Join Zoom Meeting

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Conference Call Information:

Meeting ID: 897 0585 5132

Passcode: 546623

1-929-205-6099 (New York)

TOWN OF BERLIN
TOWN COUNCIL MEETING
Tuesday, January 18, 2022
Town Council Chambers and
Remote Meeting
7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. AUDIENCE OF CITIZENS
- E. MAYOR'S UPDATE
- F. MEETING AGENDA Immediately Following the Mayor's Update
- G. NEW BUSINESS:
- 1. Topic re: Discussion concerning the memorandum of understanding prepared by the union and approved by the police commission, regarding injury leave. Police Department
- 2. Topic re: Presentation of the Police Department Strategy Police Department
- 3. Topic re: Grant permission to the Town of Berlin Fire Department to display the mentioned flags in accordance with Town policy adopted on January 4, 2022. Fire Administrator
- 4. Topic re: Authorize the sale of one 2009 Spartan/Rosenbauer fire apparatus to CPA for \$100,000 and deposit the proceeds into the Fire Truck Account. Fire Administrator

- 5. Topic re: Abolish the following subcommittees of the Town Council: Physical Services Committee; Central Connecticut Health District (subcommittee of the Council only); Technology Committee; and Plan of Development Committee (subcommittee of the Council only). Combine the Committee to Oversee the "Robert Wolf Incentive Plan"; Fire Strategic Committee; and the Fireman's Incentive Plan Committee into one committee entitled Fire Committee. Appoint Town Council Members to the following Subcommittees: Calendar Committee (1 member); Community Conversations (1-2 members); Connecticut Conference of Municipalities (Mayor); Fire Committee (2-4 members); Manager's Evaluation (All seven Council Members); Mattabessett Watershed (1-2 members); Meeting House (1 member); Playing Fields Committee (2-4 members) Town Council
- 6. Topic re: Approve the changes made to the Town Council Rules and Procedures document and to adopt the Town Council Rules and Procedures as amended. Town Council
- 7. Topic re: Approve the appointment of Mr. Mike Ahern as the Temporary Town Manager during the absence of the Town Manager effective Sunday, January 16, 2022 until the Town Manager resumes managerial powers and duties. Town Manager

H. APPOINTMENTS:

- Berlin-Peck Memorial Library Board Robert Lewis (U) term expires on 1/31/2022.
 Reappointment or replacement term would be until January 31, 2025. Can be filled with a D, R or U.
- 2. Berlin-Peck Memorial Library Board Gail Marino (R) term expires on 1/31/2022. Reappointment or replacement term would be until January 31, 2025. Can be filled with a D, R or U.
- **3. Berlin-Peck Memorial Library Board** Karen Pagliaro (D) term expires on 1/31/2022. Reappointment or replacement term would be until January 31, 2025. Can be filled with a D, R or U.
- **4. Board of Ethics** Kevin Hines (U) term expires on 1/31/2022. He has served six years and cannot be reappointed (Section 8-19 of Town Charter). Replacement term would be until January 31, 2025. Can only be filled with a D or U.
- 5. Board of Ethics Alternate <u>Vacancy</u> New term would be until January 31, 2023. Can be filled with a D, R, or U.
- **6. Board of Ethics Alternate** Annmarie Marolda (D) term expires on 1/31/2022. Reappointment or replacement term would be until January 31, 2025. Can only be filled with a R or U if the above appointment is filled with an D.
- 7. Cemetery Committee Alternate <u>Vacancy</u> -Term would be until January 31, 2027. Can be filled with a D, R or U.
- **8.** Commission for the Aging Barbara Gombotz (R) term expires on 1/31/2022. Reappointment or replacement term would be until January 31, 2027. Can be filled with a D, R or U.

