RECEIVED
3:00 p.m.
7-22-20
Karen Mowad
TOWN CLERK
WOLCOTT, CONN.

WOLCOTT TOWN COUNCIL

Regular Meeting
Tuesday, July 21, 2020
Council Chambers, Wolcott Town Hall
7:00 p.m.

MINUTES

DRAFT

Note: These are summary minutes. A digital recording of this meeting is on file in Wolcott Town Hall, Commission Secretary's Office.

Chairman David Valletta called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Attendance was taken; a quorum was present.

MEMBERS PRESENT: Chairman David Valletta, Vice-Chairman Roger Picard, Rachel Wisler, Domenic Angiolillo, Joseph Membrino, Donald Charette, Debbie Golden, Jason Stark, and Francis Masi

MEMBERS ABSENT: None

ALSO PRESENT: Mayor Thomas G. Dunn, Susan Hale, Municipal Finance Officer; Town Attorney Brian Tynan; et al.

APPROVAL OF MINUTES:

- **Regular Meeting – June 16, 2020**

Upon **MOTION** by Roger Picard, seconded by Joseph Membrino, it was unanimously voted to approve the minutes of the June 16, 2020 Regular Meeting, with one abstention from Francis Masi.

- **Special Meeting – June 30, 2020**

Upon **MOTION** by Roger Picard, seconded by Donald Charette, it was unanimously voted to approve the minutes of the June 30, 2020 Special Meeting, with one abstention from Jason Stark.

TAXPAYERS' TIME: (Limited to Items on the Agenda)

No taxpayers came forward.

CORRESPONDENCE (on file):

1. **Proposed Resolution** (#451) **State of Connecticut Department of Emergency Services and Public Protection**

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2. **Copy of letters dated June 19th regarding Board of Ethics appointments**

3. **Letter dated June 29th from Todd Bendtsen, Wolcott Public Schools Business Manager, regarding recommendation of transfer into Board of Education Non-Lapsing Reserve Fund**

4. **Letter dated July 1st to Raymond Mahoney, Planning & Zoning Commission Chairman, regarding Town Council decision on Zoning Enforcement Officer appointment**

5. **Letter dated July 6th from Raymond Mahoney in response to the Town Council's letter**

6. **Copy of Letter dated July 10th from Town Attorney Brian Tynan to Raymond Mahoney regarding the Appointment of Zoning Enforcement Officer**

7. **Town Council Annual Report for Fiscal Year 2019-2020**

8. **Board of Education Year to Date Budget Report dated 06-30-20**

9. **Invoice dated July 5th for June Zoning Matters**

MAYOR'S REPORT:

Mayor Dunn came forward and gave the following update:

- COVID-19 situation with regard to the summer programs and the sports programs
- He is speaking with a company with regard to leasing their landfill property for the purpose of installing a solar facility which would ultimately lead to the sale of power; he will continue to update the Council on this matter
- The Town will be 225 years old next year; a Committee has been formed and they are locking in dates for early May for a celebration

A question and answer period followed during which the following was discussed:

- Some resumes have come in for the Public Works position, however, he has not yet formally posted the position

- Mr. Stark referenced Mr. Kalinowski's separation with the Town and questioned what the agreement was that was reached; Mayor Dunn replied that the agreement was that he was retiring and that he would take two weeks vacation from that date upon which his retirement benefits would start; he is not receiving pension checks; that would be upon turning 65

Discussion ensued regarding Mr. Kalinowksi's benefits. Mr. Stark advised that he is continuing to receive health insurance benefits through a co-pay but really should paying for COBRA as he did not officially retire, he merely resigned. He is not retired unless he fills out the proper paperwork. Mr. Stark stated that per his contract, it is upon age 65 that he is to receive them. Mayor Dunn advised that his contract states that after 15 years of employment he is to receive this. Lengthy discussion continued with respect to the details of the contract.

