-owned property of a value less than

\$1,000.00, which resolution was not included in this Code. The editor has included §§ 1—4 of Ord. No. 244 as § 2-5. For convenience' sake, the editor has added italic subcatchlines.

Charter reference—Bidding requirements, Ch. VI, § 4(C).

Sec. 2-5.1. Sinking fund for purchase of land by the town.

(a) There be and is hereby authorized a sinking fund for the purchase of land by the town, to be known as the "land acquisition reserve," and hereinafter referred to as the "reserve." The reserve shall be created upon the first appropriation, allocation, or contribution of funds to it pursuant to this section, and shall continue until terminated by ordinance. The reserve shall be managed by the director of finance and accounted for separately from other funds of the town and shall not lapse at the end of each fiscal year. Any interest or earnings attributable to the reserve shall become part of the reserve.

(b) Funds may be placed in the reserve from time to time by:

- (1) Allocation of proceeds from future sales of town land in accordance with subsection (c);
- (2) Appropriation in the annual town budget;
- (3) Gifts, bequests or other contributions; or
- (4) Any other legal means.

(c) With respect to any future approval by the town council of a sale of town land, the council may as a condition of such approval require that all or a specified portion of the town's net proceeds from the sale be allocated to the reserve.

(d) Funds in the reserve may be expended only for the following purposes:

- (1) Payment of all or a portion of the purchase price of land to be acquired by the town upon approval by the town council;
- (2) Payment of all or a portion of sums needed for options or contract deposits for the potential purchase of land by the town, with the approval of the town council; and
- (3) Expenses incurred by the town in connection with its purchase or potential purchase of land, including but not limited to survey expenses, the cost of environmental or other evaluations, appraisals, legal and other expenses of purchase or closing, and other reasonable expenses of the investigation and purchase of land and the maintenance of the reserve.

(e) For so long as the reserve is maintained, no funds in the reserve shall be expended for any purpose other than those enumerated in subsection (d), or transferred out of the reserve for any other purpose.

(f) As used herein the term "land" shall be defined as any improved or unimproved real property, including easements or development rights therein, within the borders of the town. (Ord. No. 616, §§ 1—6, 2-18-97)

Editor's note—Ord. No. 616, §§ 1—6, adopted Feb. 18, 1997, did not specifically amend this Code; hence, inclusion of its provisions as § 2-5.1 herein was at the discretion of the editor.

Sec. 2-6. Town road aid fund.

(a) The department of public services or such other department authorized to expend such funds under the town road aid program is hereby authorized to contract for supplies or other items with the vendor or vendors provided to the town by the State of Connecticut at the price established by the state through its bid procedures, and the finance department of the town is hereby authorized to make payment to such vendor upon submission of a verified purchase order from the department head and verification that the vendor is the approved vendor of the state.

(b) If the department head believes that the best interests of the town would be served by seeking additional prices for such supplies or other items, said department head shall seek competitive bidding through the finance department pursuant to the provisions of the town charter and the town may award such contract for such supplies to the successful bidder so long as the price for such supplies is lower than the state vendor and the best interest of the town would be served by such award. (Ord. No. 282, §§ 1, 2, 3-6-84)

Editor's note—Ord. No. 282, enacted Mar. 6, 1984, did not specifically amend the Code; hence, inclusion of §§ 1, 2, as § 2-6 was at the editor's discretion.

Sec. 2-7. Reserve fund for heart and hypertension claims by policemen and firemen.

(a) There is hereby established a reserve fund to be used for the payment of the town's obligation to pay benefits to policemen and firemen who suffer from hypertension and heart diseases, pursuant to G. S. § 7-433c.

(b) There shall be deposited into said fund all funds previously budgeted for such claims that have not as of the effective date of this section either been paid as benefits or lapsed.

(c) All funds remaining in any account for the payment of such claims at the close of any fiscal year shall be retained in the permanent reserve fund.

(d) Such fund shall be maintained in a separate bank account or accounts and shall be appropriately designated. All interest or income earned on such account shall remain in such account and shall be utilized to increase such reserve.

