



# TOWN OF KILLINGLY

OFFICE OF THE TOWN MANAGER  
172 Main Street  
Killingly, CT 06239  
Tel: 860 779-5335 Fax: 860 779-5382

## TOWN COUNCIL MEETING

**DATE:** Tuesday, July 14, 2020  
**TIME:** 7:00 PM  
**PLACE:** 172 Main Street, Killingly  
(Council Members Only)

**Public can view the meeting on Facebook Live. Go to [www.killinglyct.gov](http://www.killinglyct.gov) click on Facebook Live**

1. CALL TO ORDER
2. PRAYER
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. ROLL CALL
5. ADOPTION OF MINUTES OF PREVIOUS MEETINGS
  - a) Special Town Council Meeting – May 5, 2020
  - b) Regular Town Council Meeting – May 12, 2020
  - c) Public Hearing – May 14, 2020
  - d) Special Town Council Meeting – May 21, 2020
  - e) Special Town Council Meeting – May 27, 2020
  - f) Special Town Council Meeting – June 1, 2020
  - g) Public Hearing – June 9, 2020
  - h) Special Town Council Meeting – June 23, 2020
6. PRESENTATIONS, PROCLAMATIONS AND DECLARATIONS
  - a) Conservation Commission presentation of annual Environmental Award to Ralph Chartier
7. UNFINISHED BUSINESS FOR TOWN MEETING ACTION
8. CITIZEN'S STATEMENT AND PETITION

Pursuant to Governor's Executive Order 7B, all public comment can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov).

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2020 JUL -9 AM 9:44  
*Elizabeth M. Wilson*

9. COUNCIL/STAFF COMMENTS
10. APPOINTMENTS TO BOARDS AND COMMISSIONS
  - a) Appoint of Town Council Member to the Board of Education Negotiation Committee
11. REPORTS FROM LIAISONS
  - a) Board of Education Liaison
  - b) Borough Council Liaison
12. DISCUSSION AND ACCEPTANCE OF MONTHLY BUDGET REPORTS
  - a) Summary Report on General Fund appropriations for Town government
  - b) System Object Based on Adjusted Budget for the Board of Education
13. CORRESPONDENCE/COMMUNICATIONS/REPORTS
  - a) Town Managers Report
  - b) Town Manager Evaluation Forms
  - c) Letter from The Access Agency regarding the Cold Weather Shelter
14. UNFINISHED BUSINESS FOR TOWN COUNCIL ACTION
  - a) Consideration and Action on a Resolution to reschedule a Public Hearing for August 11, 2020 on an ordinance Authorizing a transfer of up to \$436,849 from Fiscal Year 2018/2019 to the established Unexpended Education Funds account
15. NEW BUSINESS
16. COUNCIL MEMBER REPORTS AND COMMENTS
17. EXECUTIVE SESSION
  - a) Contract Negotiation – Center Street Parking Lot Lease
18. ADJOURNMENT

Note: Town Council meeting will be live streamed on Facebook and televised on Channel 22

**KILLINGLY TOWN COUNCIL  
SPECIAL TOWN COUNCIL MEETING**

Date: Tuesday, May 5, 2019  
Time: 7:00 p.m.  
Place: Microsoft Office Teams - Virtual

**AGENDA  
KILLINGLY TOWN COUNCIL**

The Town Council of the Town of Killingly held a Virtual Special Meeting on Tuesday, May 5, 2020 at 7:00 p.m. using Microsoft Office Teams. The agenda was as follows:

- 1. Roll Call**
- 2. Public Comment on Proposed Budget**
- 3. Budget Review**
- 4. Adjournment**

1. Chairman Anderson called the special meeting to order at 7:14 p.m. On Roll Call, all counselors were present, except Ms. Walsh who was absent with notification and Mr. LaPrade, who joined the meeting at 7:53 p.m. Town Manager Calorio, Assistant Town Manager Hopkins, Finance Director Hawkins, Superintendent Rioux, and Secretary Buzalski were also present.

A moment of silence was held for James Milliard, a member of the Board of Recreation.

2. Public Comment on Proposed Budget: posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov) Twenty-nine public comments received had specific budget comments, with twenty-four supporting a level mil rate, four supporting alternate scenarios and one request consideration from KB Ambulance.

3. Budget Review: Town Manager Calorio and Finance Director Hawkins compared scenarios for changes to the Town Operating and Capital Budgets for the Council and responded to questions and comments from Councilors. Superintendent Rioux responded to questions about the Board of Education budget.

Mr. Kerttula made a motion, seconded by Mr. Lee to adopt the following:

**RESOLUTION SETTING A TOWN COUNCIL PROPOSED TOWN OF KILLINGLY  
OPERATING BUDGET FOR FISCAL YEAR July 1, 2020 – June 30, 2021**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that, the Town Council set the Council Proposed budget for the Town of Killingly, Connecticut, for the Fiscal year July 1, 2020 to June 30, 2021, in the amount of Fifteen million, nine hundred ninety-seven thousand, eight hundred and three dollars (\$15,997,803) allocated to General Government and Forty-four million, three hundred seven thousand, eight hundred and thirty

dollars (\$44,307,830) allocated to Education, for a total combined budget of Sixty million, three hundred five thousand, six hundred and thirty-three dollars (\$60,305,633) is approved and shall be filed with Town Clerk for submission to the public hearing on May 14, 2020.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 5<sup>th</sup> day of May 2020

Discussion followed.

Roll call vote: Mr. Wood – yes, Ms. George – no, Mr. LaPrade – yes, Mr. Kerttula – yes, Mr. Anderson – no, Mr. Lee – yes, Mr. Grandelski – yes. Motion passed, 5-2.

4. Adjournment

Mr. Grandelski made a motion, seconded by Mr. Lee, to adjourn the meeting.

Roll call vote: Unanimous. Motion passed.

The meeting ended at 9:22 p.m.

Respectfully submitted,

Elizabeth Buzalski  
Council Secretary

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KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 5<sup>th</sup> day of May 2020

Discussion followed.

Roll call vote: Mr. Wood – yes, Ms. George – no, Mr. LaPrade – yes, Mr. Kerttula – yes, Mr. Anderson – no, Mr. Lee – yes, Mr. Grandelski – yes. Motion passed, 5-2.

#### 4. Adjournment

Mr. Grandelski made a motion, seconded by Mr. Lee, to adjourn the meeting.

Roll call vote: Unanimous. Motion passed.

The meeting ended at 9:22 p.m.

Respectfully submitted,

Elizabeth Buzalski  
Council Secretary

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**TOWN COUNCIL  
KILLINGLY TOWN COUNCIL  
REGULAR MEETING**

**DATE:** TUESDAY, May 12, 2020

**TIME:** 7:00 P.M.

**PLACE:** Cisco Webex - Virtual

#### **AGENDA**

The Town Council of the Town of Killingly held a Virtual Regular Meeting on Tuesday, May 12, 2020 at 7:00 p.m. using Cisco Webex. The agenda was as follows:

1. **CALL TO ORDER**
2. **PRAYER**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG**
4. **ROLL CALL**

**5. ADOPTION OF MINUTES OF PREVIOUS MEETINGS**

- a) Regular Town Council Meeting: 4/14/2020
- b) Special Town Council Meeting – Budget Presentation: 4/25/2020
- c) Special Town Council Meeting – Budget Presentation: 4/27/2020
- d) Special Town Council Meeting – Budget Review: 4/28/2020

**PRESENTATIONS, PROCLAMATIONS AND DECLARATIONS**

- a) WPCA Budget Presentation

**6. UNFINISHED BUSINESS FOR TOWN MEETING ACTION**

**7. CITIZEN'S STATEMENTS AND PETITIONS**

Pursuant to Governor's Executive Order 7B, all public comment can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov)

**8. COUNCIL/STAFF COMMENTS**

**9. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**10. REPORTS FROM LIAISONS**

- a) Board of Education Liaison
- b) Borough Council Liaison

**11. DISCUSSION AND ACCEPTANCE OF MONTHLY BUDGET REPORTS**

- a) Summary Report on General Fund Appropriations for Town Government
- b) System Object Based on Adjusted Budget for the Board of Education

**13. CORRESPONDENCE/COMMUNICATIONS/REPORTS**

- a) Town Manager Report

**14. UNFINISHED BUSINESS FOR TOWN COUNCIL ACTION**

- a) Consideration and action on a resolution to set the date of June 9, 2020 for a public hearing on an ordinance amending Chapter 2, 8.1, 12.5 and 15 of the Code of Ordinances for Board and Commissions
- b) Consideration and action on a resolution to set the date of June 9, 2020 for a public hearing on an ordinance amending Chapter 14 of the Code of Ordinances for the revision the Property Tax Relief Policy for Public Safety Volunteers
- c) Consideration and action on a resolution to set a public hearing for June 9, 2020 on an Ordinance Authorizing an Appropriation of \$300,000 from the General Fund Unassigned Fund Balance to the Turf Field Capital Project.

**15. NEW BUSINESS**

- a) Consideration and action on a resolution confirming the appointment of Jill Fritzsche – St. Clair as Economic Development Director.
- b) Consideration and action on an Ordinance Appropriating \$16,550,000 for Improvements to Killingly Memorial School Including Removal of Portable Structures, Site Reconfiguration, Upgrades to Existing Structure, Addition of an Elevator, and Construction of an Addition and Authorizing the Issuance of Bonds and Notes in the Same Amount.
- c) Consideration and action on a resolution authorizing the Town Manager to execute an agreement with Willimantic Waste Paper Co. Inc for the operation of the Transfer Station, transport and dispose of items collected at the Transfer Station as proposed for the period of July 1, 2020 through June 30, 2023.

- d) Consideration and action on a resolution authorizing the execution of a three-year budget stabilization agreement with the Connecticut Interlocal Risk Management Agency (CIRMA)
- e) Consideration and action on a resolution authorizing the Revenue Collector to suspend and transfer uncollectible taxes to the Suspense Tax Book pursuant to Connecticut General Statutes
- f) Consideration and action on a resolution to authorize the amendment of the Memorandum of Agreement between the Town Council and Board of Education to increase the annual allowable contribution percentage to 2% and the maximum accumulation of funds to \$2,250,000 for the Non-Lapsing Education fund.
- 16. **COUNCIL MEMBER REPORTS AND COMMENTS**
- 17. **EXECUTIVE SESSION**
- 18. **ADJOURNMENT**

### **KILLINGLY TOWN COUNCIL REGULAR MEETING**

- 1. Chairman Anderson called the meeting to order at 7:00 p.m.
- 2. Prayer by Mr. Wood.
- 3. Pledge of Allegiance to the flag.
- 4. Upon roll call all Councilors were present except Ms. Walsh, who was absent with notification. Also present were Town Manager Calorio, Assistant Town Manager Hopkins, Finance Director Hawkins, Town Engineer Capacchione, WPCA Chair Cinq-Mars, and Council Secretary Buzalski.
- 5. Adoption of minutes of previous meetings  
Mr. Grandelski made a motion, seconded by Mr. Lee, to adopt the minutes of Regular Town Council Meeting of April 14, 2020, the Special Town Council Meeting – Budget Presentation of April 25, 2020, the Special Town Council Meeting – Budget Presentation of April 27, 2020, and the Special Town Council Meeting – Budget Review of April 28, 2020.  
Discussion followed.  
Roll call vote: Unanimous. Motion passed.
- 6. Presentations, proclamations and declarations:
- 6a. WPCA Budget Presentation  
Town Engineer Capacchione and WPCA Chair Cinq-Mars presented the 2020-2021 WPCA budget.
- 7. Unfinished Business for Town Meeting Action: None
- 8. Citizens' Statements and Petitions:  
Pursuant to Governor's Executive Order 7B, all public comment can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov)  
Amy Apperson wrote in support of the KMS project.  
Amy Ferland wrote in support of the KMS project.  
Misty Crowell wrote in support of the KMS project and the turf field. She also had a comment on the proposed budget.  
Michael Meehan wrote in support of the turf field.

Suzanne and Sean Mazzarella wrote in support of the turf field.  
 Shane Young, President, KBA, wrote in support of the turf field.  
 Megan Wells wrote in support of the KMS project.  
 Stan Soper opposes the KMS project.  
 Cindy Miller wrote in support of the turf field.  
 Christina Andrade wrote in support of the KMS project and had a budget comment.  
 Dave Carter wrote in support of the KMS project and is opposed to the turf field.  
 Susan Lannon wrote in support of the KMS project.  
 Erica and Derek Ponciano wrote in support of the turf field.  
 Elizabeth and Paul Tavernier wrote in support of the turf field.  
 Jason Magao wrote in support of the turf field.  
 Eric Milot wrote about concerns with the transfer station.  
 Benjamin Desaulnier wrote in support of the turf field.  
 Lisc Creswell wrote in support of the turf field.  
 Joseph Beaudreault wrote in support of the turf field.  
 Elizabeth Sheldon wrote in support of the turf field.  
 Joseph Norton wrote in support of the turf field.  
 Jason Verraneault wrote in support of the turf field.  
 Mike Fabiano wrote in support of the turf field.  
 Tori Shippee wrote in support of the turf field.  
 Elizabeth Holmes wrote in support of the turf field.  
 Anne Marie Ferron wrote in support of the KMS project.  
 Cheri Riabsev wrote in support of the KMS project.  
 Alexandria Fandetti wrote in support of the KMS project.  
 Greg Davis wrote about his concerns with the cutting of trees at 199 Stone Rd.

9. Council/Staff Comments: Mr. Lee asked if all the public comments were from residents. Town Manager Calorio said they were. Mr. Anderson asked if they did not include their address, is there a way to verify residency. Town Manager Calorio said there was not a way at this time. Town Manager Calorio said that the Zoning Enforcement Officer is closely monitoring the situation at 199 Stone Rd.

10. Appointments to Boards and Commissions: None

11. Reports from Liaisons:

11a. Report from the Board of Education Liaison:

Board of Education Liaison was not available due to overtime limits.

11b. Report from the Borough Liaison:

Town Manager Calorio read Borough Liaison LaBerge's report on various activities of the Borough of Danielson.

12. Discussion and Acceptance of Monthly Budget Reports:

12a. Summary Report on General Fund Appropriations for Town Government:

Mr. Grandelski made a motion, seconded by Mr. Kerttula, to accept the summary report on general fund appropriations for Town Government.

Discussion followed.

Roll call vote: Unanimous. Motion passed.

12b. System Object Based on Adjusted Budget for the Board of Education:

No report.

13. Correspondence/Communications/Reports:

13a. Town Manager Report

Town Manager Calorio discussed her report and responded to comments and questions from Council Members.

14. Unfinished Business for Town Council Action:

14a. Consideration and action on a resolution to set the date of June 9, 2020 for a public hearing on an ordinance amending Chapter 2, 8.1, 12.5 and 15 of the Code of Ordinances for Board and Commissions

Mr. Wood made a motion, seconded by Ms. George, to adopt the following:

**A RESOLUTION TO SET THE DATE OF JUNE 9, 2020 FOR A RESCHEDULED PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTERS 2, 8.1, 12.5 AND 15 OF THE CODE OF ORDINANCES FOR BOARDS AND COMMISSIONS**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that the following ordinance be set down for a public hearing on Tuesday, June 9, 2020 at 7:00 p.m. The public hearing will be held virtually on WebEx. Call information will be posted on the Town's website at [www.killinglyct.gov](http://www.killinglyct.gov) :

**AN ORDINANCE AMENDING CHAPTERS 2, 8.1, 12.5 AND 15 OF THE CODE OF ORDINANCES FOR BOARDS AND COMMISSIONS**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that, the following amendments as shown in underline or strike through to Chapters 2, 8.1, 12.5 and 15 of the Town of Killingly Code of Ordinances be adopted:

***Chapter 2***

***ADMINISTRATION<sup>1</sup>***

<b>Art. I.</b>	<b>In General</b>
<b>Art. II.</b>	<b>Officers and Employees</b>
	<del>Division 1—Generally</del>
	<del>Division 2—Social Security</del>
<b>Art. III.</b>	<b>Killingly Agriculture Commission and Right to Farm</b>
<b>Art. IV.</b>	<b>Conservation Commission</b>
<b>Art. V.</b>	<b>Economic Development Commission</b>
<b>Art. VI.</b>	<b>Historic District Commission</b>
<b>Art. VII.</b>	<b>Housing Authority</b>
<b>Art. VIII.</b>	<b>Inland Wetlands and Watercourses Commission</b>
<b>Art. IX.</b>	<b>Permanent Commission on Public Buildings</b>
<b>Art. X.</b>	<b>Planning and Zoning Commission</b>
<b>Art. XI.</b>	<b>Public Safety Commission</b>

<sup>1</sup> Cross references -- Building official, § 4-2; building-board of appeals, § 4-3; courts, Chapter 5; elections, Chapter 6; historic district commission, § 8.1-18 et seq.; library department created, § 9-1; taxation, Chapter 14; water pollution control authority, § 15-18; water pollution hearing board, § 15-23; inland wetlands regulations, App. A; subdivision regulations, App. B; zoning regulations, App. C.

- Art. XII. Board of Recreation**  
**Art. XIII. Regional Planning**  
     Division 1   Generally  
     Division 2   Regional Resource Recovery Authority  
**Art. XIV. Zoning Board of Appeals**  
**Art. XV. Water Pollution Control Authority**  
~~Art. X. Special Commission on Consolidation of Services~~  
~~Art. XI. Special Commission on the Maintenance of Buildings~~  
**Art. XVI. Open Space Land Acquisition Fund**  
**Art. XVII. Capital Reserve Fund**  
     Division 1   General Conditions of Use  
     Division 2   Disbursements  
**Art. XVIII. Procurement Code**

## **ARTICLE I. IN GENERAL**

### **Section 2-1 Board of Education; number<sup>2 3</sup>**

The board of education of the town shall consist of nine (9) members. (Ord. of 5-2-1898)

### **Section 2-2 Town Seal**

The design shown in this section shall be the official Seal of the Town of Killingly.



(Ord. of 9-13-05)

### ~~Section 2-3 2-16~~ Reserved

## **ARTICLE II. OFFICERS AND EMPLOYEES**

### ~~DIVISION 1~~ **GENERALLY**

### ~~Section 2-17~~ **Sick leave**

~~The town shall grant on account of sickness or accident disability, to its covered employees who have furnished satisfactory proof of such sickness or accident disability, sick leave with pay.~~

~~Such sick leave shall be excluded from wages for which social security contributions are made in accordance with section 209(b) of the Social Security Act and permitted in Connecticut P.A. 79-529, section 2. (Ord. of 4-18-80)~~

### ~~Section 2-18 3~~ **Defense of town employees**

The town shall defend and save harmless from any judgments rendered against them all members of any town boards or commissions, its officers, servants, agents and employees who are sued or against whom a claim is made arising from the conduct of their official duties on behalf of the town, provided that such

<sup>5</sup> Charter reference—Board of education, § 401.

<sup>6</sup> State law reference—Authority to determine number, G.S. § 9-203.

individual was acting in the performance of his duties and within the scope of his employment and that such claim does not arise as a result of any willful or wanton act of such employee.

Notwithstanding any of the foregoing, this section shall not in any way enlarge the liability of the Town of Killingly or the members of any boards or commissions, its officers, servants, agents and employees nor shall it obviate or lessen any defense available to the town or any of the aforementioned individuals; and the town expressly reserves the defense of governmental immunity and all other proper defenses to any such action.

This section shall not apply to physical injury to a person caused by an employee to a fellow employee while both employees are engaged in the scope of their employment for such municipality or for any other individual or office named in this section if the employee or other individual suffering such injury has a right to benefits of compensation under Chapter 568 by reason of such injury.

(Ord. of 3-11-86)

#### **~~Sections 2-19 — 2-29~~ Reserved**

#### **~~DIVISION 2 — SOCIAL SECURITY~~**

#### **~~Section 2-30 — Application for; excluded employees~~**

~~The town shall apply for membership in and participate in the Old Age and Survivors Insurance System under Title II of the Social Security Act as amended, in accordance with sections 7-452 through 7-459, General Statutes, for all its employees with the exception of employees of an emergency nature and the employees excluded by section 7-454, General Statutes. (Ord. of 5-7-52)~~

#### **~~Section 2-31 — Withholding~~**

~~The town treasurer is hereby authorized and directed to make deductions from the wages of the employees participating in the Old Age and Survivors Insurance System as provided by section 7-456 of the General Statutes and to forward the amount thereof with the contribution of the town to the state retirement commission in the manner and form prescribed by law. (Ord. of 5-7-52)~~

#### **~~Sections 2-32 — 2-48~~ Reserved.**

### **Article III KILLINGLY AGRICULTURE COMMISSION AND RIGHT TO FARM ORDINANCE**

#### **~~Section 2-43110~~ Agriculture Commission; Established; Composition**

- a) There shall be an Agriculture Commission composed of five (5) regular members and up to three (3) alternate members who shall be residents of the Town. ~~Insofar as practical,~~ Members shall be appointed in accordance with the Connecticut General Statutes by majority vote of the Town Council and shall be representative of all groups interested in the management, protection and regulation of agriculture as defined by Connecticut General Statutes 1-1(q), particularly those directly involved in agriculture. Members of the Commission may be removed in accordance with Section 811 of the Killingly Town Charter. In addition to the five (5) regular members and three (3) alternate members, the Town Manager, or a designated representative, shall be an ex-officio member of the Commission.
- b) To establish the commission, the Town Council shall initially appoint two (2) regular members to serve for three (3) years; two (2) regular members to serve for two (2) year terms; one (1) regular member to serve for one (1) year. Thereafter, members will be appointed for three (3) year terms or to fill an unexpired term in case of a vacancy. The alternate members shall be appointed for three (3) year terms.
- c) Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall elect from its membership a chairperson, vice-chairperson and secretary.

#### **~~Section 2-43211~~ Agriculture Commission Duties**

- a) The Agriculture Commission shall be an advisory commission to the Town Council and other

Town officials on matters related to farming.

b) The general duties of the Commission shall be to:

1. Foster agricultural viability and preservation of agricultural land in Killingly.
2. Serve as a conduit between local farmers and non-profit agencies, civic organizations, municipal boards, commissions and committees, elected officials, and non-farm residents.
3. Advocate for agriculture before land use and other relevant boards, commissions and/or committees.
4. Act as a resource for agricultural information.
5. Promote keeping Town-owned farmland in agricultural production.
6. Serve as a resource for information and non-binding advice for residents, established town committees and departments concerning the resolution of agriculture related issues.

c) The Commission shall provide for education and outreach services as follows:

1. To increase awareness of agricultural enterprises in the community.
2. To promote the value of viable agriculture to the Town in the areas of employment, property taxes, environment and farmland preservation.
3. To provide information and guidance on agriculture-related issues such as zoning, inland wetlands, public works and others to town departments and other boards, committees and residents as necessary.
4. To support young farmers by supporting local, regional, and state vocational agricultural education and 4-H programs.
5. To recognize and support new farming operations.
6. To act as a sounding board and provide review to Town departments, boards and committees concerning the impact of proposed Town policies on agricultural activities.
7. To promote opportunities for Killingly's agricultural products and service providers to collaborate and coordinate activities with each other and with other product and service providers in the region.
8. To encourage and promote generally accepted management practices for farming and celebrate successful ones.

d) The Commission shall investigate educational opportunities as follows:

1. To identify opportunities to preserve and expand agriculture in Killingly.
2. To promote opportunities for residents and local businesses to support agriculture.
3. To provide information regarding available financial support related to agricultural viability.

### **Section 2-43312 Right to Farm Policy; Preamble**

a) Agriculture plays a significant role in Killingly's character and way of life. Killingly's Right to Farm ordinance has been adopted to encourage preservation of agriculture, promote agriculture-based economic opportunities, and seek to protect prime farmland within Killingly by allowing agricultural uses and related activities to function with minimal conflict from abutters and Town agencies.

b) Killingly recognizes the importance of farming to its historical, cultural, social, scenic, and ecological value. It also recognizes the value it brings to its tax base, and economic development through food security and other agricultural products.

c) Pursuant to the powers conferred by Connecticut General Statutes (CGS), Section 7-148 (c) (7) (e), (8), and (10) (A), and in furtherance of the goals of CGS Section 19a-341, the Town of Killingly adopts this ordinance to recognize the importance of protecting prime farmland, to identify those parcels for which preservation is a priority, and to foster farming as a way of life by declaring this municipality's support of the farmer's right to farm.

d) The definitions applicable to this policy are defined by the Connecticut State Definition of Agriculture CGS 1-1 (q)

### **Section 2-43413 Right to Farm Policy**

a) Notwithstanding, any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable:

1. Odor from livestock, manure, fertilizer or feed.



2. Noise from livestock, or farm equipment used in normal, generally acceptable farming procedures.
  3. Dust created during plowing or cultivation operations.
  4. Use of herbicides and pesticides, provided such use and the method of their application conform to practices approved by the Commissioner of Energy and Environmental Protection, or, where applicable, Commissioner of Health Services or
  5. Water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Energy and Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more, and has not been substantially changed and such operation follows generally accepted agricultural practices.
- b) Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.
- c) The provisions of this ordinance shall not apply whenever a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.
- d) Nothing contained in this ordinance shall restrict the power of the Killingly Planning and Zoning Commission under Chapter 124 of the General Statutes. The Commission is urged to adopt regulations consistent with this ordinance and to make the permanent preservation of farmland within this municipality, a criterion in its planning and policy decisions. (Ord. of 10-9-12; Effective: 10-26-12)

## **Sections 2-14 - 2-19     Reserved**

## **ARTICLE IV.     CONSERVATION COMMISSION<sup>4</sup>**

### **Section ~~12-5-21~~ 2-20     Statutory Authority**

This article, establishing a conservation commission (hereinafter called "the commission") for the town is enacted pursuant to the provisions of Section 7-131A of the General Statutes of Connecticut, and amendments thereto. (Ord. of 2-13-90)

### **Section ~~12-5-22~~ 2-21     Purpose**

The purpose of this article is to promote the development, conservation, supervision and regulation of natural resources, including water resources within the town, and other such purposes and objectives as set forth by the state statute and this article. (Ord. of 2-13-90)

### **Section ~~12-5-23~~ 2-22     Conformance to Statute**

The commission shall conform to and have such powers, purposes and objectives as set forth in Chapter 97, Section 7-131A of the general statutes and as provided in this article. (Ord. of 2-13-90)

### **Section ~~12-5-24~~ 2-23     Terms of office; compensation; vacancies**

The commission created by this article shall consist of five (5) regular members, all of whom shall be electors of the town holding no salaried town office. All members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of official duties. The members are to be appointed by the town manager with the advice and consent of the town council for five-year terms. The initial terms of appointment shall be fixed so that the terms of one-fifth (1/5) of the members shall expire each year. Any vacancy shall be filled for the unexpired portion of the term by appointment of the town manager with the advice and consent of the town council. There shall be two (2) alternate members appointed for three- year terms. (Ord. of 2-13-90)

<sup>4</sup> Editor's note—An ordinance adopted Feb. 13, 1990, did not specifically amend this Code; hence, inclusion of said ordinance as §§ 2-20 to 2-29 was at the editor's discretion.

**Section 12-5-25 2-24 Appointment; election of officers; removal of members**

The members shall be appointed within thirty (30) days of the effective date, March 1, 1990, of this article.

(a) Appointment.

(b) ***Election of officers.*** Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall meet and elect from its membership a chairman, secretary and other necessary officers.

(c) ***Removal of members.*** A member of the commission may be removed for cause by the town manager with advice and consent of the town council. If the member requests a public hearing, that member shall be removed only after a public hearing is held. The public hearing will give the member an opportunity to be heard in person or by counsel before the town manager. At least ten (10) days prior to the public hearing, the member shall have been given a copy of the charges against him/her. In the event of removal, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the town clerk.

(Ord. of 2-13-90)

**Section 12-5-26 2-25 Quorum**

The presence of three (3) members of the commission shall constitute a quorum to conduct business and no action shall become valid unless authorized by a vote of the majority of the total membership present and voting. (Ord. of 2-13-90)

**Section 12-5-27 2-26 Powers and Duties**

The commission shall have such powers and shall be subject to such limitations as shall from time to time be prescribed under the General Statutes of Connecticut. The commission shall adopt rules and procedure not inconsistent with the provisions of said statutes and this article. The commission shall be empowered to conduct researches into the utilization and possible utilization of land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare and distribute books, maps, charts, plans and pamphlets as necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information on the proper use of such areas, and may from time to time recommend to the planning and zoning commission, the inland wetlands and watercourses commission, the board of recreation and the town council plans and programs for the development and use of such areas. (Ord. of 2-13-90)

**Section 12-5-28 2-27 Annual Report**

The commission shall make an annual report to the town council summarizing the commission's activities. (Ord. of 2-13-90)

**Section 12-5-29 2-28 Appropriations**

Acting through the town manager and pursuant to the town's personnel rules and procedures and subject to town council appropriation, the commission may utilize staff and clerical assistance and employ consultants, and may accept money gifts or expend the same for the purposes provided for under state statute and this article.

(Ord. of 2-13-90)

**Section 12-5-30 2-29 Meeting Attendance**

Three (3) consecutive unexcused absences shall require notification to the member that he shall be recommended to the town manager for removal unless a proper explanation acceptable to the commission is received within twenty-one (21) days from notification.

## **ARTICLE VIII. ECONOMIC DEVELOPMENT COMMISSION<sup>5</sup>**

### **Section 2-141 2-30 Statutory authority**

This article, establishing an economic development commission (hereinafter called the commission) for the Town of Killingly, is enacted pursuant to the provisions of section 7-136 of the General Statutes of Connecticut, and amendments thereto. (Ord. of 7-23-87, § 1)

### **Section 2-142 2-31 Purpose**

The purpose of this article is to promote and develop the economic resources of the town and other such purposes and objectives as set forth by state statute and this article. (Ord. of 7-23-87, § 2)

### **Section 2-143 2-32 Conformance to Statute**

The commission shall conform to and have such powers, purposes and objectives as set forth in chapter 97, section 7-136 of the general statutes and as provided in this article. (Ord. of 7-23-87, § 3)

### **Section 2-144 2-33 Terms of office; compensation; vacancies**

The commission created by this article shall consist of five (5) regular members and two (2) alternate members, all of whom shall be electors of the Town of Killingly holding no salaried town office. All members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of official duties. The members are to be appointed by the town manager for five-year terms, except that the alternate members shall be appointed for three-year terms. The initial terms of appointment, except for the two (2) alternate member positions, shall be fixed so that the terms of one-fifth of the members shall expire each year. Any vacancy shall be filled for the unexpired portion of the term by appointment of the town manager. (Ord. of 7-23-87, § 7; Ord. of 4-9-91, §§ 1 – 3)

### **Section 2-145 2-34 Appointment**

The members shall be appointed within thirty (30) days of the effective date of this article. (Ord. of 7-23-87, § 8)

### **Section 2-146 2-35 Quorum**

The presence of three (3) members of the commission shall constitute a quorum to conduct business and no action shall become valid unless authorized by a vote of the majority of the total membership present and voting. (Ord. of 7-23-87, § 9)

### **Section 2-147 2-36 Election of officers**

Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall meet and elect from its membership a chairman, secretary and other necessary officers. (Ord. of 7-23-87, § 10)

### **Section 2-148 2-37 Powers and duties**

The commission shall have such powers and shall be subject to such limitations as shall from time to time be prescribed under the General Statutes of Connecticut. The commission shall adopt rules of procedure not inconsistent with the provisions of said statutes and this article. The commission shall be empowered to conduct research into the economic conditions and trends of the town, shall make recommendations to appropriate officials and agencies of the town regarding action to improve the economic condition and development, shall seek to coordinate the activities of and cooperate with unofficial bodies organized to promote such economic development and may advertise and may prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further official purposes. (Ord. of 7-23-87, § 4)

### **Section 2-149 2-38 Annual Report**

The commission shall make an annual report to the town manager and the town council summarizing the commission's activities and recommendations for improving economic conditions and development of the town. (Ord. of 7-23-87, § 5)

<sup>5</sup> Editor's note – Codification of §§ 1–11 of a non-amendatory ordinance adopted July 23, 1987, as Article V, §§ 2-30 – 2-40, has been at the editor's discretion.

**Section 2-150 2-39 Appropriations**

Acting through the town manager and pursuant to the town's personnel policies and procedures and subject to town council appropriation, the commission may utilize staff and clerical assistance and employ consultants, and may accept money gifts or expend the same for the purposes provided for under state statute and this article. The council may appropriate a sum to the commission not to exceed one-twentieth of one per cent of the last-completed grand list of taxable property. (Ord. of 7-23-87, § 6)

**Section 2-151 2-40 Removal of members**

A member of the commission may be removed for cause by the town manager. If the member requests a public hearing, that member shall be removed only after a public hearing is held. The public hearing will give the member an opportunity to be heard in person or by counsel before the town manager. At least ten (10) days prior to the public hearing, the member shall have been given a copy of the charges against him/her. In the event of removal, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the town clerk. (Ord. of 7-23-87, § 11)

**Sections 2-41 – 2-49 Reserved****ARTICLE VI. HISTORIC DISTRICT COMMISSION****Section 8-1-18 2-50 Historic District Commission—Established; composition**

An historic district commission (hereinafter called "the commission") is hereby established to promote the purpose set forth in this article and to perform all functions as shall from time to time be prescribed under the General Statutes of Connecticut and as provided in this article. Said commission shall consist of five (5) regular members and three (3) alternate members, all of whom shall be electors of the town holding no salaried town office and all shall serve without compensation. The members shall be appointed within thirty (30) days of the effective date of this article by the town council. The historic district shall be represented on the commission by at least one (1) regular member who shall be a resident of the district. (Ord. of 1-13-87, § 3; Ord. of 3-8-88, § 3; Ord. of 4-12-88, § 3; Ord. of 8-9-88, § 3)

**Section 8-1-19 2-51 Same—Terms**

The terms of the original members of the commission shall be arranged in such manner that the term of at least one (1) regular member and one (1) alternate member shall expire each year. Their successors shall be appointed by the town council for terms respectively of five (5) years for regular members and three (3) years for alternate members except that an appointment to fill a vacancy shall be for the duration of the unexpired term. (Ord. of 1-13-87, § 4; Ord. of 3-8-88, § 4; Ord. of 4-12-88, § 4; Ord. of 8-9-88, § 4)

**Section 8-1-20 2-52 Same— Election of Officers**

Within thirty (30) days after appointment of the original members of the commission, and annually thereafter, the regular members shall meet, and elect officers as specified in the Act. Alternate members shall not participate in the vote for election of officers of the commission. (Ord. of 1-13-87, § 5; Ord. of 3-8-88, § 4; Ord. of 4-12-88, § 4; Ord. of 8-9-88, § 5)

**Section 8-1-21 2-53 Same— Powers and limitations**

The commission shall have such powers and shall be subject to such limitations as shall from time to time be prescribed under the General Statutes of Connecticut. The commission shall be empowered specifically to determine the appropriateness or inappropriateness of the external, visual aspects only of all erection, alteration, restoration, movement, or razing of all buildings and structures within the historic district. The style, material, size, and location of outdoor advertising signs and bill posters within the historic district shall also be under the control of the commission. The commission shall adopt rules of procedure and regulations not inconsistent with the provisions of said statutes and this article. The commission may, subject to appropriation, employ clerical and technical assistance or consultants and may accept money gifts or expend the same for the purposes of the Act and this article. (Ord. of 1-13-87, § 6; Ord. of 3-8-88, § 6; Ord. of 4-12-88, § 6; Ord. of 8-9-88, § 6)

**Section 8-1-22 2-54 Same-- Liaison with other town offices; furnishing Certificates of Appropriateness for properties within the district; Annual Reports**

Said commission and other town offices or officers whose areas of concern may overlap or affect each other should maintain liaison for information and coordination in matters with which the commission may be dealing. With particular regard to such liaison between the commission and the building inspector of the town, the latter official will require a certificate of appropriateness from the commission prior to the issuance of any building permit for properties within the historic district which might affect the exterior architectural or visual aspects of such properties.

The commission should make reports at least annually. Such reports may be included in the annual town report and should be issued to all owners of real property in the district. The report should also be available to any other residents of the town. (Ord. of 1-13-87, § 7; Ord. of 3-8-88, § 7; Ord. of 4-12-88, § 7; Ord. of 8-9-88, § 7)

**Section 8-1-23 2-55 Same--Standards of appropriateness**

Anticipating future new construction and change in the historic district, the exterior architectural aspect of which may require the approval of the commission under certain conditions specified in the Act and which the commission may in accordance with the Act decide to be detrimental and inappropriate to the interest of said historic district, the commission shall make known the standards of appropriateness or inappropriateness which it proposes to follow in passing upon proposals for new construction or change. Such standards of criteria shall not be such as to bind the historic district to any uniform or necessarily traditional style in new construction but shall look both to the protection of the old and to the interest and distinctiveness of those communities in the future when other generations will view styles and developments of the present day also as history.

(Ord. of 1-13-87, § 8; Ord. of 3-8-88, § 8; Ord. of 4-12-88, § 8; Ord. of 8-9-88, § 8)

**Section 8-1-24 2-56 Same--Meetings with residents**

For the purpose of encouraging the responsiveness, securing the support, and drawing on the resources of interested residents of the historic district who are not members of the historic district commission, and apart from the provision in the Act for formal appeals from the commission decisions by aggrieved parties, and other than the required public hearings by the commission upon applications for certificates of appropriateness, the commission shall hold meetings with residents of the historic district if and when at least fifty (50) per cent of the owners of real property in the district make written petition for such meeting to discuss matters of policy or other matters that may be at issue between property owners and the commission. The commission shall call meetings so requested, shall not be bound by the meetings, but in formulating policy shall be responsive to the sentiments of the community insofar as its best judgment suggests and the powers and limitations derived from the General Statutes permit. (Ord. of 1-13-87, § 9; Ord. of 3-8-88, § 9; Ord. of 4-12-88, § 9; Ord. of 8-9-88, § 9)

**Sections 2-57 – 2-59 Reserved**

**ARTICLE VII. HOUSING AUTHORITY**

**Section 2-60 Established**

There shall be a Housing Authority established in accordance with general statutes Chapter 128.

**Section 2-61 Responsibilities**

Said Authority shall have all the powers and duties relating to housing imposed upon housing authorities by Chapter 128 of the General Statutes, as amended. It shall further be the duty of the Housing Authority

to investigate and to conduct research on the condition of housing within the Town, and to coordinate the activities of the various other municipal departments, agencies, and authorities as they pertain to housing. Said Authority shall serve as a liaison and coordinating body between the Town and federal and state agencies and private enterprise in order to provide adequate housing within the Town and shall have such other powers and duties as the Council may prescribe. In the event of any conflict between the specific provisions of this Ordinance and the several federal governmental laws and regulations imposed upon local agencies with regard to housing such federal laws and regulations shall prevail.