- **9.** Commission for Persons with Disabilities <u>Vacancy</u> -Term would be until January 31, 2025. Can be filled with a D, R or U.
- **10.** Conservation Commission <u>Vacancy</u> -Term would be until January 31, 2024. Can be filled with a D, R, or U.
- **11.** Conservation Commission Thomas Heisler (D) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2027. Can only be filled with a R or U if the above appointment is filled with an D.
- **12.** Constables <u>5 Vacancies</u> -Terms would be until December 2023. Can be filled with D, R, or U with no more than a bare majority to be from one political party (Section 8-6).
- **13.** Constables John Kozak (R) term expires on 12/31/2021. Reappointment or replacement would be until December 31, 2023. Can be filled with a D, R or U.
- **14.** Constables Robert Zipadelli (D) term expires on 12/31/2021. He does not want to be reappointed. Replacement would be until December 31, 2023. Can be filled with a D, R or U.
- **15. Golf Commission** Gale Lemieux (D) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025. Can be filled with a D, R or U.
- **16. Golf Commission** Sebastian Senia (D) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025. Can be filled with a D, R or U.
- **17. Historic District Commission** <u>Vacancy</u> -Terms would be until January 31, 2023. Can only be filled with R or U.
- **18. Historic District Commission** Susan Skene (D) term expires on 1/31/2022. She does not wish to be reappointed. Replacement would be until January 31, 2027. Can be filled with a D, R or U.
- **19. Historic District Commission Alternate** Amy Prescher (D) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2027. Can be filled with a D, R or U.
- **20.** Inland Wetlands & Water Courses Commission William Jackson (R) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025. Can be filled with a D, R or U.
- **21.** Inland Wetlands & Water Courses Commission Gary Pavano (R) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025. Can be filled with a D, R or U.
- **22. Inland Wetlands & Water Courses Commission** David Rogan (R) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025. Can be filled with a D. R or U.

- **23.** Inland Wetlands & Water Courses Commission Alternate <u>Vacancy</u> New term would be until January 31, 2023. Can be filled with a D, R or U.
- **24.** Parks and Recreation Commission Joseph Pulcini (U) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025. Can be filled with a D, R or U.
- **25.** Parks and Recreation Commission Dinesh Patel (D) term expires on 1/31/2022. He does not wish to be reappointed. Replacement would be until January 31, 2025. Can only be filled with an R or U if above appointment is filled with a D.
- **26.** Parks and Recreation Commission Don Dellaquila (D) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025. Can only be filled with an R or U if above appointment is filled with a D.
- **27.** Plainville Area Cable Television Advisory Council (PACTAC) <u>2 Vacancies</u> New terms would expire on June 30, 2023. Can be filled with a D, R or U. There are only two members from Berlin for this board.
- **28. Planning and Zoning Commission** Steve Wollman (R) term expires on 1/31/2022. He has moved out of town and will not be reappointed. Replacement would be until January 31, 2027. Can be filled with a D, R or U. This is incorrect. He is not moving out of town but still does not want to be reappointed.
- **29. Planning and Zoning Commission Alternate** Steven Biella Jr. (U) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2027. Can only be filled with R or U.
- **30. Public Building** <u>Vacancy</u> -Term would be until January 31, 2023. Can be filled with a D, R or U.
- **31. Public Building** Donald Lombardo (R) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2027. Can only be filled with an D or U if above appointment is filled with a R.
- **32. Veteran's Commission** Paul Eshoo (R) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025. Can be filled with a D, R, or U.
- **33.** Veteran's Commission Dean Revoir (R) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025. Can be filled with a D, R, or U.
- **34.** VNA <u>2 Vacancies</u> Replacement terms would be until January 31, 2023 and January 31, 2024. Can be filled with a D, R or U.
- **35.** VNA Cindy McKinnon (D) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025. Can be filled with a D, R or U.