(e) All funds budgeted in any fiscal year to pay such claims shall be first utilized to pay such claims. The reserve fund shall not be drawn upon unless such annual budgeted amount is exhausted. (Ord. No. 354, 10-7-86)

Editor's note—Ord. No. 354, enacted Oct. 7, 1986, did not specifically amend the Code; hence, inclusion as § 2-7 was at the editor's discretion.

Sec. 2-8. Public meeting times.

(a) *Definitions.* For purposes of this section:

Board shall be defined as any multimember public agency of the Town of East Haven within the meaning of G. S. § 1-18a(a) as amended from time to time.

Meeting shall be defined as a meeting, within the meaning of G.S. § 1-18a(b) as amended from time to time, of a board or subcommittee.

Special meeting and *emergency special meeting* shall have the same meanings as they do for purposes of G.S. § 1-21 as amended from time to time.

Subcommittee shall be defined as a group of members of a board to which the board, by its rules or actions, delegates specified duties or responsibilities.

(b) *General rules.* Except as otherwise provided herein:

- (1) No meeting of a board or subcommittee shall be held on a Saturday, Sunday, federal holiday or state holiday.
- (2) No meeting of a board or subcommittee shall be held on July 3, the day before Thanksgiving, December 24, or December 31 in any year.
- (3) No meeting of a board shall commence earlier than 7:00 p.m., and no meeting of a subcommittee shall commence earlier than 5:00 p.m.

(c) *Exceptions.*

- (1) No provision of subsection (b) shall apply to emergency special meetings.
- (2) The provisions of subsection (b) shall not apply to the board of assessment appeals (a/k/a board of tax review), which board shall be allowed to meet as provided for in G.S. § 12-110, as amended.
- (3) A special meeting of a board or subcommittee may be held on a day or at a time not otherwise permitted by subsection (b) for one of the following purposes, which shall be stated in the notice of the meeting: observation of sites or activities which cannot readily be seen during the prescribed days or times; observation of projects or activities which are conducted primarily during days or times other than those prescribed; or obtaining pertinent information from persons or sources not readily available during the prescribed days or times. No business shall be transacted at any such special meeting unless it is directly related to such purpose and it would not be feasible to postpone action until the next regular meeting of the board or subcommittee.
(Ord. No. 367, §§ 1—3, 2-3-87; Ord. No. 517, § 2, 44-7-92; Ord. No. 683, §§ 1, 2, 2-14-2001)

Sec. 2-9. Procedure for removal for cause of members of appointive boards.

(a) *Definitions.* For purposes of this section, the following words and phrases shall have meanings as follows:

- (1) *Council:* The town council; provided, that with respect to an appointee who was appointed by said town council acting in conjunction with another appointing authority, for purposes of the appointment or removal of such appointee the term "council" shall mean the town council acting in conjunction with such other appointing authority, whose joint action shall be required to effectuate the removal.

- (2) *Board*: An appointive board, commission, or agency of the town whose members are appointed for definite terms by the council.
- (3) *Appointee*: A member of a board who has been appointed for a definite term by the council.
- (4) *Cause*: Grounds for removal of an appointee from a board under applicable Connecticut law.

(b) *Purpose*. The procedures set forth in this section shall apply to the council's removal of an appointee from a board for cause. Said procedures shall not be required in situations where applicable law permits the removal of a member of an appointive board or commission without cause.

(c) *Notice*. At a regular meeting or at a special meeting caused for such purpose, the council may adopt a resolution to consider the removal of an appointee from a board for cause. The resolution shall specify in detail the proposed grounds for removal and shall also specify a date for the council to hold a hearing on the issue of such removal, which hearing shall be at least thirty (30) days but not more than sixty (60) days after the adoption of such resolution. The chairperson of the town council shall notify the appointee in writing at least twenty-one (21) days before the scheduled hearing of the date, time, and location thereof, and shall include with such notice a copy of the resolution specifying the proposed grounds for removal.

