

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>***

**Art. I. In General**

**Art. II. Officers and Employees**

~~Division 1 — Generally~~

~~Division 2 — Social Security~~

**Art. III. Killingly Agriculture Commission and Right to Farm**

**Art. IV. Conservation Commission**

**Art. V. Economic Development Commission**

**Art. VI. Historic District Commission**

**Art. VII. Housing Authority**

**Art. VIII. Inland Wetlands and Watercourses Commission**

**Art. IX. Permanent Commission on Public Buildings**

**Art. X. Planning and Zoning Commission**

**Art. XI. Public Safety Commission**

**Art. XII. Board of Recreation**

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<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-~~131~~10 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-~~132~~11 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-~~133~~12 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-~~134~~13 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)

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<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)

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<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, §§ I – 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 ~~2-144~~ 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 ~~2-142~~ 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 ~~2-143~~ 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 ~~2-144~~ 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 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 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~~

<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 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 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 ~~(21)~~ 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   | <del>\$200</del> <b>20%</b>                                      |
| <del>Equivalent tax dollars</del>                       |  |
| 3-5 Years Active Service as a Member in Good Standing   | <del>\$400</del> <b>40%</b> <del>Equivalent tax dollars</del>    |
| 6-10 Years Active Service as a Member in Good Standing  | <del>\$600</del> <b>60%</b> <del>Equivalent tax dollars</del>    |
| 11-15 Years Active Service as a Member in Good Standing | <del>\$800</del> <b>80%</b> <del>Equivalent tax dollars</del>    |
| 16+ Years Active Service as a Member in Good Standing   | <del>\$1,000</del> <b>100%</b> <del>Equivalent tax dollars</del> |

**~~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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