### **Section 2-62 Membership**

The authority created by this article shall be composed of five (5) members appointed by the town council and shall consist of members drawn from citizens at large. Members shall serve for overlapping terms of three (3) years. One member shall be a tenant commissioner as defined in Conn. Gen. Stat. Sec. 8-41

## **ARTICLE VIII. INLAND WETLANDS AND WATERCOURSES COMMISSION<sup>6 7</sup>**

### **Section 2-49 2-70 Established**

There shall be an inland wetlands and watercourses commission established in accordance with general statutes sections 22a-36 through 22a-45. (Ord. of 3-14-74, § 1)

### **Section 2-50 2-71 Responsibilities**

*The commission established by this article shall have all the powers and responsibilities authorized under sections 22a-36 through 22a-45 of the general statutes. (Ord. of 3-14-74, § 2)*

### **Section 2-51 2-72 Membership**

*(a) The commission created by this article shall be composed of seven (7) members appointed by the town council and shall consist of members drawn from citizens at large or from applicable town boards and commissions.*

*(b) Following the expiration of the original terms of appointment, all appointments or reappointments shall be for a period of three (3) years. In addition, the town council shall appoint two (2) alternate members to the inland wetlands and watercourses commission. Such alternates shall serve for terms of two (2) years and shall have those powers and responsibilities of regular members at those times when a regular member is absent or unable to act for any reason. (Ord. of 3-14-74, § 3; Ord. of 6-29-77)*

### **Section 2-52 2-73 Vacancies**

*Any vacancy in the membership of the commission created by this article which may occur through death, resignation or otherwise shall be filled for the unexpired term of such member by the town council. In the event that a commission member misses three (3) consecutive meetings, the town council may remove the member and fill the vacancy thus created. (Ord. of 3-14-74, § 4)*

### **Section 2-53 2-74 Aquifer Protection**

#### **(1) Designation and membership**

*(a) In accordance with the provisions of Conn. Gen. Stat. §22a-354a, et seq. as amended, the Inland Wetlands and Watercourses Commission is designated as the Aquifer Protection Agency (hereinafter the "Agency") of the Town of Killingly to replace the Planning and Zoning Commission following the registration of all applications related to the Elmville Well Field. The staff of the Planning and Development Department shall serve as the staff of the Agency.*

*(b) Members of the Inland Wetlands and Watercourses Commission shall serve coexisting terms on the Agency. The membership requirements of the Agency shall be the same as those of the Inland Wetlands and Watercourses Commission including, but not limited to the number of members, terms, method of selection and removal of members, and filling of vacancies.*

<sup>6</sup> Cross references -- Regulations for the protection and preservation of inland wetlands and watercourses, App. A.

<sup>7</sup> State law reference -- Authority to establish, G.S. 22a-42(c).

(c) At least one member of the Agency and/or staff of the Agency shall complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut, pursuant to Conn. Gen. Stat. § 22a-354v.

(2) Regulations to be adopted

(a) The Agency shall adopt regulations in accordance with Conn. Gen. Stat. § 22a-354p and R.C.S.A. § 22a-354i-3. Said regulations shall provide for:

i. The manner in which boundaries of aquifer protection areas shall be established and amended or changed.

ii. Procedures for the regulation of activity within the area.

iii. The form for an application to conduct regulated activities within the area.

iv. Notice and publication requirements.

v. Criteria and procedures for the review of applications.

vi. Administration and enforcement.

(3) Inventory of Land Use

(a) In order to carry out the purposes of the Aquifer Protection Program, the Agency will conduct an inventory of land use within the area to assess potential contamination sources.

(b) Not later than three months after approval by the Commissioner of the Connecticut Department of Environmental Protection of Level B Mapping of aquifers, the Agency will inventory land uses overlying the mapped zone of contribution and recharge areas of such aquifers in accordance with guidelines established by the Commissioner pursuant to Conn. Gen. Stat. § 22a-354f. Such inventory shall be completed not more than one year after authorization of the Agency. [Conn. Gen. Stat. § 22a-354e] (Ord. of 5-11-10)

**Sections 2-75 – 2-79 Reserved**

**ARTICLE IX. PERMANENT COMMISSION ON PUBLIC BUILDINGS<sup>8\*</sup>**

**Section 2-152 2-80 Purpose**

There is hereby established a Killingly Permanent Commission on Public Buildings for the purpose of consolidating the design and construction of all public buildings and building projects with a projected total cost of twenty-five thousand dollars (\$25,000.00) or more under one commission in order to provide the town with the best possible buildings and facilities at the lowest possible cost through the increased cooperation of all town officers, boards, commissions, and agencies. (Ord. of 8-8-95)

**Section 2-153 2-81 Membership**

The Commission shall be composed of five (5) permanent members who are electors of the town to be appointed by majority vote of the town council, not more than three (3) of whom shall be members of the same political party. All of said permanent members of the Commission shall hold office as follows:

(1) Within thirty (30) days from the effective date of this article, three (3) members shall be appointed to serve until December 15, 1997; and two (2) members shall be appointed to serve a term until December 15, 1999. The terms of each member shall commence on the day following their appointment, and each existing member of said Commission shall hold office until a successor is appointed and duly qualified.

(2) As each term shall expire, the Town Council, by majority vote, shall appoint an elector of the Town to serve a four-year term running from December 16<sup>th</sup> of the odd number year until December 15<sup>th</sup> four (4) years later.

(3) Any vacancy shall be filled by a majority vote of the Council to complete the unexpired term of the vacating member.

(4) The then Chairman of the Town Council or a Council member designated in writing by the Chairman, the Town Manager or his written designee on the Town staff, and the Superintendent of Schools or his designee shall be ex-officio members of the Commission without the power to vote.

<sup>8</sup> Cross reference – Buildings and building regulations, Ch. 4; regulations for the protection and preservation of inland wetlands and watercourses, App. A.

(5) a. The Council may, by majority vote, appoint up to four (4) temporary members to the Commission to represent the "user's interest" and/or general citizens' interest in the project. Such temporary members shall serve until final completion and approval of the project by the Council and shall serve with vote only on matters relating to the specific assignment for which they were appointed. No more than two (2) members of such temporary members shall be of the same political party.

b. The Council may, upon the same terms and conditions as aforesaid, appoint such additional temporary members in multiples of two (2) to the Commission as it deems expedient and proper. All such temporary members shall be electors of the Town.

(6) Each permanent member appointed by the Council shall be qualified by experience or training to contribute to the overall knowledge and ability of the Commission to carry out its mission.

(7) The Council shall also appoint two (2) alternate members, no more than one (1) of whom shall be of the same political party, who shall serve for a term of four (4) years from the effective date of this Article to December 15, 1999. The alternates shall have the same qualifications as the permanent members, and whenever a permanent or temporary member is absent, the Chairman of the Commission shall designate an alternate to act. Vacancies and appointment of successor alternates shall be as set forth for the permanent members.

(8) Avoidance of conflicts of interest. The provisions of section 1203 of the Town Charter regarding conflicts of interest shall apply to all members, whether permanent or temporary, of the Commission on Public Buildings. It is expressly found by the Town Council that for the purposes of this Article, participation by an employee of a contractor or subcontractor who has no direct financial interest in the business shall not be a violation of said Section, provided no such individual shall have participated or have voted, or shall participate or vote on any aspect of the contract which directly affects his or her employer, but shall be free to participate and vote on contractual or general matters even if he or she is employed by a contractor or subcontractor, who is working on a Town project, provided that the contract on said project was awarded as part of a public bid. (Ord. of 8-8-95)

### **Section 2-154 2-82 Powers and duties**

(a) *Officers; rules and regulations.* The Commission shall appoint its own Chairman and Secretary and establish its own rules and regulations for the conduct of its meetings. A copy of said rules and regulations shall be filed with the Town Clerk.

(b) *Responsibility; limitation.* The Commission shall be responsible for the design and construction of only such public buildings or building projects as may be specifically authorized by resolution of the Council. A building project shall be defined as a project that involves the construction or renovation of a building requiring an architectural design and construction by the building trades. Building projects shall not include maintenance work such as the routine upkeep of plant or equipment; repair or replacement of equipment based on technical specifications such as boilers, chillers, other HVAC equipment, security and other similar equipment or repair or replacement of roofs except when required by Connecticut General Statutes. Building projects proposed in the capital improvement program and approved with an appropriation in the annual Capital Budget shall be presented to the Town Council prior to any expenditure of the appropriation for consideration of a resolution to specifically authorize responsibility for the design and construction of such public building or building projects to the Commission. The Commission may decline jurisdiction over any project if it feels that its assistance and oversight is unnecessary as to that particular project. It shall not decline jurisdiction over any project which requires as a matter of law a building commission to oversee it, and it shall give ten (10) days' prior notice to the Council of any proposed declination of jurisdiction.

***Additional Duties*** The commission will assume the following additional duties:

(1) The commission shall assure that the provisions of Section 2-206 of the Code of Ordinances are complied with. Prior to commencement of performance, and at any time after commencement of performance of the contract by the contractor, the commission may require submission of relevant documents and other relevant information related to the employment of tradesmen and laborers in performance of any specific contract with the town. The commission shall submit to the Town Manager its requests for documents and other information and the Town Manager shall obtain such documents and other information from the contractor and transmit the same to the commission. If the commission determines that a contractor is not in compliance with Section 2-206 O of the Code of Ordinances, it shall



make a report of its findings to the Town Manager for transmittal to the Town Council with its recommendations as to whether corrective action should be required of the contractor, or whether the contract should be terminated.

(2) If called by the commission, there will be a pre-bid conference with the Purchasing Agent, the architect of the project and/or, if applicable, the project engineer, to ensure that the procurement regulations of the Town are included in the bid document.

(3) Prior to the monthly meeting of the commission, each contractor shall submit a copy of his monthly payroll and list of work force composition to the Town Manager or his designee for transmittal to the commission for the purpose of checking that the payroll is in compliance with area prevailing wages or rates and that residents of the Town are employed as tradesmen and laborers.

(4) If the commission so decides, the apparent successful bidder and his major subcontractors shall attend a pre-award conference and submit a list of key personnel prior to award of the contract.

(5) The commission shall hold a pre-construction conference with the designated contractor or subcontractor, at which time any contractor or subcontractor claiming to have key personnel must present a list of those key personnel.

(6) If during construction, there is a dispute between the commission and the contractor or the subcontractor as to key personnel, there shall be a meeting to resolve said dispute with the commission and the contractor or subcontractor.

(7) It shall be the duty of the Purchasing Agent to report to the commission all contracts pertaining to tradesmen and laborers. (Ord. of 12-11-07)

(c) Feasibility studies.

(1) Upon the request of any other Town board, officer, agency, or Commission, the Commission may assist, without prior Council approval, such other town officer, board, agency, or commission in the development of feasibility studies of buildings or building projects which are a part of the Town's Capital Improvement Program. Any cost to be incurred, in excess of monies previously allocated by the Council for such studies, must be approved by the Council prior to making the study. All contracts for such studies must be in writing and approved by the Council prior to execution by the Town Manager.

(2) Reserved.

(d) Design phase.

(1) The Commission shall study sites and building locations for such public buildings or building projects as may be assigned by the Council. In considering such sites and locations, the Commission shall coordinate and review its study with the Planning and Zoning Commission, the Inland Wetlands Commission, and other appropriate municipal land use agencies.

(2) Any appropriation needed for architectural or other professional services shall be requested of the Council and no expenditure shall be made unless and until said appropriation has been approved.

(3) The Commission shall select an architect, where necessary, for each public building or building project and for such other professional service as may be required. Except as may otherwise be provided by State statutes, comparative selection shall be made by inviting firms or individuals through adequate public notice of interviews for determination of their qualifications for the specific building or building project. The comparative selection process may be altered or waived by the Public Building Commission with the approval of the Town Council. The Commission shall recommend any proposed contract with architects or other third parties to the Town Council. All such contracts shall be subject to review by the Town Manager's office and the Town Attorney.

(4) The Commission shall prepare schematic design and reasonable cost estimates for each building or building project. The Commission shall also obtain the written approval of the schematic design from State and Federal agencies, commissions, boards, etc. where they are required by law. Written site plan review comments of the Planning and Zoning Commission, Inland Wetlands Commission, Water Pollution Control Authority and other applicable Town boards, commissions, agencies, officers, and committees shall also be obtained. The schematic design with reasonable cost estimates, together with the written approvals where required and written comments of the various town boards, commissions, and committees, shall be submitted to the council for its approval before proceeding with the design development phase of the building or building project.

(5) "Schematic design" is defined as the phase at which drawings graphically describe the scale and relationship of project components of the building or building project. It also shall represent the point at which no greater than fifteen (15) per cent of the estimated total fee for professional services for the building or building project shall be incurred.

(6) The Commission shall consider the necessary appropriations required for each public building or building project in whole or in part and make recommendations to the Council so that the necessary appropriations may be made by the Council. The Commission shall also advise the Council of any and all possibilities of available reimbursement of monies to the Town for the building or building project.

(7) Design development is defined as the point at which the documents fix and illustrate the size, arrangement and character of the project, stipulate the kinds of materials to be used, the type of structural system, mechanical and electrical systems and equipment, site development, and other information essential to a more detailed description of the building or building project. It also shall represent the point at which no greater than thirty-five (35) per cent of the estimated total fee for professional services for the building or building project shall be incurred.

(8) Upon completion of the design development phase of any building or building project, the Commission shall review it with the Council before proceeding with the construction phase.

(e) Construction phase:

(1) The Commission (subject to the applicable provisions of the Charter) shall prepare construction documents and seek competitive bids for construction of each building project. All bids obtained shall be referred to the Council with recommendations for its acceptance or rejection.

(2) The Commission shall arrange for supervision of each project during construction. Such supervision shall include, but is not necessarily limited to, observing the work and materials as often as may be necessary with respect to the quality, suitability and adherence to the contract drawings, specifications and other contract documents so as to protect the Town against defects and deficiencies in the work of the contractor and materials supplied by the contractor.

(3) The Commission shall make application for State or Federal funds for each project that may be eligible for such funds. In those cases where another agency, officer, board, or commission of the Town government is required by law to or in good practice should make such application, the commission shall request such action be taken and said appropriate agency, officer, board or commission shall make such application. All applications for State or Federal funds shall be coordinated through the Town Manager.

(4) During the construction of each building project, the Commission shall make, in coordination with the Town Manager's office, a quarterly accounting to the Council of the financial receipts, commitments, and expenditures to date. The Commission shall notify the Council in writing during the initial 95% of construction of any building project when the remaining contingency on said project shall be reduced to less than one percent (1%) of the balance of construction and shall recommend procedures to address use of the remaining contingency.

(5) Subsequent to substantial completion of each building project, the commission shall render to the council a written report concerning said project and an accounting to date of all income and expenses made under the related appropriation.

(6) Upon approval of the commission's final accounting by the council at the final completion of each building project, the commission shall turn the project over to the appropriate town body and shall notify such body and the council of such acts in writing.

(7) This article shall take effect on August 25, 1995 but shall not affect the continuing existence or validity of any previously established building committees. (Ord. of 8-8-95, Amending Ord. 2-9-2010)

## **ARTICLE V-X. PLANNING AND ZONING COMMISSION<sup>9</sup>**

### **Section 2-86 2-90 Created**

Chapter 124 of the General Statutes of the state, 1958 Revision as amended, is hereby adopted and a combined planning and zoning commission is hereby created in and for the town. (Ord. of 9-13-73, § 1)

### **Section 2-87 2-91 Powers**

The commission created by this article, in addition to those powers granted to the town planning commission in section 804 of the town charter shall exercise the powers of chapter 124 of the general statutes of the state and shall have jurisdiction over all areas of the town. (Ord. of 9-13-73, § 2; Ord. of 7-14-87)

<sup>9</sup> Cross references – Subdivision regulations, App. B; zoning regulations, App. C.

**Section 2-88 2-92 Composition; terms; officers; rules; record of proceedings**

The planning and zoning commission shall consist of five (5) members whose appointments shall be made pursuant to the provisions of chapter 124 of the general statutes of the state and the town charter. Three (3) alternates shall be designated in accordance with chapter 124 of the general statutes of the state and each shall serve for a three (3) year term. The commission shall elect a chairman, vice-chairman and secretary from its members, shall adopt rules for the transaction of business and shall keep a public record of its activities.

(Ord. of 9-13-73, § 3)

**Section 2-89 2-93 Vacancies**

Vacancies on the planning and zoning commission arising from resignation or dismissal shall be filled by the town council for the unexpired portion of the term. (Ord. of 9-13-73, § 4)

**Section 2-69 2-94 Alternate members<sup>10</sup>**

(a) *There shall be named to the planning commission of the town three (3) alternate members.*

(b) *Such alternates shall be appointed by the town council and shall serve for terms of three (3) years.*

(c) *Such alternates shall be eligible to act if a regular member of the planning commission is absent or disqualified in accordance with sections 8-19a and 8-21 of the general statutes, 1958 Revision, as amended.*

(d) *Should any vacancy occur among the alternate members of the planning commission, the town council shall fill such vacancy.* (Ord. of 7-12-73, §§ 1 – IV)

**Sections 2-95–2-99 Reserved**

**ARTICLE IV.5 XI. PUBLIC SAFETY COMMISSION**

**Section 2-78 2-100 Established; composition**

(a) There shall be a commission on public safety, composed of five (5) residents of the town to serve as an advisory commission to the town council on matters relating to public safety. Said five (5) members shall be persons who have expressed a concern and interest for and/or demonstrated expertise in public safety and issues related thereto. They shall be appointed by majority vote of the council subject to the rules of minority representation as set forth in the General Statutes of the State of Connecticut.

(b) In addition to the five (5) regular members of the commission, the chairman of the town council, or designated representative, and the town manager, or a designated representative, shall be ex officio members of the commission. (Ord. No. 96-004, 4-9-96)

**Section 2-79 2-101 Terms of members; filling of vacancies; removal**

(a) Within forty-five (45) days after adoption of this article, three (3) members shall be appointed to serve until April 30, 2000, and two (2) members to serve until April 30, 1998. Thereafter, all members shall be appointed for a term of four (4) years.

(b) In the event of any vacancy, the council shall appoint, by majority vote, a successor to fill the unexpired portion of the vacant term.

(c) Members of the commission may be removed or suspended by the town council in accordance with the provisions of the town charter.

(d) There shall be two (2) alternate members appointed for two-year terms. Said members shall be appointed within forty-five (45) days following the adoption of this Ordinance No. 96-004. (Ord. No. 96-004, 4-9-96)

**Section 2-80 2-102 Compensation**

<sup>10</sup> State law reference -- Authority to provide for alternate members, G.S. § 8-19a

The members of the commission shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses incurred in the performance of their duties with approval of the majority of the commission and provided for within their budget appropriation. (Ord. No. 96-004, 4-9-96)

### **Section 2-81 2-103 Duties**

- (a) The commission shall appoint its own chairperson and secretary and establish its own rules and procedures for the conduct of its meetings. A copy of said rules and procedures shall be filed annually with the town clerk and the town council as defined in the Charter of the Town of Killingly.
- (b) The commission may make an annual budgetary appropriation request of the town council for the purpose of effectively carrying out its official duties.
- (c) The commission may interact as necessary with other town boards and commissions having an impact on public safety issues and may seek to coordinate the activities of and cooperate with responsible organizations concerned with promoting public safety. The commission may utilize the facilities of the Connecticut Safety Commission and the National Safety Council in promoting the objective of a community safety program.
- (d) The commission shall be responsible to the council on matters relating to public safety and, as such, shall:
  - (1) Research and evaluate all public safety issues referred to them from the town council, the town manager or from other such municipal officials such as the police chief and the fire marshal;
  - (2) Research and evaluate current and future public safety needs;
  - (3) Define and report on policies which establish a standard to be used in addressing and remediating public safety hazards;
  - (4) Make recommendations to the town council regarding measures to be taken to address identified hazards within the community;
  - (5) Support, supplement and conduct public safety education programs, support, stimulate and assist citizen groups in understanding and cooperating with municipal programs for public safety and stimulate public interest and support for official programs of safety and accident prevention.
- (e) Neither the commission nor any of its members shall give directives to the town manager or any of his administrative staff either publicly or privately.
- (f) The commission shall provide the council with an annual written report on or before September first of each fiscal year concerning commission activities and shall present short- and long-range recommendations for action to the town council and other appropriate officials of the town.
- (g) The commission shall assume any other matters relating to public safety as may be assigned to it by the council in such areas, but not limited to, vehicular safety, pedestrian safety, fire safety, water safety, and safety within public buildings. (Ord. No. 96-004, 4-9-96)

### **Section 2-104 – 2-119 Reserved**

## **ARTICLE XII. BOARD OF RECREATION**

### **Section 2-120 Created**

There shall be a Board of Recreation. (Referendums of 11-6-73 and 11-3-81)

### **Section 2-121 Powers**

The Board shall have all the powers and duties conferred or implied by the Town Council on recreation commissions and park commissions

### **Section 2-122 Composition; terms; officers; rules; record of proceedings**

The Board of Recreation shall consist of five (5) members and shall serve for terms of two (2) years. Thereafter, the Council shall appoint, alternately, members to such Board. In addition to those members appointed by the Council, one member of the Council and one member of the Board of Education shall be appointed by such respective bodies to the Board of Recreation. Said appointees to serve indefinite terms at the pleasure of the Council and Board of Education respectively and to have voting powers. The Town Manager shall also serve but shall have no power to vote under any circumstances.

## **ARTICLE ~~VI~~ XIII. REGIONAL PLANNING.<sup>11</sup>**

### **DIVISION 1 GENERALLY**

#### **Section ~~2-105~~ 2-130 Regional Council of Governments**

The town hereby adopts sections 4-124i through 4-124p of the Connecticut General Statutes as amended, providing for the formation of a regional council of governments, and does hereby join such regional council of governments when and as such council is duly established in accordance with said statutes, upon the adoption of said statutes by not less than sixty (60) per cent of all municipalities within the Northeastern Connecticut Planning Region as defined by the secretary of the office of policy and management or his designee and upon certification by the secretary of the office of policy and management or his designee that a regional council of governments has been duly established.

In the absence of the chairman of the town council as the town's representative to the regional council of governments, the town council shall by majority vote designate one of its members as the chairman's alternate.<sup>12</sup> (Ord. of 4-14-87; Ord. of 1-12-88)

#### **Section ~~2-106~~ 2-131 Adoption of State Law**

Pursuant to the provisions of chapter 127 of the general statutes, the town hereby adopts the provisions of such chapter and elects to participate in the regional planning agency now or henceforth existing under authority of such chapter in the Northeast Regional Planning Agency as defined by the Connecticut Development Commission pursuant to the provisions of such chapter.<sup>13</sup> (Ord. of 4-23-68, § 1)

#### **Section ~~2-107~~ 2-132 Appointment of representatives**

- (a) The Town of Killingly, having a population of sixteen thousand one hundred twenty-seven (16,127), according to the federal census of 2000, shall have two (2) representatives of the agency.
- (b) The town council shall appoint to the agency one elector of the town who shall serve for a term of two (2) years. The planning commission of the town, duly constituted, shall appoint one elector to the agency for a term of two (2) years.
- (c) Appointees shall serve for the term of their office and until their successors shall have been appointed. Appointees may be reappointed. Terms of office shall commence when the appointment is made or from the first organization meeting of the agency, whichever is later.<sup>14</sup> (Ord. of 4-23-68, § 2; Ord. of 6-26-74)

#### **Section ~~2-108~~ 2-133 Vacancies**

Vacancies created by resignation or inability to serve shall be filled by the town council for the remainder of the unexpired term, any representative who is absent from three (3) consecutive regular meetings of the regional planning agency and any intervening duly called special meetings thereof shall be considered to have resigned from such body, except that the requirements of this section may be waived by the town council for good cause.<sup>15</sup> (Ord. of 4-23-68, § 3; Ord. of 6-26-74)

#### **Sections 2-134 - 2-139 Reserved**

<sup>11</sup> State law reference -- Regional planning, G.S. § 8-31a et seq.

<sup>12</sup> Editor's note -- Inclusion of certain substantive provisions of an ordinance adopted April 14, 1987, as § 2-105 was at the editor's discretion. Said ordinance further provided that: "When the regional council of governments is duly established and the transition period called for in section 4-124-1c of the Connecticut General Statutes as amended has been completed, then the town does hereby rescind sections 2-106 thru 2-108 of the Killingly Code of Ordinances which created the town's participation in the Northeastern Connecticut Regional Planning Agency.

<sup>13</sup> Note -- See the editor's note following § 2-105.

<sup>14</sup> Note -- See the editor's note following § 2-105.

<sup>15</sup> Note -- See the editor's note following § 2-105.

## DIVISION 2 REGIONAL RESOURCE RECOVERY AUTHORITY<sup>16</sup>

### **Section 2-414 2-140 Created**

There is hereby created a regional resources recovery authority pursuant to section 7-273aa of the Connecticut General Statutes, to be known as the Northeastern Connecticut Regional Resource Recovery Authority, principal office address being P.O. Box 198, Brooklyn, Connecticut 06234, subject to the modifications and limitations set forth in this division. The Northeastern Connecticut Regional Resource Recovery Authority shall have all the powers and duties of a municipal authority and of a regional authority pursuant to chapters 103b, 446d (formerly 361a) and 446e (formerly 351b) of the Connecticut General Statutes. The first members of the authority are: The Town of Canterbury, Canterbury Town Hall, P.O. Box 26, Canterbury, Connecticut 06331, whose initial representative's term of office shall be one (1) year; the Town of Killingly, Killingly Town Hall, 127 Main Street, Danielson, Connecticut 06239, whose initial representative's term of office shall be two (2) years; the Town of Plainfield,

Plainfield Town Hall, 8 Community Avenue, Plainfield, Connecticut 06374, whose initial representative's term of office shall be three (3) years; the Town of Pomfret, Pomfret Town Office Building, R.F.D. #1, Pomfret Center, Connecticut 06259, whose initial representative's term of office shall be one (1) year; the Town of Putnam, Putnam Town Hall, 126 Church Street, whose initial representative's term of office shall be two (2) years; and the Town of Thompson, Thompson Municipal Building, North Grosvenordale, Connecticut 06255, whose initial representative's term of office shall be three (3) years. In the event that any of the above named municipalities do not adopt this ordinance [this division], the terms of office of the initial representatives as shown above shall be redefined according to section 2-142~~43~~ of this division for any of the above named municipalities which adopt this ordinance [this division]. (Ord. of 10-14-86, § 1; Ord. of 2-10-87, §§ 1, 2)

### **Section 2-412 2-141 Appointment of representatives**

Membership in the authority shall consist of those municipalities that adopt this joint ordinance [this division] as set forth in section 2-145~~46~~. The representative to the authority from each member town shall be appointed by the board of selectmen of each municipality except for the representative of the Town of Killingly which shall be appointed by the town council. The board of selectmen or town council of each member town shall be authorized to appoint an alternate representative who shall be authorized to attend meetings and vote in the place of an absent representative. Representatives shall serve without compensation but may be reimbursed by the authority for necessary expenses incurred in conducting authority business. Any representative may be removed with or without cause by a majority vote of the board of selectmen or town council of the town which appointed the representative. (Ord. of 10-14-86, § 2; Ord. of 2-10-87, § 3)

### **Section 2-413 2-142 Number of representatives**

Each member municipality shall be entitled to one (1) representative on the authority and to one (1) alternate, who may vote only in the absence of the regular representative. Representatives and alternates shall serve for three-year terms, except that the initial appointments shall be for one-, two- or three-year terms based on alphabetical assignment of those municipalities comprising the authority. Thereafter, initial terms for representatives of new municipal members shall rotate among one (1), two (2) and three (3) years in the order of adoption of the joint ordinance. All initial terms shall be deemed to begin on the day the authority is created. (Ord. of 10-14-86, § 3)

### **Section 2-414 2-143 Voting and quorum**

The Northeastern Connecticut Resource Recovery Authority shall operate with one hundred (100) voting units which shall be assigned to member municipalities in proportion to each municipality's share of the total population of all members of the authority as determined by the votes. Each municipality shall have a minimum of one (1) vote. The distribution of voting units among members shall be recomputed

<sup>16</sup> Editor's note — A nonamendatory ordinance of Oct. 14, 1986, §§ 1 -- 7, has been codified as division 2, §§ 2-111 -- 2-117, at the discretion of the editor.

following each decennial federal census and upon the withdrawal or termination of any member municipality or the admission of a new member. Action by the authority shall require the affirmative action of at least sixty (60) per cent of the total voting units present and voting at a duly called meeting of the authority at which a quorum is present. The presence, at a meeting, of representatives from a majority of the member municipalities shall be necessary for a quorum. (Ord. of 10-14-86, § 4)

**Section 2-115 ~~2-144~~ Liabilities of member towns**

A member municipality shall not assume any liabilities or responsibilities of the Northeastern Connecticut Regional Resource Recovery Authority or created by the action of said authority, or be responsible for payment of any expenses of said authority unless an appropriation for the municipality's proportionate share of such expenses has been approved by the municipality or a contract setting forth such liabilities and responsibilities for expenses has been approved by the municipality. (Ord. of 10-14-86, §5)

**Section 2-116 ~~2-145~~ Effective date**

This ordinance [this division] shall take effect when it has been adopted by five (5) or more towns in the Northeastern Connecticut Planning Region. (Ord. of 10-14-86, § 6)

**Section 2-117 ~~2-146~~ Withdrawal from Authority**

No municipality may withdraw its membership in the authority without a vote of its legislative body to withdraw from the authority and giving at least six (6) month's notice to each of the other participating municipalities and to the Northeastern Connecticut Regional Resource Recovery Authority. Such withdrawal of membership will not in any manner relieve the municipality of liabilities or responsibilities assumed prior to withdrawal, including, without limitation, contracts and agreements to supply municipal solid waste, to pay tipping fees or other charges, and to make landfill space available. (Ord. of 10-14-86, § 7; Ord. of 2-10-87, § 4)

**Sections 2-147 – 2-149 Reserved**

**ARTICLE VII ~~XIV~~. ZONING BOARD OF APPEALS<sup>17</sup>**

**Section 2-125 ~~2-150~~ Created**

The provisions of chapter 124 of the general statutes of the state, 1958 Revision as amended, are hereby adopted and a zoning board of appeals is hereby created in and for the town. (Ord. of 9-13-73, § I; Ord. of 7-14-87)

**Section 2-126 ~~2-151~~ Composition**

The board created by this article shall consist of five (5) regular members and three (3) alternates who shall be electors of the town and shall not be members of any other board or commission. (Ord. of 9-13-73, § II)

**Section 2-127 ~~2-152~~ Terms—Regular members**

Regular members of the board created by this article shall be appointed to serve by the town council for terms of five (5) years. Annually the council shall appoint one member to such board. (Ord. of 9-13-73, § III)

**Section 2-128 ~~2-153~~ Same—Alternate members**

Alternate members of the board created by this article shall be appointed to terms of three (3) years. (Ord. of 9-13-73, § IV)

**Section 2-129 ~~2-154~~ Vacancies**

Any vacancy on the board created by this article shall be filled by the town council. (Ord. of 9-13-73, § V)

<sup>17</sup> Cross reference — Zoning regulations, App. C.

**Section 2-130 2-155 Power and duties**

The board created by this article shall have all powers and duties of chapter 124 of the general statutes of the state, as amended, and all of its actions and proceedings, all appeals there from shall be subject to and in accordance with the provisions of such chapter 124 as amended. (Ord. of 9-13-73, § 6)

**Sections 2-156 – 2-159 Reserved****ARTICLE XV. WATER POLLUTION CONTROL AUTHORITY****Section 2-160 Created**

Pursuant to the general statutes of the state, chapter 103, section 7-246, as amended, and the Killingly Town Charter, Section 810, there is created an authority, to be known as the Water Pollution Control Authority of the Town of Killingly. Said Water Pollution Control Authority shall be an operating department of the Town, and the Superintendent of the Water Pollution Control Authority shall be appointed by the Town Manager with the advice and consent of the Water Pollution Control Authority and shall report to the Town Manager or his/her designee as to the day to day operation of the department. For purposes of employment and personnel policies, the employees of the Water Pollution Control Authority shall be employees of the Town of Killingly.

**Section 2-161 Composition; terms; vacancies**

The Authority created by this section shall consist of five (5) regular members to be appointed by the town council for terms of three (3) years and two (2) alternate members to be appointed by the town council for terms of two (2) years. Any vacancy shall be filled for the unexpired portion of the term by appointment by the town council.

**Section 2-162 Officers; Compensation; Quorum**

The Authority created by this section shall elect from its membership a chairman and secretary and shall appoint legal counsel, and other necessary personnel. The members of the authority shall serve without compensation but shall be reimbursed for necessary expenses. The presence of three (3) members of the authority will constitute a quorum to conduct business and not action of such authority shall be valid unless authorized by a vote of the majority of the members of the authority.

**Section 2-163 Powers**

The Authority created by this section shall conform to and have such powers, purposes and objectives as set forth in chapter 103 of the general statutes, as amend, except as specifically otherwise set forth herein.

**Section 2-164 Records; annual report**

The Authority shall maintain accurate accounting and financial records and shall make an annual report to the Town Manager and Council. Provided further that all functions regarding the issuance of bills and collection of revenues shall be performed by the Town Manager or his/her designee, and all funds shall be accounted for separately to the Authority in accordance with generally accepted municipal accounting principles.

**Section 2-165 Annual Budget**

(a) The Authority shall file its budget with the Town Manager for submission to the Town Council no later than the first day of April, which budget shall include a detailed estimate of the expenditures to be made by the Authority and the revenue to be collected thereby in the ensuing fiscal year and such other information as may be required by the Council or the Manager.

(b) The Council shall by resolution approve or reject such budget within fifty (50) days of receipt of the same. Should the budget be rejected by the Council, it shall be returned to the Authority together with a statement of the reason for the rejection. The Authority shall review the budget in light of the comments of the Council and shall resubmit the budget to the Council no later than five (5) days prior to the June



meeting of the Council. The Council shall then approve the Authority's budget or amend and approve said budget. Should the Council fail to approve or amend and approve the last submitted budget by the close of the fiscal year, the last submitted budget shall be deemed to be approved by the Council.

### **Section 2-166 Removal of Members**

A member of the authority may be removed in accordance with the provisions of Section 811 of the Killingly Town Charter.

### **Sections 2-167 – 2-169 Reserved**

## **ARTICLE XVI. SPECIAL COMMISSION ON CONSOLIDATION OF SERVICES**

### **Section 2-164 Established; composition**

- (a) ~~There shall be a seven (7) member Special Commission on Consolidation of Services to serve as an advisory commission to the Town Council and Board of Education on matters relating to the consolidation of operations.~~
- (b) ~~Said Commission shall sunset on June 30, 2016 unless otherwise extended by action of the Town Council and shall not be designated as a regular town commission.~~
- (c) ~~In addition to the seven (7) regular members of the commission, the Town Manager, or a designated representative, and the Superintendent of Schools, or a designated representative, shall be ex-officio members of the commission.~~

### **Section 2-165 Terms of members; filling of vacancies**

- (a) ~~Within sixty (60) days after adoption of this article, the Town Council shall appoint the initial Commission members as follows:~~
- (1) ~~Two (2) members who shall be current members of the Town Council.~~
- (2) ~~Two (2) members who shall be current members of the Board of Education who shall have been recommended by the Board of Education.~~
- (3) ~~Three (3) members who shall be citizens of the Town of Killingly and who shall have been jointly recommended by the Town Council and the Board of Education.~~
- (4) ~~Each initial member shall serve until December 5, 2011.~~
- (b) ~~As each term shall expire, the Town Council shall reappoint or appoint new members maintaining the same apportionment among constituencies for terms of two (2) years commencing December 5, 2011.~~
- (c) ~~The Town Council shall appoint, from its membership, one (1) alternate member, and the Board of Education shall recommend for appointment, from its membership, one (1) alternate member; said alternate members shall serve from the effective date of this article until December 5, 2011; thereafter each term shall be for two (2) years.~~
- (d) ~~The Town Council shall fill any vacancy for the balance of the vacant term with an individual representing the constituency of the person who shall have created the vacancy.~~

### **Section 2-166 Duties**

- (a) ~~The Commission shall appoint its own chairperson and vice-chairperson and establish its own rules and procedures for the conduct of its meetings. A copy of said rules and procedures shall be filed annually with the Town Clerk.~~
- (b) ~~The Commission shall be responsible to both the Town Council and the Board of Education, in an advisory capacity, on matters relating to the consolidating of operations, including, but not limited to the following areas: facilities maintenance; central services; vehicle and equipment maintenance; energy conservation and library services.~~
- (c) ~~Neither the Commission nor any of its members shall give directives to the Town Manager, Superintendent of Schools or their administrative staff either publicly or privately.~~
- (d) ~~The Commission shall provide the Town Council and Board of Education with an annual written report on or before September first of each fiscal year concerning Commission activities and shall present short- and long-range recommendations.~~ (Ord. No. C11-09; 4-12-11)

## **~~Article XI. SPECIAL COMMISSION ON THE MAINTENANCE OF BUILDINGS~~**

### **~~Section 2-167 Established; composition~~**

a) ~~There shall be a seven (7) member Special Commission to establish and oversee schedules for the maintenance of all Town of Killingly buildings, to advise the Town Council and Board of Education on the capital costs for such structural maintenance and to perform such other related matters for Town-owned buildings as may be requested by either the Town Council or Board of Education. Structural maintenance shall be defined as the routine upkeep of plant or building equipment; repair or replacement of equipment based on technical specifications such as boilers, chillers, other HVAC equipment, security and other similar equipment or the replacement of roofs except when a Building Commission is required by Connecticut General Statutes.~~

b) ~~Said Committee shall sunset on December 31, 2013 unless otherwise extended by action of the Town Council and shall not be designated as a regular Town Committee.~~

c) ~~In addition to the seven (7) regular members of the Commission, the Town Manager, or a designated representative, and the Superintendent of Schools, or a designated representative, shall be ex-officio members of the Committee.~~

### **~~Section 2-168 Terms of Members; filling of vacancies~~**

a) ~~Within forty-five (45) days after the effective date of this Article, the Town Council shall appoint the initial Committee members as follows:~~

1. ~~Two (2) members who shall be current members of the Town Council to be designated by the Town Council Chairperson in accordance with the Town Council's Rules of Procedure regarding appointment of liaisons to Boards and Commissions.~~

2. ~~Two (2) members who shall be current members of the Board of Education who shall be recommended by the Board of Education.~~

3. ~~One (1) member who shall be a current member of the Permanent Building Commission to be designated by the Permanent Building Commission Chairperson.~~

4. ~~Two (2) members who shall be citizens of the Town of Killingly to be appointed and who shall have been jointly recommended by the Town Council and the Board of Education.~~

b) ~~Each initial member shall serve until November 11, 2011. As each term shall expire, the Town Council shall reappoint or appoint new members maintaining the same apportionment among constituencies for terms of two (2) years commencing December 1, 2012.~~

c) ~~The Town Council shall appoint, from its membership, one alternate member, and the Board of Education shall recommend for appointment, from its membership, one alternate member; said alternate members shall serve from the effective date of this Article until December 31, 2011; thereafter each term shall be for two (2) years.~~

d) ~~Vacancies—The Town Council shall fill any vacancy for the balance of the vacant term with an individual representing the constituency of the person who shall have created the vacancy.~~

### **~~Section 2-169 Duties~~**

a) ~~The Commission shall appoint its own chairperson, vice-chairperson and secretary, and establish its own rules and procedures for the conduct of its meetings. A copy of said rules and procedures shall be filed annually with the Town Clerk.~~

b) ~~The Commission shall be responsible to both the Town Council and the Board of Education, in an advisory capacity, on matters relating to the structural maintenance, schedule of capital funding for said maintenance and the review of schedules and contracts related to the structural maintenance of all Town-owned buildings. Neither the Commission nor any of its members shall give directions to the Town Manager, Superintendent of Schools or their administrative staff either publicly or privately. The administration of contracts to perform structural maintenance projects as herein defined shall be the responsibility of the Town Manager for buildings directly under the jurisdiction of the Town Council and shall be the responsibility of the Superintendent of Schools for buildings directly under the jurisdiction of the Board of Education.~~

c) ~~The Commission shall provide the Town Council and Board of Education with an annual written report on or before September 1st of each fiscal year concerning Commission activities and shall present short- and long-range recommendations. (Ord. No. C10-02; 10-12-10)~~

## **ARTICLE XII: XVI    Open Space Land Acquisition Fund**

### **Section 2-170**

Pursuant to the authority of Connecticut General Statute § 7-131r, there is hereby established the Killingly Open Space Land Acquisition Fund to be used solely for the purposes of the preservation of open space, the acquisition of land (or any interest in land, including but not limited to easements and development rights, associated surveying and legal fees) to be used for open space, natural resource protection, recreational or agricultural purposes. This fund is continuous and shall not lapse at the close of the municipal fiscal year.