(d) *Hearing and decision*. Unless the appointee in question shall resign his office on or before the hearing date, the council shall proceed with the hearing on the date specified or on such later date to which the hearing may be postponed or adjourned. At the option of the appointee, the hearing shall be held in either public session or executive session, subject to the provisions of the Connecticut Freedom of Information Act. At said hearing, the council shall afford the appointee the opportunity to be heard with respect to the proposed grounds for removal. The appointee shall have the right to be represented at the hearing by legal counsel at the appointee's expense. The council shall provide for a stenographic, audiotape, or videotape record of the hearing to be made. In addition to evidence presented by the appointee, the council may consider any other evidence it deems pertinent to the grounds specified in such notice. Upon the affirmative vote of a majority of the members of the council present and voting, within fifteen (15) days after the conclusion of the hearing, the appointee shall be removed from office. The resolution approving removal shall specify the reasons therefor, which shall be limited to some or all of the reasons stated in the original notice of hearing given to the appointee. The removal of the appointee shall take effect immediately upon such vote unless the resolution of removal shall specify a later date.

(Ord. No. 592, §§ 1—4, 3-13-96)

Editor's note—Ord. No. 592, adopted Mar. 13, 1996, did not specifically amend the Code; hence, inclusion of §§ 1—4 as § 2-9 was at the discretion of the editor.

Sec. 2-10. Old Cemetery board of trustees.

(a) There shall be created an Old Cemetery board of trustees which shall be vested with all powers and duties as set forth herein, not inconsistent with the provisions of any existing statute, charter provision or ordinance.

(b) The Old Cemetery board of trustees shall be composed of seven (7) members, not more than five (5) of whom may be of the same political party.

(c) Upon recommendation of the mayor, the council shall by majority vote appoint members to the Old Cemetery board of trustees, including the filling of any vacancies for the unexpired portion of any term, in accordance with the provisions of paragraph (d) of this section. The Old Cemetery board of trustees shall be responsible for the maintenance, care and oversight of the "Old Cemetery".

(d) The terms of the initial appointments to the Old Cemetery board of trustees shall be as follows:

- (1) Two (2) members shall be appointed to terms of office to expire on February 1, 2001;
- (2) Two (2) members shall be appointed to terms of office to expire on February 1, 2002; and
- (3) Three (3) members shall be appointed to terms of office to expire on February 1, 2003.

(e) Upon the conclusion of the terms set forth herein, all members shall thereafter be appointed for three-year terms pursuant to Chapter III, Section 6 of the Town Charter.

(Ord. No. 658, §§ 1-5, 9-7-99)

Editor's note—Ord. No. 658, §§ 1-5, adopted Sept. 7, 1999, pertained to the Old Cemetery board of trustees. Such ordinance did not specify manner of codification; hence, inclusion herein as § 2-10 was at the discretion of the editor.

Sec. 2-11. Board of tax review, additional members.

(a) The town hereby adopts the provisions of G.S. § 9-199(c), as amended.

(b) For any assessment year in which a revaluation becomes effective, and for the assessment year prior to such year of revaluation and for the assessment year following such year of revaluation the town council may appoint two (2) additional members to the board of assessment appeals (board of tax review).

(c) Appointments of such additional members to the board of assessment appeals (board of tax review) may be made by resolution of the town council and shall be for one (1), two (2) or three (3) year terms, as may be determined by the council upon the date of such appointment. (Ord. No. 684, §§ 1, 2, 4, 2-14-2001)

Editor's note—Ord. No. 684, adopted Feb. 14, 2001, pertained to the appointment of two additional members to the board of assessment appeals (board of tax review). Such ordinance did not specify manner of codification; hence, inclusion of §§ 1, 2, and 4, as § 2-11 was at the discretion of the editor.

Charter reference—Board of tax review, Chapter IV, § 1.

Sec. 2-12. Bid preference for local vendors.