- **36. VNA** Taylor Cope (D) term expires on 1/31/2022. He does not wish to be reappointed. Replacement would be until January 31, 2025. Can be filled with a D, R or U.
- **37. VNA** Brenda Chyra (R) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025. Can be filled with a D, R or U.
- **38.** VNA David Veronesi (D) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025. Can be filled with a D, R or U.
- **39.** Water Control Commission <u>Vacancy</u> New term would be until January 31, 2023. Can be filled with a D, R or U.
- **40. Water Control Commission –Alternate <u>Vacancy</u>** -New term would be until January 31, 2024 Can only be filled with a D or U.
- **41. Youth Services Advisory Board Service Consumer-** <u>Vacancy</u> New term would be until January 31, 2024.
- **42. Youth Services Advisory Board Service Consumer** Nancy Cavaliere term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025.
- **43. Youth Services Advisory Board School Rep.** Jan Zagorski term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025.
- **44. Youth Services Advisory Board Youth Officer** Theodore Fuini term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025.
- **45. Youth Services Advisory Board Youth Agency Rep.** Adam Marzi term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2025.
- **46. Zoning Board of Appeals <u>Vacancy</u>** New term would be until January 31, 2023. Can be filled with D, R, or U.
- **47. Zoning Board of Appeals** <u>Vacancy</u> New term would be until January 31, 2026. Can be filled with D, R, or U.
- **48. Zoning Board of Appeals** Corey Whiteside (R) term expires on 1/31/2022. Reappointment or replacement would be until January 31, 2027. Can be filled with a D, R or U.
- I. TOWN MANAGER'S REPORT:
- J. SPECIAL COMMITTEE REPORTS:
- K. COUNCILORS' COMMUNICATION:
- L. <u>ACCEPTANCE OF MINUTES</u>: January 4, 2022 Regular Meeting January 6, 2022 Joint Meeting

M. EXECUTIVE SESSION:

1. Real Estate – C.G.S.S. Sec. 1-200 (6) (D) discussion of the selection of a site, sale or purchase of real estate by the Town – Reservoir Road

N. ADJOURNMENT

Agenda Item No. | | Request for Town Council Action

TO:

The Honorable Mayor and Town Council

FROM:

Arosha Jayawickrema, Town Manager

DATE:

January 11, 2022

SUBJECT:

Work Related Injury Agreement

Summary of Agenda Item:

On Tuesday December 28, 2021 the Berlin Police Commission held a special meeting in the Berlin Police Department Conference Room at 240 Kensington Road, Berlin, CT. The commission was presented with a memorandum of understanding (MOU) prepared by the union, regarding injury leave. The commission discussed needing a vote on the language and that it be forwarded to the Town Council. A motion was made by Commissioner Wilson to accept the proposed verbiage and forward the document to the Town Council for review and acceptance. The motion was seconded by Commissioner Rogan. All were in favor.

The attached MOU is currently under review with the Town's Labor Counsel and it will be placed on a future Town Council meeting with any changes the Town may have to the MOU.

Action Needed:

None.

Attachments:

(1) Memorandum of Understanding

Prepared By:

Deputy Chief Chris Ciuci

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

THE TOWN OF BERLIN, CONNECTICUT

-And-

BERLIN POLICE UNION

FRATERNAL ORDER OF POLICE, LODGE 56

"WORK RELATED INJURY"

WHEREAS, the Town of Berlin, Connecticut ("Town") and the Berlin Police Union, Fraternal Order of Police, Lodge 56 ("FOP"), are parties to a collective bargaining agreement ("CBA") dated March 6, 2020 in accordance with the Connecticut Municipal Labor Relations Act (CT Gen. Stat. Sec. 7-469).

WHEREAS, employees injured in the course of their duties are not compensated in an amount equal or greater than their regular compensation and not on a timely basis as outlined by the CBA.

WHEREAS, the town and the FOP wish to address this issue to ensure that employees injured in the course of their duties are not otherwise financially injured as a result of the performance of their duties.

NOW, THEREFORE, in exchange for good a valuable consideration, including, without limitation, the covenants expressed herein, the CBA is amended by this Memorandum of Understanding ("MOU") as follows:

1. Article XIX shall be amended to read the following:

- 19.1 Members absent due to an injury or illness suffered in the line of duty or arising out of and in the course of their employment, including their departure from their places of abode to duty, and vice versa, shall receive from the Town a weekly amount equal to his/her regular compensation or that to which they would be entitled under the Worker's Compensation Act whichever is greater. If/when the town begins receiving payments from the Worker's Compensation insurance carrier or provided that the employee agrees in writing in advance to sign over to the Town his Workers' Compensation weekly benefits checks when they are issued, all sums received by the Town under the provisions of this paragraph shall be retained by the Town and the member shall continue to receive their compensation directly from the town
- 19.2 The Town shall not withhold Federal or State taxes (as applicable by law) against that portion of the weekly payment made under the provisions of 19.1 that represents an amount equal to Worker's Compensation payments.
- 19.3 Notwithstanding the provisions of Section 2 hereof, the full amount of the payments required to be made by Section 1 shall be included in determining any pension benefits or defined contribution benefits to which the member may be entitled.