### **Section 2-171**

There shall be deposited into the Open Space Land Acquisition Fund such sums as the town may from time to time appropriate for that purpose. There shall also be deposited into the fund all payments in lieu of the provision of open space made pursuant to any regulations adopted by the Planning and Zoning Commission under the authority of Connecticut General Statutes §§ 8-25a and 8-25b and any other funds acquired by the town, whether by gift, bequest, grant or otherwise, for the purposes to be served by the fund. By separate action annually, Council may also transfer unexpended funds from any Conservation, Inland Wetlands and Watercourses Commission and Agriculture Commissions budgeted funds remaining at the end of the fiscal year. (Ord. No. C14-05; 5-13-14; Effec. 5-28-14)

### **Section 2-172**

The Town Manager shall appoint an Open Space Land Acquisition Committee to consist of two citizens at large and one member of each of the following: Inland Wetlands and Watercourses Commission, Planning and Zoning Commission, Economic Development Commission, Board of Recreation, Conservation Commission, and Agriculture Commission. The persons appointed shall serve at the pleasure of the Town Council. The Open Space Land Acquisition Committee shall elect its chairperson and a secretary and shall meet periodically, but not less frequently than bi-annually. Its charge shall be to identify and/or review potential acquisitions of land or interests in land for open space, natural resource protection, recreational or agricultural purposes, to make recommendations to the Town Council regarding acquisition of such land and other proper uses of the Open Space Land Acquisition fund and to perform such other tasks relating to the use and administration of the fund as the Town Council may direct. (Ord. No. C14-05; 5-13-14; Effec. 5-28-14)

### **Section 2-173**

Appropriations from the fund for the purposes for which it is created shall be made upon the recommendation of the Conservation Commission, the Open Space Land Acquisition Committee and the approval of the Town Council, and, where the proposed appropriation is for the purpose of acquiring land (or any interest in land, including but not limited to easements and development rights) upon review by the Planning and Zoning Commission pursuant to Connecticut General Statute § 8-24, by any Annual or Special Town Meeting after due warning. (Ord. No. C00-023; 8-8-00)

### **Section 2-174–2-180            Reserved**

## **Article XIII: XVII    CAPITAL RESERVE FUNDS**

### **DIVISION 1            GENERAL CONDITIONS OF USE**

#### **Section 2-181**

##### **1. Expenditures**

- a. Capital Projects - Expenditures may be made from said Fund to fund, in whole or in part, Town capital projects. Uses may include but shall not be limited to: municipal infrastructure construction and

improvements, municipal, school, parks and recreation facilities construction and improvements and the acquisition of land. Funds may be expended for contractual services, materials, supplies, equipment and professional services; however, said Fund shall not be expended for normal, routine operating expenses of the Town.

b. Information Technology - Expenditures may be made from said Fund to fund, in whole or in part, technology equipment, computer software or hardware and any other expenditures related to utilizing information technology in support of Town functions. Said expenditures shall be segregated from other expenditures described herein and shall be supported by revenues derived from fees, charges and inter-fund transfers associated with information technology.

c. Geographic Information System - Expenditures may be made from said Fund to fund, in whole or in part, technology equipment, computer software or hardware and other expenditures related to utilizing the town's geographic information system in support of Town functions. Said expenditure shall be segregated from other expenditures described herein and shall be supported by revenues derived from fees, charges and inter-fund transfers associated with geographic information technology.

2. The sources of revenue of the Capital Revenue Fund may be any of the following as the Town Council shall, from time to time, determine: General Fund appropriations and contributions from other Town funds, as may be authorized by the Town Council.

3. The Town Finance Department will maintain an accounting of the activity of the Fund.

4. In the event of the dissolution of the Fund, any balance remaining in the Fund shall be transferred to the Fund

Balance of the General Fund.

## ***DIVISION 2                      DISBURSEMENTS***

### **Section 2-182**

1. All disbursements for Capital Projects and the Geographic Information System from this Fund shall be authorized by the Town Council upon a recommendation by the Town Manager.

2. All disbursements for information technology from this Fund shall be authorized by the Town Manager.

(Ord. No. C00-025, 9-12-00) (Ord. 8-12-03; Amending Ord. of 8-9-05)

### **Section 2-183 - 2-200      Reserved**

## ***Article XIV XVIII                      PROCUREMENT CODE OF THE TOWN OF KILLINGLY***

### ***Chapter 8.1***

### ***ARTICLE II.    DAYVILLE HISTORIC DISTRICT, DANIELSON HISTORIC DISTRICT – ACADEMY STREET, AND MISCELLANEOUS HISTORIC PROPERTIES<sup>18</sup>***

#### **~~Section 8.1-18    Historic District Commission Established; composition~~**

~~An historic district commission (hereinafter called "the commission") is hereby established to promote the purpose set forth in this article and to perform all functions as shall from time to time be prescribed under the General Statutes of Connecticut and as provided in this article. Said commission shall consist of five (5) regular members and three (3) alternate members, all of whom shall be electors of the town holding~~

<sup>18</sup> Editor's note--Codification of §§ 1--10 of a nonamendatory ordinance adopted Jan. 13, 1987, as article II, §§ 8.1-16-8.1-25, was at the editor's discretion. Said ordinance was effective April 1, 1987.

no-salaried town office and all shall serve without compensation. The members shall be appointed within thirty (30) days of the effective date of this article by the town council. The historic district shall be represented on the commission by at least one (1) regular member who shall be a resident of the district. (Ord. of 1-13-87, § 3; Ord. of 3-8-88, § 3; Ord. of 4-12-88, § 3; Ord. of 8-9-88, § 3)

#### **~~Section 8.1-19 — Same Terms~~**

The terms of the original members of the commission shall be arranged in such manner that the term of at least one (1) regular member and one (1) alternate member shall expire each year. Their successors shall be appointed by the town council for terms respectively of five (5) years for regular members and three (3) years for alternate members except that an appointment to fill a vacancy shall be for the duration of the unexpired term. (Ord. of 1-13-87, § 4; Ord. of 3-8-88, § 4; Ord. of 4-12-88, § 4; Ord. of 8-9-88, § 4)

#### **~~Section 8.1-20 — Same - Election of Officers~~**

Within thirty (30) days after appointment of the original members of the commission, and annually thereafter, the regular members shall meet, and elect officers as specified in the Act. Alternate members shall not participate in the vote for election of officers of the commission. (Ord. of 1-13-87, § 5; Ord. of 3-8-88, § 4; Ord. of 4-12-88, § 4; Ord. of 8-9-88, § 5)

#### **~~Section 8.1-21 — Same - Powers and limitations~~**

The commission shall have such powers and shall be subject to such limitations as shall from time to time be prescribed under the General Statutes of Connecticut. The commission shall be empowered specifically to determine the appropriateness or inappropriateness of the external, visual aspects only of all erection, alteration, restoration, movement, or razing of all buildings and structures within the historic district. The style, material, size, and location of outdoor advertising signs and bill posters within the historic district shall also be under the control of the commission. The commission shall adopt rules of procedure and regulations not inconsistent with the provisions of said statutes and this article. The commission may, subject to appropriation, employ clerical and technical assistance or consultants and may accept money gifts or expend the same for the purposes of the Act and this article. (Ord. of 1-13-87, § 6; Ord. of 3-8-88, § 6; Ord. of 4-12-88, § 6; Ord. of 8-9-88, § 6)

#### **~~Section 8.1-22 — Same - Liaison with other town offices; furnishing Certificates of Appropriateness for properties within the district; Annual Reports~~**

Said commission and other town offices or officers whose areas of concern may overlap or affect each other should maintain liaison for information and coordination in matters with which the commission may be dealing. With particular regard to such liaison between the commission and the building inspector of the town, the latter official will require a certificate of appropriateness from the commission prior to the issuance of any building permit for properties within the historic district which might affect the exterior architectural or visual aspects of such properties.

The commission should make reports at least annually. Such reports may be included in the annual town report and should be issued to all owners of real property in the district. The report should also be available to any other residents of the town. (Ord. of 1-13-87, § 7; Ord. of 3-8-88, § 7; Ord. of 4-12-88, § 7; Ord. of 8-9-88, § 7)

#### **~~Section 8.1-23 — Same Standards of appropriateness~~**

Anticipating future new construction and change in the historic district, the exterior architectural aspect of which may require the approval of the commission under certain conditions specified in the Act and which the commission may in accordance with the Act decide to be detrimental and inappropriate to the interest of said historic district, the commission shall make known the standards of appropriateness or inappropriateness which it proposes to follow in passing upon proposals for new construction or change. Such standards of criteria shall not be such as to bind the historic district to any uniform or necessarily traditional style in new construction, but shall look both to the protection of the old and to the interest and distinctiveness of those communities in the future when other generations will view styles and developments of the present day also as history. (Ord. of 1-13-87, § 8; Ord. of 3-8-88, § 8; Ord. of 4-12-88, § 8; Ord. of 8-9-88, § 8)

### **~~Section 8-1-24 — Same Meetings with residents~~**

~~For the purpose of encouraging the responsiveness, securing the support, and drawing on the resources of interested residents of the historic district who are not members of the historic district commission, and apart from the provision in the Act for formal appeals from the commission decisions by aggrieved parties, and other than the required public hearings by the commission upon applications for certificates of appropriateness, the commission shall hold meetings with residents of the historic district if and when at least fifty (50) per cent of the owners of real property in the district make written petition for such meeting to discuss matters of policy or other matters that may be at issue between property owners and the commission. The commission shall call meetings so requested, shall not be bound by the meetings, but in formulating policy shall be responsive to the sentiments of the community insofar as its best judgment suggests and the powers and limitations derived from the General Statutes permit. (Ord. of 1-13-87, § 9; Ord. of 3-8-88, § 9; Ord. of 4-12-88, § 9; Ord. of 8-9-88, § 9)~~

## **Chapter 12.5**

### **PLANNING AND DEVELOPMENT<sup>19</sup>**

#### **~~ARTICLE II. — CONSERVATION COMMISSION<sup>20</sup>~~**

### **~~Section 12.5-21 — Statutory Authority~~**

~~This article, establishing a conservation commission (hereinafter called "the commission") for the town is enacted pursuant to the provisions of Section 7-131A of the General Statutes of Connecticut, and amendments thereto. (Ord. of 2-13-90)~~

### **~~Section 12.5-22 — Purpose~~**

~~The purpose of this article is to promote the development, conservation, supervision and regulation of natural resources, including water resources within the town, and other such purposes and objectives as set forth by the state statute and this article. (Ord. of 2-13-90)~~

### **~~Section 12.5-23 — Conformance to Statute~~**

~~The commission shall conform to and have such powers, purposes and objectives as set forth in Chapter 97, Section 7-131A of the general statutes and as provided in this article. (Ord. of 2-13-90)~~

### **~~Section 12.5-24 — Terms of office; compensation; vacancies~~**

~~The commission created by this article shall consist of five (5) regular members, all of whom shall be electors of the town holding no salaried town office. All members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of official duties. The members are to be appointed by the town manager with the advice and consent of the town council for five-year terms. The initial terms of appointment shall be fixed so that the terms of one-fifth (1/5) of the members shall expire each year. Any vacancy shall be filled for the unexpired portion of the term by appointment of the town manager with the advice and consent of the town council. There shall be two (2) alternate members appointed for three-year terms. (Ord. of 2-13-90)~~

### **~~Section 12.5-25 — Appointment; election of officers; removal of members~~**

~~The members shall be appointed within thirty (30) days of the effective date, March 1, 1990, of this article.~~  
~~(a) Appointment.~~

<sup>19</sup> Cross references—Administration, Ch. 2; buildings and building regulations, Ch. 4; streets and sidewalks, Ch. 13; water generally, § 15-128 et seq.; inland wetlands and watercourses regulations, App. A; subdivisions, App. B.

<sup>20</sup> Editor's note—An ordinance adopted Feb. 13, 1990, did not specifically amend this Code; hence, inclusion of said ordinance as §§ 12.5-21—12.5-30 was at the editor's discretion.

~~(b) **Election of officers.** Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall meet and elect from its membership a chairman, secretary and other necessary officers.~~

~~(c) **Removal of members.** A member of the commission may be removed for cause by the town manager with advice and consent of the town council. If the member requests a public hearing, that member shall be removed only after a public hearing is held. The public hearing will give the member an opportunity to be heard in person or by counsel before the town manager. At least ten (10) days prior to the public hearing, the member shall have been given a copy of the charges against him/her. In the event of removal, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the town clerk.~~

~~(Ord. of 2-13-90)~~

### **Section 12.5-26 — Quorum**

~~The presence of three (3) members of the commission shall constitute a quorum to conduct business and no action shall become valid unless authorized by a vote of the majority of the total membership present and voting. (Ord. of 2-13-90)~~

### **Section 12.5-27 — Powers and Duties**

~~The commission shall have such powers and shall be subject to such limitations as shall from time to time be prescribed under the General Statutes of Connecticut. The commission shall adopt rules and procedure not inconsistent with the provisions of said statutes and this article. The commission shall be empowered to conduct researches into the utilization and possible utilization of land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare and distribute books, maps, charts, plans and pamphlets as necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information on the proper use of such areas, and may from time to time recommend to the planning and zoning commission, the inland wetlands and watercourses commission, the board of recreation and the town council plans and programs for the development and use of such areas. (Ord. of 2-13-90)~~

### **Section 12.5-28 — Annual Report**

~~The commission shall make an annual report to the town council summarizing the commission's activities. (Ord. of 2-13-90)~~

### **Section 12.5-29 — Appropriations**

~~Acting through the town manager and pursuant to the town's personnel rules and procedures and subject to town council appropriation, the commission may utilize staff and clerical assistance and employ consultants, and may accept money gifts or expend the same for the purposes provided for under state statute and this article. (Ord. of 2-13-90)~~

### **Section 12.5-30 — Meeting Attendance**

~~Three (3) consecutive unexcused absences shall require notification to the member that he shall be recommended to the town manager for removal unless a proper explanation acceptable to the commission is received within twenty-one (21) days from notification.~~

### **Sections 12.5-31 — 12.5-40 — Reserved**

## **Chapter 15**

## **WATER, SEWERS AND SEWAGE DISPOSAL<sup>21</sup>**

### **Section 15-18 — Water Pollution Control Authority – Generally<sup>22</sup>**

~~(a) **Created.** Pursuant to the general statutes of the state, chapter 103, section 7-246, as amended, and the Killingly Town Charter, Section 810, there is created an authority, to be known as the Water Pollution Control Authority of the Town of Killingly.~~

~~(b) **Powers.** The Authority created by this section shall conform to and have such powers, purposes and objectives as set forth in chapter 103 of the general statutes, revision of 1958, and amendments thereto.~~

~~(c) **Composition; terms; vacancies.** The Authority created by this section shall consist of five (5) regular members to be appointed by the town council for terms of three (3) years and two (2) alternate members to be appointed by the town council for terms of two (2) years. Any vacancy shall be filled for the unexpired portion of the term by appointment by the town council.~~

~~(d) **Officers.** The authority created by this section shall elect from its membership a chairman and secretary and shall appoint legal counsel, and other necessary personnel.~~

~~(e) **Compensation.** The members of the authority created by this section shall serve without compensation but shall be reimbursed for necessary expenses.~~

~~(f) **Quorum.** The presence of three (3) members of the authority created by this section will constitute a quorum to conduct business and no action of such authority shall be valid unless authorized by a vote of the majority of the members of the authority.~~

~~(g) **Records; annual report.** The authority created by this section shall maintain accurate accounting and financial records and shall make an annual report to the town manager and council.~~

~~(h) **Removal of members.** A member of the authority created by this section may be removed in accordance with the provisions of Section 811 of the Killingly Town Charter.~~

~~(i) The Water Pollution Control Authority shall submit an annual operating budget in accordance with the provisions of Section 810 of the Killingly Town Charter.~~

~~(Ord. of 8-25-70, §§ 1-8; Ord. of 6-26-74; Ord. of 4-10-79; Ord. of 9-14-82, §§ 1, 2; Ord. of 10-12-82, § 1; Amending Ord. of 5-10-05)~~

**BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINLGY** that the amendment shall be published in summary with full copies available at the Town Clerk, Town Manager and Public Library for public inspection.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 10<sup>th</sup> day of March 2020

Discussion followed.

Roll call vote: Majority approved, Mr. Grandelski opposed. Motion passed.

<sup>21</sup> Cross references—Buildings and building regulations, Ch. 4; garbage, trash and refuse, Ch. 8; inland wetlands regulations, App. A; subdivision regulation, App. B; zoning regulations, App. C.

<sup>22</sup> Cross reference—Administration generally, Ch. 2.



14b. Consideration and action on a resolution to set the date of June 9, 2020 for a public hearing on an ordinance amending Chapter 14 of the Code of Ordinances for the revision the Property Tax Relief Policy for Public Safety Volunteers

Mr. Lee made a motion, seconded by Mr. LaPrade, to adopt the following:

**A RESOLUTION TO SET THE DATE OF JUNE 9, 2020 FOR A RESCHEDULED PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR REVISION THE PROPERTY TAX RELIEF POLICY FOR PUBLIC SAFETY VOLUNTEERS**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that the following ordinance be set down for a public hearing on Tuesday, June 9, 2020 at 7:00 p.m. The public hearing will be held virtually on WebEx. Call information will be posted on the Town's website at [www.killinglyct.gov](http://www.killinglyct.gov) :

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR REVISION THE PROPERTY TAX RELIEF POLICY FOR PUBLIC SAFETY VOLUNTEERS**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that, the following amendments as shown in underline or strike through to Chapter 14 of the Town of Killingly Code of Ordinances be adopted:

***DIVISION 1    PROPERTY TAX RELIEF POLICY FOR PUBLIC SAFETY VOLUNTEERS***

***Sections 14-45    Purpose***

The purpose of this Ordinance is to provide property tax relief for public safety volunteers pursuant to Section 12-81w (24) of the Connecticut General States, as amended, said Ordinance being effective commencing with the October 1, 2000 Grand List and subject to review after one year of implementation. This program will be granted in the form of an exemption abatement pursuant to the aforementioned State Statutes,

***Sections 14-46    Qualifications***

Any volunteer member in good standing of the fire departments and ambulance services located in the Town of Killingly with one or more years of active service who owns real property located in the Town of Killingly or who is liable for the payment of taxes shall be entitled to tax relief in accordance with this Ordinance.

Annually on or before December 15, the individual fire chiefs or president of each volunteer fire department and ambulance service located in the Town of Killingly shall submit a certified eligibility list to the Town Assessor. Such list shall contain the name, address, and amount of the exemption expressed in terms of equivalent tax dollars for each member.

The program will be subject to funding authorized in the annual budget process. In the event the program is not funded or is funded at less than 100%, then the program shall be implemented proportionately to the funding allocated to the program.

***Section 14-47    Member Eligibility***

The following criteria would be used to determine a member's status as a "member in good standing" with Killingly area Fire Departments and Ambulance Service:

a<sup>23</sup>. Active fire department members would earn points for every call, drill, training session, meeting and work detail they attend as follows:

- 5 points per drill/training session
- 3 points per fire call
- 3 points per EMS call
- 2 points per department meeting attended
- 1 point per service call/work detail

An active volunteer fire department member will be considered to be in good standing and eligible for tax relief based upon his/her attendance at calls, drills, training, and meetings each year. Attendance requirements vary from department to department, based upon the call volume of a particular department.

Attendance requirements are as follows:

- |   |                            |
|---|----------------------------|
| 1. Departments with 800 or more calls per year:       | 10% attendance is required |
| 2. Departments with 600 - 799 or more calls per year: | 15% attendance is required |
| 3. Departments with 400 - 599 or more calls per year: | 20% attendance is required |
| 4. Departments with less than 400 calls per year:     | 25% attendance is required |

b. Active volunteer members of the KB Ambulance Corp, Inc would earn eligibility points as follows:

- 1. provide fifty (50) hours of scheduled ambulance duty coverage per quarter
- 2. attend eighty (80) percent of all ambulance corps meetings
- 3. attend eighty (80) percent of all ambulance corps training sessions
- 4. participate in one (1) public event the ambulance service provides medical coverage for, for example: Springtime Festival, July 4<sup>th</sup>, EMS week, school visits, etc.

The criteria used for KB Ambulance Corps, Inc. personnel is necessary because this facility has scheduled duty shifts during the evening for volunteer coverage. Also, paid employees provide daytime coverage. Thus, volunteer personnel are not able to respond to all dispatched ambulance calls.

c. Eligibility also includes the following:

- 1. any volunteer member located in the Town of Killingly with one or more years of active service;
- 2. amount of exemption based on member's years of active service;
- 3. years of active service as a member in good standing may be transferred between fire departments located in the Town of Killingly;
- 4. Chief or administrative officer of the individual fire departments or ambulance service determine the criteria for member qualification as Member in Good Standing

### **Section 14-48 Property Eligibility**

- a. exemption **abatement** may only be applied to taxable property located in the Town of Killingly and in the ownership of the eligible member as of October 1 preceding the December 15 filing of the eligible list with the Assessor;
- b. an exemption **abatement** under this ordinance shall be applicable to any real or personal property in common with one or more other persons. Leased vehicles or property owned by corporations including, but not limited to, LLC's and trusts are not considered the property of the eligible member;
- c. the exemption **abatement** cannot exceed the total assessment of the eligible property.

### **Section 14-49 Tax Relief**

Tax relief shall be in the form of an abatement of property taxes due for any fiscal year in accordance with CGS Section 12-81w, as amended. The below percentages shall be applied to the maximum allowable abatement.

1-2 Years Active Service as a Member in Good Standing      \$200 **20%** ~~Equivalent tax dollars~~

<sup>23</sup> History – Ordinance C17-06 amended Section 14-47a replacing “To be considered a Member in good standing, a member of area fire department would have to obtain a total of twenty-five (25%) percent of the total points possible” approved at TCM 8-8-17.

3-5 dollars	Years Active Service as a Member in Good Standing	\$400 <del>40%</del> Equivalent tax
6-10 dollars	Years Active Service as a Member in Good Standing	\$600 <del>60%</del> Equivalent tax
11-15 dollars	Years Active Service as a Member in Good Standing	\$800 <del>80%</del> Equivalent tax
16+ dollars	Years Active Service as a Member in Good Standing	\$1,000 <del>100%</del> Equivalent tax

#### **~~Section 14-50 Exemption~~**

~~Calculation of the exemption is pursuant to the provisions of subdivision (21) of CGS Section 12-81.  
(Ord. & Exhibit A adopted 11-8-00)~~

**BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that the amendment shall be published in summary with full copies available at the Town Clerk, Town Manager and Public Library for public inspection.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 12<sup>th</sup> day of May 2020

Discussion followed.  
Roll call vote: Unanimous. Motion passed.

14c. Consideration and action on a resolution to set a public hearing for June 9, 2020 on an Ordinance Authorizing an Appropriation of \$300,000 from the General Fund Unassigned Fund Balance to the Turf Field Capital Project.

Mr. Lee made a motion, seconded by Mr. Grandelski, to adopt the following:

**RESOLUTION TO SET THE RESCHEDULED PUBLIC HEARING FOR JUNE 9, 2020 ON AN ORDINANCE AUTHORIZING AN APPROPRIATION OF \$300,000 FROM THE GENERAL FUND UNASSIGNED FUND BALANCE TO THE TURF FIELD CAPITAL PROJECT**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that the following ordinance be set down for a public hearing on Tuesday, June 9, 2020 at 7:00 p.m.

The public hearing will be held virtually on WebEx. Call information will be posted on the Town's website at [www.killinglyct.gov](http://www.killinglyct.gov) :

**AN ORDINANCE AUTHORIZING AN APPROPRIATION OF \$300,000 FROM THE GENERAL FUND UNASSIGNED FUND BALANCE TO THE TURF FIELD CAPITAL PROJECT**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that an appropriation of \$300,000 be transferred to the Turf Field Capital Project account.

BE IT FURTHER ORDAINED that the adoption of this Ordinance in reliance on the provisions of Executive Order No. 7S, without submission to voters at Special Town Meeting, is necessary to permit the orderly operation of the Town of Killingly and that there is a need to act immediately and during the duration of the public health and civil preparedness emergency in order to prevent significant financial loss for the municipality, and  
BE IT FURTHER ORDAINED that the source of said appropriation shall be from Unassigned Fund Balance of the General Fund.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 12<sup>th</sup> day of May 2020

Roll call vote: Mr. Grandelski – yes, Mr. Lee – yes, Mr. Kerttula – no, Mr. LaPrade – no, Ms. George – no, Mr. Wood – no, Mr. Anderson - no. Motion failed.

15. New Business:

15a. Consideration and action on a resolution confirming the appointment of Jill Fritzsche – St. Clair as Economic Development Director

Mr. Kerttula made a motion, seconded by Ms. George, to adopt the following:

**RESOLUTION CONFIRMING THE APPOINTMENT OF  
JILL ST. CLAIR AS ECONOMIC DEVELOPMENT DIRECTOR**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Town Manager's appointment of Jill St. Clair as the Economic Development Director at a starting salary of \$80,000 per annum be confirmed.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 12<sup>th</sup> day of May 2020

Discussion followed.

Roll call vote: Unanimous. Motion passed.

15b. Consideration and action on an Ordinance Appropriating \$16,550,000 for Improvements to Killingly Memorial School Including Removal of Portable Structures, Site Reconfiguration, Upgrades to Existing Structure, Addition of an Elevator, and Construction of an Addition and Authorizing the Issuance of Bonds and Notes in the Same Amount

Mr. Grandelski made a motion, seconded by Mr. Kerttula, to adopt the following:

**ORDINANCE APPROPRIATING \$16,550,000 FOR IMPROVEMENTS TO KILLINGLY MEMORIAL SCHOOL, INCLUDING REMOVAL OF PORTABLE STRUCTURES,**

**SITE RECONFIGURATION, UPGRADES TO EXISTING STRUCTURE, ADDITION  
OF AN ELEVATOR, AND CONSTRUCTION OF AN ADDITION AND AUTHORIZING  
THE ISSUANCE OF BONDS AND NOTES IN THE SAME AMOUNT**

**BE IT HEREBY ORDAINED,**

**Section 1.** That the Town of Killingly appropriate SIXTEEN MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$16,550,000) for costs associated with improvements to Killingly Memorial School, including removal of portable structures, site reconfiguration, upgrades to existing structure, addition of an elevator, and construction of an approximately 18,950 square foot addition, substantially as described as Site Concept A3, dated September 25, 2019, prepared by Silver/Petrucelli & Associates. The appropriation may be spent for design and construction costs, site improvements, demolition, engineers' and other consultants' fees, administrative fees, legal fees and other professional fees, equipment, materials, net temporary interest and other financing costs, and other costs related to the project and its financing. The Killingly Permanent Commission on Public Buildings shall determine the particulars and scope of the project and may reduce or modify the project, and the entire appropriation may be expended on the project as so reduced or modified.

**Section 2.** That the Town issue bonds or notes in an amount not to exceed SIXTEEN MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$16,550,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

**Section 3.** That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed SIXTEEN MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$16,550,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of said General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

**Section 4.** That the Town Manager and the Town Treasurer shall sign the bonds, notes or obligations by their manual or facsimile signatures. The Treasurer shall keep a record of the bonds, notes or obligations. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes or obligations. The Town Manager and the Treasurer are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions,

form and other details of the bonds, notes or obligations; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or obligations; to provide for the keeping of a record of the bonds, notes or obligations; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds, notes or obligations at public or private sale; to deliver the bonds, notes or obligations; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or obligations.

**Section 5.** That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Treasurer are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

**Section 6.** That the Town Manager and the Treasurer are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or temporary notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds, notes or temporary notes.

**Section 7.** That the Board of Education is authorized on behalf of the Town to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or temporary notes.

**Section 8.** That the Town Council, the Chairman of the Town Council, the Vice Chairman of the Town Council, the Town Manager, the Treasurer, the Director of Finance, the Town Engineer, the Board of Education, the Killingly Permanent Commission on Public Buildings and other proper officers and officials of the Town are each authorized to take any other action which is necessary or desirable to enable the Town to complete the project and to issue bonds, notes or temporary notes to finance the aforesaid appropriation.

**Section 9.** That the adoption of this Ordinance in reliance on the provisions of Executive Order No. 7S, without submission to voters at Special Town Meeting and Referendum, is

necessary to permit the orderly operation of the Town of Killingly and that there is a need to act immediately and during the duration of the public health and civil preparedness emergency in order to avoid endangering public health and welfare, prevent significant financial loss, and that action is otherwise necessary for the protection of persons and property within the municipality.

**Section 10.** That this Ordinance shall become effective on a date fifteen (15) days after publication of the title of this Ordinance in a newspaper having a general circulation in the Town of Killingly after final adoption by a majority of the Town Council.

KILLINGLY TOWN COUNCIL

Jason Anderson

Chairman

Dated at Killingly, Connecticut  
this 12<sup>th</sup> day of May 2020

Discussion followed.

Mr. Wood made a motion, seconded by Ms. George, to table the item until the June 9<sup>th</sup> meeting. Roll call vote: Majority for, Mr. Grandelski opposed. Motion passed.

Agenda item 15b tabled until the June 9<sup>th</sup>, 2020 Town Council meeting.

15c. Consideration and action on a resolution authorizing the Town Manager to execute an agreement with Willimantic Waste Paper Co. Inc for the operation of the Transfer Station, transport and dispose of items collected at the Transfer Station as proposed for the period of July 1, 2020 through June 30, 2023

Mr. Kerttula made a motion, seconded by Mr. Lee, to adopt the following:

**RESOLUTION TO AUTHORIZE THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH WILLIMANTIC WASTE PAPER CO. INC. TO OPERATE THE TRANSFER STATION, TRANSPORT AND DISPOSE OF ITEMS COLLECTED AT THE TRANSFER STATION AS PROPOSED FOR THE PERIOD OF JULY 1, 2020 THROUGH JUNE 30, 2023.**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Town Manager be authorized to prepare, sign, execute all documents and enter into an agreement with Willimantic Waste Paper Co. Inc. for the Operation of the Town of Killingly Transfer Station including Transportation and Disposal. The Agreement term to commence on July 1, 2020.

KILLINGLY TOWN COUNCIL

Jason Anderson

Chairman

Dated at Killingly, Connecticut  
this 12<sup>th</sup> day of May 2020

Discussion followed.

Roll call vote: Unanimous. Motion passed.

15d. Consideration and action on a resolution authorizing the execution of a three-year budget stabilization agreement with the Connecticut Interlocal Risk Management Agency (CIRMA)

Mr. Kerttula made a motion, seconded by Mr. Lee, to adopt the following:

**CONSIDERATION AND ACTION ON A RESOLUTION AUTHORIZING THE  
EXECUTION OF A THREE-YEAR BUDGET STABILIZATION AGREEMENT WITH  
THE CONNECTICUT INTERLOCAL RISK MANAGEMENT AGENCY (CIRMA)**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Town Manager is hereby authorized to enter into a three-year budget stabilization agreement with the Connecticut Interlocal Risk Management Agency.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 12<sup>th</sup> day of May 2020

Discussion followed.

Roll call vote: Unanimous. Motion passed.

15e. Consideration and action on a resolution authorizing the Revenue Collector to suspend and transfer uncollectible taxes to the Suspense Tax Book pursuant to Connecticut General Statutes

Mr. Grandelski made a motion, seconded by Mr. Wood, to adopt the following:

**RESOLUTION AUTHORIZING THE REVENUE COLLECTOR TO SUSPEND AND  
TRANSFER UNCOLLECTIBLE TAXES TO THE SUSPENSE TAX BOOK PURSUANT  
TO CONNECTICUT GENERAL STATUTES**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Revenue Collector's certification recommending transfer of uncollectible, uncollected personal property and motor vehicle taxes to the suspense tax book has been reviewed and authorization given to transfer such taxes in the amount of \$23,064.10 in accordance with Section 12-165 of the Connecticut General Statutes.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 12<sup>th</sup> day of May 2019

Discussion followed.

Roll call vote: Unanimous. Motion passed.



15f. Consideration and action on a resolution to authorize the amendment of the Memorandum of Agreement between the Town Council and Board of Education to increase the annual allowable contribution percentage to 2% and the maximum accumulation of funds to \$2,250,000 for the Non-Lapsing Education fund

Mr. Grandelski made a motion, seconded by Mr. Kerttula, to adopt the following:

**RESOLUTION TO AUTHORIZE THE AMENDMENT OF THE MEMORANDUM OF AGREEMENT BETWEEN THE TOWN COUNCIL AND BOARD OF EDUCATION TO INCREASE THE ANNUAL ALLOWABLE CONTRIBUTION PERCENTAGE TO 2% AND THE MAXIMUM ACCUMULATION OF FUNDS TO \$2,250,000 FOR THE NON-LAPSING EDUCATION FUND**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the memorandum of agreement between the Town Council and Board of Education be amended to increase annual allowable contribution percentage to 2% and the maximum accumulation of funds to \$2,250,000 in the Non-Lapsing Education Fund.

KILLINGLY TOWN COUNCIL

Jason Anderson

Chairman

Dated at Killingly, Connecticut  
this 12<sup>th</sup> day of May 2020

Discussion followed.

Mr. Grandelski made a motion, seconded by Mr. Lee, to amend the motion limiting the accumulation of funds to \$2,000,000.

Discussion followed.

On the amendment, roll call vote: Majority for, Mr. Lee and Mr. Anderson opposed. Motion passed.

On the original motion, roll call vote: Unanimous. Motion passed.

16. Council Member Reports and Comments:

Mr. Wood reported on the Personnel Subcommittee meeting.

Mr. Kerttula reported on the Personnel Subcommittee meeting.

17. Executive Session: None

18. Adjournment:

Mr. Grandelski made a motion, seconded by Mr. Lee to adjourn the meeting.

Roll call vote: Unanimous. Motion passed.

The meeting ended at 10:37 p.m.

Respectfully submitted,

Elizabeth Buzalski  
Council Secretary

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**KILLINGLY TOWN COUNCIL  
PUBLIC HEARING**

Date: Thursday, May 14, 2020  
Time: 7:30 p.m.  
Place: Cisco Webex - Virtual

**AGENDA  
KILLINGLY TOWN COUNCIL**

The Town Council of the Town of Killingly held a Virtual Special Meeting on Thursday, May 14, 2020 at 7:30 p.m. using Cisco Webex. The agenda was as follows:

- 1. Roll Call**
- 2. FY 2020-2021 Budget review**
- 3. Public Comment on Proposed FY 2020-2021 Budget**
- 4. Adjournment**

1. Chairman Anderson called the special meeting to order at 7:39 p.m. On Roll Call, all counselors were present, except Ms. Walsh who was absent with notification and Mr. Grandelski who was in transit to the Town Hall. Town Manager Calorio, Assistant Town Manager Hopkins, Finance Director Hawkins, and Secretary Buzalski were present. Superintendent Rioux, Board of Education members Mr. Viens, Ms. Flexer, and Ms. Joly were also present.

2. Budget Review: Town Manager Calorio and Finance Director Hawkins presented the proposed Town Budget. Superintendent Rioux presented the Board of Education proposed budget.

4. Public Comment on Proposed Budget:

Pursuant to Governor's Executive Order 7B, all public comment can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov)

Ly-Ann Graff, 39 Halls Hill Rd, called in and proposed eliminating the constable positions except for the School Resource Officer and put money back into roads and bridges that need repair.

Lois Latraverse, 64 Island Rd, called in and thanked the Council and Town Manager for their work on the budget.

Nancy Grandelski, 877 Upper Maple St, called in and suggested the Council restore \$650,000 to the Education budget.

Patrick Crowley, 26 Deerwood Drive, wrote in support of the original option 1 of the proposed budget and would like to see some of the funds restored to the Education budget.

Jennifer Horner wrote about her concerns of the legalities of the Town Council setting the budget without it going to a vote.