(a) Except as otherwise required by any provision of the Connecticut General Statutes, on any purchases, contracts for purchase and contracts for services subject to the bidding requirements of the East Haven Town Charter, the "lowest responsible bidder" shall be determined in accordance with the following provisions:

- (1) Any town based bidder, which has submitted a bid, which is not more than ten (10) percent higher than the low bid shall be declared the "lowest responsible bidder", provided such town based bidder agrees to accept the award of the bid at the amount of the low bid.
- (2) If more than one (1) town based bidder has submitted bids not more than ten (10) percent higher than the low bid and has agreed to accept the award of the bid at the amount of the low bid, the "lowest responsible bidder" shall be that one of such town based bidders which submitted the lowest bid.
- (3) For purposes of this section, "town based bidder" shall mean a business with a principal place of business located within the Town of East Haven. A bidder shall not be considered "town based" unless evidence satisfactory to the director of finance has been submitted with each bid submitted to establish that such bidder has a bona fide principal place of business in East Haven. Such evidence may include evidence of ownership of or a long term lease of real estate from which a principal place of business is operated; or payment of property taxes on the personal property of the business. A town based bidder who is awarded a contract pursuant to the provisions of this section shall maintain a principal place of business with in the Town of East Haven throughout the term of any such contract.

(b) The director of finance may accept the "lowest responsible bid" submitted or may reject all or any part of such bid or proposal.

(Ord. No. 733, 7-3-2003)

Secs. 2-13—2-15. Reserved.

ARTICLE II. OFFICERS AND EMPLOYEES**DIVISION 1. GENERALLY****Sec. 2-16. Secondary employment not to conflict with normal working hours or obligations.**

(a) Full- and part-time town employees shall devote all of their scheduled working hours to employment on behalf of the town.

(b) No such employee shall be permitted to engage in outside employment that conflicts with the employee's ability to perform his duties and to devote all scheduled working hours to his work on behalf of the town.

(c) No such employee shall be permitted to hold two (2) separate jobs within the town if the jobs require that the employee work conflicting schedules or if the performance of one job precludes performance of the other.

(d) Violation of the above shall be considered grounds for dismissal by the appointing authority.

(Ord. No. 376, 6-2-87)

Editor's note—Ord. No. 376, enacted June 2, 1987, did not specifically amend the Code; hence, inclusion as § 2-16 was at the editor's discretion.

Sec. 2-17. Deferred compensation plan for elected officials.

(a) The town hereby establishes a deferred compensation plan for elected officials pursuant to the plan provisions contained in a certain document entitled, Deferred Compensation Plan for Elected Officials Under IRC Section 457, a copy of which is attached to Ordinance No. 710, and is on file with the town clerk.

(b) The town council shall, by resolution, recognize those elected offices covered by the plan, pursuant to, and in accordance with the provisions of the plan document.

(c) The plan document may be modified or amended only by ordinance duly enacted by the town council.

(Ord. No. 710, §§ 1—3, 3-5-2002)

Editor's note—Ord. No. 710, §§ 1—3, adopted Mar. 5, 2002 established a deferred compensation plan for elected officials. Such ordinance did not specify manner of codification, but has been included herein by the editor as § 2-17.

Secs. 2-18—2-25. Reserved.

DIVISION 2. CONFLICTS OF INTEREST*

Sec. 2-26. Disclosure of financial or personal interest required.

No official or employee, either on his own behalf or any other person, shall have any financial or personal interest in any business or transaction with any public body unless he shall first make full public disclosure of the nature and extent of such interest.

(Ord. of 8-6-74, §1)

Sec. 2-27. Disclosure and disqualification.

Whenever the performance of his official duties shall require any official or employee to deliberate and vote on any matter involving his financial or personal interest, he shall publicly disclose the nature and extent of such interest and disqualify himself from participating in the deliberation as well as in the voting.

(Ord. of 8-6-74, § 2)

*State law reference—Authority to regulate, G.S. § 7-479.

Sec. 2-28. Incompatible employment.

No official or employee shall engage in private employment with, or render service for, any private person who has business transactions with any public body unless he shall first make full public disclosure of the nature and extent of such employment or services.