FINANCE OFFICER'S REPORT:

Susan Hale came forward and reported the following:

- The Finance Office has been working on the preliminary audit questions for FY 2019-2020 from Mahoney, Sabol
- The final audit will start on August 31st which will take approximately two weeks and will most likely be remote; doing it remotely will make it significantly more difficult and time consuming
- The new iVisions financial software went live earlier this month which means they are working within two different fiscal years within two different software systems; it's going as well as can be expected; there have been some hurdles but nothing they can't handle
- As required by CT Statutes, they have submitted a copy of the adopted Town of Wolcott budget for FY 2020-2021 to OPM along with the municipal budget database
- An abbreviated version of the budget was published in the July issue of the Wolcott Community News
- The entire budget for FY 2020-2021 can be found on the Town of Wolcott website and in the Town Clerk's Office
- Current tax collections are $8.1 million through yesterday which is in line with previous years
- The Tax Collector is expecting to receive the two largest bank escrow payments any day now; between $5 and $6 million
- She does not yet have year-end transfers for FY 2019-2020 for approval as there are still too many open items

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SUB-COMMITTEE AND LIAISON REPORTS:

BOARD OF EDUCATION BUILDING COMMITTEE: Mrs. Wisler discussed a transfer that is pending back into the bond monies.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

1. **Resolution: State of Connecticut Department of Emergency Services and Public Protection**

Upon **MOTION** by Roger Picard, seconded by Rachel Wisler, it was unanimously voted to **adopt** the following resolution (#451): RESOLVED, that the Wolcott Town Council may enter into with and deliver to the State of Connecticut Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate; and FURTHER RESOLVED, that Thomas G. Dunn, as Mayor of the Town of Wolcott is authorized and directed to execute and deliver any and all documents on behalf of the Wolcott Town Council and to do and perform all acts and things which he/she deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents **(see attached).**

2. **Discussion & Possible Action on Board of Education's Recommendation to Transfer Funds into the Non-Lapsing Reserve Fund**

Upon **MOTION** by Rachel Wisler, seconded by Roger Picard, it was unanimously voted to **approve** the transfer recommended by the BOE's Business Manager from the 2019-2020 operating budget surplus in the amount of $500,000 into the Board of Education Non-Lapsing Reserve Fund (subject to auditor's approval).

3. **Discussion & Possible Action on Payment for Temporary Zoning Enforcement Officer**

The invoice received from David Kalinowski for work performed in the month of June in the amount of $840.00 was referenced **(see attached).**

Chairman Valletta commented that he would be happy to pay Mr. Kalinowski for work performed with the caveat that his employment as a consulting ZEO was over.

Mrs. Wisler agreed but requested that Attorney Tynan come forward.

Attorney Tynan came forward, at which time Mrs. Wisler referenced the recommendation that Attorney Tynan placed in his letter stating that Mr. Kalinowski should be paid for work performed in the month of June. She questioned whether that means they are actively searching for a replacement at this point.

Attorney Tynan advised that Mr. Kalinowski stated that he was willing to stay on until a replacement was hired. Mr. Kalinowski expressed that he would prefer that the Town hired a Certified ZEO.

At this point, lengthy discussion ensued as to whether the invoice should be approved after which there was no clear consensus. Various members questioned whether Mr. Kalinowski would be terminated after payment. Another discussion followed as to what the process is in removing the Chairman of the Planning & Zoning Commission. Attorney Tynan advised that it is the purview of the Town Council to remove any member serving on a Board or Commission.

Upon **MOTION** by Joseph Membrino, seconded by Jason Stark, it was unanimously voted to **table** 'Payment for Temporary Zoning Enforcement Officer' until after Planning & Zoning meets.

At this time, Mr. Stark announced that he had an item that he would like to add to the agenda.

A **MOTION** was offered by Jason Stark, seconded by Debbie Golden, to **add** the following item to New Business on the agenda: 'Discussion & Possible Action on Transferring the Balance of Funds from line item #01-1-163-1-1100 Planning & Zoning Administrative Salary to the Contingency Account #01-1-112-8-8998'.

A roll call vote was taken and the above motion *failed* as indicated below: {2/3rd's majority vote required=6 affirmative votes}
(5 Yes; 4 No)

	YES	NO	ABSTAIN
Roger Picard		X	
Rachel Wisler		X	
Domenic Angiolillo	X		

Donald Charette		**X**
Jason Stark	**X**	
Joseph Membrino	**X**	
Francis Masi	**X**	
Debbie Golden	**X**	
David Valletta		**X**

ITEMS FOR NEXT AGENDA:

Chairman Valletta advised that if anyone has any items please contact himself or the Secretary.