Christina Andrade, 24 Glen Rain Rd, wrote to ask that the Rec Dept budget not be cut.

Misty Crowley, 26 Deerwood Dr, supports the original option 1 and reducing the overall cut to the Education budget.

Alexandrea Fandetti wrote in support of the budget as presented.

Hoween Flexer read a comment that she received from Lauren Decresto Crowley about her disappointment in the lack of support for the Education budget.

5. Adjournment

Mr. Lee made a motion, seconded by Ms. George, to adjourn the meeting.

Roll call vote: Unanimous. Motion passed.

The meeting ended at 9:15 p.m.

Respectfully submitted,

Elizabeth Buzalski  
Council Secretary

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**3. Citizens' Statements and Petitions:**

Pursuant to Governor's Executive Order 7B, all public comment can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov)

Lynn LaBerge wrote in opposition to the resolution.

Andrew Lee wrote in support of the resolution.

**4. New Business**

**4a. Consideration and action on a resolution requesting Governor Ned Lamont to reopen Killingly businesses and activities**

Mr. Kerttula made a motion, seconded by Mr. Lee to direct the Town Attorney to draft a resolution requesting Governor Ned Lamont to reopen Killingly businesses and activities. Discussion followed.

Roll Call Vote: Unanimous. Motion passed.

**5. Executive Session: None**

**6. Adjournment**

Mr. Wood made a motion, seconded by Ms. George, to adjourn the meeting.

Roll Call Vote: Unanimous. Motion passed.

The meeting ended at 7:50 p.m.

Respectfully submitted,

Elizabeth Buzalski  
Council Secretary

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**KILLINGLY TOWN COUNCIL  
SPECIAL TOWN COUNCIL MEETING**

Date: Wednesday, May 27, 2020  
Time: 6:30 p.m.  
Place: Microsoft Office Teams - Virtual

**AGENDA  
KILLINGLY TOWN COUNCIL**

The Town Council of the Town of Killingly held a Virtual Special Meeting on Wednesday, April 1, 2020 at 6:30 p.m. using Microsoft Office Teams. The agenda was as follows:

- 1. Call to Order**
- 2. Roll Call**
- 3. Citizens' Statements and Petitions**

Pursuant to the Town Council's Rules of Procedure, Article IV, Section 2, all presentations by citizens shall be limited to an aggregate of forty-five minutes (45) and each citizen's presentation shall not exceed five (5) minutes unless otherwise indicated by a majority vote of the Town Council.

**4. Old Business:**

- a) **Consideration and action on a declaration requesting Governor Ned Lamont to reopen Killingly businesses and activities**

**5. Adjournment**

1. Chairman Anderson called the Special Meeting to order at 6:30 p.m.
2. On Roll Call, all counselors were present. Town Manager Calorio, Town Attorney Slater, and Council Secretary Buzalski were also present.

3. Citizens' Statements and Petitions

Logan Moyer wrote in opposition to the declaration, with concerns about the elderly.

4. Old Business:

- 4a) Consideration and action on a declaration requesting Governor Ned Lamont to reopen Killingly businesses and activities

Mr. Lee made a motion, seconded by Mr. Wood, to adopt the following:

***Dear Governor Ned Lamont,  
The Town Council of the Town of Killingly, for the reasons  
and findings set forth herein, hereby petitions on behalf of its  
citizens for certain relief regarding Executive Orders issued  
by you to address the ongoing COVID-19 pandemic:***

**WHEREAS**, the Town Council is the elected body having legislative powers on behalf of the citizens of the Town of Killingly pursuant to the Charter of the Town of Killingly; and,

**WHEREAS**, the Town of Killingly, located in the northeast corner of Connecticut incorporated in 1708 is the home of more than 17,000 citizens; and,

**WHEREAS**, the Town of Killingly has the lowest incidence of Covid-19 infection of any community of its size in Connecticut; and,

**WHEREAS**, the Town of Killingly, having a long history of industry and commerce, is currently the home of businesses large and small including manufacturers, retailers, restaurants, and service providers; and,

**WHEREAS**, on March 10, 2020, as Governor of the State of Connecticut, you declared a public health emergency and civil preparedness emergency for the State of Connecticut, pursuant to Connecticut General Statutes Sections 19a-131 and 28-9, in response to the global pandemic of COVID-19 disease associated with a novel coronavirus that is currently affecting the state; and,

**WHEREAS**, on various dates thereafter you issued Executive Orders related to the pandemic including those which have required the shutdown of all businesses not deemed essential and those implementing social distance requirements and other public health measure to enable the public to safely patronize certain businesses deemed essential; and,

**WHEREAS**, both large and small businesses deemed essential, including certain retail businesses open to the public, have operated safely throughout the pandemic by employing those measures; and,

**WHEREAS**, you have established dates for the limited opening of businesses including allowing restaurants and retailers to conduct restricted outdoor sales starting on May 20 which activities have been carefully regulated and implemented by municipal officials including local and regional public health directors; and,

**WHEREAS**, although the limited loosening of restrictions has aided a small sector of businesses to begin limited operations, the vast majority remain shuttered having profound financial impacts to their owners and workers and to the community generally; and,

**WHEREAS**, small businesses are fully capable of implementing social distancing and other public health practices that have been successfully implemented in those few businesses that have been able to operate and those restrictions can be enforced by local officials in the same manner as with those few businesses permitted to operate throughout the pandemic and since the partial business openings authorized on May 20, 2020; and,

**WHEREAS**, the impact on the citizens of the community has been further exacerbated by restrictions prohibiting practice of their religion in their houses of worship; and,

**WHEREAS**, local public health and other municipal officials have been given the authority by you to regulate and enforce social distancing and public health practices and have shown the ability to do so; and,

**WHEREAS**, delaying the opening of additional businesses until June 20, 2020 and restricting some to even later dates would have devastating financial consequences, particularly to small businesses which serve as the backbone of our community; and,

**WHEREAS**, local officials would have the discretion to evaluate whether, under the circumstances of the individual community and business, safe public safety practices can be implemented at any particular business or house of worship wishing to reopen; and,

**WHEREAS**, the businesses and houses of worship that wish to open in Killingly intend to diligently adhere to all public health requirements related to the pandemic.

**NOW, THEREFORE**, for the reasons set forth herein, the Town Council of the Town of Killingly hereby petitions you to issue such executive orders necessary to enable all businesses and houses of worship wishing to reopen promptly to do so subject to strict enforcement of the practices deemed sufficient to enable safe operation of those businesses allowed to operate during the entire pandemic.

DATED AT KILLINGLY, CONNECTICUT this 27<sup>th</sup> day of May 2020.

**TOWN COUNCIL OF THE TOWN OF KILLINGLY, CONNECTICUT**

*Jason Anderson, Chairman*

*Kevin Kerttula, Vice-Chairman*

*Ed Grandelski*

*Marc LaPrade*

*Patti Larnow George*

*Ernest Lee*

*Chastity Walsh*

*Raymond Wood ??*

Discussion followed.

Roll Call Vote: Majority in favor, Mr. Grandelski opposed. Motion passed.

8. Adjournment

Mr. Wood made a motion, seconded by Mr. LaPrade, to adjourn the meeting.

Roll Call Vote: Unanimous. Motion passed.

The meeting ended at 7:03 p.m.

Respectfully submitted,

Elizabeth Buzalski  
Council Secretary

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1. All real estate and personal property taxes over \$100 are due in quarterly installments on July 1, 2020; October 1, 2020; January 1, 2021; and, April 1, 2021.
2. Real estate and personal property taxes under \$100 and all motor vehicle taxes will be due in full on July 1, 2020.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut,  
this 1st day of June 2020  
Discussion followed.

Roll Call Vote: Majority in favor, Mr. Grandelski opposed. Motion passed.

4. Adjournment

Mr. Kerttula made a motion, seconded by Mr. Wood, to adjourn the meeting.

Voice Vote: Unanimous. Motion passed.

The meeting ended at 9:20 p.m.

Respectfully submitted,

Elizabeth Buzalski  
Council Secretary

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**TOWN COUNCIL  
KILLINGLY TOWN COUNCIL  
PUBLIC HEARING**

**DATE:** TUESDAY, June 9, 2020  
**TIME:** 7:00 P.M.  
**PLACE:** WebEx - Virtual

The Town Council of the Town of Killingly held a Virtual Public Hearing on Tuesday, June 9, 2020 at 7:00 p.m. using WebEx at which time interested persons were heard on the following ordinances: an Ordinance amending Chapter 2, 8.1, 12.5 and 15 of the Code of Ordinances for Board and Commissions, an Ordinance amending Chapter 14 of the Code of Ordinances for the revision the Property Tax Relief Policy for Public Safety Volunteers, an Ordinance amending Chapter 14 of the Code of Ordinances for the revision the Property Tax Relief Policy for the Exemption of Ambulance-type Vehicles, and an Ordinance amending Chapter 6 of the Code of Ordinances for the revision of the Town Council term of office to reflect the revised Town Charter language.

There were two public comments submitted by email.

Donna Bromwell, 699 Bailey Hill Rd, wrote that she does not support item 14b, amending Chapter 14.

Michael Hewko, 20 John St, wrote in support of item 14b.



Mr. Kerttula made a motion, seconded by Mr. Lee, to close the Public Hearing.  
 Roll Call Vote: Unanimous.  
 The Public Hearing ended at 7:07 p.m.

**TOWN COUNCIL  
 KILLINGLY TOWN COUNCIL  
 REGULAR MEETING**

**DATE:** TUESDAY, June 9, 2020  
**TIME:** 7:00 P.M.  
**PLACE:** WebEx - Virtual

**AGENDA**

The Town Council of the Town of Killingly held a Virtual Regular Meeting on Tuesday, April 14, 2020 at 7:00 p.m. using WebEx. The agenda was as follows:

1. **CALL TO ORDER**
2. **PRAYER**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG**
4. **ROLL CALL**
5. **ADOPTION OF MINUTES OF PREVIOUS MEETINGS**  
 None submitted.
6. **PRESENTATIONS, PROCLAMATIONS AND DECLARATIONS**
7. **UNFINISHED BUSINESS FOR TOWN MEETING ACTION**
8. **CITIZEN'S STATEMENTS AND PETITIONS**  
 Pursuant to Governor's Executive Order 7B, all public comment can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov)
9. **COUNCIL/STAFF COMMENTS**
10. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
11. **REPORTS FROM LIAISONS**
  - a) Board of Education Liaison
  - b) Borough Council Liaison
12. **DISCUSSION AND ACCEPTANCE OF MONTHLY BUDGET REPORTS**
  - a) Summary Report on General Fund Appropriations for Town Government
  - b) System Object Based on Adjusted Budget for the Board of Education
13. **CORRESPONDENCE/COMMUNICATIONS/REPORTS**
  - a) Town Manager Report
14. **UNFINISHED BUSINESS FOR TOWN COUNCIL ACTION**
  - a) Consideration and action on an Ordinance amending Chapter 2, 8.1, 12.5 and 15 of the Code of Ordinances for Board and Commissions
  - b) Consideration and action on an Ordinance amending Chapter 14 of the Code of Ordinances for the revision the Property Tax Relief Policy for Public Safety Volunteers

- c) Consideration and action on an Ordinance amending Chapter 14 of the Code of Ordinances for the revision the Property Tax Relief Policy for the Exemption of Ambulance-type Vehicles
- d) Consideration and action on an Ordinance amending Chapter 6 of the Code of Ordinances for the revision of the Town Council term of office to reflect the revised Town Charter language
- e) Consideration and action on an Ordinance Appropriating \$16,550,000 for Improvements to Killingly Memorial School Including Removal of Portable Structures, Site Reconfiguration, Upgrades to Existing Structure, Addition of an Elevator, and Construction of an Addition and Authorizing the Issuance of Bonds and Notes in the Same Amount.
- 15. **NEW BUSINESS**
  - a) Consideration and action on a resolution to endorse submission of the Neighborhood Assistance Act applications for The Arc of Eastern Connecticut and United Services, Inc.
  - b) Consideration and action on a resolution authorizing the execution of a three-year budget stabilization agreement with the Connecticut Interlocal Risk Management Agency (CIRMA)
- 16. **COUNCIL MEMBER REPORTS AND COMMENTS**
- 17. **EXECUTIVE SESSION**
- 18. **ADJOURNMENT**

### KILLINGLY TOWN COUNCIL

- 1. Chairman Anderson called the meeting to order at 7:07 p.m.
- 2. Prayer by Mr. Wood.
- 3. Pledge of Allegiance to the flag.
- 4. Upon roll call all Councilors were present except Ms. Walsh who was absent with notification. Also present were Town Manager Calorio, Finance Director Hawkins, Community Development Administrator Bromm, Superintendent Rioux, Borough Council Liaison LaBerge, and Council Secretary Buzalski.
- 5. Adoption of minutes of previous meetings: None
- 6. Presentations, proclamations and declarations: None
- 7. Unfinished Business for Town Meeting Action: None
- 8. Citizens' Statements and Petitions:  
There was one Citizens' Statements submitted by email.  
Cheri Riabtsev wrote in support of the KMS project.
- 9. Council/Staff Comments:  
Mr. Anderson asked what the financial impact of item 14b would be. Town Manager Calorio said they estimated the impact to be less than \$5,000.
- 10. Appointments to Boards and Commissions: None
- 11. Reports from Liaisons:
  - 11a. Report from the Board of Education Liaison:  
No report.
  - 11b. Report from the Borough Liaison:  
Borough Liaison LaBerge reported on various activities of the Borough of Danielson.
- 12. Discussion and Acceptance of Monthly Budget Reports:
  - 12a. Summary Report on General Fund Appropriations for Town Government:

Mr. Grandelski made a motion, seconded by Mr. Wood, to accept the summary report on general fund appropriations for Town Government.

Discussion followed.

Roll Call Vote: Unanimous. Motion passed.

12b. System Object Based on Adjusted Budget for the Board of Education:

Mr. Wood made a motion, seconded by Mr. Grandelski to accept the system object based on adjusted budget for the Board of Education.

Discussion followed.

Roll Call Vote: Unanimous. Motion passed.

13. Correspondence/Communications/Reports:

13a. Town Manager Report

Town Manager Calorio discussed her report and responded to comments and questions from Council Members.

14. Unfinished Business for Town Council Action:

14a. Consideration and action on an Ordinance amending Chapter 2, 8.1, 12.5 and 15 of the Code of Ordinances for Board and Commissions

Mr. Kerttula made a motion, seconded by Mr. Wood, to adopt the following:

**AN ORDINANCE AMENDING CHAPTERS 2, 8.1, 12.5 AND 15 OF THE CODE OF ORDINANCES FOR BOARDS AND COMMISSIONS**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that, the following amendments as shown in underline or strike through to Chapters 2, 8.1, 12.5 and 15 of the Town of Killingly Code of Ordinances be adopted:

***Chapter 2***

***ADMINISTRATION<sup>1</sup>***

<b>Art. I.</b>	<b>In General</b>
<b>Art. II.</b>	<b>Officers and Employees</b>
	Division 1 — Generally
	Division 2 — Social Security
<b>Art. III.</b>	<b>Killingly Agriculture Commission and Right to Farm</b>
<b>Art. IV.</b>	<b>Conservation Commission</b>
<b>Art. V.</b>	<b>Economic Development Commission</b>
<b>Art. VI.</b>	<b>Historic District Commission</b>
<b>Art. VII.</b>	<b>Housing Authority</b>
<b>Art. VIII.</b>	<b>Inland Wetlands and Watercourses Commission</b>
<b>Art. IX.</b>	<b>Permanent Commission on Public Buildings</b>
<b>Art. X.</b>	<b>Planning and Zoning Commission</b>
<b>Art. XI.</b>	<b>Public Safety Commission</b>
<b>Art. XII.</b>	<b>Board of Recreation</b>

<sup>1</sup> Cross references -- Building official, § 4-2; building-board of appeals, § 4-3; courts, Chapter 5; elections, Chapter 6; historic district commission, § 8.1-18 et seq.; library department created, § 9-1; taxation, Chapter 14; water pollution control authority, § 15-18; water pollution hearing board, § 15-23; inland wetlands regulations, App. A; subdivision regulations, App. B; zoning regulations, App. C.

- Art. XIII. Regional Planning**  
     Division 1   Generally  
     Division 2   Regional Resource Recovery Authority
- Art. XIV. Zoning Board of Appeals**
- Art. XV. Water Pollution Control Authority**
- Art. X. ~~Special Commission on Consolidation of Services~~**
- Art. XI. ~~Special Commission on the Maintenance of Buildings~~**
- Art. XVI. Open Space Land Acquisition Fund**
- Art. XVII. Capital Reserve Fund**  
     Division 1   General Conditions of Use  
     Division 2   Disbursements
- Art. XVIII. Procurement Code**

## **ARTICLE I. IN GENERAL**

### **Section 2-1 Board of Education; number<sup>2 3</sup>**

The board of education of the town shall consist of nine (9) members. (Ord. of 5-2-1898)

### **Section 2-2 Town Seal**

The design shown in this section shall be the official Seal of the Town of Killingly.



(Ord. of 9-13-05)

### **~~Section 2-3-2-16~~ Reserved**

## **ARTICLE II. OFFICERS AND EMPLOYEES**

### **~~DIVISION 1~~ GENERALLY**

### **~~Section 2-17~~ Sick leave**

~~The town shall grant on account of sickness or accident disability, to its covered employees who have furnished satisfactory proof of such sickness or accident disability, sick leave with pay.~~

~~Such sick leave shall be excluded from wages for which social security contributions are made in accordance with section 209(b) of the Social Security Act and permitted in Connecticut P.A. 79-529, section 2. (Ord. of 4-18-80)~~

### **Section 2-18-3 Defense of town employees**

The town shall defend and save harmless from any judgments rendered against them all members of any town boards or commissions, its officers, servants, agents and employees who are sued or against whom a claim is made arising from the conduct of their official duties on behalf of the town, provided that such individual was acting in the performance of his duties and within the scope of his employment and that such claim does not arise as a result of any willful or wanton act of such employee.

<sup>5</sup> Charter reference—Board of education, § 401.

<sup>6</sup> State law reference—Authority to determine number, G.S. § 9-203.

Notwithstanding any of the foregoing, this section shall not in any way enlarge the liability of the Town of Killingly or the members of any boards or commissions, its officers, servants, agents and employees nor shall it obviate or lessen any defense available to the town or any of the aforementioned individuals; and the town expressly reserves the defense of governmental immunity and all other proper defenses to any such action.

This section shall not apply to physical injury to a person caused by an employee to a fellow employee while both employees are engaged in the scope of their employment for such municipality or for any other individual or office named in this section if the employee or other individual suffering such injury has a right to benefits of compensation under Chapter 568 by reason of such injury.

(Ord. of 3-11-86)

**~~Sections 2-19 – 2-29~~ Reserved**

**~~DIVISION 2 – SOCIAL SECURITY~~**

**~~Section 2-30 – Application for; excluded employees~~**

~~The town shall apply for membership in and participate in the Old Age and Survivors Insurance System under Title II of the Social Security Act as amended, in accordance with sections 7-452 through 7-459, General Statutes, for all its employees with the exception of employees of an emergency nature and the employees excluded by section 7-454, General Statutes. (Ord. of 5-7-52)~~

**~~Section 2-31 – Withholding~~**

~~The town treasurer is hereby authorized and directed to make deductions from the wages of the employees participating in the Old Age and Survivors Insurance System as provided by section 7-456 of the General Statutes and to forward the amount thereof with the contribution of the town to the state retirement commission in the manner and form prescribed by law. (Ord. of 5-7-52)~~

**~~Sections 2-32 – 2-48~~ Reserved.**

**Article III KILLINGLY AGRICULTURE COMMISSION AND RIGHT TO FARM ORDINANCE**

**Section 2-13110 Agriculture Commission; Established; Composition**

a) There shall be an Agriculture Commission composed of five (5) regular members and up to three (3) alternate members who shall be residents of the Town. ~~Insofar as practical, Members shall be~~ appointed in accordance with the Connecticut General Statutes by majority vote of the Town Council and shall be representative of all groups interested in the management, protection and regulation of agriculture as defined by Connecticut General Statutes 1-1(q), particularly those directly involved in agriculture. Members of the Commission may be removed in accordance with Section 811 of the Killingly Town Charter. In addition to the five (5) regular members and three (3) alternate members, the Town Manager, or a designated representative, shall be an ex-officio member of the Commission.

b) To establish the commission, the Town Council shall initially appoint two (2) regular members to serve for three (3) years; two (2) regular members to serve for two (2) year terms; one (1) regular member to serve for one (1) year. Thereafter, members will be appointed for three (3) year terms or to fill an unexpired term in case of a vacancy. The alternate members shall be appointed for three (3) year terms.

c) Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall elect from its membership a chairperson, vice-chairperson and secretary.

**Section 2-13211 Agriculture Commission Duties**

a) The Agriculture Commission shall be an advisory commission to the Town Council and other Town officials on matters related to farming.

b) The general duties of the Commission shall be to:

1. Foster agricultural viability and preservation of agricultural land in Killingly.
2. Serve as a conduit between local farmers and non-profit agencies, civic organizations, municipal boards, commissions and committees, elected officials, and non-farm residents.
3. Advocate for agriculture before land use and other relevant boards, commissions and/or committees.
4. Act as a resource for agricultural information.
5. Promote keeping Town-owned farmland in agricultural production.
6. Serve as a resource for information and non-binding advice for residents, established town committees and departments concerning the resolution of agriculture related issues.
- c) The Commission shall provide for education and outreach services as follows:
  1. To increase awareness of agricultural enterprises in the community.
  2. To promote the value of viable agriculture to the Town in the areas of employment, property taxes, environment and farmland preservation.
  3. To provide information and guidance on agriculture-related issues such as zoning, inland wetlands, public works and others to town departments and other boards, committees and residents as necessary.
  4. To support young farmers by supporting local, regional, and state vocational agricultural education and 4-H programs.
  5. To recognize and support new farming operations.
  6. To act as a sounding board and provide review to Town departments, boards and committees concerning the impact of proposed Town policies on agricultural activities.
  7. To promote opportunities for Killingly's agricultural products and service providers to collaborate and coordinate activities with each other and with other product and service providers in the region.
  8. To encourage and promote generally accepted management practices for farming and celebrate successful ones.
- d) The Commission shall investigate educational opportunities as follows:
  1. To identify opportunities to preserve and expand agriculture in Killingly.
  2. To promote opportunities for residents and local businesses to support agriculture.
  3. To provide information regarding available financial support related to agricultural viability.

### **Section 2-43312 Right to Farm Policy; Preamble**

- a) Agriculture plays a significant role in Killingly's character and way of life. Killingly's Right to Farm ordinance has been adopted to encourage preservation of agriculture, promote agriculture-based economic opportunities, and seek to protect prime farmland within Killingly by allowing agricultural uses and related activities to function with minimal conflict from abutters and Town agencies.
- b) Killingly recognizes the importance of farming to its historical, cultural, social, scenic, and ecological value. It also recognizes the value it brings to its tax base, and economic development through food security and other agricultural products.
- c) Pursuant to the powers conferred by Connecticut General Statutes (CGS), Section 7-148 (c) (7) (e), (8), and (10) (A), and in furtherance of the goals of CGS Section 19a-341, the Town of Killingly adopts this ordinance to recognize the importance of protecting prime farmland, to identify those parcels for which preservation is a priority, and to foster farming as a way of life by declaring this municipality's support of the farmer's right to farm.
- d) The definitions applicable to this policy are defined by the Connecticut State Definition of Agriculture CGS 1-1 (q)

### **Section 2-43413 Right to Farm Policy**

- a) Notwithstanding, any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable:
  1. Odor from livestock, manure, fertilizer or feed.
  2. Noise from livestock, or farm equipment used in normal, generally acceptable farming procedures.

3. Dust created during plowing or cultivation operations.
  4. Use of herbicides and pesticides, provided such use and the method of their application conform to practices approved by the Commissioner of Energy and Environmental Protection, or, where applicable, Commissioner of Health Services or
  5. Water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Energy and Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more, and has not been substantially changed and such operation follows generally accepted agricultural practices.
- b) Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.
- c) The provisions of this ordinance shall not apply whenever a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.
- d) Nothing contained in this ordinance shall restrict the power of the Killingly Planning and Zoning Commission under Chapter 124 of the General Statutes. The Commission is urged to adopt regulations consistent with this ordinance and to make the permanent preservation of farmland within this municipality, a criterion in its planning and policy decisions. (Ord. of 10-9-12; Effective: 10-26-12)

**Sections 2-14 - 2-19** Reserved

**ARTICLE IV. CONSERVATION COMMISSION<sup>4</sup>**

**Section 12-5-21 2-20 Statutory Authority**

This article, establishing a conservation commission (hereinafter called "the commission") for the town is enacted pursuant to the provisions of Section 7-131A of the General Statutes of Connecticut, and amendments thereto. (Ord. of 2-13-90)

**Section 12-5-22 2-21 Purpose**

The purpose of this article is to promote the development, conservation, supervision and regulation of natural resources, including water resources within the town, and other such purposes and objectives as set forth by the state statute and this article. (Ord. of 2-13-90)

**Section 12-5-23 2-22 Conformance to Statute**

The commission shall conform to and have such powers, purposes and objectives as set forth in Chapter 97, Section 7-131A of the general statutes and as provided in this article. (Ord. of 2-13-90)

**Section 12-5-24 2-23 Terms of office; compensation; vacancies**

The commission created by this article shall consist of five (5) regular members, all of whom shall be electors of the town holding no salaried town office. All members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of official duties. The members are to be appointed by the town manager with the advice and consent of the town council for five-year terms. The initial terms of appointment shall be fixed so that the terms of one-fifth (1/5) of the members shall expire each year. Any vacancy shall be filled for the unexpired portion of the term by appointment of the town manager with the advice and consent of the town council. There shall be two (2) alternate members appointed for three- year terms. (Ord. of 2-13-90)

<sup>4</sup> Editor's note—An ordinance adopted Feb. 13, 1990, did not specifically amend this Code; hence, inclusion of said ordinance as §§ 2-20 to 2-29 was at the editor's discretion.

**Section 12-5-25 2-24 Appointment; election of officers; removal of members**

The members shall be appointed within thirty (30) days of the effective date, March 1, 1990, of this article.

(a) Appointment.

(b) **Election of officers.** Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall meet and elect from its membership a chairman, secretary and other necessary officers.

(c) **Removal of members.** A member of the commission may be removed for cause by the town manager with advice and consent of the town council. If the member requests a public hearing, that member shall be removed only after a public hearing is held. The public hearing will give the member an opportunity to be heard in person or by counsel before the town manager. At least ten (10) days prior to the public hearing, the member shall have been given a copy of the charges against him/her. In the event of removal, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the town clerk.

(Ord. of 2-13-90)

**Section 12-5-26 2-25 Quorum**

The presence of three (3) members of the commission shall constitute a quorum to conduct business and no action shall become valid unless authorized by a vote of the majority of the total membership present and voting. (Ord. of 2-13-90)

**Section 12-5-27 2-26 Powers and Duties**

The commission shall have such powers and shall be subject to such limitations as shall from time to time be prescribed under the General Statutes of Connecticut. The commission shall adopt rules and procedure not inconsistent with the provisions of said statutes and this article. The commission shall be empowered to conduct researches into the utilization and possible utilization of land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare and distribute books, maps, charts, plans and pamphlets as necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information on the proper use of such areas, and may from time to time recommend to the planning and zoning commission, the inland wetlands and watercourses commission, the board of recreation and the town council plans and programs for the development and use of such areas. (Ord. of 2-13-90)

**Section 12-5-28 2-27 Annual Report**

The commission shall make an annual report to the town council summarizing the commission's activities. (Ord. of 2-13-90)

**Section 12-5-29 2-28 Appropriations**

Acting through the town manager and pursuant to the town's personnel rules and procedures and subject to town council appropriation, the commission may utilize staff and clerical assistance and employ consultants, and may accept money gifts or expend the same for the purposes provided for under state statute and this article.

(Ord. of 2-13-90)

**Section 12-5-30 2-29 Meeting Attendance**

Three (3) consecutive unexcused absences shall require notification to the member that he shall be recommended to the town manager for removal unless a proper explanation acceptable to the commission is received within twenty-one (21) days from notification.



## **ARTICLE VIII. ECONOMIC DEVELOPMENT COMMISSION<sup>5</sup>**

### **Section 2-141 2-30 Statutory authority**

This article, establishing an economic development commission (hereinafter called the commission) for the Town of Killingly, is enacted pursuant to the provisions of section 7-136 of the General Statutes of Connecticut, and amendments thereto. (Ord. of 7-23-87, § 1)

### **Section 2-142 2-31 Purpose**

The purpose of this article is to promote and develop the economic resources of the town and other such purposes and objectives as set forth by state statute and this article. (Ord. of 7-23-87, § 2)

### **Section 2-143 2-32 Conformance to Statute**

The commission shall conform to and have such powers, purposes and objectives as set forth in chapter 97, section 7-136 of the general statutes and as provided in this article. (Ord. of 7-23-87, § 3)

### **Section 2-144 2-33 Terms of office; compensation; vacancies**

The commission created by this article shall consist of five (5) regular members and two (2) alternate members, all of whom shall be electors of the Town of Killingly holding no salaried town office. All members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of official duties. The members are to be appointed by the town manager for five-year terms, except that the alternate members shall be appointed for three-year terms. The initial terms of appointment, except for the two (2) alternate member positions, shall be fixed so that the terms of one-fifth of the members shall expire each year. Any vacancy shall be filled for the unexpired portion of the term by appointment of the town manager. (Ord. of 7-23-87, § 7; Ord. of 4-9-91, §§ 1 -- 3)

### **Section 2-145 2-34 Appointment**

The members shall be appointed within thirty (30) days of the effective date of this article. (Ord. of 7-23-87, § 8)

### **Section 2-146 2-35 Quorum**

The presence of three (3) members of the commission shall constitute a quorum to conduct business and no action shall become valid unless authorized by a vote of the majority of the total membership present and voting. (Ord. of 7-23-87, § 9)

### **Section 2-147 2-36 Election of officers**

Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall meet and elect from its membership a chairman, secretary and other necessary officers. (Ord. of 7-23-87, § 10)

### **Section 2-148 2-37 Powers and duties**

The commission shall have such powers and shall be subject to such limitations as shall from time to time be prescribed under the General Statutes of Connecticut. The commission shall adopt rules of procedure not inconsistent with the provisions of said statutes and this article. The commission shall be empowered to conduct research into the economic conditions and trends of the town, shall make recommendations to appropriate officials and agencies of the town regarding action to improve the economic condition and development, shall seek to coordinate the activities of and cooperate with unofficial bodies organized to promote such economic development and may advertise and may prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further official purposes. (Ord. of 7-23-87, § 4)

### **Section 2-149 2-38 Annual Report**

The commission shall make an annual report to the town manager and the town council summarizing the commission's activities and recommendations for improving economic conditions and development of the town. (Ord. of 7-23-87, § 5)

<sup>5</sup> Editor's note -- Codification of §§ 1-11 of a non-amendatory ordinance adopted July 23, 1987, as Article V, §§ 2-30 -- 2-40, has been at the editor's discretion.

**Section 2-150 2-39 Appropriations**

Acting through the town manager and pursuant to the town's personnel policies and procedures and subject to town council appropriation, the commission may utilize staff and clerical assistance and employ consultants, and may accept money gifts or expend the same for the purposes provided for under state statute and this article. The council may appropriate a sum to the commission not to exceed one-twentieth of one per cent of the last-completed grand list of taxable property. (Ord. of 7-23-87, § 6)

**Section 2-151 2-40 Removal of members**

A member of the commission may be removed for cause by the town manager. If the member requests a public hearing, that member shall be removed only after a public hearing is held. The public hearing will give the member an opportunity to be heard in person or by counsel before the town manager. At least ten (10) days prior to the public hearing, the member shall have been given a copy of the charges against him/her. In the event of removal, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the town clerk. (Ord. of 7-23-87, § 11)

**Sections 2-41 – 2-49 Reserved****ARTICLE VI. HISTORIC DISTRICT COMMISSION****Section 8-1-18 2-50 Historic District Commission—Established; composition**

An historic district commission (hereinafter called "the commission") is hereby established to promote the purpose set forth in this article and to perform all functions as shall from time to time be prescribed under the General Statutes of Connecticut and as provided in this article. Said commission shall consist of five (5) regular members and three (3) alternate members, all of whom shall be electors of the town holding no salaried town office and all shall serve without compensation. The members shall be appointed within thirty (30) days of the effective date of this article by the town council. The historic district shall be represented on the commission by at least one (1) regular member who shall be a resident of the district. (Ord. of 1-13-87, § 3; Ord. of 3-8-88, § 3; Ord. of 4-12-88, § 3; Ord. of 8-9-88, § 3)

**Section 8-1-19 2-51 Same—Terms**

The terms of the original members of the commission shall be arranged in such manner that the term of at least one (1) regular member and one (1) alternate member shall expire each year. Their successors shall be appointed by the town council for terms respectively of five (5) years for regular members and three (3) years for alternate members except that an appointment to fill a vacancy shall be for the duration of the unexpired term. (Ord. of 1-13-87, § 4; Ord. of 3-8-88, § 4; Ord. of 4-12-88, § 4; Ord. of 8-9-88, § 4)

**Section 8-1-20 2-52 Same— Election of Officers**

Within thirty (30) days after appointment of the original members of the commission, and annually thereafter, the regular members shall meet, and elect officers as specified in the Act. Alternate members shall not participate in the vote for election of officers of the commission. (Ord. of 1-13-87, § 5; Ord. of 3-8-88, § 4; Ord. of 4-12-88, § 4; Ord. of 8-9-88, § 5)

**Section 8-1-21 2-53 Same— Powers and limitations**

The commission shall have such powers and shall be subject to such limitations as shall from time to time be prescribed under the General Statutes of Connecticut. The commission shall be empowered specifically to determine the appropriateness or inappropriateness of the external, visual aspects only of all erection, alteration, restoration, movement, or razing of all buildings and structures within the historic district. The style, material, size, and location of outdoor advertising signs and bill posters within the historic district shall also be under the control of the commission. The commission shall adopt rules of procedure and regulations not inconsistent with the provisions of said statutes and this article. The commission may, subject to appropriation, employ clerical and technical assistance or consultants and may accept money gifts or expend the same for the purposes of the Act and this article. (Ord. of 1-13-87, § 6; Ord. of 3-8-88, § 6; Ord. of 4-12-88, § 6; Ord. of 8-9-88, § 6)

**Section 8-1-22 2-54 Same-- Liaison with other town offices; furnishing Certificates of Appropriateness for properties within the district; Annual Reports**

Said commission and other town offices or officers whose areas of concern may overlap or affect each other should maintain liaison for information and coordination in matters with which the commission may be dealing. With particular regard to such liaison between the commission and the building inspector of the town, the latter official will require a certificate of appropriateness from the commission prior to the issuance of any building permit for properties within the historic district which might affect the exterior architectural or visual aspects of such properties.

The commission should make reports at least annually. Such reports may be included in the annual town report and should be issued to all owners of real property in the district. The report should also be available to any other residents of the town. (Ord. of 1-13-87, § 7; Ord. of 3-8-88, § 7; Ord. of 4-12-88, § 7; Ord. of 8-9-88, § 7)

**Section 8-1-23 2-55 Same--Standards of appropriateness**

Anticipating future new construction and change in the historic district, the exterior architectural aspect of which may require the approval of the commission under certain conditions specified in the Act and which the commission may in accordance with the Act decide to be detrimental and inappropriate to the interest of said historic district, the commission shall make known the standards of appropriateness or inappropriateness which it proposes to follow in passing upon proposals for new construction or change. Such standards of criteria shall not be such as to bind the historic district to any uniform or necessarily traditional style in new construction but shall look both to the protection of the old and to the interest and distinctiveness of those communities in the future when other generations will view styles and developments of the present day also as history.

(Ord. of 1-13-87, § 8; Ord. of 3-8-88, § 8; Ord. of 4-12-88, § 8; Ord. of 8-9-88, § 8)

**Section 8-1-24 2-56 Same--Meetings with residents**

For the purpose of encouraging the responsiveness, securing the support, and drawing on the resources of interested residents of the historic district who are not members of the historic district commission, and apart from the provision in the Act for formal appeals from the commission decisions by aggrieved parties, and other than the required public hearings by the commission upon applications for certificates of appropriateness, the commission shall hold meetings with residents of the historic district if and when at least fifty (50) per cent of the owners of real property in the district make written petition for such meeting to discuss matters of policy or other matters that may be at issue between property owners and the commission. The commission shall call meetings so requested, shall not be bound by the meetings, but in formulating policy shall be responsive to the sentiments of the community insofar as its best judgment suggests and the powers and limitations derived from the General Statutes permit. (Ord. of 1-13-87, § 9; Ord. of 3-8-88, § 9; Ord. of 4-12-88, § 9; Ord. of 8-9-88, § 9)

**Sections 2-57 – 2-59 Reserved**

**ARTICLE VII. HOUSING AUTHORITY**

**Section 2-60 Established**

There shall be a Housing Authority established in accordance with general statutes Chapter 128.

**Section 2-61 Responsibilities**

Said Authority shall have all the powers and duties relating to housing imposed upon housing authorities by Chapter 128 of the General Statutes, as amended. It shall further be the duty of the Housing Authority to investigate and to conduct research on the condition of housing within the Town, and to coordinate the activities of the various other municipal departments, agencies, and authorities as they pertain to housing. Said Authority shall serve as a liaison and coordinating body between the Town and federal and state

agencies and private enterprise in order to provide adequate housing within the Town and shall have such other powers and duties as the Council may prescribe. In the event of any conflict between the specific provisions of this Ordinance and the several federal governmental laws and regulations imposed upon local agencies with regard to housing such federal laws and regulations shall prevail.

### **Section 2-62 Membership**

The authority created by this article shall be composed of five (5) members appointed by the town council and shall consist of members drawn from citizens at large. Members shall serve for overlapping terms of three (3) years. One member shall be a tenant commissioner as defined in Conn. Gen. Stat. Sec. 8-41

## **ARTICLE VIII. INLAND WETLANDS AND WATERCOURSES COMMISSION<sup>6 7</sup>**

### **Section 2-49 2-70 Established**

There shall be an inland wetlands and watercourses commission established in accordance with general statutes sections 22a-36 through 22a-45. (Ord. of 3-14-74, § 1)

### **Section 2-50 2-71 Responsibilities**

The commission established by this article shall have all the powers and responsibilities authorized under sections 22a-36 through 22a-45 of the general statutes. (Ord. of 3-14-74, § 2)

### **Section 2-51 2-72 Membership**

(a) The commission created by this article shall be composed of seven (7) members appointed by the town council and shall consist of members drawn from citizens at large or from applicable town boards and commissions.

