

Robert J. Park

TOWN COUNCIL MAJORITY OFFICE

2019 FEB -4 A 8:40

ORDINANCE COMMITTEE

TOWN CLERK
EAST HARTFORD

JANUARY 29, 2019

PRESENT Rich Kehoe, Chair; Councillors Linda Russo and Esther Clarke

ALSO Marcia Leclerc, Mayor

PRESENT Mike Walsh, Finance Director

Rich Gentile, Assistant Corporation Counsel

Susan Kniep, 50 Olde Roberts Street

Donald Sugalski, 1736 Main Street

Richard Bates, 103 Timber Trail

Timothy Siggia, 145 Arbutus Street

CALL TO ORDER

Chair Kehoe called the meeting to order at 5:56 p.m.

APPROVAL OF MINUTES

August 28, 2018 Meeting

MOTION By Linda Russo
seconded by Esther Clarke
to **approve** the August 28, 2018 meeting minutes.
Motion carried 3/0.

OPPORTUNITY FOR RESIDENTS TO SPEAK

Susan Kniep, 50 Olde Roberts Street, commented on the conflict of interest ordinance. Ms. Kniep posed questions regarding its application under certain circumstances. Chair Kehoe indicated that the point of the ordinance was to clarify that any town employee would have to recuse themselves if there was an enforcement or regulatory action that was taken by that person involving the person who is coming before that board or commission. Ms. Kniep recounted her experience regarding the Zoning Board of Appeals and Police Officer McElroy.

OLD BUSINESS

Boards and Commissions:

Conflict of Interest

The Chair explained that the January 27th draft of the "Boards and Commission Conflict of Interest; Inactive Boards/Commissions" ordinance was the result of a review of the Zoning

Board of Appeals (ZBA) ordinance which contained a flat prohibition against a town employee serving on the ZBA. He noted that similar adjudicatory commissions, such as the Planning & Zoning Commission, Inland/Wetlands Commission and the Board of Assessment Appeals did not have a similar prohibition. It was also thought that the prohibition on any town employee serving on the ZBA was overly broad and that any prohibition ought to be restricted to a specific conflict of interest, but then also be extended to all adjudicatory boards. The draft ordinance states that any town or board of education employee who has had either administrative or enforcement action with regard to a person coming before the adjudicatory board must recuse themselves from participating and voting on any matter involving such person.

The draft also eliminates a number of boards and commissions – many of which have not had members appointed in decades – including the Civilian Review Board, the Human Rights Commission and the Youth Council. The EMS Commission would also be eliminated as the need for the Commission and its fund-raising aspect is no longer necessary. Finally, the Insurance Committee is repealed as they effectively they do not have any oversight function over town insurance policies.

MOTION By Esther Clarke
 seconded by Linda Russo
 to **send** the January 27th draft of the “Conflict of Interest; Inactive
 Boards/Commissions” ordinance to the Town Council for the purposes
 of setting a public hearing date.
 Motion carried 3/0.

Boards and Commissions Conflict of Interest; Inactive (January 27, 2019)

Summary: Allows a town employee to serve on the adjudicatory boards but explicitly prohibits participation in matters involving a person with whom they have had an official interaction as a town employee. Also eliminates several commissions whose mission has been superseded over time or whose membership has not been appointed in years: Insurance Commission, EMS Commission, Youth Council, Human Rights Commission and Civilian Review Board.

Section1. Section 2-1 of the Code of Ordinances of the Town of East Hartford is hereby repealed and the following is substituted in lieu thereof:

1. Members shall be electors; of the Town provided that ex-officio members shall be exempt from this provision.
2. Members shall serve without compensation.
3. Members may be reimbursed for their necessary expenses.
4. Secretaries may receive compensation for their services if voted by the Board or commission, provided the board or commission does not have a clerk.
5. All fees charged, donations made [, etc.] or such other funds provided to the board or commission shall be turned over to the Finance Director and deposited in the General Fund.
6. Minority representation shall be according to State statute.
7. Ex-officio members of the boards, commissions, and committees will not have voting powers. They may designate a member of their department to act in their behalf.

8. Members of the administration shall serve as non-voting members. Outside funding to any board or commission, amount and purpose should be stated annually as a note with the budget request.
9. Members of the boards and commissions may be removed by the Mayor for cause; notice to members must be in writing stating reason; members may appeal such removal by Mayor to the Council.
10. Members of boards and commissions shall be appointed by the Mayor with the consent of the Council
11. Each board and commission shall elect its own chairman, vice chairman, secretary, and any other official it deems necessary from within its membership at the first meeting held after December 1st in the odd numbered years and at any other time that the board or commission deem necessary. Each board or commission shall establish such by-laws and regulations as are necessary to achieve its purpose set out within the Ordinance establishing it
12. Members of boards and commissions shall serve until successors are sworn in
13. Vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term
14. Each board and commission shall keep a record of its meetings and activities and shall make an annual report to the Council and the Mayor at least thirty days prior to submitting its annual budget request.
15. Members' terms shall expire December 1st of the year in which the term would otherwise expire.
16. Members shall be sworn in before participating as active members of the board or commission. The date of such oath of office shall be reported to the Town Clerk.
17. Notwithstanding the provisions of Article 2 of Chapter 15 of the Code of Ordinances, no member of the planning and zoning commission, zoning board of appeals, board of assessment appeals or inland wetlands commission who is an employee of the town or board of education shall participate in any discussion or vote on any matter involving a person or property in which such employee has taken any enforcement or regulatory action in the employee's official capacity.