TAXPAYERS' TIME:

No taxpayers came forward.

EXECUTIVE SESSION:

No Executive Session was held.

ADJOURNMENT:

Upon **MOTION** by Roger Picard, seconded by Donald Charette, it was unanimously voted to **adjourn** the meeting at 7:54 p.m.

APPROVED:

Elizabeth Gaudiosi, Secretary
WOLCOTT TOWN COUNCIL

David Valletta, Chairman
WOLCOTT TOWN COUNCIL

#451

AUTHORIZING RESOLUTION OF THE

WOLCOTT TOWN COUNCIL

CERTIFICATION:

I, **Karen Mowad, Town Clerk, of the Town of Wolcott** do hereby certify that the following is a true and correct copy of a resolution adopted by the **Wolcott Town Council** at its duly called and held meeting on **July 21, 2020,** at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect:

RESOLVED, that the **Wolcott Town Council** may enter into with and deliver to the **State of Connecticut Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security** any and all documents which it deems to be necessary or appropriate; and

FURTHER RESOLVED, that **Thomas G. Dunn, as Mayor of the Town of Wolcott** is authorized and directed to execute and deliver any and all documents on behalf of the **Wolcott Town Council** and to do and perform all acts and things which he/she deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

The undersigned further certifies that **Thomas G. Dunn** now holds the office of Mayor and that he/she has held that office since November 10, 2003.

IN WITNESS WHEREOF: The undersigned has executed this certificate this 22nd day of July, 2020.

Karen Mowad

Karen Mowad, Town Clerk

PLACE SEAL HERE (or "L.S." if no seal

Wolcott Public Schools

1488 Woodtick Road • Wolcott, Connecticut 06716
Telephone 203-879-8183 • Fax 203-879-8182

Superintendent of Schools
Anthony J. Gasper, Ed.D.

Assistant Superintendent
Shawn Simpson

Business Manager
Todd W. Bendtsen, C.P.A.

Director of Student Services & Alt. Programs
Kevin Hollis

June 29, 2020

To: The Honorable Thomas Dunn, Mayor; Chairman David Valletta, Town Council
Re: Board of Education Non-Lapsing Reserve Fund
From: Mr. Todd W. Bendtsen, C.P.A
Cc: Cynthia Mancini, BOE Chairman, and Tony Gasper, Ed.D.

Mayor Dunn, and Chairman Valletta:

The Board of Education is recommending that $500,000 be transferred from the Board of Education 2019-2020 operating budget surplus to the Board of Education Non-Lapsing Reserve Fund. This amount is an estimate at this time because the Board of Education does not officially close the 2019-2020 fiscal year until August 31, 2020. This amount is also subject to audit confirmation. Please let me know if you have any questions on this matter.

Respectfully submitted,

Todd Bendtsen

Todd W. Bendtsen, C.P.A

It is the policy of the Wolcott Board of Education that no person shall be excluded from participation in, denied the benefits of, or otherwise discriminated against under any program because of his or her race, color, religion, sex, age, national origin, ancestry, marital status, sexual orientation, gender identity or expression, mental retardation, past or present history of mental disorder, learning disability or physical disability

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

WOLCOTT TOWN COUNCIL

TOWN HALL • 10 Kenea Avenue
Wolcott, CT 06716
203-879-8100

DAVID VALLETTA
Chairman

ROGER PICARD
Vice-Chairman

RACHEL WISLER, *Majority Leader*
JOSEPH MEMBRINO, *Minority Leader*
DOMENIC ANGIOLILLO
DONALD CHARETTE SR.
DEBBIE GOLDEN
FRANCIS MASI
JASON STARK

July 1, 2020

Raymond Mahoney, Chairman
Wolcott Planning & Zoning Commission
44 Orchard Lane
Wolcott. CT 06716

VIA: Email & USPS

Dear Chairman Mahoney,

At our Town Council Special Meeting held on Tuesday evening, June 30, 2020, the Town Council voted 7-1 to reject the contract put forth for the appointment of the Zoning Enforcement Officer's position due to the retirement of David Kalinowski from town employment.