(b) Following the expiration of the original terms of appointment, all appointments or reappointments shall be for a period of three (3) years. In addition, the town council shall appoint two (2) alternate members to the inland wetlands and watercourses commission. Such alternates shall serve for terms of two (2) years and shall have those powers and responsibilities of regular members at those times when a regular member is absent or unable to act for any reason. (Ord. of 3-14-74, § 3; Ord. of 6-28-77)

### **Section 2-52 2-73 Vacancies**

Any vacancy in the membership of the commission created by this article which may occur through death, resignation or otherwise shall be filled for the unexpired term of such member by the town council. In the event that a commission member misses three (3) consecutive meetings, the town council may remove the member and fill the vacancy thus created. (Ord. of 3-14-74, § 4)

### **Section 2-53 2-74 Aquifer Protection**

#### **(1) Designation and membership**

(a) In accordance with the provisions of Conn. Gen. Stat. §22a-354a, et seq. as amended, the Inland Wetlands and Watercourses Commission is designated as the Aquifer Protection Agency (hereinafter the "Agency") of the Town of Killingly to replace the Planning and Zoning Commission following the registration of all applications related to the Elmville Well Field. The staff of the Planning and Development Department shall serve as the staff of the Agency.

(b) Members of the Inland Wetlands and Watercourses Commission shall serve coexisting terms on the Agency. The membership requirements of the Agency shall be the same as those of the Inland Wetlands and Watercourses Commission including, but not limited to the number of members, terms, method of selection and removal of members, and filling of vacancies.

(c) At least one member of the Agency and/or staff of the Agency shall complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut, pursuant to Conn. Gen. Stat. § 22a-354v.

<sup>6</sup> Cross references – Regulations for the protection and preservation of inland wetlands and watercourses, App. A.

<sup>7</sup> State law reference – Authority to establish, G.S. 22a-42(c).

(2) Regulations to be adopted

(a) The Agency shall adopt regulations in accordance with Conn. Gen. Stat. § 22a-354p and R.C.S.A. § 22a-354i-3. Said regulations shall provide for:

- i. The manner in which boundaries of aquifer protection areas shall be established and amended or changed.
- ii. Procedures for the regulation of activity within the area.
- iii. The form for an application to conduct regulated activities within the area.
- iv. Notice and publication requirements.
- v. Criteria and procedures for the review of applications.
- vi. Administration and enforcement.

(3) Inventory of Land Use

(a) In order to carry out the purposes of the Aquifer Protection Program, the Agency will conduct an inventory of land use within the area to assess potential contamination sources.

(b) Not later than three months after approval by the Commissioner of the Connecticut Department of Environmental Protection of Level B Mapping of aquifers, the Agency will inventory land uses overlying the mapped zone of contribution and recharge areas of such aquifers in accordance with guidelines established by the Commissioner pursuant to Conn. Gen. Stat. § 22a-354f. Such inventory shall be completed not more than one year after authorization of the Agency. [Conn. Gen. Stat. § 22a-354e] (Ord. of 5-11-10)

**Sections 2-75 – 2-79 Reserved**

**ARTICLE IX. PERMANENT COMMISSION ON PUBLIC BUILDINGS<sup>8\*</sup>**

**Section 2-152 2-80 Purpose**

There is hereby established a Killingly Permanent Commission on Public Buildings for the purpose of consolidating the design and construction of all public buildings and building projects with a projected total cost of twenty-five thousand dollars (\$25,000.00) or more under one commission in order to provide the town with the best possible buildings and facilities at the lowest possible cost through the increased cooperation of all town officers, boards, commissions, and agencies. (Ord. of 8-8-95)

**Section 2-153 2-81 Membership**

The Commission shall be composed of five (5) permanent members who are electors of the town to be appointed by majority vote of the town council, not more than three (3) of whom shall be members of the same political party. All of said permanent members of the Commission shall hold office as follows:

- (1) Within thirty (30) days from the effective date of this article, three (3) members shall be appointed to serve until December 15, 1997; and two (2) members shall be appointed to serve a term until December 15, 1999. The terms of each member shall commence on the day following their appointment, and each existing member of said Commission shall hold office until a successor is appointed and duly qualified.
- (2) As each term shall expire, the Town Council, by majority vote, shall appoint an elector of the Town to serve a four-year term running from December 16<sup>th</sup> of the odd number year until December 15<sup>th</sup> four (4) years later.
- (3) Any vacancy shall be filled by a majority vote of the Council to complete the unexpired term of the vacating member.
- (4) The then Chairman of the Town Council or a Council member designated in writing by the Chairman, the Town Manager or his written designee on the Town staff, and the Superintendent of Schools or his designee shall be ex-officio members of the Commission without the power to vote.
- (5) a. The Council may, by majority vote, appoint up to four (4) temporary members to the Commission to represent the "user's interest" and/or general citizens' interest in the project. Such temporary members shall serve until final completion and approval of the project by the Council and shall serve with vote only

<sup>8</sup> Cross reference – Buildings and building regulations, Ch. 4; regulations for the protection and preservation of inland wetlands and watercourses, App. A.

on matters relating to the specific assignment for which they were appointed. No more than two (2) members of such temporary members shall be of the same political party.

b. The Council may, upon the same terms and conditions as aforesaid, appoint such additional temporary members in multiples of two (2) to the Commission as it deems expedient and proper. All such temporary members shall be electors of the Town.

(6) Each permanent member appointed by the Council shall be qualified by experience or training to contribute to the overall knowledge and ability of the Commission to carry out its mission.

(7) The Council shall also appoint two (2) alternate members, no more than one (1) of whom shall be of the same political party, who shall serve for a term of four (4) years from the effective date of this Article to December 15, 1999. The alternates shall have the same qualifications as the permanent members, and whenever a permanent or temporary member is absent, the Chairman of the Commission shall designate an alternate to act. Vacancies and appointment of successor alternates shall be as set forth for the permanent members.

(8) Avoidance of conflicts of interest. The provisions of section 1203 of the Town Charter regarding conflicts of interest shall apply to all members, whether permanent or temporary, of the Commission on Public Buildings. It is expressly found by the Town Council that for the purposes of this Article, participation by an employee of a contractor or subcontractor who has no direct financial interest in the business shall not be a violation of said Section, provided no such individual shall have participated or have voted, or shall participate or vote on any aspect of the contract which directly affects his or her employer, but shall be free to participate and vote on contractual or general matters even if he or she is employed by a contractor or subcontractor, who is working on a Town project, provided that the contract on said project was awarded as part of a public bid. (Ord. of 8-8-95)

### **Section 2-154 2-82 Powers and duties**

(a) *Officers; rules and regulations.* The Commission shall appoint its own Chairman and Secretary and establish its own rules and regulations for the conduct of its meetings. A copy of said rules and regulations shall be filed with the Town Clerk.

(b) *Responsibility; limitation.* The Commission shall be responsible for the design and construction of only such public buildings or building projects as may be specifically authorized by resolution of the Council. A building project shall be defined as a project that involves the construction or renovation of a building requiring an architectural design and construction by the building trades. Building projects shall not include maintenance work such as the routine upkeep of plant or equipment; repair or replacement of equipment based on technical specifications such as boilers, chillers, other HVAC equipment, security and other similar equipment or repair or replacement of roofs except when required by Connecticut General Statutes. Building projects proposed in the capital improvement program and approved with an appropriation in the annual Capital Budget shall be presented to the Town Council prior to any expenditure of the appropriation for consideration of a resolution to specifically authorize responsibility for the design and construction of such public building or building projects to the Commission. The Commission may decline jurisdiction over any project if it feels that its assistance and oversight is unnecessary as to that particular project. It shall not decline jurisdiction over any project which requires as a matter of law a building commission to oversee it, and it shall give ten (10) days' prior notice to the Council of any proposed declination of jurisdiction.

**Additional Duties** The commission will assume the following additional duties:

(1) The commission shall assure that the provisions of Section 2-206 of the Code of Ordinances are complied with. Prior to commencement of performance, and at any time after commencement of performance of the contract by the contractor, the commission may require submission of relevant documents and other relevant information related to the employment of tradesmen and laborers in performance of any specific contract with the town. The commission shall submit to the Town Manager its requests for documents and other information and the Town Manager shall obtain such documents and other information from the contractor and transmit the same to the commission. If the commission determines that a contractor is not in compliance with Section 2-206 O of the Code of Ordinances, it shall make a report of its findings to the Town Manager for transmittal to the Town Council with its recommendations as to whether corrective action should be required of the contractor, or whether the contract should be terminated.

(2) If called by the commission, there will be a pre-bid conference with the Purchasing Agent, the architect of the project and/or, if applicable, the project engineer, to ensure that the procurement regulations of the Town are included in the bid document.

(3) Prior to the monthly meeting of the commission, each contractor shall submit a copy of his monthly payroll and list of work force composition to the Town Manager or his designee for transmittal to the commission for the purpose of checking that the payroll is in compliance with area prevailing wages or rates and that residents of the Town are employed as tradesmen and laborers.

(4) If the commission so decides, the apparent successful bidder and his major subcontractors shall attend a pre-award conference and submit a list of key personnel prior to award of the contract.

(5) The commission shall hold a pre-construction conference with the designated contractor or subcontractor, at which time any contractor or subcontractor claiming to have key personnel must present a list of those key personnel.

(6) If during construction, there is a dispute between the commission and the contractor or the subcontractor as to key personnel, there shall be a meeting to resolve said dispute with the commission and the contractor or subcontractor.

(7) It shall be the duty of the Purchasing Agent to report to the commission all contracts pertaining to tradesmen and laborers. (Ord. of 12-11-07)

(c) Feasibility studies.

(1) Upon the request of any other Town board, officer, agency, or Commission, the Commission may assist, without prior Council approval, such other town officer, board, agency, or commission in the development of feasibility studies of buildings or building projects which are a part of the Town's Capital Improvement Program. Any cost to be incurred, in excess of monies previously allocated by the Council for such studies, must be approved by the Council prior to making the study. All contracts for such studies must be in writing and approved by the Council prior to execution by the Town Manager.

(2) Reserved.

(d) Design phase.

(1) The Commission shall study sites and building locations for such public buildings or building projects as may be assigned by the Council. In considering such sites and locations, the Commission shall coordinate and review its study with the Planning and Zoning Commission, the Inland Wetlands Commission, and other appropriate municipal land use agencies.

(2) Any appropriation needed for architectural or other professional services shall be requested of the Council and no expenditure shall be made unless and until said appropriation has been approved.

(3) The Commission shall select an architect, where necessary, for each public building or building project and for such other professional service as may be required. Except as may otherwise be provided by State statutes, comparative selection shall be made by inviting firms or individuals through adequate public notice of interviews for determination of their qualifications for the specific building or building project. The comparative selection process may be altered or waived by the Public Building Commission with the approval of the Town Council. The Commission shall recommend any proposed contract with architects or other third parties to the Town Council. All such contracts shall be subject to review by the Town Manager's office and the Town Attorney.

(4) The Commission shall prepare schematic design and reasonable cost estimates for each building or building project. The Commission shall also obtain the written approval of the schematic design from State and Federal agencies, commissions, boards, etc. where they are required by law. Written site plan review comments of the Planning and Zoning Commission, Inland Wetlands Commission, Water Pollution Control Authority and other applicable Town boards, commissions, agencies, officers, and committees shall also be obtained. The schematic design with reasonable cost estimates, together with the written approvals where required and written comments of the various town boards, commissions, and committees, shall be submitted to the council for its approval before proceeding with the design development phase of the building or building project.

(5) "Schematic design" is defined as the phase at which drawings graphically describe the scale and relationship of project components of the building or building project. It also shall represent the point at which no greater than fifteen (15) per cent of the estimated total fee for professional services for the building or building project shall be incurred.

(6) The Commission shall consider the necessary appropriations required for each public building or building project in whole or in part and make recommendations to the Council so that the necessary

appropriations may be made by the Council. The Commission shall also advise the Council of any and all possibilities of available reimbursement of monies to the Town for the building or building project.

(7) Design development is defined as the point at which the documents fix and illustrate the size, arrangement and character of the project, stipulate the kinds of materials to be used, the type of structural system, mechanical and electrical systems and equipment, site development, and other information essential to a more detailed description of the building or building project. It also shall represent the point at which no greater than thirty-five (35) per cent of the estimated total fee for professional services for the building or building project shall be incurred.

(8) Upon completion of the design development phase of any building or building project, the Commission shall review it with the Council before proceeding with the construction phase.

(e) Construction phase:

(1) The Commission (subject to the applicable provisions of the Charter) shall prepare construction documents and seek competitive bids for construction of each building project. All bids obtained shall be referred to the Council with recommendations for its acceptance or rejection.

(2) The Commission shall arrange for supervision of each project during construction. Such supervision shall include, but is not necessarily limited to, observing the work and materials as often as may be necessary with respect to the quality, suitability and adherence to the contract drawings, specifications and other contract documents so as to protect the Town against defects and deficiencies in the work of the contractor and materials supplied by the contractor.

(3) The Commission shall make application for State or Federal funds for each project that may be eligible for such funds. In those cases where another agency, officer, board, or commission of the Town government is required by law to or in good practice should make such application, the commission shall request such action be taken and said appropriate agency, officer, board or commission shall make such application. All applications for State or Federal funds shall be coordinated through the Town Manager.

(4) During the construction of each building project, the Commission shall make, in coordination with the Town Manager's office, a quarterly accounting to the Council of the financial receipts, commitments, and expenditures to date. The Commission shall notify the Council in writing during the initial 95% of construction of any building project when the remaining contingency on said project shall be reduced to less than one percent (1%) of the balance of construction and shall recommend procedures to address use of the remaining contingency.

(5) Subsequent to substantial completion of each building project, the commission shall render to the council a written report concerning said project and an accounting to date of all income and expenses made under the related appropriation.

(6) Upon approval of the commission's final accounting by the council at the final completion of each building project, the commission shall turn the project over to the appropriate town body and shall notify such body and the council of such acts in writing.

(7) This article shall take effect on August 25, 1995 but shall not affect the continuing existence or validity of any previously established building committees. (Ord. of 8-8-95, Amending Ord. 2-9-2010)

## **ARTICLE V-X. PLANNING AND ZONING COMMISSION<sup>9</sup>**

### **Section 2-86 2-90 Created**

Chapter 124 of the General Statutes of the state, 1958 Revision as amended, is hereby adopted and a combined planning and zoning commission is hereby created in and for the town. (Ord. of 9-13-73, § 1)

### **Section 2-87 2-91 Powers**

The commission created by this article, in addition to those powers granted to the town planning commission in section 804 of the town charter shall exercise the powers of chapter 124 of the general statutes of the state and shall have jurisdiction over all areas of the town. (Ord. of 9-13-73, § 2; Ord. of 7-14-87)

### **Section 2-88 2-92 Composition; terms; officers; rules; record of proceedings**

<sup>9</sup> Cross references – Subdivision regulations, App. B; zoning regulations, App. C.



The planning and zoning commission shall consist of five (5) members whose appointments shall be made pursuant to the provisions of chapter 124 of the general statutes of the state and the town charter. Three (3) alternates shall be designated in accordance with chapter 124 of the general statutes of the state and each shall serve for a three (3) year term. The commission shall elect a chairman, vice-chairman and secretary from its members, shall adopt rules for the transaction of business and shall keep a public record of its activities.

(Ord. of 9-13-73, § 3)

### **Section 2-89 2-93 Vacancies**

Vacancies on the planning and zoning commission arising from resignation or dismissal shall be filled by the town council for the unexpired portion of the term. (Ord. of 9-13-73, § 4)

### **Section 2-69 2-94 Alternate members<sup>10</sup>**

(a) *There shall be named to the planning commission of the town three (3) alternate members.*

(b) *Such alternates shall be appointed by the town council and shall serve for terms of three (3) years.*

(c) *Such alternates shall be eligible to act if a regular member of the planning commission is absent or disqualified in accordance with sections 8-19a and 8-21 of the general statutes, 1958 Revision, as amended.*

(d) *Should any vacancy occur among the alternate members of the planning commission, the town council shall fill such vacancy.* (Ord. of 7-12-73, §§ 1 – IV)

### **Sections 2-95–2-99 Reserved**

## **ARTICLE IV-5 XI. PUBLIC SAFETY COMMISSION**

### **Section 2-78 2-100 Established; composition**

(a) There shall be a commission on public safety, composed of five (5) residents of the town to serve as an advisory commission to the town council on matters relating to public safety. Said five (5) members shall be persons who have expressed a concern and interest for and/or demonstrated expertise in public safety and issues related thereto. They shall be appointed by majority vote of the council subject to the rules of minority representation as set forth in the General Statutes of the State of Connecticut.

(b) In addition to the five (5) regular members of the commission, the chairman of the town council, or designated representative, and the town manager, or a designated representative, shall be ex officio members of the commission. (Ord. No. 96-004, 4-9-96)

### **Section 2-79 2-101 Terms of members; filling of vacancies; removal**

(a) Within forty-five (45) days after adoption of this article, three (3) members shall be appointed to serve until April 30, 2000, and two (2) members to serve until April 30, 1998. Thereafter, all members shall be appointed for a term of four (4) years.

(b) In the event of any vacancy, the council shall appoint, by majority vote, a successor to fill the unexpired portion of the vacant term.

(c) Members of the commission may be removed or suspended by the town council in accordance with the provisions of the town charter.

(d) There shall be two (2) alternate members appointed for two-year terms. Said members shall be appointed within forty-five (45) days following the adoption of this Ordinance No. 96-004. (Ord. No. 96-004, 4-9-96)

### **Section 2-80 2-102 Compensation**

<sup>10</sup> State law reference -- Authority to provide for alternate members, G.S. § 8-19a

The members of the commission shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses incurred in the performance of their duties with approval of the majority of the commission and provided for within their budget appropriation. (Ord. No. 96-004, 4-9-96)

### **Section 2-81 2-103 Duties**

(a) The commission shall appoint its own chairperson and secretary and establish its own rules and procedures for the conduct of its meetings. A copy of said rules and procedures shall be filed annually with the town clerk and the town council as defined in the Charter of the Town of Killingly.

(b) The commission may make an annual budgetary appropriation request of the town council for the purpose of effectively carrying out its official duties.

(c) The commission may interact as necessary with other town boards and commissions having an impact on public safety issues and may seek to coordinate the activities of and cooperate with responsible organizations concerned with promoting public safety. The commission may utilize the facilities of the Connecticut Safety Commission and the National Safety Council in promoting the objective of a community safety program.

(d) The commission shall be responsible to the council on matters relating to public safety and, as such, shall:

(1) Research and evaluate all public safety issues referred to them from the town council, the town manager or from other such municipal officials such as the police chief and the fire marshal;

(2) Research and evaluate current and future public safety needs;

(3) Define and report on policies which establish a standard to be used in addressing and remediating public safety hazards;

(4) Make recommendations to the town council regarding measures to be taken to address identified hazards within the community;

(5) Support, supplement and conduct public safety education programs, support, stimulate and assist citizen groups in understanding and cooperating with municipal programs for public safety and stimulate public interest and support for official programs of safety and accident prevention.

(e) Neither the commission nor any of its members shall give directives to the town manager or any of his administrative staff either publicly or privately.

(f) The commission shall provide the council with an annual written report on or before September first of each fiscal year concerning commission activities and shall present short- and long-range recommendations for action to the town council and other appropriate officials of the town.

(g) The commission shall assume any other matters relating to public safety as may be assigned to it by the council in such areas, but not limited to, vehicular safety, pedestrian safety, fire safety, water safety, and safety within public buildings. (Ord. No. 96-004, 4-9-96)

### **Section 2-104 – 2-119 Reserved**

## **ARTICLE XII. BOARD OF RECREATION**

### **Section 2-120 Created**

There shall be a Board of Recreation. (Referendums of 11-6-73 and 11-3-81)

### **Section 2-121 Powers**

The Board shall have all the powers and duties conferred or implied by the Town Council on recreation commissions and park commissions

### **Section 2-122 Composition; terms; officers; rules; record of proceedings**

The Board of Recreation shall consist of five (5) members and shall serve for terms of two (2) years. Thereafter, the Council shall appoint, alternately, members to such Board. In addition to those members appointed by the Council, one member of the Council and one member of the Board of Education shall be appointed by such respective bodies to the Board of Recreation. Said appointees to serve indefinite terms at the pleasure of the Council and Board of Education respectively and to have voting powers. The Town Manager shall also serve but shall have no power to vote under any circumstances.

## **ARTICLE ~~VI~~ XIII. REGIONAL PLANNING.<sup>11</sup>**

### **DIVISION 1 GENERALLY**

#### **Section 2-105 2-130 Regional Council of Governments**

The town hereby adopts sections 4-124i through 4-124p of the Connecticut General Statutes as amended, providing for the formation of a regional council of governments, and does hereby join such regional council of governments when and as such council is duly established in accordance with said statutes, upon the adoption of said statutes by not less than sixty (60) per cent of all municipalities within the Northeastern Connecticut Planning Region as defined by the secretary of the office of policy and management or his designee and upon certification by the secretary of the office of policy and management or his designee that a regional council of governments has been duly established.

In the absence of the chairman of the town council as the town's representative to the regional council of governments, the town council shall by majority vote designate one of its members as the chairman's alternate.<sup>12</sup> (Ord. of 4-14-87; Ord. of 1-12-88)

#### **Section 2-106 2-131 Adoption of State Law**

Pursuant to the provisions of chapter 127 of the general statutes, the town hereby adopts the provisions of such chapter and elects to participate in the regional planning agency now or henceforth existing under authority of such chapter in the Northeast Regional Planning Agency as defined by the Connecticut Development Commission pursuant to the provisions of such chapter.<sup>13</sup> (Ord. of 4-23-68, § 1)

#### **Section 2-107 2-132 Appointment of representatives**

(a) The Town of Killingly, having a population of sixteen thousand one hundred twenty-seven (16,127), according to the federal census of 2000, shall have two (2) representatives of the agency.

(b) The town council shall appoint to the agency one elector of the town who shall serve for a term of two (2) years. The planning commission of the town, duly constituted, shall appoint one elector to the agency for a term of two (2) years.

(c) Appointees shall serve for the term of their office and until their successors shall have been appointed. Appointees may be reappointed. Terms of office shall commence when the appointment is made or from the first organization meeting of the agency, whichever is later.<sup>14</sup> (Ord. of 4-23-68, § 2; Ord. of 6-26-74)

#### **Section 2-108 2-133 Vacancies**

Vacancies created by resignation or inability to serve shall be filled by the town council for the remainder of the unexpired term, any representative who is absent from three (3) consecutive regular meetings of the regional planning agency and any intervening duly called special meetings thereof shall be considered to have resigned from such body, except that the requirements of this section may be waived by the town council for good cause.<sup>15</sup> (Ord. of 4-23-68, § 3; Ord. of 6-26-74)

#### **Sections 2-134 - 2-139 Reserved**

<sup>11</sup> State law reference -- Regional planning, G.S. § 8-31a et seq.

<sup>12</sup> Editor's note -- Inclusion of certain substantive provisions of an ordinance adopted April 14, 1987, as § 2-105 was at the editor's discretion. Said ordinance further provided that: "When the regional council of governments is duly established and the transition period called for in section 4-124-1c of the Connecticut General Statutes as amended has been completed, then the town does hereby rescind sections 2-106 thru 2-108 of the Killingly Code of Ordinances which created the town's participation in the Northeastern Connecticut Regional Planning Agency."

<sup>13</sup> Note -- See the editor's note following § 2-105.

<sup>14</sup> Note -- See the editor's note following § 2-105.

<sup>15</sup> Note -- See the editor's note following § 2-105.

## DIVISION 2 REGIONAL RESOURCE RECOVERY AUTHORITY<sup>16</sup>

### **Section 2-114 2-140 Created**

There is hereby created a regional resources recovery authority pursuant to section 7-273aa of the Connecticut General Statutes, to be known as the Northeastern Connecticut Regional Resource Recovery Authority, principal office address being P.O. Box 198, Brooklyn, Connecticut 06234, subject to the modifications and limitations set forth in this division. The Northeastern Connecticut Regional Resource Recovery Authority shall have all the powers and duties of a municipal authority and of a regional authority pursuant to chapters 103b, 446d (formerly 361a) and 446e (formerly 351b) of the Connecticut General Statutes. The first members of the authority are: The Town of Canterbury, Canterbury Town Hall, P.O. Box 26, Canterbury, Connecticut 06331, whose initial representative's term of office shall be one (1) year; the Town of Killingly, Killingly Town Hall, 127 Main Street, Danielson, Connecticut 06239, whose initial representative's term of office shall be two (2) years; the Town of Plainfield,

Plainfield Town Hall, 8 Community Avenue, Plainfield, Connecticut 06374, whose initial representative's term of office shall be three (3) years; the Town of Pomfret, Pomfret Town Office Building, R.F.D. #1, Pomfret Center, Connecticut 06259, whose initial representative's term of office shall be one (1) year; the Town of Putnam, Putnam Town Hall, 126 Church Street, whose initial representative's term of office shall be two (2) years; and the Town of Thompson, Thompson Municipal Building, North Grosvenordale, Connecticut 06255, whose initial Representative's term of office shall be three (3) years. In the event that any of the above named municipalities do not adopt this ordinance [this division], the terms of office of the initial representatives as shown above shall be redefined according to section 2-142~~13~~ of this division for any of the above named municipalities which adopt this ordinance [this division]. (Ord. of 10-14-86, § 1; Ord. of 2-10-87, §§ 1, 2)

### **Section 2-112 2-141 Appointment of representatives**

Membership in the authority shall consist of those municipalities that adopt this joint ordinance [this division] as set forth in section 2-145~~46~~. The representative to the authority from each member town shall be appointed by the board of selectmen of each municipality except for the representative of the Town of Killingly which shall be appointed by the town council. The board of selectmen or town council of each member town shall be authorized to appoint an alternate representative who shall be authorized to attend meetings and vote in the place of an absent representative. Representatives shall serve without compensation but may be reimbursed by the authority for necessary expenses incurred in conducting authority business. Any representative may be removed with or without cause by a majority vote of the board of selectmen or town council of the town which appointed the representative. (Ord. of 10-14-86, § 2; Ord. of 2-10-87, § 3)

### **Section 2-113 2-142 Number of representatives**

Each member municipality shall be entitled to one (1) representative on the authority and to one (1) alternate, who may vote only in the absence of the regular representative. Representatives and alternates shall serve for three-year terms, except that the initial appointments shall be for one-, two- or three-year terms based on alphabetical assignment of those municipalities comprising the authority. Thereafter, initial terms for representatives of new municipal members shall rotate among one (1), two (2) and three (3) years in the order of adoption of the joint ordinance. All initial terms shall be deemed to begin on the day the authority is created. (Ord. of 10-14-86, § 3)

### **Section 2-114 2-143 Voting and quorum**

The Northeastern Connecticut Resource Recovery Authority shall operate with one hundred (100) voting units which shall be assigned to member municipalities in proportion to each municipality's share of the total population of all members of the authority as determined by the votes. Each municipality shall have a minimum of one (1) vote. The distribution of voting units among members shall be recomputed

<sup>16</sup> Editor's note -- A nonamendatory ordinance of Oct. 14, 1986, §§ 1 – 7, has been codified as division 2, §§ 2-111 -- 2-117, at the discretion of the editor.

following each decennial federal census and upon the withdrawal or termination of any member municipality or the admission of a new member. Action by the authority shall require the affirmative action of at least sixty (60) per cent of the total voting units present and voting at a duly called meeting of the authority at which a quorum is present. The presence, at a meeting, of representatives from a majority of the member municipalities shall be necessary for a quorum. (Ord. of 10-14-86, § 4)

**Section 2-115 2-144 Liabilities of member towns**

A member municipality shall not assume any liabilities or responsibilities of the Northeastern Connecticut Regional Resource Recovery Authority or created by the action of said authority, or be responsible for payment of any expenses of said authority unless an appropriation for the municipality's proportionate share of such expenses has been approved by the municipality or a contract setting forth such liabilities and responsibilities for expenses has been approved by the municipality. (Ord. of 10-14-86, §5)

**Section 2-116 2-145 Effective date**

This ordinance [this division] shall take effect when it has been adopted by five (5) or more towns in the Northeastern Connecticut Planning Region. (Ord. of 10-14-86, § 6)

**Section 2-117 2-146 Withdrawal from Authority**

No municipality may withdraw its membership in the authority without a vote of its legislative body to withdraw from the authority and giving at least six (6) month's notice to each of the other participating municipalities and to the Northeastern Connecticut Regional Resource Recovery Authority. Such withdrawal of membership will not in any manner relieve the municipality of liabilities or responsibilities assumed prior to withdrawal, including, without limitation, contracts and agreements to supply municipal solid waste, to pay tipping fees or other charges, and to make landfill space available. (Ord. of 10-14-86, § 7; Ord. of 2-10-87, § 4)

**Sections 2-147 – 2-149 Reserved**

**ARTICLE VII XIV. ZONING BOARD OF APPEALS<sup>17</sup>**

**Section 2-125 2-150 Created**

The provisions of chapter 124 of the general statutes of the state, 1958 Revision as amended, are hereby adopted and a zoning board of appeals is hereby created in and for the town. (Ord. of 9-13-73, § I; Ord. of 7-14-87)

**Section 2-126 2-151 Composition**

The board created by this article shall consist of five (5) regular members and three (3) alternates who shall be electors of the town and shall not be members of any other board or commission. (Ord. of 9-13-73, § II)

**Section 2-127 2-152 Terms—Regular members**

Regular members of the board created by this article shall be appointed to serve by the town council for terms of five (5) years. Annually the council shall appoint one member to such board. (Ord. of 9-13-73, § III)

**Section 2-128 2-153 Same—Alternate members**

Alternate members of the board created by this article shall be appointed to terms of three (3) years. (Ord. of 9-13-73, § IV)

**Section 2-129 2-154 Vacancies**

Any vacancy on the board created by this article shall be filled by the town council. (Ord. of 9-13-73, § V)

<sup>17</sup> Cross reference -- Zoning regulations, App. C.

**Section 2-130 2-155 Power and duties**

The board created by this article shall have all powers and duties of chapter 124 of the general statutes of the state, as amended, and all of its actions and proceedings, all appeals there from shall be subject to and in accordance with the provisions of such chapter 124 as amended. (Ord. of 9-13-73, § 6)

**Sections 2-156 – 2-159 Reserved****ARTICLE XV. WATER POLLUTION CONTROL AUTHORITY****Section 2-160 Created**

Pursuant to the general statutes of the state, chapter 103, section 7-246, as amended, and the Killingly Town Charter, Section 810, there is created an authority, to be known as the Water Pollution Control Authority of the Town of Killingly. Said Water Pollution Control Authority shall be an operating department of the Town, and the Superintendent of the Water Pollution Control Authority shall be appointed by the Town Manager with the advice and consent of the Water Pollution Control Authority and shall report to the Town Manager or his/her designee as to the day to day operation of the department. For purposes of employment and personnel policies, the employees of the Water Pollution Control Authority shall be employees of the Town of Killingly.

**Section 2-161 Composition; terms; vacancies**

The Authority created by this section shall consist of five (5) regular members to be appointed by the town council for terms of three (3) years and two (2) alternate members to be appointed by the town council for terms of two (2) years. Any vacancy shall be filled for the unexpired portion of the term by appointment by the town council.

**Section 2-162 Officers; Compensation; Quorum**

The Authority created by this section shall elect from its membership a chairman and secretary and shall appoint legal counsel, and other necessary personnel. The members of the authority shall serve without compensation but shall be reimbursed for necessary expenses. The presence of three (3) members of the authority will constitute a quorum to conduct business and not action of such authority shall be valid unless authorized by a vote of the majority of the members of the authority.

**Section 2-163 Powers**

The Authority created by this section shall conform to and have such powers, purposes and objectives as set forth in chapter 103 of the general statutes, as amend, except as specifically otherwise set forth herein.

**Section 2-164 Records; annual report**

The Authority shall maintain accurate accounting and financial records and shall make an annual report to the Town Manager and Council. Provided further that all functions regarding the issuance of bills and collection of revenues shall be performed by the Town Manager or his/her designee, and all funds shall be accounted for separately to the Authority in accordance with generally accepted municipal accounting principles.

**Section 2-165 Annual Budget**

(a) The Authority shall file its budget with the Town Manager for submission to the Town Council no later than the first day of April, which budget shall include a detailed estimate of the expenditures to be made by the Authority and the revenue to be collected thereby in the ensuing fiscal year and such other information as may be required by the Council or the Manager.

(b) The Council shall by resolution approve or reject such budget within fifty (50) days of receipt of the same. Should the budget be rejected by the Council, it shall be returned to the Authority together with a statement of the reason for the rejection. The Authority shall review the budget in light of the comments of the Council and shall resubmit the budget to the Council no later than five (5) days prior to the June meeting of the Council. The Council shall then approve the Authority's budget or amend and approve

said budget. Should the Council fail to approve or amend and approve the last submitted budget by the close of the fiscal year, the last submitted budget shall be deemed to be approved by the Council.

### **Section 2-166 Removal of Members**

A member of the authority may be removed in accordance with the provisions of Section 811 of the Killingly Town Charter.

### **Sections 2-167 – 2-169 Reserved**

## **ARTICLE XVI. SPECIAL COMMISSION ON CONSOLIDATION OF SERVICES**

### **Section 2-164 Established; composition**

(a) There shall be a seven (7) member Special Commission on Consolidation of Services to serve as an advisory commission to the Town Council and Board of Education on matters relating to the consolidation of operations.

(b) Said Commission shall sunset on June 30, 2016 unless otherwise extended by action of the Town Council and shall not be designated as a regular town commission.

(c) In addition to the seven (7) regular members of the commission, the Town Manager, or a designated representative, and the Superintendent of Schools, or a designated representative, shall be ex-officio members of the commission.

### **Section 2-165 Terms of members; filling of vacancies**

(a) Within sixty (60) days after adoption of this article, the Town Council shall appoint the initial Commission members as follows:

(1) Two (2) members who shall be current members of the Town Council.

(2) Two (2) members who shall be current members of the Board of Education who shall have been recommended by the Board of Education.

(3) Three (3) members who shall be citizens of the Town of Killingly and who shall have been jointly recommended by the Town Council and the Board of Education.

(4) Each initial member shall serve until December 5, 2011.

(b) As each term shall expire, the Town Council shall reappoint or appoint new members maintaining the same apportionment among constituencies for terms of two (2) years commencing December 5, 2011.

(c) The Town Council shall appoint, from its membership, one (1) alternate member, and the Board of Education shall recommend for appointment, from its membership, one (1) alternate member; said alternate members shall serve from the effective date of this article until December 5, 2011; thereafter each term shall be for two (2) years.

(d) The Town Council shall fill any vacancy for the balance of the vacant term with an individual representing the constituency of the person who shall have created the vacancy.

### **Section 2-166 Duties**

(a) The Commission shall appoint its own chairperson and vice-chairperson and establish its own rules and procedures for the conduct of its meetings. A copy of said rules and procedures shall be filed annually with the Town Clerk.

(b) The Commission shall be responsible to both the Town Council and the Board of Education, in an advisory capacity, on matters relating to the consolidating of operations, including, but not limited to the following areas: facilities maintenance; central services; vehicle and equipment maintenance; energy conservation and library services.

(c) Neither the Commission nor any of its members shall give directives to the Town Manager, Superintendent of Schools or their administrative staff either publicly or privately.

(d) The Commission shall provide the Town Council and Board of Education with an annual written report on or before September first of each fiscal year concerning Commission activities and shall present short- and long-range recommendations. (Ord. No. G11-09; 4-12-11)

## **Article XI. SPECIAL COMMISSION ON THE MAINTENANCE OF BUILDINGS**

**~~Section 2-167 — Established; composition~~**

- ~~a) There shall be a seven (7) member Special Commission to establish and oversee schedules for the maintenance of all Town of Killingly buildings, to advise the Town Council and Board of Education on the capital costs for such structural maintenance and to perform such other related matters for Town-owned buildings as may be requested by either the Town Council or Board of Education. Structural maintenance shall be defined as the routine upkeep of plant or building equipment; repair or replacement of equipment based on technical specifications such as boilers, chillers, other HVAC equipment, security and other similar equipment or the replacement of roofs except when a Building Commission is required by Connecticut General Statutes.~~
- ~~b) Said Committee shall sunset on December 31, 2013 unless otherwise extended by action of the Town Council and shall not be designated as a regular Town Committee.~~
- ~~c) In addition to the seven (7) regular members of the Commission, the Town Manager, or a designated representative, and the Superintendent of Schools, or a designated representative, shall be ex-officio members of the Committee.~~

**~~Section 2-168 — Terms of Members; filling of vacancies~~**

- ~~a) Within forty five (45) days after the effective date of this Article, the Town Council shall appoint the initial Committee members as follows:~~
- ~~1. Two (2) members who shall be current members of the Town Council to be designated by the Town Council Chairperson in accordance with the Town Council's Rules of Procedure regarding appointment of liaisons to Boards and Commissions.~~
  - ~~2. Two (2) members who shall be current members of the Board of Education who shall be recommended by the Board of Education.~~
  - ~~3. One (1) member who shall be a current member of the Permanent Building Commission to be designated by the Permanent Building Commission Chairperson.~~
  - ~~4. Two (2) members who shall be citizens of the Town of Killingly to be appointed and who shall have been jointly recommended by the Town Council and the Board of Education.~~
- ~~b) Each initial member shall serve until November 11, 2011. As each term shall expire, the Town Council shall reappoint or appoint new members maintaining the same apportionment among constituencies for terms of two (2) years commencing December 1, 2012.~~
- ~~c) The Town Council shall appoint, from its membership, one alternate member, and the Board of Education shall recommend for appointment, from its membership, one alternate member; said alternate members shall serve from the effective date of this Article until December 31, 2011; thereafter each term shall be for two (2) years.~~
- ~~d) Vacancies — The Town Council shall fill any vacancy for the balance of the vacant term with an individual representing the constituency of the person who shall have created the vacancy.~~

**~~Section 2-169 — Duties~~**

- ~~a) The Commission shall appoint its own chairperson, vice-chairperson and secretary, and establish its own rules and procedures for the conduct of its meetings. A copy of said rules and procedures shall be filed annually with the Town Clerk.~~
- ~~b) The Commission shall be responsible to both the Town Council and the Board of Education, in an advisory capacity, on matters relating to the structural maintenance, schedule of capital funding for said maintenance and the review of schedules and contracts related to the structural maintenance of all Town-owned buildings. Neither the Commission nor any of its members shall give directions to the Town Manager, Superintendent of Schools or their administrative staff either publicly or privately. The administration of contracts to perform structural maintenance projects as herein defined shall be the responsibility of the Town Manager for buildings directly under the jurisdiction of the Town Council and shall be the responsibility of the Superintendent of Schools for buildings directly under the jurisdiction of the Board of Education.~~
- ~~e) The Commission shall provide the Town Council and Board of Education with an annual written report on or before September 1st of each fiscal year concerning Commission activities and shall present short- and long-range recommendations. (Ord. No. C10-02; 10-12-10)~~



## **ARTICLE XII: XVI Open Space Land Acquisition Fund**

### **Section 2-170**

Pursuant to the authority of Connecticut General Statute § 7-131r, there is hereby established the Killingly Open Space Land Acquisition Fund to be used solely for the purposes of the preservation of open space, the acquisition of land (or any interest in land, including but not limited to easements and development rights, associated surveying and legal fees) to be used for open space, natural resource protection, recreational or agricultural purposes. This fund is continuous and shall not lapse at the close of the municipal fiscal year.