(Ord. of 8-6-74, § 3)

Sec. 2-29. Representation of private persons.

No official or employee shall appear on behalf of any private person, other than himself, before any public body in the city.

(Ord. of 8-6-74, § 4)

Sec. 2-30. Gifts and favors.

No official or employee shall accept any gift, whether in the form of money, thing, favor, loan or promise, that would not be offered or given to him if he were not an official or employee.

(Ord. of 8-6-74, § 5)

Sec. 2-31. Confidential information.

No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the city. Whether or not it shall involve disclosure, no official or employee shall use or permit the use of any such confidential information to advance the financial or personal interest of himself or any other person.

(Ord. of 8-6-74, § 6)

any other person, or any property or governmental affairs of the city. Whether or not it shall involve disclosure, no official or employee shall use or permit the use of any such confidential information to advance the financial or personal interest of himself or any other person.

(Ord. of 8-6-74, § 6)

Sec. 2-32. Nepotism.

No elected official shall appoint or vote for appointment of any person related to him by blood or marriage to any clerkship, office, position, employment or duty, when the salary, wages, pay or compensation is to be paid out of public funds.

(Ord. of 8-6-74, § 7)

Sec. 2-33. Hearings and determinations.

Upon the sworn complaint of any person alleging facts which if true would constitute improper conduct under the provisions of this article, the board of ethics shall hold such hearings as necessary with all of the requirements of due process of law and in writing make a determination concerning the propriety of the conduct of the subject official or employee.

(Ord. of 8-6-74, § 8)

Secs. 2-34, 2-35. Reserved.

DIVISION 3. DEPARTMENTS OF THE TOWN

Sec. 2-36. Department of administration and management.

(a) There is hereby established a new department within town government known as the department of administration and management.

(b) The economic development department and the personnel department are hereby abolished as independent departments of town government, and their respective functions are hereby transferred to the department of administration and management.

(c) In addition to the functions transferred to it by subsection (b) above the department of administration and management shall have such duties and functions as are stated in or consistent with the job description of the director of administration and management.

(d) The director of administration and management shall be the head of the department created by this division. He shall be the appointing authority and supervisor of the positions of administrative assistant to the director of administration and management, personnel secretary, and such other positions within the department as may hereafter be authorized.

(e) This division shall be effective in accordance with the provisions of the East Haven Town Charter.

(Ord. No. 516, §§ 1—5, 4-7-92)

Editor's note—Ord. No. 516, adopted April 7, 1992 did not specifically amend the Code, hence inclusion herein as § 2-36 was at the discretion of the editor.

Sec. 2-37. Gift accounts for town departments.

(a) Each department of the town shall have the power to accept, in accordance with the provisions of this section, gifts or bequests of money or property for the use of such department.

(b) No gift or bequest shall be accepted by a department until the same has been approved by the mayor and the commission having policy-making authority over the department. For purposes of this ordinance:

- (1) If there is no commission which makes policy for a department, then the head of the department shall act in place of such a commission; and
- (2) In the case of a gift or bequest to the town as a whole, rather than to any individual department, the town council shall act in the place of such a commission.

(c) If the subject of the gift or bequest consists of property other than money, then in addition to the approval required by subsection (b), the acceptance thereof shall require the approval by resolution of the town council.

(d) Each monetary gift or bequest, and the proceeds of any gift of property other than money, received by a department shall be placed in the custody of the director of finance and shall be kept by him in an account separate and distinct from all other town accounts. Disbursements and expenditures from the account shall be made only upon the approval of the mayor and the appropriate commission or department head, and only in accordance with the terms and conditions, if any, of the gift or bequest.

(Ord. No. 593, §§ 1—4, 3-13-96)

Editor's note—Ord. No. 593, adopted March 13, 1996, did not specifically amend the Code; hence, inclusion of §§ 1—4 as § 2-37 was at the discretion of the editor.

Sec. 2-38. Department of social services.

(a) There is hereby established a new department within the town government known as the department of social services.