We furthermore request that you reach out to Mayor Dunn for another selection as he has sources for qualified individuals.

Best Regards,

Dave Valletta, Chairman
Wolcott Town Council

DV/bg

cc: Town Council Members
Mayor Thomas Dunn
Town Attorney Brian Tynan

July 6, 2020

RECEIVED 7/8/20

Dear Chairman Valletta,

I am perplexed by the letter received dated July 1, 2020. First of all, I am unaware that any contract was produced let alone voted on, pertaining to the Zoning Enforcement Officer.

Under the freedom of information, I respectfully request a copy of this specific contract that was voted on in executive session. You indicate that the town council rejected the contract (put forth) before the town council. I respectfully request, put forth by whom? Let it be known the parties to this supposed contract which you reference, namely the Planning and Zoning Commission and David Kalinowski never had the opportunity to review the terms and conditions.

Pursuant to the state statute 8-1, it clearly states that "members of the Zoning Board are not agents or employees of the town. They constitute a legal entity".

Under zoning regulation 52.1 it clearly states that "the Commission shall appoint a Zoning Enforcement Officer to serve its pleasure". I enclosed a copy (attached). Given that the Zoning Commission has the sole authority to appoint the Zoning Enforcement Officer, the action that the Town Council has taken is of no effect and was an illegal attempt to usurp the appointment power of the Zoning Commission.

Let me remind you, that David Kalinowski is engaging his services as a subcontractor and not as an employee of the town. Could you produce any law, regulation or town charter section that prohibits him from doing that?

Why is this council stepping beyond their boundaries to suggest that we consult with the Mayor? Why would you feel the Commission would need to refer to a prescribed list by someone outside the Commission to command the selection process?

Best Regards,

Ray Mahoney

Raymond Mahoney, Chairman
Planning & Zoning Commission

CC: Town Council Members
Mayor Thomas Dunn
Town Attorney Brian Tynan

52.1

Zoning Enforcement Officer : The Planning and Zoning Commission shall have the responsibility to administer and enforce these regulations. The Commission shall appoint a Zoning Enforcement officer to serve at its pleasure, who shall be delegated with the responsibility and authority to enforce the provisions of these Regulations. The Zoning Enforcement Officer shall be directly responsible to the Commission and shall carry out his/her duties according to law and under such rules and regulations as the Commission may, from time to time, adopt. The Commission may appoint a Deputy Zoning Enforcement Officer to assist with such duties. The Commission may designate a person or persons to act as the Zoning Enforcement Officer or Deputy in their absence. No Zoning Permit shall be issued unless signed by the Zoning Enforcement Officer.

TYNAN & IANNONE
Attorneys at Law
250 Wolcott Road
Wolcott, Connecticut 06716-2634

July 10, 2020

WILLIAM F. TYNAN
MARK IANNONE
BRIAN TYNAN
CLIFFORD COMERFORD

TELEPHONE
(203) 879-1431
FAX
(203) 879-9152
tilawct.com

Chairman Raymond Mahoney
Wolcott Town Council
Wolcott Town Hall
10 Kenea Avenue
Wolcott, CT 06716

RE: The Appointment of Zoning Enforcement Officer

Dear Chairman Mahoney and Members of the Wolcott Planning and Zoning Commission:

I am in receipt of your letter dated July 6, 2020 which I received on July 8, 2020. Attached to this letter please find my letter to the Town Council and the draft contract as requested. You will remember I called you twice on June 2, 2020 to discuss the Planning and Zoning Meeting of that day. During our second telephone conversation we discussed the need for a contract. You asked me to draft one. Since this was to be a contract for a Consulting Zoning Enforcement Officer, we agreed that it would be short and to the point. I would remind you that I also asked you to call a meeting of the Planning and Zoning Commission for June 17, 2020 to discuss this matter and another matter dealing with an issue in the north end of town. I suggested Planning and Zoning meet even if by Zoom. Other than the June 2, 2020 Special Meeting, to my knowledge Planning and Zoning did not meet in June 2020.