Sec. 2. Section 2-24 of the Code of Ordinances of the Town of East Hartford is hereby repealed and the following is substituted in lieu thereof:

There is established a Zoning Board of Appeals of five [(5)] members, not more than three [(3)] of whom shall belong to the same political party. [No member of the Board shall hold a salaried municipal office.]

Sec. 3. Sections 2-45 through 2-46, inclusive; sections 2-47 through 2-53, inclusive; sections 2-61 through 2-66, inclusive; sections 2-70 through 2-72, inclusive; and sections 2-74 through 2-78, inclusive of the town of East Hartford Code of Ordinances are repealed.

NEW BUSINESS

Gold Star Exemptions: PA 17-65

The Chair indicated that any property tax exemption by the town of East Hartford has to be authorized by state statute. Until the Connecticut General Assembly took action in 2017,

there was no authority for the town to grant a property tax exemption to Gold Star spouses or parents. This provision would establish an exemption of up to 10% of the assessed value providing the annual income of the parent or spouse who is the owner of such residential property does not exceed \$25,000.00. It was noted in the discussion that the \$25,000 maximum in Public Act 17-65 is actually \$25,000 over an amount established under Section 12-81L of the Connecticut General Statutes which allows for the maximum income for a single person to be in the upper \$30,000 range and for a household in the lower \$40,000 range. Richard Bates noted that he felt the income limits were too low, but understands that the town is limited by what is in state statute. He also felt the documentation requirements in state statute were incredibly burdensome to veterans' families and ought to be changed. The Chair promised to connect Mr. Bates with his state representative so that he could meet with the legislature's Veterans Committee which would have the authority to review this statute and make any appropriate changes.

The Ordinance Committee agreed to revise the January 27th draft of the Gold Star tax exemption ordinance as follows: "...shall be entitled to a property tax exemption of ten percent of the assessed value provided the annual income of such person who is owner of such property does not exceed the maximum amount under section 12-81L of the Connecticut General Statutes plus twenty five thousand dollars. This revision will become the January 29th draft of the Gold Star tax exemption ordinance.

MOTION By Esther Clarke
 seconded by Linda Russo
 to **send** the January 29th draft of the "Gold Star Families Property Tax Exemption" ordinance to the Town Council for the purposes of setting a public hearing date.
 Motion carried 3/0.

GOLD STAR FAMILIES PROPERTY TAX EXEMPTION (January 29, 2019)

The town of East Hartford Code of Ordinances is amended by adding a new section 10-30c as follows:

- (a) Any residential property that is the primary residence of a parent whose child was killed in action while performing active military duty with the armed forces as defined in subsection (a) of section 27-103 of the Connecticut General Statutes or of a surviving spouse of such person shall be entitled to a property tax exemption of ten percent of the assessed value provided the annual income of such person who is owner of such property does not exceed the maximum amount under Section 12-81L of the Connecticut General Statutes plus twenty five thousand dollars.
- (b) The town adopts the provisions of Public Act 17-65 regarding the application of this property tax exemption.

On-call Service Contracts Threshold Increase

The committee reviewed the January 27th draft of the On-call Service Contract ordinance. The Chair explained that this revision would increase the contract limit from \$100,000 to

\$150,000 which reflects the change in inflation from 2002 when the original \$100,000 limit had been established in ordinance. There was some discussion with regard to how this would relate to current contracts that have a \$100,000 limit. It was explained that those contract limits would still remain in place as those were duly entered into by the town prior to any increase in the limit for these contracts. It was also explained that this ordinance would allow new contracts after a new RFP is issued to contain a maximum amount of \$150,000.

MOTION By Linda Russo
 seconded by Esther Clarke
 to **send** the January 27th draft of the "On-call Service Contracts" ordinance
 to the Town Council for the purposes of setting a public hearing date.
 Motion carried 3/0.

ON CALL SERVICE CONTRACTS (January 27, 2019)

Section 10-6a of the town of East Hartford Code of Ordinances is repealed and the following is substituted in lieu thereof:

The town may enter into on-call service contracts for a period of not more than five years. No additional request for services pursuant to the contract shall be made once the payments to the contracted service provider exceeds one hundred fifty thousand dollars or such lesser amount as provided in such contract. Within sixty days of the end of the fiscal year, the Finance Director shall report to the Town Council the amount expended by the town on each on-call service contract during that fiscal year. As used in this section, "on-call service contract" shall mean any contract for professional services including, but not limited to, architectural, engineering, computer, legal, real estate appraisal, plumbing, electrical and financial services, where the contractor agrees to provide services over a specified period of time as requested by the town.

ADJOURNMENT

MOTION By Linda Russo
 seconded by Esther Clarke
 to **adjourn** (6:55 p.m.)
 Motion carried 3/0.

cc: Mayor Leclerc
 Mike Walsh, Finance Director
 Rich Gentile, Assistant Corporation Counsel