(b) All remaining functions of the welfare department are hereby transferred to the department of social services.

(c) In addition to the functions transferred to it by subsection (b) of this section, the department of social services shall have such other duties and functions as may be determined from time to time, by the director of administration and management, as consistent with collective bargaining requirements.

(d) The director of welfare shall assume the role of director of social services, consistent with the provisions of this Ordinance No. 638.

(Ord. No. 638, §§ 1—4, 1-5-99)

Editor's note—Ord. No. 638, §§ 1—4, adopted Jan. 5, 1999, pertained to creation of a department of social services. Such provisions did not specify manner of inclusion in the Code, but have been designated as § 2-38 at the editor's discretion.

Secs. 2-39—2-45. Reserved.

ARTICLE III. COMMITTEE ON AGING*

Sec. 2-46. Established; membership.

There is hereby established a committee to study the needs of and coordinate programs for the aging for the town. Such committee shall be known as the East Haven Senior Citizens Committee. The committee shall consist of nine (9) regular members to be appointed by the mayor. The mayor shall endeavor to appoint persons representative of voluntary agencies in the town, the clergy, the age group concerned, a representative of organized labor, and of the United Fund. The mayor, director of welfare, director of health and housing code enforcement officer shall be ex-officio members. A quorum shall be a majority of the regular members. (Ord. of 12-9-70, § 1; Ord. of 11-9-71)

Sec. 2-47. Duties.

The committee shall continuously study the conditions and needs of elderly persons in the community in relation to housing, economic, employment, health, recreational and other matters. It shall analyze the services provided for the aged provided by the community both by public and private agencies and shall make recommendations to the mayor and the council regarding the development and integration of public and private agencies in cooperation with state and other services to the extent possible.

(Ord. of 12-9-70, § 2)

Sec. 2-48. Compensation.

The members of the committee so appointed shall serve without compensation but shall be reimbursed for their necessary expenses.

(Ord. of 12-9-70, § 3)

Sec. 2-49. Terms of members.

After the initial appointments, the mayor shall appoint members to the committee for terms of five (5) years. Members shall serve until their successors are appointed.

(Ord. of 12-9-70, § 4; Ord. of 11-9-71)

Editor's note—Technical changes were made in this section as part of the Code adoption in order to conform to current terminology, procedures and/or state law.

Sec. 2-50. Appropriations for expenses.

The town council may make appropriations to cover the expenses of the committee, including reasonable clerical services.

(Ord. of 12-9-70, § 5)

*State law reference—Authority to provide for committees on the aging, G.S. § 7-127a.

Secs. 2-51—2-60. Reserved.

ARTICLE IV. COUNSELING AND COMMUNITY SERVICES BUREAU AND COMMISSION*

Sec. 2-61. Bureau created; functions.

There shall be in the town an East Haven Counseling and Community Services Bureau, whose functions it shall be to develop and maintain those services and programs which are deemed necessary to assist the youth of the town in growing up, maturing and developing into good citizens, and to provide family, group, and individual counseling to any resident of the town.

(Ord. of 4-1-75, § 1)

Sec. 2-62. Commission—Established; composition; terms.

A counseling and community services commission is hereby established in the town. Such commission shall consist of five (5) members, all of whom shall be appointed by the mayor. The initial appointments shall be staggered from one (1) to five (5) years and thereafter shall be for five-year terms, all to expire on February first.

(Ord. of 4-1-75, § 2)

Sec. 2-63. Same—Powers and duties.

The counseling and community services commission shall have general authority and supervision over the activities and programs of the counseling and community services bureau, plan and submit an annual budget, and hold regular monthly meetings.

(Ord. 4-1-75, § 3)

Sec. 2-64. Reports of counseling and community services director.

The director of counseling and community services shall report directly to the mayor and the counseling and community services commission on a regular and continuing basis.

(Ord. of 4-1-75, § 4)

Sec. 2-65. Counseling and community services bureau to replace youth services bureau.