### **Section 2-171**

There shall be deposited into the Open Space Land Acquisition Fund such sums as the town may from time to time appropriate for that purpose. There shall also be deposited into the fund all payments in lieu of the provision of open space made pursuant to any regulations adopted by the Planning and Zoning Commission under the authority of Connecticut General Statutes §§ 8-25a and 8-25b and any other funds acquired by the town, whether by gift, bequest, grant or otherwise, for the purposes to be served by the fund. By separate action annually, Council may also transfer unexpended funds from any Conservation, Inland Wetlands and Watercourses Commission and Agriculture Commissions budgeted funds remaining at the end of the fiscal year. (Ord. No. C14-05; 5-13-14; Effec. 5-28-14)

### **Section 2-172**

The Town Manager shall appoint an Open Space Land Acquisition Committee to consist of two citizens at large and one member of each of the following: Inland Wetlands and Watercourses Commission, Planning and Zoning Commission, Economic Development Commission, Board of Recreation, Conservation Commission, and Agriculture Commission. The persons appointed shall serve at the pleasure of the Town Council. The Open Space Land Acquisition Committee shall elect its chairperson and a secretary and shall meet periodically, but not less frequently than bi-annually. Its charge shall be to identify and/or review potential acquisitions of land or interests in land for open space, natural resource protection, recreational or agricultural purposes, to make recommendations to the Town Council regarding acquisition of such land and other proper uses of the Open Space Land Acquisition fund and to perform such other tasks relating to the use and administration of the fund as the Town Council may direct. (Ord. No. C14-05; 5-13-14; Effec. 5-28-14)

### **Section 2-173**

Appropriations from the fund for the purposes for which it is created shall be made upon the recommendation of the Conservation Commission, the Open Space Land Acquisition Committee and the approval of the Town Council, and, where the proposed appropriation is for the purpose of acquiring land (or any interest in land, including but not limited to easements and development rights) upon review by the Planning and Zoning Commission pursuant to Connecticut General Statute § 8-24, by any Annual or Special Town Meeting after due warning. (Ord. No. C00-023; 8-8-00)

### **Section 2-174–2-180 Reserved**

## **Article XIII XVII CAPITAL RESERVE FUNDS**

### **DIVISION 1 GENERAL CONDITIONS OF USE**

#### **Section 2-181**

##### **1. Expenditures**

a. **Capital Projects** - Expenditures may be made from said Fund to fund, in whole or in part, Town capital projects. Uses may include but shall not be limited to: municipal infrastructure construction and improvements, municipal, school, parks and recreation facilities construction and improvements and the acquisition of land. Funds may be expended for contractual services, materials, supplies, equipment and professional services; however, said Fund shall not be expended for normal, routine operating expenses of the Town.

b. Information Technology - Expenditures may be made from said Fund to fund, in whole or in part, technology equipment, computer software or hardware and any other expenditures related to utilizing information technology in support of Town functions. Said expenditures shall be segregated from other expenditures described herein and shall be supported by revenues derived from fees, charges and inter-fund transfers associated with information technology.

c. Geographic Information System - Expenditures may be made from said Fund to fund, in whole or in part, technology equipment, computer software or hardware and other expenditures related to utilizing the town's geographic information system in support of Town functions. Said expenditure shall be segregated from other expenditures described herein and shall be supported by revenues derived from fees, charges and inter-fund transfers associated with geographic information technology.

2. The sources of revenue of the Capital Revenue Fund may be any of the following as the Town Council shall, from time to time, determine: General Fund appropriations and contributions from other Town funds, as may be authorized by the Town Council.

3. The Town Finance Department will maintain an accounting of the activity of the Fund.

4. In the event of the dissolution of the Fund, any balance remaining in the Fund shall be transferred to the Fund

Balance of the General Fund.

## ***DIVISION 2                      DISBURSEMENTS***

### **Section 2-182**

1. All disbursements for Capital Projects and the Geographic Information System from this Fund shall be authorized by the Town Council upon a recommendation by the Town Manager.

2. All disbursements for information technology from this Fund shall be authorized by the Town Manager.

(Ord. No. C00-025, 9-12-00) (Ord. 8-12-03; Amending Ord. of 8-9-05)

### **Section 2-183 - 2-200      Reserved**

## ***Article XIV XVIII                      PROCUREMENT CODE OF THE TOWN OF KILLINGLY***

### ***Chapter 8.1***

### ***ARTICLE II.    DAYVILLE HISTORIC DISTRICT, DANIELSON HISTORIC DISTRICT – ACADEMY STREET, AND MISCELLANEOUS HISTORIC PROPERTIES<sup>18</sup>***

#### ***Section 8.1-18    Historic District Commission—Established; composition***

~~An historic district commission (hereinafter called "the commission") is hereby established to promote the purpose set forth in this article and to perform all functions as shall from time to time be prescribed under the General Statutes of Connecticut and as provided in this article. Said commission shall consist of five (5) regular members and three (3) alternate members, all of whom shall be electors of the town holding no salaried town office and all shall serve without compensation. The members shall be appointed within thirty (30) days of the effective date of this article by the town council. The historic district shall be represented on the commission by at least one (1) regular member who shall be a resident of the district.~~  
(Ord. of 1-13-87, § 3; Ord. of 3-8-88, § 3; Ord. of 4-12-88, § 3; Ord. of 8-9-88, § 3)

#### ***Section 8.1-19    Same Terms***

~~The terms of the original members of the commission shall be arranged in such manner that the term of at least one (1) regular member and one (1) alternate member shall expire each year. Their successors~~

<sup>18</sup> Editor's note—Codification of §§ 1–10 of a nonamendatory ordinance adopted Jan. 13, 1987, as article II, §§ 8.1-16-8.1-25, was at the editor's discretion. Said ordinance was effective April 1, 1987.

shall be appointed by the town council for terms respectively of five (5) years for regular members and three (3) years for alternate members except that an appointment to fill a vacancy shall be for the duration of the unexpired term. (Ord. of 1-13-87, § 4; Ord. of 3-8-88, § 4; Ord. of 4-12-88, § 4; Ord. of 8-9-88, § 4)

#### **~~Section 8.1-20 — Same — Election of Officers~~**

~~Within thirty (30) days after appointment of the original members of the commission, and annually thereafter, the regular members shall meet, and elect officers as specified in the Act. Alternate members shall not participate in the vote for election of officers of the commission.~~

~~(Ord. of 1-13-87, § 5; Ord. of 3-8-88, § 4; Ord. of 4-12-88, § 4; Ord. of 8-9-88, § 5)~~

#### **~~Section 8.1-21 — Same — Powers and limitations~~**

~~The commission shall have such powers and shall be subject to such limitations as shall from time to time be prescribed under the General Statutes of Connecticut. The commission shall be empowered specifically to determine the appropriateness or inappropriateness of the external, visual aspects only of all erection, alteration, restoration, movement, or razing of all buildings and structures within the historic district. The style, material, size, and location of outdoor advertising signs and bill posters within the historic district shall also be under the control of the commission. The commission shall adopt rules of procedure and regulations not inconsistent with the provisions of said statutes and this article. The commission may, subject to appropriation, employ clerical and technical assistance or consultants and may accept money gifts or expend the same for the purposes of the Act and this article. (Ord. of 1-13-87, § 6; Ord. of 3-8-88, § 6; Ord. of 4-12-88, § 6; Ord. of 8-9-88, § 6)~~

#### **~~Section 8.1-22 — Same — Liaison with other town offices; furnishing Certificates of Appropriateness for properties within the district; Annual Reports~~**

~~Said commission and other town offices or officers whose areas of concern may overlap or affect each other should maintain liaison for information and coordination in matters with which the commission may be dealing. With particular regard to such liaison between the commission and the building inspector of the town, the latter official will require a certificate of appropriateness from the commission prior to the issuance of any building permit for properties within the historic district which might affect the exterior architectural or visual aspects of such properties.~~

~~The commission should make reports at least annually. Such reports may be included in the annual town report and should be issued to all owners of real property in the district. The report should also be available to any other residents of the town. (Ord. of 1-13-87, § 7; Ord. of 3-8-88, § 7; Ord. of 4-12-88, § 7; Ord. of 8-9-88, § 7)~~

#### **~~Section 8.1-23 — Same — Standards of appropriateness~~**

~~Anticipating future new construction and change in the historic district, the exterior architectural aspect of which may require the approval of the commission under certain conditions specified in the Act and which the commission may in accordance with the Act decide to be detrimental and inappropriate to the interest of said historic district, the commission shall make known the standards of appropriateness or inappropriateness which it proposes to follow in passing upon proposals for new construction or change. Such standards of criteria shall not be such as to bind the historic district to any uniform or necessarily traditional style in new construction, but shall look both to the protection of the old and to the interest and distinctiveness of those communities in the future when other generations will view styles and developments of the present day also as history.~~

~~(Ord. of 1-13-87, § 8; Ord. of 3-8-88, § 8; Ord. of 4-12-88, § 8; Ord. of 8-9-88, § 8)~~

#### **~~Section 8.1-24 — Same — Meetings with residents~~**

~~For the purpose of encouraging the responsiveness, securing the support, and drawing on the resources of interested residents of the historic district who are not members of the historic district commission, and apart from the provision in the Act for formal appeals from the commission decisions by aggrieved parties, and other than the required public hearings by the commission upon applications for certificates of appropriateness, the commission shall hold meetings with residents of the historic district if and when at least fifty (50) per cent of the owners of real property in the district make written petition for such meeting~~

~~to discuss matters of policy or other matters that may be at issue between property owners and the commission. The commission shall call meetings so requested, shall not be bound by the meetings, but in formulating policy shall be responsive to the sentiments of the community insofar as its best judgment suggests and the powers and limitations derived from the General Statutes permit. (Ord. of 1-13-87, § 9; Ord. of 3-8-88, § 9; Ord. of 4-12-88, § 9; Ord. of 8-9-88, § 9)~~

## **Chapter 12.5**

### **PLANNING AND DEVELOPMENT<sup>19</sup>**

#### **ARTICLE II. CONSERVATION COMMISSION<sup>20</sup>**

##### **Section 12.5-21 Statutory Authority**

~~This article, establishing a conservation commission (hereinafter called "the commission") for the town is enacted pursuant to the provisions of Section 7-131A of the General Statutes of Connecticut, and amendments thereto. (Ord. of 2-13-90)~~

##### **Section 12.5-22 Purpose**

~~The purpose of this article is to promote the development, conservation, supervision and regulation of natural resources, including water resources within the town, and other such purposes and objectives as set forth by the state statute and this article. (Ord. of 2-13-90)~~

##### **Section 12.5-23 Conformance to Statute**

~~The commission shall conform to and have such powers, purposes and objectives as set forth in Chapter 97, Section 7-131A of the general statutes and as provided in this article. (Ord. of 2-13-90)~~

##### **Section 12.5-24 Terms of office; compensation; vacancies**

~~The commission created by this article shall consist of five (5) regular members, all of whom shall be electors of the town holding no salaried town office. All members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of official duties. The members are to be appointed by the town manager with the advice and consent of the town council for five-year terms. The initial terms of appointment shall be fixed so that the terms of one-fifth (1/5) of the members shall expire each year. Any vacancy shall be filled for the unexpired portion of the term by appointment of the town manager with the advice and consent of the town council. There shall be two (2) alternate members appointed for three-year terms. (Ord. of 2-13-90)~~

##### **Section 12.5-25 Appointment; election of officers; removal of members**

~~The members shall be appointed within thirty (30) days of the effective date, March 1, 1990, of this article.~~

~~(a) Appointment.~~

~~(b) Election of officers. Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall meet and elect from its membership a chairman, secretary and other necessary officers.~~

~~(c) Removal of members. A member of the commission may be removed for cause by the town manager with advice and consent of the town council. If the member requests a public hearing, that member shall be removed only after a public hearing is held. The public hearing will give the member an opportunity to be heard in person or by counsel before the town manager. At least ten (10) days prior to the public hearing, the member shall have been given a copy of the charges against him/her. In the event of removal, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the town clerk.~~

<sup>19</sup> Cross references—Administration, Ch. 2; buildings and building regulations, Ch. 4; streets and sidewalks, Ch. 13; water generally, § 15-128 et seq.; inland wetlands and watercourses regulations, App. A; subdivisions, App. B.

<sup>20</sup> Editor's note—An ordinance adopted Feb. 13, 1990, did not specifically amend this Code; hence, inclusion of said ordinance as §§ 12.5-21—12.5-30 was at the editor's discretion.

(Ord. of 2-13-90)

### **~~Section 12.5-26 — Quorum~~**

~~The presence of three (3) members of the commission shall constitute a quorum to conduct business and no action shall become valid unless authorized by a vote of the majority of the total membership present and voting.~~ (Ord. of 2-13-90)

### **~~Section 12.5-27 — Powers and Duties~~**

~~The commission shall have such powers and shall be subject to such limitations as shall from time to time be prescribed under the General Statutes of Connecticut. The commission shall adopt rules and procedure not inconsistent with the provisions of said statutes and this article. The commission shall be empowered to conduct researches into the utilization and possible utilization of land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare and distribute books, maps, charts, plans and pamphlets as necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information on the proper use of such areas, and may from time to time recommend to the planning and zoning commission, the inland wetlands and watercourses commission, the board of recreation and the town council plans and programs for the development and use of such areas.~~ (Ord. of 2-13-90)

### **~~Section 12.5-28 — Annual Report~~**

~~The commission shall make an annual report to the town council summarizing the commission's activities.~~ (Ord. of 2-13-90)

### **~~Section 12.5-29 — Appropriations~~**

~~Acting through the town manager and pursuant to the town's personnel rules and procedures and subject to town council appropriation, the commission may utilize staff and clerical assistance and employ consultants, and may accept money gifts or expend the same for the purposes provided for under state statute and this article.~~ (Ord. of 2-13-90)

### **~~Section 12.5-30 — Meeting Attendance~~**

~~Three (3) consecutive unexcused absences shall require notification to the member that he shall be recommended to the town manager for removal unless a proper explanation acceptable to the commission is received within twenty-one (21) days from notification.~~

### **~~Sections 12.5-31 – 12.5-40 — Reserved~~**

## **Chapter 15**

## **WATER, SEWERS AND SEWAGE DISPOSAL<sup>21</sup>**

### **~~Section 15-18 — Water Pollution Control Authority – Generally<sup>22</sup>~~**

~~(a) **Created.** Pursuant to the general statutes of the state, chapter 103, section 7-246, as amended, and the Killingly Town Charter, Section 810, there is created an authority, to be known as the Water Pollution Control Authority of the Town of Killingly.~~

~~(b) **Powers.** The Authority created by this section shall conform to and have such powers, purposes and objectives as set forth in chapter 103 of the general statutes, revision of 1968, and amendments thereto.~~

~~(c) **Composition; terms; vacancies.** The Authority created by this section shall consist of five (5) regular members to be appointed by the town council for terms of three (3) years and two (2) alternate~~

<sup>21</sup> Cross references—Buildings and building regulations, Ch. 4; garbage, trash and refuse, Ch. 8; inland wetlands regulations, App. A; subdivision regulation, App. B; zoning regulations, App. C.

<sup>22</sup> Cross reference—Administration generally, Ch. 2.

~~members to be appointed by the town council for terms of two (2) years. Any vacancy shall be filled for the unexpired portion of the term by appointment by the town council.~~

~~(d) **Officers.** The authority created by this section shall elect from its membership a chairman and secretary and shall appoint legal counsel, and other necessary personnel.~~

~~(e) **Compensation.** The members of the authority created by this section shall serve without compensation but shall be reimbursed for necessary expenses.~~

~~(f) **Quorum.** The presence of three (3) members of the authority created by this section will constitute a quorum to conduct business and no action of such authority shall be valid unless authorized by a vote of the majority of the members of the authority.~~

~~(g) **Records; annual report.** The authority created by this section shall maintain accurate accounting and financial records and shall make an annual report to the town manager and council.~~

~~(h) **Removal of members.** A member of the authority created by this section may be removed in accordance with the provisions of Section 8-11 of the Killingly Town Charter.~~

~~(i) The Water Pollution Control Authority shall submit an annual operating budget in accordance with the provisions of Section 8-10 of the Killingly Town Charter.~~

~~(Ord. of 8-25-70, §§ 1-3; Ord. of 6-26-74; Ord. of 4-10-79; Ord. of 9-14-82, §§ 1, 2; Ord. of 10-12-82, § 1; Amending Ord. of 5-10-05)~~

**BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that the amendment shall be published in summary with full copies available at the Town Clerk, Town Manager and Public Library for public inspection.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 9<sup>th</sup> day of June 2020

Discussion followed.

Roll Call Vote: Unanimous. Motion passed.

14b. Consideration and action on an Ordinance amending Chapter 14 of the Code of Ordinances for the revision the Property Tax Relief Policy for Public Safety Volunteers

Mr. Lee made a motion, seconded by Mr. LaPrade, to adopt the following:

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR  
REVISION THE PROPERTY TAX RELIEF POLICY FOR PUBLIC SAFETY  
VOLUNTEERS**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that, the following amendments as shown in underline or strike through to Chapter 14 of the Town of Killingly Code of Ordinances be adopted:

***DIVISION 1    PROPERTY TAX RELIEF POLICY FOR PUBLIC SAFETY  
VOLUNTEERS***

***Sections 14-45    Purpose***

The purpose of this Ordinance is to provide property tax relief for public safety volunteers pursuant to Section 12-81w (24) of the Connecticut General States, as amended, said Ordinance being effective commencing with the October 1, 2000 Grand

List and subject to review after one year of implementation. This program will be granted in the form of an exemption abatement pursuant to the aforementioned State Statutes,

#### **Sections 14-46 Qualifications**

Any volunteer member in good standing of the fire departments and ambulance services located in the Town of Killingly with one or more years of active service who owns real property located in the Town of Killingly or who is liable for the payment of taxes shall be entitled to tax relief in accordance with this Ordinance.

Annually on or before December 15, the individual fire chiefs or president of each volunteer fire department and ambulance service located in the Town of Killingly shall submit a certified eligibility list to the Town Assessor. Such list shall contain the name, address, and amount of the exemption expressed in terms of equivalent tax dollars for each member.

The program will be subject to funding authorized in the annual budget process. In the event the program is not funded or is funded at less than 100%, then the program shall be implemented proportionately to the funding allocated to the program.

#### **Section 14-47 Member Eligibility**

The following criteria would be used to determine a member's status as a "member in good standing" with Killingly area Fire Departments and Ambulance Service:

a<sup>23</sup>. Active fire department members would earn points for every call, drill, training session, meeting and work detail they attend as follows:

- 5 points per drill/training session
- 3 points per fire call
- 3 points per EMS call
- 2 points per department meeting attended
- 1 point per service call/work detail

An active volunteer fire department member will be considered to be in good standing and eligible for tax relief based upon his/her attendance at calls, drills, training, and meetings each year. Attendance requirements vary from department to department, based upon the call volume of a particular department.

Attendance requirements are as follows:

1. Departments with 800 or more calls per year: 10% attendance is required
2. Departments with 600 - 799 or more calls per year: 15% attendance is required
3. Departments with 400 - 599 or more calls per year: 20% attendance is required
4. Departments with less than 400 calls per year: 25% attendance is required

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<sup>23</sup> History – Ordinance C17-06 amended Section 14-47a replacing "To be considered a Member in good standing, a member of area fire department would have to obtain a total of twenty-five (25%) percent of the total points possible" approved at TCM 8-8-17.

b. Active volunteer members of the KB Ambulance Corp, Inc would earn eligibility points as follows:

1. provide fifty (50) hours of scheduled ambulance duty coverage per quarter
2. attend eighty (80) percent of all ambulance corps meetings
3. attend eighty (80) percent of all ambulance corps training sessions
4. participate in one (1) public event the ambulance service provides medical coverage for, for example: Springtime Festival, July 4<sup>th</sup>, EMS week, school visits, etc.

The criteria used for KB Ambulance Corps, Inc. personnel is necessary because this facility has scheduled duty shifts during the evening for volunteer coverage. Also, paid employees provide daytime coverage. Thus, volunteer personnel are not able to respond to all dispatched ambulance calls.

c. Eligibility also includes the following:

- 1.any volunteer member located in the Town of Killingly with one or more years of active service;
- 2.amount of exemption based on member's years of active service;
3. years of active service as a member in good standing may be transferred between fire departments located in the Town of Killingly;
4. Chief or administrative officer of the individual fire departments or ambulance service determine the criteria for member qualification as Member in Good Standing

#### **Section 14-48 Property Eligibility**

- a. exemption **abatement** may only be applied to taxable property located in the Town of Killingly and in the ownership of the eligible member as of October 1 preceding the December 15 filing of the eligible list with the Assessor;
- b. an exemption **abatement** under this ordinance shall be applicable to any real or personal property in common with one or more other persons. Leased vehicles or property owned by corporations including, but not limited to, LLC's and trusts are not considered the property of the eligible member;
- c. the exemption **abatement** cannot exceed the total assessment of the eligible property.

#### **Section 14-49 Tax Relief**

Tax relief shall be in the form of an abatement of property taxes due for any fiscal year in accordance with CGS Section 12-81w, as amended. The below percentages shall be applied to the maximum allowable abatement.

1-2 Years Active Service as a Member in Good Standing	\$200 <b>20%</b>
Equivalent tax dollars	
3-5 Years Active Service as a Member in Good Standing	\$400 <b>40%</b>
Equivalent tax dollars	
6-10 Years Active Service as a Member in Good Standing	\$600 <b>60%</b>
Equivalent tax dollars	
11-15 Years Active Service as a Member in Good Standing	\$800 <b>80%</b>
Equivalent tax dollars	
16+ Years Active Service as a Member in Good Standing	\$1,000 <b>100%</b>
Equivalent tax dollars	



**~~Section 14-50~~ — Exemption**

Calculation of the exemption is pursuant to the provisions of subdivision (21) of CGS Section 12-81.

(Ord. & Exhibit A adopted 11-8-00)

**BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that the amendment shall be published in summary with full copies available at the Town Clerk, Town Manager and Public Library for public inspection.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 9<sup>th</sup> day of June 2020

Discussion followed.

Mr. Wood recused himself.

Roll Call Vote: Unanimous. Motion passed.

14c. Consideration and action on an Ordinance amending Chapter 14 of the Code of Ordinances for the revision the Property Tax Relief Policy for the Exemption of Ambulance-type Vehicles

Mr. Kerttula made a motion, seconded by Ms. George, to adopt the following:

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR  
REVISION THE PROPERTY TAX RELIEF POLICY FOR THE EXEMPTION OF  
AMBULANCE-TYPE VEHICLES**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that, the following amendments as shown in underline or strike through to Chapter 14 of the Town of Killingly Code of Ordinances be adopted:

**DIVISION 5    PROPERTY TAX EXEMPTIONS FOR ANY AMBULANCE-TYPE  
MOTOR VEHICLE**

**Section 14-80 Purpose**

To provide a personal property tax exemption, pursuant to Connecticut General Statutes, Section 12-81c, for any ambulance-type motor vehicle which is used exclusively for:

- a. Any ambulance type motor vehicle which is used exclusively for the purpose of transporting any medically incapacitated individual, except any such vehicle used to transport any such individual for payment
- b. Any property owned by a nonprofit ambulance company; and
- c. Any motor vehicle adapted for use by a person with disabilities

For purposes of this section, the following terms shall have the meaning indicated:

Ambulance-type Vehicle – Any motor vehicle specifically equipped or modified in a significant way for the purpose of transporting medically incapacitated individuals, including but

not limited to the inclusion of lifts, the equipping with stretchers, beds or other special seating, and significant modification to accommodate medical or emergency equipment, such as oxygen.

Motor Vehicle Adapted for Use by a Person with Disabilities - The vehicle must be owned by a person with disabilities or owned by the parent or guardian of such person and used as the primary means of transportation for a person with disabilities. At a minimum the vehicle must be equipped with automatic transmission and full hand controls for the operation of gas and brakes. Modifications intended to render the vehicle more comfortable, but not necessary to permit it to be operated by its owner, shall not be sufficient to satisfy the requirements of this definition. The owner of the vehicle must present a valid Connecticut driver's license with restriction codes "C" - Mechanical Aid and "E" - Auto Transmission.

Used Exclusively - The vehicle is used and devoted primarily and inherently for the purpose of transporting medically incapacitated individuals and does not mean vehicles used partly for transporting medically incapacitated individuals and partly for other purposes.

#### Section 14-81 Application

Applications for said exemption shall be filed with the Assessor's Office in such manner and including such information as required by the Assessor's Office, not later than November 1 following the assessment date with respect to which such exemption is claimed or for vehicles purchased on or after October 2 and on or before July 31 of the assessment year for which such exemption is requested, not later than 30 days after such purchase.

#### Section 14-82 Effective Date

This article shall be applicable with respect to the assessment year which commenced October 1, 2019. Applications for exemptions relative to the assessment year which commenced on said October 1, 2019, shall be made not later than 30 days following the effective date of this article or, for vehicles purchased after said effective date but on or before July 31, 2020, not later than 30 days after such purchase.

**BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that the amendment shall be published in summary with full copies available at the Town Clerk, Town Manager and Public Library for public inspection.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 9<sup>th</sup> day of June 2020

Discussion followed.  
Mr. Wood recused himself.  
Roll Call Vote: Unanimous. Motion passed.

14d. Consideration and action on an Ordinance amending Chapter 6 of the Code of Ordinances for the revision of the Town Council term of office to reflect the revised Town Charter language

Mr. Wood made a motion, seconded by Mr. Kerttula, to adopt the following:

**AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES FOR  
THE REVISION OF THE TOWN COUNCIL TERM OF OFFICE**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that, the following amendments as shown in underline or strike through to Chapter 6 of the Town of Killingly Code of Ordinances be adopted:

**Sec. 6-2. Representation on council** *(Effective November 3, 2015 November 5, 2019)*

The nine (9) members of the town council are to serve for terms of two ~~(2)~~ **four (4)** years; one (1) member is to be elected from each of the voting districts, and four (4) are to be elected at-large. Commencing with the municipal election year 2021, all town council seats shall transition to staggered four-year terms as follows: the four (4) at-large seats shall be elected for a four (4) year term and the five (5) District seats will be elected for a two (2) year term. In the municipal election of 2023, the five (5) District seats shall be elected for a four (4) year term; and each council seat expiring shall be elected for a four (4) year term in each municipal election thereafter. (Ord. of 3-18-77, § 6; Ord. No. 98-001, 2-10-98; Ord. No. 14-13, 12-2014)

**BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY** that the amendment shall be published in summary with full copies available at the Town Clerk, Town Manager and Public Library for public inspection.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 9<sup>th</sup> day of June 2020

Discussion followed.

Roll Call Vote: Majority for, Mr. Grandelski abstained. Motion passed.

14e. Consideration and action on an Ordinance Appropriating \$16,550,000 for Improvements to Killingly Memorial School Including Removal of Portable Structures, Site Reconfiguration, Upgrades to Existing Structure, Addition of an Elevator, and Construction of an Addition and Authorizing the Issuance of Bonds and Notes in the Same Amount

Mr. Grandelski made a motion, seconded by Ms. George, to adopt the following:

**ORDINANCE APPROPRIATING \$16,550,000 FOR IMPROVEMENTS TO KILLINGLY  
MEMORIAL SCHOOL, INCLUDING REMOVAL OF PORTABLE STRUCTURES,  
SITE RECONFIGURATION, UPGRADES TO EXISTING STRUCTURE, ADDITION  
OF AN ELEVATOR, AND CONSTRUCTION OF AN ADDITION AND AUTHORIZING  
THE ISSUANCE OF BONDS AND NOTES IN THE SAME AMOUNT**

**BE IT HEREBY ORDAINED,**

**Section 1.** That the Town of Killingly appropriate SIXTEEN MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$16,550,000) for costs associated with improvements to Killingly Memorial

School, including removal of portable structures, site reconfiguration, upgrades to existing structure, addition of an elevator, and construction of an approximately 18,950 square foot addition, substantially as described as Site Concept A3, dated September 25, 2019, prepared by Silver/Petrucelli & Associates. The appropriation may be spent for design and construction costs, site improvements, demolition, engineers' and other consultants' fees, administrative fees, legal fees and other professional fees, equipment, materials, net temporary interest and other financing costs, and other costs related to the project and its financing. The Killingly Permanent Commission on Public Buildings shall determine the particulars and scope of the project and may reduce or modify the project, and the entire appropriation may be expended on the project as so reduced or modified.

**Section 2.** That the Town issue bonds or notes in an amount not to exceed SIXTEEN MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$16,550,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

**Section 3.** That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed SIXTEEN MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$16,550,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of said General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

**Section 4.** That the Town Manager and the Town Treasurer shall sign the bonds, notes or obligations by their manual or facsimile signatures. The Treasurer shall keep a record of the bonds, notes or obligations. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes or obligations. The Town Manager and the Treasurer are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds, notes or obligations; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or obligations; to provide for the keeping of a record of the bonds, notes or obligations; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds, notes or obligations at public or private sale; to deliver the bonds, notes or obligations; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or obligations.

**Section 5.** That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Treasurer are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town

pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

**Section 6.** That the Town Manager and the Treasurer are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or temporary notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds, notes or temporary notes.

**Section 7.** That the Board of Education is authorized on behalf of the Town to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or temporary notes.

**Section 8.** That the Town Council, the Chairman of the Town Council, the Vice Chairman of the Town Council, the Town Manager, the Treasurer, the Director of Finance, the Town Engineer, the Board of Education, the Killingly Permanent Commission on Public Buildings and other proper officers and officials of the Town are each authorized to take any other action which is necessary or desirable to enable the Town to complete the project and to issue bonds, notes or temporary notes to finance the aforesaid appropriation.

**Section 9.** That the adoption of this Ordinance in reliance on the provisions of Executive Order No. 7S, without submission to voters at Special Town Meeting and Referendum, is necessary to permit the orderly operation of the Town of Killingly and that there is a need to act immediately and during the duration of the public health and civil preparedness emergency in order to avoid endangering public health and welfare, prevent significant financial loss, and that action is otherwise necessary for the protection of persons and property within the municipality.

**Section 10.** That this Ordinance shall become effective on a date fifteen (15) days after publication of the title of this Ordinance in a newspaper having a general circulation in the Town of Killingly after final adoption by a majority of the Town Council.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 9<sup>th</sup> day of June 2020

Discussion followed.

Roll Call Vote: Majority for, Mr. Anderson opposed. Motion passed.

15. New Business:

15a. Consideration and action on a resolution to endorse submission of the Neighborhood Assistance Act applications for The Arc of Eastern Connecticut and United Services, Inc.

Mr. Kerttula made a motion, seconded by Mr. LaPrade, to adopt the following:

**RESOLUTION TO ENDORSE SUBMISSION OF THE NEIGHBORHOOD  
ASSISTANCE ACT APPLICATIONS FOR THE ARC OF EASTERN  
CONNECTICUT AND UNITED SERVICES, INC.**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Town Council hereby endorses and the Town Manager is hereby authorized to submit, on behalf of The Arc of Eastern Connecticut and United Services, Inc., applications for Energy Conservation and Upgrades offered by the Connecticut Department of Revenue Services for consideration under the Neighborhood Assistance Act Program.

KILLINGLY TOWN COUNCIL

Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 9<sup>th</sup> day of June 2020.

Discussion followed.

Roll Call Vote: Unanimous. Motion passed.

Mr. Kerttula made a motion, seconded by Ms. George, to add agenda item 15c.

Consideration and action on a resolution authorizing the Town Manager to execute and implement an amended Citizen Participation Plan

Discussion followed.

Mr. Kerttula retracted his motion. Ms. George retracted her second.

Discussion followed.

Mr. Lee made a motion, seconded by Ms. George, to add agenda item 15c. Consideration and action on a resolution authorizing the Town Manager to execute and implement an amended Citizen Participation Plan

Discussion followed.

Roll Call Vote: Majority for, Mr. Grandelski opposed. Motion passed.

15b. Consideration and action on a resolution to approve a memorandum of understanding between the Town and the Killingly Town Hall Employee Bargaining Unit

Mr. Wood made a motion, seconded by Mr. Kerttula to adopt the following:

**RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN AND THE KILLINGLY TOWN HALL EMPLOYEE BARGAINING UNIT**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the tentative memorandum of understanding between the Town of Killingly and the Killingly Town Hall Employees, AFSCME Council 4, Local 1303-156, is hereby approved and ratified for the period July 1, 2020 through June 30, 2021, and

BE IT FURTHER RESOLVED that the Town Manager is herein authorized to sign and execute said Agreement and to transfer from the Contingent Account (63-50241) such funds not to exceed \$15,000 during the fiscal year 2020-2021 as may be needed to support this Agreement.

KILLINGLY TOWN COUNCIL

Jason Anderson

Chairman

Dated at Killingly, Connecticut  
this 9<sup>th</sup> day of June 2020.

Discussion followed.

Roll Call Vote: Unanimous. Motion passed.

15c. Consideration and action on a resolution authorizing the Town Manager to execute and implement an amended Citizen Participation Plan

Mr. Kerttula made a motion, seconded by Mr. Wood to adopt the following pending a positive outcome after the public comment period:

Roll Call Vote: Majority for, Mr. Grandelski opposed.

16. Council Member Reports and Comments:

Mr. Grandelski reported on the Sewer Authority.

Mr. Kerttula reported on the Personnel Subcommittee meeting.

Mr. Wood attended the Personnel Subcommittee meeting.

Mr. Anderson attended the Board of Ed meeting and the NECOG meeting.

17. Executive Session: None

18. Adjournment:

Mr. Grandelski made a motion, seconded by Ms. George to adjourn the meeting.

Roll Call Vote: Unanimous. Motion passed.

The meeting ended at 9:54 p.m.

Respectfully submitted,

Elizabeth Buzalski  
Council Secretary

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**KILLINGLY TOWN COUNCIL  
SPECIAL TOWN COUNCIL MEETING**

Date: Tuesday June 23, 2020  
Time: 7:00 p.m.  
Place: Microsoft Office Teams - Virtual

**AGENDA  
KILLINGLY TOWN COUNCIL**

The Town Council of the Town of Killingly held a Virtual Special Meeting on Tuesday, June 23, 2020 at 7:00 p.m. using Microsoft Office Teams. The agenda was as follows:

1. Call to Order
2. Roll Call
3. Citizens' Statements and Petitions  
Pursuant to Governor's Executive Order 7B, all public comment can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov).
4. **New Business**
  - a) Consideration and action on a resolution authorizing an application to the Department of Education for the Killingly Memorial School Renovation/Addition Project
5. **Adjournment**

1. Vice Chare Kerttula called the Special Meeting to order at 7:00 p.m.
2. On Roll Call, all counselors were present except Mr. LaPrade who was absent with notification and Mr. Anderson who signed in at 7:02 p.m. Town Manager Calorio was also present.
3. Citizens' Statements and Petitions: None
4. New Business

RESOLUTION AUTHORIZING AN APPLICATION TO THE DEPARTMENT  
OF EDUCATION FOR THE KILLINGLY MEMORIAL SCHOOL  
RENOVATION/ADDITION PROJECT

BE IT RESOLVED, that the Killingly Town Council authorizes the Killingly Board of Education to apply to the Commissioner of Education and to accept or reject a grant for Killingly Memorial School Renovation/Addition Project.

BE IT FURTHER RESOLVED that in accordance with Section 2-154 of the Code of Ordinances, the Killingly Memorial School Renovation/Addition Project is referred to the Permanent Building Commission.

BE IT FURTHER RESOLVED that the Killingly Town Council hereby authorizes at least the preparation of schematic drawings and outline specifications for the Killingly Memorial School Renovation/Addition Project.



BE IT FINALLY RESOLVED that the Town Manager is authorized to enter into contracts and agreements relative to said projects.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut,  
this 23<sup>th</sup> day of June 2020

Roll Call Vote: Unanimous. Motion Passed.

5. Adjournment

Mr. Grandelski. made a motion, seconded by Mr. Anderson, to adjourn the meeting.

Roll Call Vote: Unanimous. Motion passed.

The meeting ended at 7:06 p.m.

Respectfully submitted,

Elizabeth Buzalski  
Council Secretary

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**KILLINGLY TOWN COUNCIL  
SPECIAL TOWN COUNCIL MEETING**

Date: Tuesday June 23, 2020

Time: 7:00 p.m.

Place: Microsoft Office Teams - Virtual

**AGENDA**

**KILLINGLY TOWN COUNCIL**

The Town Council of the Town of Killingly held a Virtual Special Meeting on Tuesday, June 23, 2020 at 7:00 p.m. using Microsoft Office Teams. The agenda was as follows:

1. Call to Order
2. Roll Call
3. Citizens' Statements and Petitions  
Pursuant to Governor's Executive Order 7B, all public comment can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov).
4. **New Business**
  - a) Consideration and action on a resolution authorizing an application to the Department of Education for the Killingly Memorial School Renovation/Addition Project
5. **Adjournment**

1. Vice Chare Kerttula called the Special Meeting to order at 7:00 p.m.
2. On Roll Call, all counselors were present except Mr. LaPrade who was absent with notification and Mr. Anderson who signed in at 7:02 p.m. Town Manager Calorio was also present.
3. Citizens' Statements and Petitions: None
4. New Business

RESOLUTION AUTHORIZING AN APPLICATION TO THE DEPARTMENT  
OF EDUCATION FOR THE KILLINGLY MEMORIAL SCHOOL  
RENOVATION/ADDITION PROJECT

BE IT RESOLVED, that the Killingly Town Council authorizes the Killingly Board of Education to apply to the Commissioner of Education and to accept or reject a grant for Killingly Memorial School Renovation/Addition Project.