19.4	Members injured or otherwise disabled while making or attempting to make an arrest, during their
off-du	ty time, shall be entitled to those benefits provided for under Article XIX Injury Leave.

- <u>2.</u> All other provisions, terms, and conditions of the CBA not changed by this MOU shall remain in full force and effect as written.
- 3. All parties to this Agreement have read this Agreement and understand it is a legally binding contract requiring each of the undersigned parties to undertake obligations to the other parties to this Agreement. All parties to this Agreement have had the opportunity to review this Agreement with legal counsel of its choice and have had the opportunity to contribute to the creation and language of this Agreement. All parties waive the presumption that this Agreement should be construed in favor of one party over the others due to authorship. All parties have entered into to this Agreement freely and voluntarily for their benefit.
- 4. This MOU shall be effective on the date is fully signed and dated by both the Town and the Union. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Facsimile copies, photocopies, and pdf copies may serve as an original if unaltered and authenticated.

Agreed to and signed:	
Town of Berlin	Berlin Police Union, Fraternal Order of Police, Lodge No 56
Ву:	Ву:
Printed Name	John Flynn Printed Name
Title	President FOP Lodge 56 Title
Date:	Date:

Agenda Item No. 2 Request for Town Council Action

TO:

The Honorable Mayor and Town Council

FROM:

Arosha Jayawickrema, Town Manager

DATE:

January 13, 2022

SUBJECT:

Police Department Strategy

Summary of Agenda Item:

Chief McNally presented his department's strategy for the upcoming year to the Board of Finance on January 11, 2022. The Mayor has asked that the presentation also be given to the Town Council.

Action Needed:

No Action Needed.

Attachments:

None

Prepared By: Kate Wall, Town Clerk

Agenda Item No. 3 Request for Town Council Action

TO:

The Honorable Mayor and Town Council

FROM:

Arosha Jayawickrema, Town Manager

DATE:

January 11, 2022

SUBJECT:

Permission to display flags in accordance with town policy

Summary of Agenda Item:

The Town of Berlin Fire Departments are requesting permission to display flags other than the American flag in accordance with the town's flag policy.

The request is to display the following flags:

> Thin Blue Line: This flag show support for our law enforcement partners.

Thin Red Line: This flag show support to brother fire/rescue partners

> FDNY/MIA 9/11: This flag shows support for those lost in, and survivors of, the terror attacks 9/11 in particular the members of the FDNY.

These flags have been displayed on town owned fire apparatus for many years.

Action Needed:

Move to grant permission to the Town of Berlin Fire Department to display the mentioned flags in accordance with Town policy adopted on January 4th 2022.

Attachments:

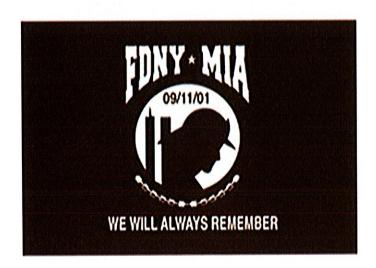
Photos

Prepared By

James 8 mons. Fire Administrator







Agenda Item No. 4 Request for Town Council Action

TO:

The Honorable Mayor and Town Council

FROM:

Arosha Jayawickrema, Town Manager

DATE:

January 11, 2022

SUBJECT:

Sale of one 2009 Spartan/Rosenbauer fire apparatus to Command Fire Apparatus

(CFA) of Lancaster PA for \$100,000.

Summary of Agenda Item

The Fire Department's long range apparatus plan called for the reducing the number of fire apparatus by one truck when the Engine 12 was replaced and Engine 13 when the replacement apparatus neared build completion.

Jim Simons, Fleet Manager, contacted two fire apparatus brokers to review and provide appraisals and/or offers. Only one broker provided an offer. Command Fire Apparatus of Lancaster County, PA offered \$100,000 for the apparatus. The offer stipulates that CFA will provide a ten percent deposit upon acceptance of the offer and will pay the remainder the remainder when the apparatus is sold.