The counseling and community services bureau shall replace the East Haven Youth Services Bureau in the town, and all unspent monies heretofore appropriated by the town to the youth services bureau shall be deemed appropriated to the counseling and community services bureau as of April 1, 1975.

(Ord. of 4-1-75, § 5)

***Editor's note**—Section 1 of Ord. No. 502, adopted Aug. 6, 1991, changed the name of the human services bureau and commission to the counseling and community services bureau and commission.

Secs. 2-66—2-70. Reserved.

ARTICLE V. LIBRARY BUILDING COMMITTEE*

Sec. 2-71. Created.

There shall be created a library building committee, which shall be a special committee, and shall be vested with all powers and duties as set forth in this article, not inconsistent with the provisions of any existing statute, charter provision or ordinance.

(Ord. No. 652, § 1, 6-1-99)

Sec. 2-72. Composition.

The committee shall be composed of five (5) members, not more than four (4) of whom may be of the same political party. Upon the recommendation of the mayor, the town council shall be majority vote appoint members of the library building committee, including the filling of vacancies for the unexpired portion of any term, in accordance with the provisions of section 2-73(a) of this article.

(Ord. No. 652, § 2, 6-1-99)

Sec. 2-73. Terms.

(a) The terms of the initial appointments to the library building committee shall be as follows;

- (1) One (1) member shall be appointed to a term of office to expire on February 1, 2001;
- (2) Two (2) members shall be appointed to terms of office to expire on February 1, 2002;
- (3) Two (2) members shall be appointed to terms of office to expire on February 1, 2003.

Upon the conclusion of the terms set forth above, all members shall thereafter be appointed for three-year terms pursuant to Chapter III, section 6 of the Town Charter.

(b) The library building committee shall terminate upon the final completion of the improvements to the Hagan Memorial Library, as contemplated herein, or by council ordinance.

(Ord. No. 652, §§ 6, 8, 6-1-99)

Sec. 2-74. Powers and duties.

(a) The committee shall meet with the Hagan Library Board, and its designated representatives, as necessary; shall review the library facilities and the proposals for renovations and expansion of such facilities; and consider alternatives for renovations and expansion to such facility.

*Editor's note—Ord. No. 652, §§ 1-7, adopted June 1, 1999, provided for the creation of a library building committee. Such provisions did not specify manner of codification; hence, inclusion herein as art. V, §§ 2-71—2-75 was at the discretion of the editor.

(b) The committee shall submit copies of the minutes of its meetings to the board of finance and the town council and shall, not later than December 31, 1999, present a report to the board of finance and town council with its recommendations for the renovations and expansion of the Hagan Memorial Library.

(c) The committee shall provide assistance to the Hagan Memorial Library Board, and its designated representatives, to make application for all state, federal and private grants for library renovations, improvements and construction. Under the direction of the town council, it shall provide supervisory services for the construction of any renovations and improvements to the Hagan Memorial Library, not inconsistent with the provisions of the Town Charter. (Ord. No. 652, §§ 3—5, 6-1-99)

Sec. 2-75. Clerk.

The committee shall, by majority vote, appoint a clerk whose compensation shall be set by the town council.

(Ord. No. 652, §§ 7, 6-1-99)

Secs. 2-76—2-90. Reserved.

ARTICLE VI. OTHER BOARDS, COMMITTEES, COMMISSIONS, ETC.

Sec. 2-91. Public safety commission.

A public safety commission made up of fifteen (15) members is hereby created, and members of the commission shall serve three-year terms.

(Ord. No. 805, 4-1-08)

Sec. 2-92. Skate park commission.

A skate park commission made up of nine (9) members is hereby created.

Three (3) initial members shall served one-year terms, three (3) initial members shall serve two-year terms, and three (3) initial members shall serve three-year terms.

(Ord. No. 806, 4-1-08; Ord. No. 820, 12-2-08)

Sec. 2-93. Youth service commission.

A youth service commission made up of nine (9) members is hereby created, and members of the commission shall serve three-year terms.

(Ord. No. 807, 4-1-08)