BE IT FURTHER RESOLVED that in accordance with Section 2-154 of the Code of Ordinances, the Killingly Memorial School Renovation/Addition Project is referred to the Permanent Building Commission.

BE IT FURTHER RESOLVED that the Killingly Town Council hereby authorizes at least the preparation of schematic drawings and outline specifications for the Killingly Memorial School Renovation/Addition Project.

BE IT FINALLY RESOLVED that the Town Manager is authorized to enter into contracts and agreements relative to said projects.

KILLINGLY TOWN COUNCIL  
Jason Anderson  
Chairman

Dated at Killingly, Connecticut,  
this 23<sup>th</sup> day of June 2020

Roll Call Vote: Unanimous. Motion Passed.

5. Adjournment

Mr. Grandelski. made a motion, seconded by Mr. Anderson, to adjourn the meeting.

Roll Call Vote: Unanimous. Motion passed.

The meeting ended at 7:06 p.m.

Respectfully submitted,

Elizabeth Buzalski  
Council Secretary

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Killingly Conservation Commission  
ENVIRONMENTAL AWARD

Presented to Ralph S. Chartier  
for  
his commitment as Killingly Conservation  
Commissioner for 12 years  
sharing his Master Gardener knowledge  
and numerous hours of volunteer service  
at our Open Space properties.

Town of Killingly  
July 2020



## **MEMORANDUM**

TO: Steve Rioux, Superintendent of Schools  
Kim Gillespie-Burnham, Director of Human Resources

FROM: Rich Mills

DATE: June 23, 2020

RE: Negotiations with the KAA

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I thought it would be helpful to confirm the timetable for the upcoming negotiations with the KAA. Based on the timetable published by the State Department of Education, the dates for negotiations are as follows:

Date	Action
July 17 <sup>th</sup> to August 17 <sup>th</sup>	Board must meet with the municipal fiscal authority regarding negotiations.
August 17 <sup>th</sup>	Parties must commence negotiations.
October 6 <sup>th</sup>	Parties must name a mediator if the contract has not been settled.
October 31 <sup>st</sup>	Parties must name arbitrator(s) if the contract has not been settled.

In connection with the obligation to meet with the municipal fiscal authority, the Board should initiate contact with the fiscal authority to arrange for that meeting. Under the negotiations statute, the fiscal authority also has the right to designate a representative to attend the negotiating sessions.

In connection with the health insurance issues, it would be good to coordinate with Joe Spurgeon as soon as possible in preparation for negotiations.

I look forward to working with the Board and the Administration in these negotiations.

MEMO: Steve Rioux, Superintendent of Schools  
FROM: Christine Clark, Manager of Business Affairs  
RE: Monthly Financial Report (May 2020)  
DATE: June 5, 2020

Attached please find the financial report for the month of May, the eleventh month of fiscal year 2019-2020, which reflects expenditures and encumbrances of \$37,192,318 or 84.44% of the \$44,047,273 budget.

1. **BUDGET STATUS:** The closure of school due to the COVID 19 pandemic on March 16 and the introduction of remote learning have impacted the budget with spending unlike any previous year. As with last month's report, projections to 6/30/20 have been prepared using the following assumptions: salaries will be paid to all contracted employees, benefits will continue to be funded, contractual obligations for services or services which continue regardless of student attendance will be paid, costs for outplacements will continue as contracted, and supplies and equipment purchases will be modified and perhaps reduced. Based on these assumptions, it is projected that approximately \$1.6M or of the 2019-2020 budget would be unexpended. The projected balance includes purchases made to mitigate 2020-2021 budget reductions of \$210,000. Should additional unanticipated needs associated with remote learning or government mandates arise, this balance would be subject to change. Based on a review of the system object report, there are several account groups worthy of note for their current or potential status as follows:

**SALARIES:**

The expenditures include twenty-four payroll periods (out of 26) or 92.31% for our full year (twelve month) employees. Salary accounts for Central Administration (5111) and Finance/HR/Computer (5114) are at the expected expenditure levels. School Administration (5112) salaries are slightly higher due to acting principal pay at Killingly Central School for twenty-three days.

Analysis of the Teachers' Salaries (5113) accounts as of 5/31/20 shows a budget surplus of approximately \$212K, based on the assumption that only contracted salaries will be paid. Several mid-year vacancies and replacements have been included within the estimates, which may be subject to change through the next month.

Secretarial/Clerical (5121) salaries are projected to exceed the budget by approximately \$(40,000) as previously anticipated, with \$27,000 due to transportation clerical and dispatching needs. The need for substitute clerical help at Killingly High School

contributes \$12,000 and additional IT clerical hours for distance learning organization and deployment of devices contributes \$7,000 to the additional expenditures.

Previously expected to be over expended, Para-Professional (5122) salaries based on current staffing and contracted hours alone, are now expected to yield a projected surplus of approximately \$142,000. A large part of this balance is due to non-contracted hours for bus aides of \$97,000 which will not be expended.

Medical/Health (5123) salaries are projected to exceed the budget by \$(22,000) with \$(27,000) attributable to the addition of a 1:1 nurse for a special education student. The need was not anticipated during the 2019-2020 budget preparation process. Savings in unfilled positions account for the difference.

Transportation (5125) salaries have been projected based on current staffing and contracted hours, resulting in an anticipated surplus of \$100,000. Also related to transportation services are unexpended balances in Temporary (5128) salaries of approximately \$70,000 which had been budgeted for substitute and temporary bus drivers. Due to the challenges in transportation staffing, we were unable to retain substitutes and instead contracted services with outside providers as discussed in the OTHER section under Pupil Transportation (5510). The budget surplus here partially offsets the line item deficit of \$(95,000) anticipated in Pupil Transportation (5510).

Substitutes (5126) salaries are expected to decrease substantially since school will remain closed, resulting in a line item balance of \$91,000. Some substitute teachers have been contracted for the remainder of the year and will continue to be paid.

#### **BENEFITS:**

Health/Dental Insurance (5210)- Without regard to the school closure, contributions to the self-insurance fund for health/dental insurance for all enrolled employees have continued. As previously anticipated, a substantial line item surplus of \$466,000 is expected after June's contributions due to budgeted insurance packages which were not taken by employees and enrollment changes through the year.

H S A Contributions (5212)- As of the end of January most H.S.A. account holders have received 100% of their annual contributions, with the exception of five employees who have frozen accounts to which the contributions cannot be made. Any additional contributions should not reduce the \$61,000 line item balance by more than \$3,500 by year-end.

HRA Funding (5218)- Health Reimbursement Account (HRA) funding provides for employees enrolled in high-deductible health plans who are also covered by Medicare and unable to benefit from the tax advantages of the Health Savings Account (H S A). In lieu of the 50% funding of the health plan deductible, health expenditures up to the annual contribution amount are paid through an administrative service agreement with Stirling

Benefits. Due to unanticipated participants ineligible for H S A funding, there is a potential \$4,000 budget deficit in this line item.

FICA (5220) and Medicare (5225)- Payroll taxes computed on projected salaries reflect balances of \$51,060 and \$29,949 commensurate with the savings in salaries. Any additional salaries paid will result in increases to the payroll taxes.

Unemployment Compensation (5250)- As of May 31 there are two outstanding invoices for unemployment compensation in 2019-2020. In a normal year, there would be a fairly consistent pattern for estimating claims through year-end. Due to COVID and the uncertainty of unemployment claims this year, a placeholder for \$10,000 for each month has been included in the projections. Although we continued to pay our contracted employees, substitutes and tutors may have claims that are difficult to project as to the amount and timing of payments. Also, the responsibility for claims for employees who left our employ and then were laid off or furloughed due to COVID from other employers is unknown.

Workers' Compensation (5260)- Premiums for the full year have been paid and the 2018-2019 payroll audit has been completed, resulting in a line item balance of \$37,463.

**OTHER:**

In general, the balances in the services accounts (53XX through 55XX) reflect the anticipated decrease in services due to the school closure. Where services are still necessary or already contracted, they will continue to be paid. Some provisions have been made for additional expenses for remote learning, such as repairs to devices which have been distributed to students' homes as reflected in a new object line (5432) Technology-Related Repairs/Maintenance.

Pupil Transportation (5510)- As of 5/31/20 payments to outside transportation providers are projected to exceed the line item budget of \$20,000 by \$(95,000). Although the services are not being utilized during the school closure, we have contracted the services and anticipate the continued need for the services upon the reopening of school. In May we received a partial credit of \$6,528 on the per day charge for Eastconn transportation and were notified that Student Transportation of America would not be billing beyond mid-March, reducing the previously anticipated line item deficit of \$119,000 to \$95,000. While the transportation needs were budgeted, the extent of outsourcing was not anticipated. As noted in the Transportation (5125) salaries section, Temporary (5128) salaries were budgeted to cover these needs. Since they will be unexpended, the surplus of \$70,000 is available to partially offset the line item deficit in Pupil Transportation.

Tuition (5560)- Tuition for three magnet schools, including Eastconn's Quinebaug Middle College, Arts at the Capitol Theater, and Windham's CH Barrows STEM, along with hospital tuition for an in-district student is projected to total \$417,887, resulting in a line



item deficit of \$(30,609). Included are the base tuition charges and additional charges for special education and related services. Any changes in enrollment or services during the next month will affect the projection.

Local and Agency Placement Tuition (5561) and (5562)- Local and agency outplacements per the May 31st report reflect balances of \$(486,437) and \$173,052 respectively. The first payments of excess cost reimbursement of \$372,674 and \$54,186 were received in February. The final payments of \$104,801 and \$33,408 were received in May. The total reimbursements are reflected in the May 31 balances. The caps on the reimbursements were 29.11%, or conversely, we are receiving 70.89% of the calculated entitlement. Any changes in the placement costs going forward will directly affect the bottom line since the excess cost reimbursement has been determined and will remain fixed, regardless of actual expenditures through year-end. The line item budget impact is calculated based on current enrollments and actual excess cost reimbursement as follows:

As of May 31, 2020	
Budgeted Local Placement Costs	\$4,032,482
Total Projected Local Placement Costs	\$5,042,321
Excess Cost Reimbursement-Local Placements	\$477,475
<b>Net Local Placements</b>	<b>\$ ( 532,364)</b>
Budgeted Agency Placement Costs	\$383,500
Total Projected Agency Placement Costs	\$328,042
Excess Cost Reimbursement-Agency Placements	\$87,594
<b>Net Agency Placements</b>	<b>\$143,052</b>
<b>Net Outplacements</b>	<b>\$ ( 389,312)</b>

In general, the balances in the Supplies (56XX) and Equipment (57XX) line items reflect the anticipated decrease in expenditures due to the school closure. Some provisions have been made for additional expenses for remote learning.

Motor Fuels (5626)- Current year net expenditures of \$114,729 reflect ten months of gas and diesel charges from the Town of Killingly. Additional charges of \$2,000 are

estimated through year-end, leaving an unexpended balance of \$107,571 reflecting the reduction in bus and other vehicle use due to the school closure.

Vehicles (5732)- A projected line item deficit of \$(49,031) results from the purchase of a 2020 Ford pickup truck for \$43,982 for Operations/Maintenance to replace a 2007 truck which was removed from the 2020-2021 budget request. Also, two student transportation vehicles (one 81 passenger school bus and one 31 passenger wheelchair bus) were ordered totaling \$212,665. Student transportation vehicles have been budgeted within the Town's capital non-recurring fund. The Town's allocation for 2019-2020 purchases was \$204,000. The excess, or \$8,665, was encumbered from the Board's budget. The busses were delivered last week with payment currently in process.

2. **BUDGET TRANSFERS:** No transfers in excess of \$10,000 requiring BOE approval were made during the month. The following transfers were approved during May:

From: 100-115-15-10160-5612 Ag-Ed- Instructional Supplies	\$ 700.00
To: 100-115-15-10160-5550 Ag-Ed- Printing and Binding	\$ 700.00

To transfer Agricultural Education department funds for printing of senior class lawn signs

From: 100-115-15-10160-5810 Ag-Ed- Dues and Fees	\$ 240.00
To: 100-115-15-10160-5330 Ag-Ed- Professional/Technical Services	\$ 240.00

To transfer Agricultural Education department funds for emergency veterinary services

3. **2018-2019 STATUS:** A request for the transfer of \$436,849 which reflects 1% of the 18-19 budget appropriation to the Unexpended Education Funds Account was made in July 2019. In May 2020 the Town Council approved the Board of Education's request to increase the maximum allowable contribution to the fund from 1% of the prior year appropriation to 2% and to increase the maximum balance of the account from \$1,750,000 to \$2,000,000.
4. **2020-2021 BUDGET:** The Town Council set the Board of Education's budget at \$44,147,274 (.23% increase over 2019-2020) at their June 1, 2020 meeting. The Board of Education is scheduled to consider revisions to their budget proposal on June 3, 2020.

5. **FOOD SERVICES:** As the end of our 2019-2020 contract amendment with Whitsons New England Inc. nears, an amendment to renew the contract for 2020-2021 is being prepared for Board of Education approval at the June 10, 2020 meeting. This is the fourth and final amendment on our current contract. We will be required to rebid our food services management contract for 2021-2022.

6. **SUBSTANTIAL DONATIONS:** In accordance with BOE policy, the following substantial donations were reported to the Business Office during May 2020:

Summer Breakfast & Lunch   \$ 15,000.00   Beagary Charitable Trust   Donation

If you have any questions or would like to discuss this report, please let me know.

# Killingly Public Schools System Object

Item 8.6 (a)

Report # 95854

Statement Code: Sys Object

Account Number / Description	Adopted Budget 7/1/2019 - 6/30/2020	Transfers 7/1/2019 - 6/30/2020	Revised Budget 7/1/2019 - 6/30/2020	Encumbrances 7/1/2019 - 5/31/2020	Requisitions	Expenditures 7/1/2019 - 5/31/2020	Amount Percent Expended Remaining 7/1/2019 - 5/31/2020
111 Central Administration	\$336,305.00	\$0.00	\$336,305.00	\$0.00	\$0.00	\$308,819.08	\$27,485.92 91.83 %
112 School Administration	\$1,737,408.21	\$0.00	\$1,737,408.21	\$0.00	\$0.00	\$1,622,049.77	\$115,358.44 93.36 %
113 Teachers' Salaries	\$15,240,569.58	\$0.00	\$15,240,569.58	\$0.00	\$0.00	\$12,005,058.29	\$3,235,511.29 78.77 %
114 Finance/HR/Computer	\$376,440.14	\$0.00	\$376,440.14	\$0.00	\$0.00	\$345,379.02	\$31,061.12 91.75 %
115 Tutoring	\$122,120.00	\$0.00	\$122,120.00	\$0.00	\$0.00	\$60,611.64	\$61,508.36 49.63 %
119 Co-Curricular Stipends	\$323,253.34	\$0.00	\$323,253.34	\$0.00	\$0.00	\$209,111.75	\$114,141.59 64.69 %
120 Non-Certified Salaries	\$164,861.28	\$0.00	\$164,861.28	\$0.00	\$0.00	\$132,164.26	\$32,697.02 80.17 %
121 Secretarial/Clerical	\$1,176,668.43	\$0.00	\$1,176,668.43	\$0.00	\$0.00	\$1,123,295.40	\$53,373.03 95.46 %
122 Para-Professionals	\$2,212,933.11	\$0.00	\$2,212,933.11	\$0.00	\$0.00	\$1,826,148.08	\$386,785.03 82.52 %
123 Medical/Health	\$446,000.01	\$0.00	\$446,000.01	\$0.00	\$0.00	\$380,380.73	\$65,619.28 85.29 %
124 Operations & Maintenance	\$1,687,893.34	\$0.00	\$1,687,893.34	\$0.00	\$0.00	\$1,508,969.35	\$178,923.99 89.40 %
125 Transportation	\$1,088,938.92	\$0.00	\$1,088,938.92	\$0.00	\$0.00	\$880,134.73	\$208,814.19 80.82 %
126 Substitutes	\$381,869.00	\$0.00	\$381,869.00	\$0.00	\$0.00	\$263,202.76	\$118,666.24 68.92 %
127 Student Services	\$18,100.00	\$0.00	\$18,100.00	\$0.00	\$0.00	\$11,485.74	\$6,614.26 63.35 %
28 Temporary	\$150,700.00	\$0.00	\$150,700.00	\$0.00	\$0.00	\$51,755.26	\$98,944.74 34.34 %
30 Overtime	\$178,000.00	\$0.00	\$178,000.00	\$0.00	\$0.00	\$132,758.57	\$45,241.43 74.58 %
31 Computer Maintenance	\$207,690.00	\$0.00	\$207,690.00	\$0.00	\$0.00	\$157,736.07	\$49,953.93 75.95 %

# Killingly Public Schools

## System Object

Account Number / Description	Adopted Budget 7/1/2019 - 6/30/2020	Transfers 7/1/2019 - 6/30/2020	Revised Budget 7/1/2019 - 6/30/2020	Encumbrances 7/1/2019 - 5/31/2020	Requisitions	Expenditures 7/1/2019 - 5/31/2020	Amount Remaining 7/1/2019 - 5/31/2020	Percent Expended
200 Benefits	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	—
210 Health/Dental Insurance	\$5,647,213.06	\$0.00	\$5,647,213.06	\$0.00	\$0.00	\$4,749,441.46	\$897,771.60	84.10 %
212 HSA Contributions	\$447,100.00	\$0.00	\$447,100.00	\$0.00	\$0.00	\$386,183.34	\$60,916.66	86.38 %
213 Life Insurance	\$27,326.78	\$0.00	\$27,326.78	\$0.00	\$0.00	\$24,691.55	\$2,635.23	90.36 %
214 Benefits- Early Retirees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	—
215 Post-Employment Benefits	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	—
217 Disability Insurance	\$6,564.96	\$0.00	\$6,564.96	\$43.69	\$0.00	\$5,980.59	\$40.68	99.38 %
218 HRA Funding	\$1,000.00	\$0.00	\$1,000.00	\$0.00	\$0.00	\$1,399.87	\$(399.87)	139.99 %
220 FICA	\$418,974.36	\$0.00	\$418,974.36	\$0.00	\$0.00	\$335,687.96	\$83,286.40	80.12 %
225 Medicare	\$367,671.93	\$0.00	\$367,671.93	\$0.00	\$0.00	\$280,514.96	\$87,156.97	76.29 %
230 ERIP Contributions	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	—
231 Pension	\$126,159.00	\$0.00	\$126,159.00	\$0.00	\$0.00	\$0.00	\$126,159.00	0.00 %
232 Annuity Contributions	\$7,000.00	\$0.00	\$7,000.00	\$0.00	\$0.00	\$6,846.32	\$153.68	97.80 %
250 Unemployment Compensation	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$41,818.56	\$8,181.44	83.64 %
260 Workers' Compensation	\$360,000.00	\$0.00	\$360,000.00	\$0.00	\$0.00	\$322,536.99	\$37,463.01	89.59 %
222 Instructional Improvement	\$29,200.00	\$1,300.00	\$30,500.00	\$259.00	\$0.00	\$14,375.33	\$15,865.67	47.98 %
23 Pupil Services	\$96,994.00	\$0.00	\$96,994.00	\$5,522.72	\$0.00	\$78,357.83	\$13,113.45	86.48 %

# Killingly Public Schools System Object

Report # 95854

Account Number / Description	Adopted Budget 7/1/2019 - 6/30/2020	Transfers 7/1/2019 - 6/30/2020	Revised Budget 7/1/2019 - 6/30/2020	Encumbrances 7/1/2019 - 5/31/2020	Requisitions	Expenditures 7/1/2019 - 5/31/2020	Amount Remaining 7/1/2019 - 5/31/2020	Percent Expended
324 Field Trips	\$111,510.00	\$0.00	\$111,510.00	\$0.00	\$0.00	\$85,003.38	\$26,506.62	76.23 %
326 Testing	\$36,060.00	\$4,920.00	\$31,140.00	\$396.00	\$0.00	\$13,082.14	\$17,661.86	43.28 %
330 Professional/Technical Services	\$452,971.24	\$1,804.50	\$451,166.74	\$27,571.13	\$0.00	\$355,108.76	\$88,486.85	84.82 %
410 Utilities	\$1,273,333.00	\$0.00	\$1,273,333.00	\$968.00	\$0.00	\$934,832.29	\$337,532.71	73.49 %
420 Contracted Maintenance Services	\$1,196,178.16	\$2,832.28	\$1,199,010.36	\$67,187.25	\$0.00	\$1,084,437.46	\$47,385.65	96.05 %
430 Repairs & Maintenance Services	\$471,272.00	\$3,765.56	\$475,037.56	\$40,361.88	\$0.00	\$302,352.47	\$132,323.21	72.14 %
432 Technology-Related Repairs/Maintenance	\$0.00	\$0.00	\$0.00	\$4,970.00	\$0.00	\$5,180.00	\$10,150.00	—
440 Rentals	\$17,500.00	\$3,798.98	\$21,298.98	\$3,241.09	\$0.00	\$8,676.03	\$9,381.86	55.95 %
470 Pupil Transportation	\$20,000.00	\$0.00	\$20,000.00	\$6,472.00	\$0.00	\$103,257.67	\$89,729.67	548.65 %
480 Insurance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	—
429 Other Insurance & Judgments	\$18,000.00	\$0.00	\$18,000.00	\$0.00	\$0.00	\$14,000.00	\$4,000.00	77.78 %
430 Communications	\$0.00	\$252.44	\$252.44	\$0.00	\$882.00	\$2,863.43	\$2,610.99	1,134.30 %
431 Postage	\$26,000.00	\$0.00	\$26,000.00	\$0.00	\$0.00	\$25,757.91	\$242.09	99.07 %
432 Telephone	\$77,820.00	\$0.00	\$77,820.00	\$24.99	\$0.00	\$57,139.39	\$20,655.62	73.46 %
440 Advertising	\$11,700.00	\$0.00	\$11,700.00	\$0.00	\$0.00	\$8,208.80	\$3,491.20	70.16 %
450 Printing & Binding	\$27,086.50	\$956.08	\$28,042.58	\$2,900.45	\$0.00	\$10,119.74	\$15,022.31	46.43 %
460 Tuition	\$387,278.00	\$0.00	\$387,278.00	\$10,282.50	\$0.00	\$407,604.46	\$30,608.96	107.90 %

# Killingly Public Schools System Object

Report # 95854

Account Number / Description	Adopted Budget 7/1/2019 - 6/30/2020	Transfers 7/1/2019 - 6/30/2020	Revised Budget 7/1/2019 - 6/30/2020	Encumbrances 7/1/2019 - 5/31/2020	Requisitions	Expenditures 7/1/2019 - 5/31/2020	Amount Percent Expended Remaining 7/1/2019 - 5/31/2020
561 Local Placement Tuition	\$4,032,482.00	\$0.00	\$4,032,482.00	\$720,387.21	\$16,515.00	\$3,798,531.33	\$(-486,436.54) 112.06 %
562 Agency Placement Tuition	\$383,500.00	\$0.00	\$383,500.00	\$50,931.79	\$0.00	\$159,516.07	\$173,052.14 54.88 %
580 Travel	\$59,806.00	\$3,180.00	\$62,986.00	\$0.00	\$0.00	\$39,389.24	\$23,596.76 62.54 %
590 Other Purchased Services	\$123,296.00	\$0.00	\$123,296.00	\$0.00	\$5,980.00	\$97,730.58	\$25,565.42 79.27 %
611 Instructional Supplies- Warehouse	\$55,000.00	\$0.00	\$55,000.00	\$0.00	\$0.00	\$27,214.36	\$27,785.64 49.48 %
512 Instructional Supplies	\$375,684.29	\$(-2,799.73)	\$372,884.56	\$42,804.94	\$33,293.77	\$243,763.22	\$86,316.40 76.85 %
513 Custodial & Maintenance Supplies	\$234,500.00	\$(-7,600.80)	\$226,899.20	\$54,538.50	\$0.00	\$91,216.01	\$81,144.69 64.24 %
520 Heat Energy	\$251,100.00	\$0.00	\$251,100.00	\$0.00	\$0.00	\$250,185.71	\$914.29 99.64 %
526 Motor Fuels & Oils	\$224,300.00	\$0.00	\$224,300.00	\$0.00	\$0.00	\$114,728.55	\$109,571.45 51.15 %
527 Transportation Supplies	\$142,300.00	\$0.00	\$142,300.00	\$603.99	\$0.00	\$119,457.86	\$22,238.15 84.37 %
541 Textbooks	\$44,790.00	\$(-759.00)	\$44,031.00	\$445.50	\$0.00	\$13,232.80	\$30,352.70 31.07 %
542 Library Books/Periodicals	\$38,678.00	\$505.00	\$39,183.00	\$7,710.55	\$0.00	\$26,687.93	\$4,784.52 87.79 %
591 Office Supplies	\$25,341.40	\$100.80	\$25,442.20	\$38.08	\$0.00	\$13,271.77	\$12,132.35 52.31 %
592 Health Supplies	\$16,500.00	\$(-1,022.56)	\$15,477.44	\$888.43	\$0.00	\$12,631.47	\$1,957.54 87.35 %
595 Computer Software & Supplies	\$16,994.00	\$3,497.90	\$20,491.90	\$5,950.79	\$0.00	\$34,578.34	\$(-20,037.23) 197.78 %
530 Non-Instructional Equipment	\$48,578.85	\$2,916.29	\$51,495.14	\$20,866.15	\$0.00	\$19,493.22	\$11,135.77 78.38 %
531 Instructional Equipment	\$125,988.65	\$(-1,484.97)	\$124,503.68	\$10,748.05	\$16,946.43	\$69,343.15	\$44,412.48 64.33 %

# Killingly Public Schools System Object

Report # 95854

Account Number / Description	Adopted Budget 7/1/2019 - 6/30/2020	Transfers 7/1/2019 - 6/30/2020	Revised Budget 7/1/2019 - 6/30/2020	Encumbrances 7/1/2019 - 5/31/2020	Requisitions	Expenditures 7/1/2019 - 5/31/2020	Amount Remaining 7/1/2019 - 5/31/2020	Percent Expended
732 Vehicles	\$30,000.00	\$0.00	\$30,000.00	\$52,647.00	\$0.00	\$26,383.80	\$(-49,030.80)	263.44 %
734 Computer Hardware	\$72,400.00	\$(-5,457.90)	\$66,942.10	\$36,870.46	\$0.00	\$39,077.75	\$(-9,006.11)	113.45 %
810 Dues & Fees	\$98,840.46	\$(-654.38)	\$98,186.08	\$0.00	\$0.00	\$73,012.79	\$25,173.29	74.36 %
890 Other Objects	\$85,530.00	\$3,398.67	\$88,928.67	\$7,270.37	\$669.63	\$54,980.55	\$26,677.75	70.00 %
900 Contingency	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	—
90 General Fund	\$44,047,273.00	\$0.00	\$44,047,273.00	\$1,183,402.51	\$74,286.83	\$36,008,915.69	\$6,854,954.80	84.44 %
RAND TOTAL	\$44,047,273.00	\$0.00	\$44,047,273.00	\$1,183,402.51	\$74,286.83	\$36,008,915.69	\$6,854,954.80	84.44 %





# TOWN OF KILLINGLY

## FINANCE DEPARTMENT

172 Main Street, Killingly, CT 06239

Tel: 860-779-5339 Fax: 860-779-5363

## Finance Department Budget Review

June 30, 2020

To: Mary Calorio, Town Manager

**Special Note: The following results presented for June 30, 2020 are preliminary. Additional adjustments will be necessary as the June 30, 2020 year end close is completed.**

### **June 2020 Revenues**

Revenue collections to date for general town revenues represent 99.39% of budget estimates and remain consistent with year to date budget to actual expectations given the current general economic climate. There will be additional residual receipts for June 2020 as the final year end balances are closed and reconciled, and any year end receivables are billed and recorded. The Town continues to see favorable collections in tax revenues, building permits, conveyance taxes and other revenues.

### **June 2020 Expenditures**

Budget to actual results for total Town operations and debt service expenditures are currently at 89.94% for the year to date period through June 30, 2020.

**As of June 30, 2020, there are expenditures which have exceeded appropriation. Functional expense categories that are exceeding the current year appropriation are as follows:**

1. **Town Hall Building – Personnel Services and Materials and Supplies**

Town Hall cleaning supplies within the material and supplies accounts are trending slightly over budget, related to the changes the Town made in February 2020 to move these services from contractual to a part-time custodian. Final hourly wages and startup costs to move these services in house have resulted in an overage in these accounts. There are enough funds in contractual services to cover these costs and a transfer will be requested as part of the year end close out. Additional supplies and disinfectants purchased related to COVID-19 have been offset by the anticipated FEMA reimbursement. FEMA funds will be available at a 75% reimbursement rate for eligible costs. The additional 25% reimbursement will be made from an additional grant from the State of Connecticut Office of Policy and Management.

2. **Legal Services**

Legal services, as previously communicated are over budget. Year to date legal costs are related to are related to labor, tax appeals and land use matters. The Town will be able to manage these expenses with overall budget from savings expected in other line items and use of contingency. A transfer will be requested as part of our year end transfers as we close out the fiscal year.

**TOWN OF KILLINGLY**  
**Estimated Revenue Detail**  
**Monthly Report Through June, 2020**

REVENUE ITEM	Fiscal Year 2019-2020		
	Budget	June	Percent
<b>TAXES</b>			
Current Property Taxes	35,335,858	34,978,994	98.99%
Back Taxes	750,000	468,317	62.44%
Penalty Fees	11,260	5,871	52.14%
Tax Interest	360,668	265,775	73.69%
Supplemental Motor Vehicle	350,000	407,824	116.52%
Remediation Financing	(150,595)	(150,995)	100.27%
<b>TOTAL</b>	<b>\$36,657,191</b>	<b>35,975,785</b>	<b>98.14%</b>
<b>LICENSES &amp; PERMITS</b>			
Building Permits	215,000	166,759	77.56%
P&Z Permits	14,000	14,988	107.06%
Other Permits	8,000	7,275	90.94%
Airplane Tax	1,800	2,050	113.89%
<b>TOTAL</b>	<b>\$238,800</b>	<b>\$191,072</b>	<b>80.01%</b>
<b>FINES &amp; FEES</b>			
Library Fines & Fees	14,500	17,089	117.85%
Alarm Reg Fees and Fines	1,500	6,050	403.33%
Animal Control Fines & Fees	500	2,196	439.10%
<b>TOTAL</b>	<b>\$16,500</b>	<b>\$25,334</b>	<b>153.54%</b>
<b>USE OF MONEY &amp; PROPERTY</b>			
Interest Income	80,000	242,214	302.77%
Louisa E. Day Trust	60	-	0.00%
Thomas J. Evans Trust	30	-	0.00%
Communication Tower Lease	110,000	102,631	93.30%
<b>TOTAL</b>	<b>\$190,090</b>	<b>\$344,845</b>	<b>181.41%</b>
<b>STATE GRANTS IN LIEU OF TAXES</b>			
State-Owned Property	149,332	149,332	100.00%
Disability Exemption	4,162	4,060	97.56%
Veterans' Exemption	11,665	9,569	82.03%
Distressed Municipalities-Manufacturing Exemption	-	160,505	100.00%
Municipal Stabilization Grant (New)	268,063	268,063	100.00%
	<b>\$433,222</b>	<b>591,529</b>	<b>136.54%</b>
<b>OTHER STATE GRANTS</b>			
Pequot/Mohegan Fund Grant	94,184	94,184	100.00%
Municipal Grants - In - Aid	706,717	976,064	138.11%
Adult Education	104,002	109,445	105.23%
<b>TOTAL</b>	<b>\$904,903</b>	<b>\$1,179,693</b>	<b>130.37%</b>

**TOWN OF KILLINGLY**  
**Estimated Revenue Detail**  
**Monthly Report Through June, 2020**

REVENUE ITEM	Fiscal Year 2019-2020		
	Budget	June	Percent
<b>CHARGES OF SERVICE</b>			
Community Development	100,000	32,259	32.26%
Town Clerk	166,000	157,342	94.78%
Conveyance Tax	200,000	240,785	120.39%
Elderly Housing - Sewer PILOT	20,939	-	0.00%
Recreation	124,500	62,724	50.38%
District Collections	15,275	12,672	82.96%
<b>TOTAL</b>	<b>626,714</b>	<b>505,781</b>	<b>80.70%</b>
<b>OTHER REVENUES</b>			
Miscellaneous	50,000	232,036	464.07%
Sewer Assessment Fund	15,000	-	0.00%
Sewer Operating Fund	1,231,695	1,068,695	86.77%
PILOT - Telecommunications	50,000	45,079	90.16%
School Capital Contribution	267,579	274,440	102.56%
<b>TOTAL</b>	<b>1,614,274</b>	<b>1,620,249</b>	<b>100.37%</b>
<b>GENERAL TOWN REVENUE</b>	<b>\$40,681,694</b>	<b>\$40,434,290</b>	<b>99.39%</b>
<b>SCHOOL</b>			
Educational Cost Sharing	15,245,633	15,290,829	100.30%
Vocational Agriculture	645,347	645,347	100.00%
Non-Public School - Health	-	22,871	100.00%
Tuition:			
Regular	1,548,612	1,612,201	104.11%
Special Ed-Voluntary	200,000	103,630	51.82%
Vocational-Agriculture	818,760	663,878	81.08%
F-1 Tuition Student	310,460	78,000	25.12%
<b>TOTAL</b>	<b>\$18,768,812</b>	<b>18,416,756</b>	<b>98.12%</b>
Fund Balance	300,000		0.00%
<b>TOTAL REVENUES</b>	<b>59,750,506</b>	<b>58,851,045</b>	<b>98.49%</b>

**TOWN OF KILLINGLY**  
**Estimated Expenditure Summary**  
**Monthly Report Through June, 2020**

Expenditure	Fiscal Year 2019-20			
	Budget	Transfers	June	Percent
<b><u>GENERAL GOVERNMENT</u></b>				
Town Council				
Personnel Services	11,100	-	10,188	91.78%
Contractual Services	34,100	-	21,198	62.17%
Materials and Supplies	1,000	-	615	61.46%
Total	<u>\$46,200</u>	<u>\$0</u>	<u>\$32,000</u>	<u>69.27%</u>
Town Manager				
Personnel Services	263,300	-	237,075	90.04%
Contractual Services	27,300	-	26,003	95.25%
Materials and Supplies	2,500	-	2,031	81.23%
Total	<u>\$293,100</u>	<u>\$0</u>	<u>\$265,109</u>	<u>90.45%</u>
Legal Services				
Contractual Services	79,200	-	101,933	128.70%
Total	<u>\$79,200</u>	<u>\$0</u>	<u>\$101,933</u>	<u>128.70%</u>
Town Clerk				
Personnel Services	156,940	1,600	154,946	97.73%
Contractual Services	30,100	-	23,698	78.73%
Materials and Supplies	1,800	-	2,198	122.10%
Total	<u>\$188,840</u>	<u>\$1,600</u>	<u>\$180,841</u>	<u>94.96%</u>
Finance				
Personnel Services	231,840	2,490	231,816	98.93%
Contractual Services	54,650	-	52,122	95.37%
Materials and Supplies	1,700	-	1,171	68.88%
Total	<u>\$288,190</u>	<u>\$2,490</u>	<u>\$285,109</u>	<u>98.08%</u>
Assessor				
Personnel Services	173,455	1,100	172,939	99.07%
Contractual Services	7,560	-	4,368	57.78%
Materials and Supplies	1,500	-	938	62.54%
Total	<u>\$182,515</u>	<u>\$1,100</u>	<u>\$178,245</u>	<u>97.08%</u>
Revenue Collection				
Personnel Services	188,140	1,650	185,024	97.49%
Contractual Services	35,500	-	32,351	91.13%
Materials and Supplies	2,300	-	1,673	72.73%
Total	<u>\$225,940</u>	<u>\$1,650</u>	<u>\$219,048</u>	<u>96.25%</u>
Registration/Elections				
Personnel Services	56,065	-	25,389	45.28%
Contractual Services	16,450	-	11,660	70.88%
Materials and Supplies	500	-	349	69.83%
Total	<u>\$73,015</u>	<u>\$0</u>	<u>\$37,397</u>	<u>51.22%</u>

**TOWN OF KILLINGLY**  
**Estimated Expenditure Summary**  
**Monthly Report Through June, 2020**

Fiscal Year  
2019-20

Expenditure	Budget	Transfers	June	Percent
Town Comm. & Service Agencies				
Contractual Services	72,214	-	64,192	88.89%
Total	\$72,214	\$0	\$64,192	88.89%
Planning and Development				
Personnel Services	237,275	5,760	234,511	96.49%
Contractual Services	6,210	-	4,125	66.42%
Materials and Supplies	1,100	-	1,001	91.03%
Total	\$244,585	\$5,760	\$239,637	95.72%
Information Technology				
Contractual Services	193,000	-	174,076	90.20%
Total	\$193,000	\$0	\$174,076	90.20%
Town Hall Building				
Personnel Services	0	5,400	6,324	117.10%
Contractual Services	86,880	(5,400)	68,704	84.32%
Materials and Supplies	2,700	-	3,652	135.26%
Capital Outlay	11,006	-	11,006	100.00%
Total	\$100,586	\$0	\$89,686	89.16%
Economic Development				
Personnel Services	129,205	1,695	128,589	98.23%
Contractual Services	7,700	-	5,696	73.97%
Materials and Supplies	500	-	231	46.17%
Total	\$137,405	\$1,695	\$134,516	96.70%
Highway Division Supervision				
Personnel Services	222,910	-	183,659	82.39%
Contractual Services	11,000	-	6,796	61.79%
Materials and Supplies	750	-	663	88.41%
Capital Outlay	7,313	-	7,313	100.00%
Total	\$241,973	\$0	\$198,432	82.01%
Engineering				
Personnel Services	332,510	3,435	268,832	80.02%
Contractual Services	16,000	-	3,001	18.76%
Materials and Supplies	8,700	-	7,652	87.95%
Capital Outlay	11,074	-	11,074	100.00%
Total	\$368,284	\$3,435	\$290,558	78.17%
Central Garage				
Personnel Services	225,470	-	214,803	95.27%
Contractual Services	126,700	-	82,190	64.87%
Materials and Supplies	286,000	-	232,163	81.18%
Capital Outlay	6,067	-	6,067	100.00%
Total	\$644,237	\$0	\$535,224	83.08%
Highway Maintenance				
Personnel Services	821,000	-	725,501	88.37%
Contractual Services	54,250	-	45,305	83.51%
Materials and Supplies	316,000	-	310,556	98.28%
Capital Outlay	331,738	-	331,738	100.00%
Total	\$1,522,988	\$0	\$1,413,100	92.78%