The Town of Berlin has previously worked with Command Fire Apparatus in 2002, 2009 and 2010 all with favorable outcomes.

Funding will go into the fire truck account to defray the future cost of apparatus and capital equipment.

Action Needed:

Move to authorize the sale of one 2009 Spartan/Rosenbauer fire apparatus to CPA for \$100,000 and deposit the proceeds into the Fire Truck Account.

Attachments:

Agreement from Command Fire Apparatus

Prepared By

James Simons, Fleet Manager



Lancaster County PA

~ A FIREFIGHTER OWNED & OPERATED COMPANY ~

December 14, 2021

20 Wildflower Lane Lancaster, PA 17603

www.sellfiretrucks.com email: glenn@sellfiretrucks.com

1.866.238.6688 Fax: 717.735.0228

Mr. Jim Simons Fleet Manager Town of Berlin Berlin, CT Dear Sirs:

Our firm agrees to purchase the used 2009 Rosenbauer 1250/1000 pumper fire apparatus from your fire department. Our offer is based upon acceptance of these terms within 15 days from today and availability of the used unit in the near future. Our terms and conditions for this are as follows:

The vehicle will be in the same condition as today, subject to minor wear and tear. The vehicle has never been in a major accident or crash, has never been salvaged, nor in flood conditions and the frame and undercarriage have no rust or corrosion. The fire pump will pass an annual pumper service test and the booster tank does not leak at the time of sale.

Clear title in the form of a state issued title will be conveyed to the purchaser at the time of sale. The seller will also provide all books, manuals, and maintenance and service records at the time of sale.

All of the basic and fixed equipment as presented to us will be upon the vehicle at the time of sale.

The seller will not list or advertise the vehicles in any manner upon execution of this document.

The purchaser agrees to purchase this unit for \$ 100,000.00. Upon acceptance of this offer, the purchaser shall pay a 10% deposit and the balance at the time of sale, which shall take place at a mutually agreeable time and date.

Regards,

Glenn D. Usdin (signed)							
Glenn D. Usdin, President							
Accepted thisday	of , 2021	l by					
On behalf of Town of	Berlin CT.						

Fax to: 717-735-0228

Agenda Item No. 5 Request for Town Council Action

TO:

The Honorable Mayor and Town Council

FROM:

Arosha Jayawickrema, Town Manager

DATE:

January 11, 2022

SUBJECT:

Subcommittees of the Town Council

Summary of Agenda Item:

The Rules and Procedures Committee met on Monday, January 10, 2022, and selected Councilor Paonessa as its Chair.

The committee felt that the following committees could be abolished:

Physical Services Committee (Public Building Commission)

Central Connecticut Health District (Town has three representatives on the district – no need for council to have a committee)

Technology Committee (Would like updates from IT Department)

Plan of Development Committee (Planning and Zoning Commission is serving on this committee – Town Council will get involve Implement Committee)

The committee is suggesting combining three committees into one committee:

Committee to Oversee the "Robert Wolf Incentive Plan"

Fire Strategic Committee and

Fireman's Incentive Plan Committee

The committee felt the following committees should continue:

Calendar Committee (one member – assistance from Town Clerk)

Connecticut Conference of Municipalities (Mayor usually serves on this)

Community Conversations (This is nationwide program where school, community members, and organizations come together to address pressing issues facing students, educators, and public education.)

Manager's Evaluation (All seven councilors would be on this committee)

Meeting House (One or two members of the council to show support for the Meeting House)

Mattabessett Watershed Management Plan (Review the flooding near the municipal complex possibly work with the Berlin Land Trust)

Playing Fields (Update on the condition of the fields)

Action Needed:

Move to abolish the following subcommittees of the Town Council: Physical Services Committee; Central Connecticut Health District (subcommittee of the Council only); Technology Committee; and Plan of Development Committee (subcommittee of the Council only).

Move to combine the Committee to Oversee the "Robert Wolf Incentive Plan"; Fire Strategic Committee; and the Fireman's Incentive Plan Committee into one committee entitled _____.

Move to appoint Town Council Members to the following Subcommittees:

Calendar Committee (1 member)

Community Conversations (1-2 members)

Connecticut Conference of Municipalities (Mayor)

Fire Committee (2-4 members)

Manager's Evaluation (All seven Council Members)

Mattabessett Watershed (1-2 members)

Meeting House (1 member)

Playing Fields Committee (2-4 members)

Attachments:

None

Prepared By: Kate Wall, Town Clerk

Agenda Item No. 6 Request for Town Council Action

TO:

The Honorable Mayor and Town Council

FROM:

Arosha Jayawickrema, Town Manager

DATE:

January 12, 2022

SUBJECT:

Town Council Rules and Procedures

Summary of Agenda Item:

The Town Council Rules and Procedures Subcommittee met on Monday, January 10th and reviewed the Council's Rules and Procedures. Attached is the marked-up version showing the changes to the document. The document has been reviewed by Corporation Counsel. Attorney Donofrio's amendments have been incorporated.

Action Needed:

Move to approve the changes made to the Town Council Rules and Procedures document and to adopt the Town Council Rules and Procedures as amended.

Attachments:

Rules and Procedures document

Prepared By: Kate Wall, Town Clerk

RULES AND PROCEDURES FOR BERLIN TOWN COUNCIL

1. GENERAL:

- A. The proceedings of the Council shall be conducted in accordance with these rules and procedures. Roberts Rules of Order shall govern where not in conflict with these rules and procedures or the Town Charter.
- B. The following sections of the Town Charter are hereby incorporated into these rules:

Chapter 3: The Town Council

Chapter 67: Budgetary Process

Section 23-4 9-4: Code of Ethics – Standard of Conduct

- C. In the absence of the Mayor and Deputy Mayor, the Town Council will elect a Temporary Chairperson of the Council by majority vote.
- D. The Chairperson of the Town Council Mayor will be a voting member of the Town Council.

2. REGULAR MEETINGS:

The regular Council meetings shall be held on the 1st and 3rd Tuesday of the month, unless due to a holiday or conflict, the Town Council may reschedule its meeting. The Rules and Procedures Calendar Committee will present a full calendar for the following year at the last Town Council meeting of December, which must be voted upon by the Town Council members that are present at that meeting.

- A. Each regular meeting shall start at 7:00 p.m. in the Berlin Town Council Chamber, unless notice of the meeting specifies otherwise.
- B. The Council agenda for each Regular Meeting with supporting material shall be delivered to Council members the preceding Friday of each meeting.

 The deadline for regular items to be included in the agenda shall be 4:30 p.m. 11:00 a.m. on the Monday Tuesday one week prior to the meeting.
- C. The final agenda for the regular meetings shall be prepared and distributed by the Town Manager to Council members and made available to the public and posted in the Town Hall with copies available in the Town Clerk's Office, no later than the close of business on the Friday before each regular meeting.
- D. The Mayor, in consultation with the Town Manager, sets the agenda for each Town Council Meeting.
- E. The Order of the Agenda for each Regular Meeting shall may be as follows:

Pledge of Allegiance

Roll Call

Presentation of Awards and Proclamations

Public Participation Audience of Citizens Mayor's Report Old Business Consent Agenda Public Hearing

New Business Consent Agenda

Appointments

Town Manager's Report Special Committee Reports Councilor Communications

Acceptance of Minutes

Executive Session Adjournment

3. SPECIAL MEETING:

Subject to a minimum of twenty-four (24) hours' notice, a special meeting of the Council may be called by the Mayor or in his/her absence the Deputy Mayor. Such written notice should be hand delivered to the Council members' residences prior to said meeting unless waived by the Council member. Upon written request of three (3) Council members, the Mayor (or in the case of the Mayor's absence or disability, the Deputy Mayor) shall call a special meeting of the Council to be convened within three (3) business days after receipt of such request.

4. EMERGENCY MEETING:

The Council may call an emergency meeting for good cause. However, the Council must file with the Town Clerk its minutes, within 72 hours of the meeting with a reason for the emergency meeting.