**TOWN OF KILLINGLY**  
**Estimated Expenditure Summary**  
**Monthly Report Through June, 2020**

Fiscal Year  
2019-20

Expenditure	Budget	Transfers	June	Percent
Highway Winter Maintenance				
Personnel Services	115,000	-	44,418	38.62%
Contractual Services	9,000	-	7,775	86.39%
Materials and Supplies	294,500	-	291,954	99.14%
Total	\$418,500	\$0	\$344,146	82.23%
Recreation Admin. & Program				
Personnel Services	387,710	4,700	356,619	90.88%
Contractual Services	52,500	-	42,119	80.23%
Materials and Supplies	20,750	-	11,308	54.50%
Capital Outlay	3,053	-	3,053	100.00%
Total	\$464,013	\$4,700	\$413,099	88.13%
Parks and Grounds				
Personnel Services	158,675	2,425	147,623	91.63%
Contractual Services	54,620	-	46,047	84.30%
Materials and Supplies	42,900	-	33,213	77.42%
Capital Outlay	17,713	-	17,713	100.00%
Total	\$273,908	\$2,425	\$244,596	88.51%
Public Library				
Personnel Services	411,368	9,330	398,364	94.69%
Contractual Services	141,850	(7,800)	123,824	92.37%
Materials and Supplies	10,750	-	12,010	111.72%
Capital Outlay	2,301	-	2,301	0.00%
Total	\$566,269	\$1,530	\$536,499	94.49%
Civic & & Cultural Activities				
Contractual Services	3,500	-	-	0.00%
Total	\$3,500	\$0	\$0	0.00%
Community Center				
Personnel Services	17,500	-	15,932	91.04%
Contractual Services	78,000	-	61,737	79.15%
Materials and Supplies	9,000	-	6,994	77.71%
Total	\$104,500	\$0	\$84,664	81.02%
Other Town Buildings				
Contractual Services	15,080	-	13,094	86.83%
Materials and Supplies	750	-	670	89.27%
Total	\$15,830	\$0	\$13,764	86.95%
Building Safety & Inspections				
Personnel Services	258,160	3,000	246,911	94.54%
Contractual Services	6,350	-	4,971	78.29%
Materials and Supplies	1,950	-	1,248	63.99%
Capital Outlay	13,924	-	12,916	92.76%
Total	\$280,384	\$3,000	266,045	93.88%
Animal Control				
Contractual Services	54,092	-	54,092	100.00%
Materials and Supplies	60	-	57	95.00%
Total	\$54,152	\$0	54,149	99.99%

**TOWN OF KILLINGLY**  
**Estimated Expenditure Summary**  
**Monthly Report Through June, 2020**

Expenditure	Fiscal Year 2019-20			
	Budget	Transfers	June	Percent
Law Enforcement				
Personnel Services	334,500	-	210,918	63.05%
Contractual Services	711,610	-	636,203	89.40%
Materials and Supplies	13,000	-	10,808	83.14%
Capital Outlay	25,500	-	11,000	0.00%
Total	<u>\$1,084,610</u>	<u>\$0</u>	<u>\$868,929</u>	<u>80.11%</u>
Community Development				
Personnel Services	163,270	1,435	143,548	87.15%
Contractual Services	11,450	12,000	16,673	71.10%
Materials and Supplies	1,150	-	406	35.26%
Total	<u>\$175,870</u>	<u>\$13,435</u>	<u>\$160,627</u>	<u>84.85%</u>
Human Service Subsidies				
Contractual Services	469,173	5,000	454,718	95.90%
Total	<u>\$469,173</u>	<u>\$5,000</u>	<u>\$454,718</u>	<u>95.90%</u>
Employee Benefits				
Contractual Services	1,592,850	-	1,471,003	92.35%
Total	<u>\$1,592,850</u>	<u>\$0</u>	<u>\$1,471,003</u>	<u>92.35%</u>
Insurance				
Contractual Services	725,000	-	664,191	91.61%
Total	<u>\$725,000</u>	<u>\$0</u>	<u>\$664,191</u>	<u>91.61%</u>
Special Reserves & Programs				
Contractual Services	352,000	(47,820)	251,265	82.60%
Total	<u>\$352,000</u>	<u>(\$47,820)</u>	<u>\$251,265</u>	<u>82.60%</u>
<b>General Town Operating Expenditures</b>	<b>\$11,482,831</b>	<b>\$0</b>	<b>\$10,266,799</b>	<b>89.41%</b>
Debt Service				
Total	<u>3,508,900</u>	<u>-</u>	<u>3,243,295</u>	<u>92.43%</u>
	<u>\$3,508,900</u>	<u>\$0</u>	<u>\$3,243,295</u>	<u>92.43%</u>
Solid Waste Disposal Fund Subsidy	<u>321,191</u>	<u>-</u>	<u>321,191</u>	<u>100.00%</u>
	<u>321,191</u>	<u>\$0</u>	<u>\$321,191</u>	<u>100.00%</u>
Due To CNR Education	<u>291,978</u>	<u>-</u>	<u>291,978</u>	<u>100.00%</u>
	<u>291,978</u>	<u>\$0</u>	<u>\$291,978</u>	<u>100.00%</u>
Teachers Retirement	<u>98,333</u>	<u>-</u>	<u>-</u>	<u>0.00%</u>
	<u>98,333</u>	<u>\$0</u>	<u>\$0</u>	<u>0.00%</u>
<b>TOTAL OPERATIONS &amp; DEBT SERVICE</b>	<b>\$15,703,233</b>	<b>\$0</b>	<b>\$14,123,263</b>	<b>89.94%</b>
General Fund - Education	<u>44,047,273</u>	<u>-</u>	<u>37,804,286</u>	<u>85.83%</u>
	<u>44,047,273</u>	<u>\$0</u>	<u>\$37,804,286</u>	<u>85.83%</u>
<b>Total Expenditures</b>	<b><u>\$59,750,506</u></b>	<b><u>\$0</u></b>	<b><u>\$51,927,549</u></b>	<b><u>86.91%</u></b>

Town of Killingly  
Town Manager's Report  
July 14, 2020

1. Update – COVID-19

Governor Lamont's Update from July 6th at 6:00pm. For comparison, I've also included the data from last month's report of June 1<sup>st</sup> at 7pm. A county-by-county breakdown includes:

County	COVID-19 Cases		COVID-19 Deaths		COVID-19 Hospitalizations
	Confirmed	Probable	Confirmed	Probable	
Fairfield County	16,186	637	1,071	306	25
Hartford County	11,115	679	1,064	316	24
Litchfield County	1,440	64	117	20	1
Middlesex County	1,261	60	147	39	3
New Haven County	12,072	390	928	150	14
New London County	1,234	62	76	26	1
Tolland County	856	69	50	14	0
Windham County	617	7	13	1	1
<i>Pending address validation</i>	216	11	0	0	0
<b>Total</b>	<b>44,997</b>	<b>1,979</b>	<b>3,466</b>	<b>872</b>	<b>69</b>

June 1 <sup>st</sup> at 7pm County	COVID-19 Cases		COVID-19 Deaths		COVID-19 Hospitalizations
	Confirmed	Probable	Confirmed	Probable	
Fairfield County	15,003	706	990	298	157
Hartford County	9,752	693	944	310	100
Litchfield County	1,333	67	114	22	4
Middlesex County	1,084	59	117	36	21
New Haven County	11,088	391	822	151	160
New London County	1,033	58	66	23	9
Tolland County	768	77	45	13	2
Windham County	376	12	12	1	1
<i>Pending address validation</i>	233	7	0	0	0
<b>Total</b>	<b>40,670</b>	<b>2,070</b>	<b>3,110</b>	<b>854</b>	<b>454</b>

Public hours of the Town Hall will be expanded on Monday 7/13 to be as follows:

Monday, Wednesday & Thursday – 9am – 4pm  
Tuesday – 9am – 5pm  
Friday – 9am – 11am



Below is a summary of the additional costs the Town has incurred directly related to COVID-19:

**COVID-19 Summary Expenses**  
**As of June 30, 2020**

Cleaning Supplies	\$ 936.28
PPE Supplies	742.34
Covid Signage for Buildings	86.00
Equipment- Emergency Management	2,163.00
Library Curbside Pickup Equipment	1,047.97
Sneeze Guard/Plexiglass Dividers	4,032.33
Virtual Meeting- Hosting fees	363.94
Concrete Barriers/Tables- Killingly Business Support	2,182.31
Contract Liquidation - unused Diesel fuel	28,809.35
	\$ 40,363.52

The Town has incurred \$11,554.17 in direct costs for supplies in response to the pandemic. The Contract Liquidation cost of \$28,809.35 is resulting from the reduced usage of diesel fuel from all our fleets. The Town contracts annual for a set number of gallons of fuel for a locked price. This contract requires the Town to receive the full contracted number of gallons by June 30<sup>th</sup> each year. Typically, we have no issue receiving the contracted gallons. However, since the school closed in March and the Highway department reduced to half staff each day, the Town collectively had a significant reduction in fuel consumption. Our fuel vendor has worked with the Town to reduce the total liquidation costs. Originally the contract liquidation costs were estimated to be over \$42,000.

All the above outlined costs are anticipated to be reimbursable from FEMA. The Finance Director is working on the application submittals. Typically, the FEMA reimbursement process can take an average of 8 to 10 months from submission.

**2. Executive Order No. 8 – Local Impact**

Governor Lamont issued Executive Order No 8 (attached) regarding Police Use of Force and Accountability. In this order there are several directives to the CT State Police. I wanted to take a moment to outline how this order impacts Killingly's law enforcement staff. As you are all aware, the Killingly Constable program is overseen by the CT Resident State Trooper program. Therefore, the standard operating procedures they perform under are those issued by the CT State Police. All their work product is property of the CT State Police. Therefore, any revisions or directives changing those operating procedures apply to our Constables as well. That being said, most of the directives given in the executive order are all procedures used daily by our officers. Our officers approach all interactions with the intent to de-escalate and defuse the situation. They exhaust every alternative prior to having to proceed with an arrest. When they are required to make an arrest, they do so in a way that requires the least amount of physical contact as possible. Our officers are community minded and want to build a relationship with our residents and businesses. Item 3 in the Executive Order is exactly the focus our constables have in their day to day interactions.

The Town of Killingly does not purchase/acquire military and military style equipment from the federal government. As for the use of cameras, our officers and vehicles are not currently outfitted with this technology. As with our officer's work product, any data recorded by such devices would be CT State Police property. Therefore, I will be communicating with the State Police on how this portion of the order will be

rolled out. Killingly may be required to purchase the hardware prescribed by the State so that it will interface with their systems. However, this will require communication and coordination of the technology.

3. Personnel

Congratulations are in order for Jonathan Blake and Marina Capraro. Both have successfully completed the Municipal Inland Wetlands Agency Comprehensive Training program. This program fulfills the statutory requirements for duly authorized agents.

The Assessor position has been advertised. We will be accepting applications through the month of July. We are interviewing for the Engineering Technician position. The Constable positions have been posted and we are receiving applications.

4. Owen Bell Park – Playscape area project

At the February 11, 2020 Town Council meeting the Council approved the project to resurface the Owen Bell Park playground area utilizing LoCIP funds. The Town issued the RFP for the project in April and received bids in early May. ForeverLawn Southwest LLC was awarded the contract. The Town began replacing the deteriorated rubberized ground surfacing around the boundless playground. The DPW crews removed the existing surface and regraded in preparation for the installation of the turf product. The picture below is of our DPW crew during the demolition process. ForeverLawn began the installation of the new surface on July 6<sup>th</sup>. We anticipate the project will be completed by the end of July. Due to the close proximity of the playground area, the splash pad is closed at this time. We will reopen the splash pad once construction is completed.

5. Deferment Program Update

The Revenue office has received 14 deferment program applications of which 4 are from businesses. Applications can be submitted until July 31<sup>st</sup>. The taxes become due in full on October 1<sup>st</sup>. The program forgives the interest on the deferred taxes.

6. Office space at Town Hall

As identified in the walk through of the Town Hall, the law enforcement office is quite cramped. We have several officers sharing desks, computers and equipment. While, they do not spend long hours in the office, they do perform much of their administrative and report work at their desks. With the addition of more staff in the coming year and the impacts of COVID-19, I've been evaluating their office space and configuration. There are a few modifications we can make with the available space in the alcove to make some much need improvements to this arrangement. Utilizing some remaining funds in Contingency from fiscal year 19/20, I'm looking to have the alcove area enclosed into the law enforcement office space. We would also remove one section of wall within the existing space to allow for a better configuration of desks. The alcove has traditionally been used as an overflow space for various meetings that occur in the Town Meeting room. Most recently, we have been using Room 204 which is located directly behind the Town Meeting room. I will move the TV to the hallway space so that the public can view the meeting from the seats in the hall. This renovation is anticipated to cost around \$6,000. Town staff will be performing the majority of the construction work and will be reutilizing the doors for the new space. This renovation will allow for more appropriate desk and workspace for our officers and mitigate the possibility of transmission due to shared use of equipment/desks. I anticipate this project to begin over the next few weeks and completed by late summer.

7. Economic Development

Putnam Plastics Corporation will be breaking ground within the next 2-3 weeks on a roughly 50,000 sq ft expansion. They currently have 21 open positions and will be adding another 150-250 employees over the next couple of years.

8. HEARTSafe Community

The Town had achieved the certification as a HEARTSafe Community several years ago. Our certification was due for renewal. Several staff members (Becky Ducat and Judy LaRoche) jumped in to complete our recertification application. The process requires the Town to demonstrate an effort to promote and support CPR training, public access to AED's, CPR and AED trained individuals and education on advanced care and health interventions. Our renewal application was approved. The Town will be receiving the formal certification in the coming weeks.

9. KMS Modular Classroom Replacement/Addition Project

Community Development Director, Mary Bromm, has been working closely with Board of Education staff to complete the School Construction grant application. The Board of Education approved the Education Specs and the Town Council completed the required authorization approvals. The Superintendent submitted the application to the State of Connecticut on June 30<sup>th</sup>. The State confirmed receipt of the submission.

The Permanent Building Commission issued a request for qualifications for architectural firms. They received 9 responses. At the Permanent Building Commission meeting of July 1<sup>st</sup>, they selected four firms to request cost proposals from and to interview. Interviews will be conducted at the end of July. Final selection will be determined in August.

10. Meetings Attended

I have been regularly attending the weekly emergency response conferences for the following groups:

Governor's Update

State Department of Health

Local Department of Health

Region 4 Department of Homeland Security and Emergency Management

Law Enforcement

## Town of Killingly

### EVALUATION OF THE TOWN MANAGER

#### **Purpose:**

The purpose of this evaluation form is to provide the Town Council members an opportunity to:

1. Review the Town Manager's performance;
2. Clarify and set performance standards;
3. Afford all parties the opportunity to discuss areas of mutual concern and interest; and
4. Set goals and objectives for the future.

#### **Instructions:**

1. Read the rating descriptions carefully.
2. Place a check in the numbered box below which most closely approximates the Manager's performance, in your estimation.
3. Add any comments you may wish to make in the space provided.
4. Complete the General Comment Sheet.

#### **Rating Descriptions:**

- |                       |                        |                          |              |                    |
|-----------------------|------------------------|--------------------------|--------------|--------------------|
| (1) Needs Improvement | (2) Meets Expectations | (3) Exceeds Expectations | (4) Superior | (U) Unable to Rate |
|-----------------------|------------------------|--------------------------|--------------|--------------------|

	1	2	3	4	U	COMMENTS
<b>A. RELATIONSHIP WITH THE COUNCIL</b>						
1. Keeps the Council informed of issues, needs and operations of the Town.						
2. Offers professional advice to the Council on items requiring action, with appropriate recommendations.						
3. Interprets and executes the intent of Council policy.						
4. Supports Town Council policy to the public and staff.						
5. Seeks and accepts input relative to her work.						
6. Provides data and materials requested by the Council in a timely and efficient manner.						
7. Understands the Manager's role in the administration of Council policy.						
8. Accepts responsibility for maintaining liaison between the Council and Town staff, working toward a high degree of mutual respect and understanding between the Council and staff.						

<b>B. COMMUNITY RELATIONS</b>						
1. Is available at the office and home to Council members, staff, the news media and community leaders to interpret Town programs and needs.						
2. Attempts to gain support from the community for Town needs.						
3. Is effective in dealings with the news media.						
4. Shows a genuine interest in the community and participates in community life and activities outside of Town Government.						
5. Works effectively with public and private agencies.						
6. Promotes public participation in Town activities.						
7. Effectively handles complaints from citizens.						
8. Answers correspondence and telephone calls promptly.						
9. Is viewed by the public as a person of integrity, ability and devotion to the Town.						

<b>C. LEADERSHIP</b>						
	1	2	3	4	U	COMMENTS
1. Develops and executes sound administrative procedures and practices.						
2. Implements Council adopted goals and objectives.						
3. Inspires others to perform at their highest professional standards.						
4. Recognizes opportunities for improvements and initiates action.						
5. Prepares, maintains and updates Council policies.						
6. Sets and maintains priorities.						
7. Demonstrates ability to make sound decisions.						
8. Demonstrates ability to work well with individuals and groups.						
9. Able to think and respond clearly when faced with an unexpected or disturbing situation.						
10. Exhibits good judgment, common sense and perception.						

<b>D. BUDGET AND FINANCE</b>						
1. Prepares a realistic budget for submission to the Council.						
2. Supervises operations to keep the Town operating within the confines established by the Council.						
3. Involves staff in budget preparations.						
4. Understands and keeps informed about the financial status of the Town in the region and state.						

E. PERSONAL CHARACTERISTICS					
	1	2	3	4	U
1. <b>Imagination:</b> Shows vision and originality in approaching problems and effectively creates solutions; able to visualize the implications of various alternatives.					
2. <b>Objectivity:</b> Is unemotional, unbiased and takes a rational and impersonal viewpoint based on facts and qualified opinions; able to divide personal feelings from those which would most effectively convey the Town's interest.					
3. <b>Drive:</b> Is energetic and willing to spend the time necessary to do a good job; has good initiative and is a self-starter.					
4. <b>Judgment/Decisiveness:</b> Reaches quality decisions in a timely fashion; exercises good judgment in making decisions and in her overall general conduct.					
5. <b>Attitude:</b> Is enthusiastic, cooperative and adaptable; has an enthusiastic professional and personal attitude toward the Town.					
6. <b>Integrity:</b> Fulfills responsibilities and duties ethically; is honest and forthright in professional and personal capacities and has a reputation in the community for honesty and integrity.					
7. <b>Self-Assurance:</b> Is self-assured of her abilities and able to be honest with herself and take constructive criticism; takes responsibility for her mistakes and is sufficiently confident to make decisions and take actions without undue supervision.					
8. <b>Productivity:</b> Can be depended upon for sustained and productive work; readily assumes responsibility; meets time constraints within her control.					
9. <b>Stress Management:</b> Responds well to stressful situations and able to resolve problems under strain and unpleasant conditions; tolerates conditions of uncertainty and adequately deals with the stress inherent in this position.					
10. <b>Initiative/Risk Taking:</b> Demonstrates initiative and is willing to take risks in the development of recommendations, ideas, plans and policies for the betterment of the community.					

## **General Comments**

What goals and objectives would you like to set for the Town Manager for this coming year? Any specific projects you would like to see considered? Any major changes in policy, budgets or organization you would like to discuss?

What accomplishments of the Town Manager have given you the greatest pride? What do you feel are her greatest strengths? What advice would you offer her for personal growth, improvement or development? Please be specific, particularly about any items you rated as "Needs Improvement".

July, 2020





Gregory Haddad  
Board Chair

Peter S. DeBiasi  
President/CEO

June 15, 2020

Town Manager Mary Calorio  
Town of Killingly  
Town Hall 172 Main Street  
Killingly, CT 06239

Dear Ms. Calorio, *Mary,*

Thank you very much for your support of the Northeast Cold Weather Shelter. The Town of Killingly's donation made certain that 33 individuals did not have to spend the night outside during the coldest months of the year.

The project also brought 17 volunteers and multiple towns and Nonprofit agencies together making this a true collaborative effort. In short we could not have done this without you. Included with this letter is a brief summary of the Shelter's success and some next steps. Our intention is to move this initiative into a more permanent position by securing the location and continuing to fundraise.

You are a valued partner in making the Northeast corner a safe and secure place to live. We look forward to your support and involvement moving forward.

Sincerely,

Peter S. DeBiasi  
President/CEO



Gregory Haddad  
Board Chair

Peter S. DeBiasi  
President/CEO

June 1, 2020

RE: **Cold-Weather Overnight Shelter** Summary, January - March 2020

Dear Friends:

This is a summary of the community's Cold-Weather Overnight Shelter (aka "No Freeze") project that was implemented in January, February and March with generous support from Towns, nonprofits, faith communities, businesses and concerned individuals services and relevant data. This effort literally saved lives and provided a pathway for some to find stable housing.

The Cold-Weather Overnight Shelter Project was a successful collaboration between many nonprofit organizations across CT's northeast corner. Access Community Action Agency was the lead and Shelter operator providing program coordination and supervision, volunteer recruitment and scheduling, paid staff, as well as financial and administrative support.

The Cold-Weather Overnight Shelter project's highlights are noted below:

❖ Nights of Operation:

- January 17, 2020 through March 31st, 2020
- Total nights of 74 nights of service

❖ Site/Location:

- St. Alban's Episcopal Church Parish House - 254 Broad St. Danielson, CT
- This site's location and facility were a great match for this project for many reasons, including its proximity to other services provided by Access Community Action Agency and partner organizations such as Generations Family Health Center.

❖ Number of People Served:

- Average: 5 guests per night
- Maximum guests sheltered in one overnight: 12
- Unduplicated guests sheltered: 33

❖ Donations/Volunteers:

- Cots, bedding, snacks and personal care products were donated by a variety of organizations including the United Way of Central & NE CT
- Significant labor costs by D.H. Copeland Builders for required renovation work

- Funding from:
  - Town of Killingly
  - Town of Putnam
  - Town of Brooklyn.
  - TEEG
  - Putnam Interfaith Ministries
  - Local Businesses, Faith Communities and Foundations
- Other Key Partners:
  - The Episcopal Church in CT
  - Trinity Episcopal Church, Brooklyn
  - Killingly Public Schools
- Volunteer Staff: 17 Volunteers, each of whom worked two evenings per month for a total of 187 hours.
- ❖ Next Steps: "An Encore" - Planning is underway for what to do next winter...

This project has truly been an example of what can be accomplished when good people come together to address an important community need. What a great tribute to the community that is Northeast Connecticut.

Sincerely,

*The Cold-Weather Overnight Shelter Task Force*

### **Northeast Overnight Cold-Weather Shelter Provided**

**January 17 - March 31, 2020**

#### *Data Summary*

	<b>St. Alban's Parish House Broad St., Danielson</b>	<b>Access Emergency Shelter* Reynolds St., Danielson</b>
<b>Operating Schedule</b>	Individuals: 8:00 pm - 8:00 am	Families: 8:00 pm - 8:00 am
<b># of Nights</b>	74	74
<b># Sheltered (unduplicated)</b>	33	2 Families: 3 Adults, 4 Children
<b>Aver. Guests per Night</b>	5	3.5
<b>Total Bed Nights</b>	341	172
<b># of Volunteers</b>	17	NA
<b># of Volunteer Hours</b>	187	
<b>Volunteers' Aver. Time Donated</b>	Hours: 11 Evenings/Shifts: 4	

\*During 3 days and two nights in December when *Severe Weather Protocol* was in place, 4 adults were sheltered for a total of 6 nights (24 bed nights)

*July Council*

## AGENDA ITEM COVER SHEET

**ITEM:**       **Consideration and Action on a Resolution to reschedule a Public Hearing for August 11, 2020 on an ordinance Authorizing a transfer of up to \$436,849 to the established Unexpended Education Funds account**

**ITEM SUBMITTED BY:**

Mary T. Calorio, Town Manager

**FOR COUNCIL MEETING OF:**

July 14, 2020

**TOWN MANAGER APPROVAL:**



**ITEM SUMMARY:**

The item was introduced to the Town Council at the March 10, 2020 regular Town Council meeting. At which time, the Council scheduled the public hearing and special Town Meeting for April 14<sup>th</sup>. Due to the Governor's Executive Orders related to COVID19, this public hearing and special town meeting was cancelled. Governor's Executive Order 7CC expanded the applicability of Executive Order 7S to permit the municipality's legislative body be authorized to "approve the transfer of funds to or from capital or reserve accounts". The Town will need to take action on this item to allow finance to close the books and record any transfers in preparation of the audit. Please be aware – this request is for unexpended funds from the fiscal year ended June 30, 2019.

In accordance with a memorandum dated October 4, 2016 and amended on May 14, 2019 regarding the management of the Unexpended Education funds account, the Board of Education is requesting that the Town Council authorize to transfer an amount of up to \$436,849 of the anticipated surplus from the fiscal year 2018-2019 to the established Unexpended Education Funds account.

**FINANCIAL SUMMARY:**

\$436,849 anticipated surplus from 2018-2019 fiscal year to the established Unexpended Education Funds account. This will bring the Non-Lapsing Fund balance to \$1,392,846. The Board of Education total surplus for fiscal year 2018-2019 was \$765,275. The remaining surplus of \$328,426 has been returned to the General Fund Balance of the Town.

**STAFF RECOMMENDATION:**

Approval of the Resolution

**TOWN ATTORNEY REVIEW:**

N/A

**COUNCIL ACTION DESIRED:**

Action on the Resolution

**SUPPORTING MATERIALS:**

- Resolution
- Memorandum from BoE
- Executive Order 7CC

Resolution #20-

**RESOLUTION TO RESCHEDULE A PUBLIC HEARING FOR AUGUST 11, 2020 ON AN ORDINANCE AUTHORIZING A TRANSFER OF UP TO \$436,849 TO THE ESTABLISHED UNEXPENDED EDUCATION FUNDS ACCOUNT**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the following ordinance be rescheduled for a public hearing on Tuesday, August 11, 2020 at 7:00 p.m. The public hearing will be held virtually on WebEx. Call information will be posted on the Town's website at [www.killinglyct.gov](http://www.killinglyct.gov):

**AN ORDINANCE AUTHORIZING A TRANSFER OF UP TO \$436,849 TO THE ESTABLISHED UNEXPENDED EDUCATION FUNDS ACCOUNT**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that a transfer of up to \$436,849 for the fiscal year July 1, 2018 to June 30, 2019 be transferred to the established Unexpended Education Funds account.

BE IT FURTHER ORDAINED that said transfer be herein adopted in reliance on the provisions of the Executive Order 7CC and Executive Order 7S, without submission to voters at Special Town Meeting, is necessary to permit the orderly operation of the Town of Killingly and that there is a need to act immediately and during the duration of the public health and civil preparedness emergency in order to avoid endangering public health and welfare, prevent significant financial loss, and that action is otherwise necessary for the protection of persons and property within the municipality, and

BE IT FURTHER ORDAINED that the source of said transfer shall be up to \$436,849 from the 2018-2019 fiscal year Board of Education surplus be transferred to the established Unexpended Education Funds account.

KILLINGLY TOWN COUNCIL

Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 14<sup>th</sup> day of July 2020

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that the above is a true and correct copy of a resolution adopted by the Killingly Town Council at its duly called and held meeting on July 14, 2020, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect. I further certify that Mary T. Calorio now holds the office of Town Manager and that she has held that office since March 11, 2019.

\_\_\_\_\_  
Elizabeth Wilson, Town Clerk

\_\_\_\_\_  
Date

# Killingly Board of Education

79 Westfield Ave., PO Box 210, Killingly, Connecticut 06239 (860) 779-6600 FAX (860) 779-3798



July 25, 2019

Mr. Jonathan Cesolini, Chairman  
Killingly Town Council  
Town of Killingly, CT

Dear Mr. Cesolini:

In accordance with the Memorandum of Understanding dated May 22, 2019 regarding the management of the Unexpended Education Funds account, the Board of Education is requesting that the Town Council authorize to transfer in an amount of \$436,849 of the anticipated surplus from fiscal year 2018-2019 to the established Unexpended Education Funds account. If approved, the requested amount will not exceed the total accumulation of funds that is subject to a cap of one million seven hundred fifty thousand dollars (\$1,750,000).

The requested amount does not exceed the statutory limitation of 1% of the prior fiscal year budget appropriation of \$43,684,951 or \$436,849. It also does not exceed the Board of Education's anticipated surplus for 2018-2019, which will be confirmed upon audit.

Please feel free to contact me with any questions.

Sincerely,

  
John Burns, Chairperson  
Killingly Board of Education

cc: Steven Rioux, Superintendent of Schools  
Mary Calorio, Killingly Town Manager  
Jennifer Hawkins, Town of Killingly, Director of Finance  
Christine Clark, Killingly Public Schools, Manager of Business Affairs

**STATE OF CONNECTICUT**

**BY HIS EXCELLENCY**

**NED LAMONT**

**EXECUTIVE ORDER NO. 7CC**

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC  
AND RESPONSE – MUNICIPAL FISCAL AUTHORITY, BENEFITS PROTECTION,  
ACCESS TO COURTS WITHOUT CERTAIN IN-PERSON ACTIONS**

**WHEREAS**, on March 10, 2020, I issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

**WHEREAS**, pursuant to such declaration, I have issued twenty-nine (29) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic; and

**WHEREAS**, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

**WHEREAS**, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

**WHEREAS**, the risk of severe illness and death from COVID-19 is higher for individuals who are 60 or older and for those who have chronic health conditions; and

**WHEREAS**, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

**WHEREAS**, certain municipal charters, ordinances or resolutions require critical and time-sensitive town decisions necessary for the fiscal and public health and welfare of a municipality to be voted on in-person by referendum or town meeting, which increases the risk of transmission of COVID-19; and

**WHEREAS**, Executive Order 7S, Section 7, required municipal legislative bodies or boards of selectmen to authorize such municipalities' budget-making authorities to approve certain financial transactions, expenditures, or decisions, without the normally required in-person vote of residents or taxpayers; and

**WHEREAS**, certain additional essential and time-critical actions by municipalities may be required in order to maintain continuity of contracts, preserve the rights of municipalities and taxpayers, or safeguard the public welfare before it may be deemed safe to conduct widespread in-person authorization votes by residents or taxpayers; and

**WHEREAS**, Executive Order No. 7S, Section 11, provided an extension of certain time frames for holders of certain property interests related to non-judicial tax sales, describing such time frames in calendar days rather than numbers of months, and such time frames should be calculated in whole months; and

**WHEREAS**, counting federal stimulus payments as income or resources in determining eligibility for state-funded benefits and services during the current public health and civil preparedness emergency could harm the health and welfare of state residents by causing them to lose vital state-funded services, including healthcare and residential home care services, and could cause economic harm to the state's neediest residents by eliminating their basic assistance payments, which will make it more difficult for such residents to adhere to social distancing measures needed to slow the spread of COVID-19; and

**WHEREAS**, in consultation with the Chief Court Administrator on behalf of the Chief Justice of the Supreme Court and the Judicial Branch, I have determined that there exists a compelling state interest that courts conduct only essential business in order to minimize the spread of COVID-19; and

**WHEREAS**, in order to allow the efficient conduct of Court business and provide maximum access to the judicial system, the Judicial Branch has recommended procedures for conducting certain court business using alternatives to in-person presence; and

**WHEREAS**, the Secretary of the U.S. Department of Health and Human Services has concluded that, because of the COVID-19 public health emergency, patients who would ordinarily be able to choose to receive all care from in-network healthcare providers may no longer be able to receive such care only in-network; and

**WHEREAS**, the federal government has protected such patients by requiring that health care providers who receive a payment from the CARES Act Provider Relief Fund agree to charge patients for all care related to a possible or actual case of COVID-19 no more than what the patient would have otherwise been required to pay if the care had been provided by an in-network health care provider;

**NOW, THEREFORE, I, NED LAMONT**, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Applicability of Executive Order 7S, Section 7 to Additional Critical and Time-Sensitive Municipal Fiscal Actions.** Executive Order No. 7S, Section 7, permitting a municipality's legislative body and budget-making authority to authorize certain



actions enumerated therein, by a majority vote of each such body, is amended to additionally include among the actions which such bodies may authorize by a majority vote of each such body: (i) the application for or acceptance of any grants, funding, or gifts; (ii) approval of collective bargaining agreements and legal settlements; (iii) the transfer of funds to or from capital or reserve accounts, (iv) the investment of funds pertaining to pensions, trusts, retirement programs or other post-employment benefit funds; or (v) any financial actions required by (a) a contract or agreement or (b) a court order or consent decree that require approval, provided that such legislative body (or board of selectmen, where applicable) and budget-making authority have each approved such action and have made specific findings that such action is necessary to permit the orderly operation of the municipality and that there is a need to act immediately during the public health and civil preparedness emergency in order to avoid endangering public health and welfare, prevent significant financial loss, or that action is otherwise necessary for the protection of persons and property within the municipality.

2. **Clarification of Time Periods Regarding Suspension and Modification of Non-Judicial Tax Sales Pursuant to Executive Order No. 7S, Section 11.** Because interest on redemptions pursuant to Section 12-157(f) of the Connecticut General Statutes is calculated by the month, not by the day, Executive Order No. 7S, Section 11, subsection (2) is amended to provide that for any sales held pursuant to Section 12-157 or Section 7-258 that were conducted prior to March 10, 2020, any six-month redemption period in General Statutes Section 12-157 which had not yet expired as of April 2, 2020 shall be extended by the number of whole months that is nearest to the duration of the public health and civil preparedness emergency, including any period of renewal of such public health and civil preparedness emergency.
3. **Exclusion of Federal Stimulus Payments in Evaluating Eligibility for State or Local Programs Financed in Whole or in Part Using State Funds.** Section 1-141 (a) of the Connecticut General Statutes is modified to provide that individual stimulus payments made pursuant to Section 2201 of Public Law 116-136 (“Coronavirus Aid, Relief, and Economic Security Act” or “CARES Act”) shall not be counted as income or resources when determining eligibility for, or the amount of, benefits or services funded in whole or in part with state funds. Such exclusion shall apply to any such stimulus payment made or originally applied for the duration, including any period of renewal, of the public health and civil preparedness emergency.
4. **Alternative to Physical Presence in Court for Finding of Irretrievable Breakdown of Marriage.** Any requirement in Section 46b-51 of the Connecticut General Statutes requiring the physical presence in court of a party to a dissolution or legal separation prior to a finding that a marriage has broken down irretrievably is modified to permit the Court to accept not-in-person testimony from such parties sufficient to make such finding. Such testimony may take the form of, but is not

limited to, an affidavit made under oath stating that the marriage has broken down irretrievably. In cases where the parties have submitted an agreement as described in Section 46b-51(a)(2) of the Connecticut General Statutes, the Court may also accept such not-in-person testimony from the parties as the basis for making any other jurisdictional and factual findings that the court deems necessary or appropriate in order to enter a judgment of dissolution of marriage, without necessity of the physical presence in court of either party. Such waiver shall not be permitted in any case where a restraining order, issued pursuant to Section 46b-15, or a protective order, issued pursuant to Section 46b-38c, between the parties is in effect or an application for such an order is pending before the Court.

5. **Alternative to In-Person Waiver of Right to File Motion or Petition for Educational Support.** Any requirement contained in Section 46b-56c (b) (1) that a parent must be present in court for the Court to make findings sufficient to accept the parent's waiver of the right to file a motion or petition for educational support is modified to provide that such a waiver may be accepted upon submission of proof deemed sufficient by the Court that the parent fully understands the consequences of such waiver. Such modification shall not apply to any case where a restraining order, issued pursuant to Section 46b-15, or a protective order, issued pursuant to Section 46b-38c, between the parties is in effect or an application for such an order is pending before the Court.
6. **Alternative to Physical Appearance of Petitioner Regarding Decree of Dissolution After Entry of Decree of Legal Separation.** The requirement in Section 46b-65 (b) of the Connecticut General Statutes of the presence of the party seeking a decree dissolving a marriage at the time of the entry of such decree is modified to permit the Court to make such entry without requiring the presence of the party, except that in any case where a restraining order, issued pursuant to Section 46b-15, or a protective order, issued pursuant to Section 46b-38c, between the parties is in effect or an application for such an order is pending before the court, the presence of the party shall be required.
7. **Alternative to In Court Canvass Prior to Entrance of Final Agreement.** The requirement in Section 46b-66 (a) of the Connecticut General Statutes that the Court shall inquire into the financial resources and actual needs of the spouses and their respective fitness to have physical custody of or rights of visitation with any minor child prior to entry of a final order of dissolution or approval of a final agreement is modified to permit the Court to satisfy the inquiry requirement by accepting the submission of affidavits made under oath containing statements by the parties in a form and manner prescribed by the Court, provided such statements shall address each element of the court's inquiry as described in said section. Such modification shall not apply to any case where a restraining order, issued pursuant to Section 46b-

15, or a protective order, issued pursuant to Section 46b-38c, between the parties is in effect or an application for such an order is pending before the Court.

**8. Alternative to Physical Presence When Findings on the Record Required.**

Whenever applicable law requires the court to make a specific finding on the record in a proceeding specified in Chapter 815j, 815y or 816 of the Connecticut General Statutes, that requirement is satisfied if the Court's written judgment, order or memorandum of decision includes such finding except in any case where a restraining order, issued pursuant to Section 46b-15, or a protective order, issued pursuant to Section 46b-38c, between the parties is in effect or an application for such an order is pending before the Court.

**9. Revised Financial Protections for People Covered by Insurance Who Receive Out-of-Network Health Care Services During the Public Health Emergency.**

Sections 2(a) and 2(b) of Executive Order No. 7U are hereby repealed in their entirety. Such repeal shall be retroactive to the effective date of those respective Sections.

Unless otherwise specified herein, this order shall take effect immediately and remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified, extended or terminated.

Dated at Hartford, Connecticut, this 21<sup>st</sup> day of April, 2020.



Ned Lamont  
Governor

By His Excellency's Command



Denise W. Merrill  
Secretary of the State