5. PUBLIC PARTICIPATION AT REGULAR AND SPECIAL COUNCIL MEETINGS:

Audience of Citizens at the Council's regular meeting shall be limited to 30 minutes unless the Mayor decides otherwise. Public participation may pertain to any subject of interest, welfare or concern to the Town. Each speaker shall limit his or her remarks to three (3) minutes and shall be heard only once during each Public Communication period. If a speaker exceeds the time limitation, the Mayor shall so notify the speaker and allow the speaker 30 seconds for summation. The Mayor, at his/her discretion, may grant the speaker additional time.

During Public Participation Audience of Citizens and within the time period allowed, if a citizen desires to publicly ask a Council member or the Town Manager a question relative to the actions of the

Page 3 – Rules and Procedure

Council member or the Town Manager in their capacity as such, the Mayor will acknowledge the question. At the end of the Public Participation Audience of Citizens, such official may elect to answer the question immediately or to have the question reduced to writing and to answer the question either in writing or orally in a public forum. Upon advice of the Corporation Counsel, such official may decline to answer.

6. EXECUTIVE SESSIONS:

An Executive Session is a meeting of the Council at which the public is excluded for one or more of the following purposes: (1) discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a Town officer or employee, provided that such individual is notified of such Executive Session and may require that discussion be held at an open meeting; (2) strategy and negotiations with respect to pending claims and litigation; (3) matters concerning security, strategy or the deployment of security personnel; (4) discussion of the selection of a site or the lease, sale, or purchase of real estate by the Town Council when publicity regarding such selection would cause a likelihood of increased price until such time as all the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (5) discussion of any matter which would result in the disclosure of public records or the information contained therein described in sub-section (a) of Section 1-18a of the Connecticut General Statutes.

The Council may hold an Executive Session if 2/3 of the members present vote in the affirmative.

At an Executive Session, attendance shall be limited to members of the Council and persons invited by the Council to present testimony or opinion limited to the period for which their presence is necessary to present such testimony or opinion. The minutes of such Executive Session shall disclose all persons who are in attendance, the matters considered, and the vote of the members, if any, including all abstentions.

The item of Executive Session, if required, shall be stated as to purpose and normally appear immediately prior to adjournment at all meetings unless it is deemed necessary or prudent to conduct an Executive Session at another point during the meeting.

7. SPECIAL RULES FOR PUBLIC TOWN MEETINGS AND ORDINANCES:

A. Town Meeting:

All Town Meetings shall be called to order by the Mayor, or in his/her absence by the Deputy Mayor. A moderator shall be elected and all business conducted in the manner now or hereafter provided by the Connecticut General Statutes, unless the Charter differs from the Statutes. It shall be the duty of the Town Clerk to serve as Clerk of all Town Meetings, but in his/her absence, an Acting Clerk may be designated by the Town Meeting.

B. Public Hearing on Ordinances:

- 1. Presided over by the Mayor, or in the Mayor's absence, by the Deputy Mayor.
- 2. The Town Manager or his/her designee will introduce the topic of the Ordinance.
- 3. Questions from the public or Council to clarify the presentation.
- 4. Each person wishing to speak shall be requested to give his/her name and address and, if relevant, the name of the organization he/she represents to the Town Clerk and shall limit his/her comments to 3 minutes.
- 5. Everyone must be given a chance to speak once, before anyone can speak on the topic a second time.

Any ordinance, which shall have had its public hearing, may be taken up by the Council at its next session, shall be read, and thereupon shall be open for debate and amendment. In the event that the Council meeting takes place on the same night as the hearing, the vote on the ordinance may take place at the next scheduled meeting. If the Council agrees upon amendments to the Ordinances, the Corporation Counsel shall rule on whether it will be necessary to have a second public hearing. On the close of debate, the Chair shall entertain a motion to place such ordinance on final passage. If such motion is not adopted, the Ordinance

- shall still be open for debate and amendment until such time as a motion for final
- passage or rejection is adopted.

8. MINUTES:

Council minutes may be mechanically recorded in full, and if recorded, the records of said meetings shall be retained for a period of four (4) years in the Town Clerk's Office. The Council shall keep for public inspection a journal, which shall be the official record of the minutes of each Council meeting and public hearing. The minutes shall be authenticated for each meeting by the signature of the Mayor upon acceptance by the Council.

If substantial debate occurs on a topic, the Clerk shall incorporate a summary of both sides of the issue for the minutes.

Written comments: If specifically requested by a Council member or citizen, that person's comments shall be attached to the copy of the official minutes but shall not be incorporated into the official minutes.

9. ATTENDANCE AT MEETINGS:

The Town Manager and Corporation Counsel shall attend all meetings of the Council unless a request from that person to be excused is approved by the Mayor. The Town Clerk shall attend all meetings of the Council unless a request from that person to be excused is

approved by the Town Manager. The Manager and Corporation Counsel shall attend Council meetings with full right of participation in its discussion but without a right to vote.

Department Heads with items on the agenda shall attend all regular and special meetings either in person or by Zoom (or other form of electronic meeting) of the Council unless excused by the Town Manager. Department Heads and Commission Chairs or their designee will be allowed to speak during each agenda item relevant to them.

10. STANDING COMMITTEES OF THE COUNCIL:

The Standing Committees of the Town Council will be **Budget**, Ordinance, Audit, Rules and Procedures. The Council may, by a 2/3 vote of the entire Council, add or abolish Standing Committees.

11. USE OF CORPORATION COUNSEL:

The Corporation Counsel is an employee of appointed by the Town Council. As such, he/she is available to the Council for advice. With the potential of nine seven members of the Council, as well as Departments, Boards and Commissions seeking advice, it is important to provide a system for the use of the Corporation Counsel's services. All requests for Corporation Counsel opinions will be made through the Mayor, in writing, and if necessary, presented to the Council for consideration. Replies from the Corporation Counsel will be channeled through the same routing. Copies of all requests and replies will be given to all members of the Town Council and Town Manager. The Council may entertain requests for blanket authorization to seek legal opinions from those Boards, Commissions or Department Heads whose functional areas extensively involve legal or statutory applications. Town Council members should discuss first with the Town Manager items that they would like advice on from Corporate Counsel. Departments heads within reason can contact Corporation Counsel. The Town Manager shall monitor department heads use of Counsel.

12. DECORUM AND ORDER:

The Mayor shall preserve decorum and all questions of order will be addressed to the Parliamentarian, subject to appeal to the entire Council.

- a) During Council meetings, Council members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the Mayor or the rules of the Council. Every Council member desiring to speak shall address the Mayor, and upon recognition by the Mayor, shall be confined to the question under debate and shall avoid all personalities and improper language. A Council member, one recognized, shall not be interrupted while speaking unless called to order by the Mayor or unless a point of order is raised by another member or unless the speaker yields to questions from another member.
- b) All members of the Council shall accord the utmost courtesy to each member, to the Town employees, and to the public and refrain from rude or derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

c) Members of the administrative staff and employees of Town as well as the public shall observe the same rules of procedure and decorum applicable to members of the Town Council. The Town Manager shall be responsible for the orderly conduct and decorum of all Town employees under his/her direction and control.

13. AMENDMENTS:

Any amendment to these rules shall be submitted in writing and placed on the agenda at a meeting of the Council and may be adopted by the affirmative vote of not less than five members at a subsequent meeting of the Council. No amendment may be made to these rules which will conflict with the provisions of the Town Charter or the Connecticut General Statutes.

(Adopted June 30, 1998)
(Revision October 6, 1999)
(Revision December 21, 1999)
(Revision December 18, 2001)
(Revision June 3, 2003 – Security Policy)
(Revision April, 5, 2005 – Rescind Security Policy)

Agenda Item No. 7 Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: January 14, 2022

SUBJECT: Appointment of Temporary Town Manager

Summary of Agenda Item:

Section 5-6 of the Town Charter gives the Town Manager the option to appoint a Temporary Town Manager, with Council approval, in the event of the Manager's absence for a period of less than thirty (30) consecutive days.

The Town Manager will be away starting on Sunday, January 16, 2022 for a couple of weeks. The Town Manager is recommending the appointment of Mr. Mike Ahern, Public Works Director and Town Engineer, as the Temporary Town Manager for this period.

Action Needed:

Move to approve the appointment of Mr. Mike Ahern as the Temporary Town Manager during the absence of the Town Manager effective Sunday, January 16, 2022 until the Town Manager resumes managerial powers and duties.

Attachments:

None.

Prepared By: Arosha Jayawickrema, Town Manager