The first meeting during which the contract could be discussed just so happened to be the Town Council Special Meeting of June 30, 2020. This was after Governor Lamont released the COVID restrictions on meetings of 10 or more people. You will notice I submitted the proposed contract to the Town Council to begin discussions. The contract was voted on in open session and not in Executive Session as you say in your letter. Had Planning and Zoning met on June 17, 2020, that would have been the first meeting by which the contract could have been discussed.

While the Planning and Zoning Commission does have the authority to appoint the Zoning Enforcement Officer under the Zoning Regulations, Section 306(g) of the Town Charter gives the Town Council the authority to establish payment for services. See a copy of that Section attached. This "Power of the Purse" was codified when the Magna Carta was signed in the year 1215. Recent examples of this authority has been seen across the United States wherein local Town Councils/Boards of Alderman, etc. have "defunded" police departments. So, yes, the Town Council has the authority not to approve such a contract.

I called Mr. Kalinowski on July 8, 2020 before I received your letter. David was very cordial and accommodating to me. He expressed the desire to help the Town and stay on until another Zoning Enforcement Officer is appointed. He would prefer that that person be certified but the Planning and Zoning Regulations do not require that person be certified. I am not sure if Mr. Kalinowski himself was certified when he was first appointed. I also would point out that Mr. Kalinowski has been acting as an Independent Contractor and not as a Sub Contractor as your letter indicated.

I believe the time has come to put an end to this matter. As of July 8, 2020 Mr. Kalinowski estimated he would expend approximately 4-6 hours during the month of July finishing up applications

for permits currently pending. I would recommend to the Municipal Finance Officer and or the Town Council that he be paid for the work he has done through date as well as will do until another Zoning Enforcement Officer is appointed. I would recommend that the Mayor, in accordance with Section 501(a) of the Town Charter, gather the names and resumes of qualified people and present that information to the Planning and Zoning Commission and the Planning and Zoning Commission appoint a new Zoning Enforcement Officer as quickly thereafter as is reasonable. As you yourself pointed out in our conversations of June 2, 2020, we are here to serve the taxpayers.

Very truly yours,

Brian Tynan

BT/kah

cc: Mayor Thomas Dunn
Members of the Wolcott Town Council
Members of Planning and Zoning Commission
Municipal Finance Officer

INVOICE

To: Chairman Mahoney and commission members July 5, 2020

From: David Kalinowski, CZEO

Re: Zoning matters- June billing

June 2- review multiple permits and sign offs **3 hours**

June 3 – Discussion regarding permits with building inspector and Edna. Met with Tom Borbowski on site to inspect and review layout of Section III **2.5 hours**

June 8 – Review permits. Address Cambridge Drive via telephone. Inspect 2 sites for CO and bond release on Pembroke **2 hours**

June 22 – Review permits with building inspector, Edna, and Dede, sign off as needed **1 hour**

June 23 – Misc phone calls per PZ office review, review Dan Wallace "as built" for CO **1 hour**

June 25 Review and sign off misc permits as needed **.5 hours**

June 29 – Review and sign off permits and mylar as needed **.5 hours**

Total: 10.5 hours

Rate: $80.00 per hour

Rate includes vehicle, office supplies and equipment

Late fees: Any invoice not paid within 30 days is subject to 1.5% monthly (Annual Percentage Rate of 18%) interest charge.

In the event of collection, the Town of Wolcott will be responsible for all collection costs including reasonable attorney fees.

TYNAN & IANNONE
Attorneys at Law
250 Wolcott Road
Wolcott, Connecticut 06716-2634

WILLIAM F. TYNAN
MARK IANNONE
BRIAN TYNAN
CLIFFORD COMERFORD

TELEPHONE
(203) 879-1431
FAX
(203) 879-9152
tilawct.com

~~May 28~~, 2020
June 11

Chairman David Valletta
Wolcott Town Council
Wolcott Town Hall
10 Kenea Avenue
Wolcott, CT 06716

RE: Consulting Zoning Enforcement Officer Contract with the Town of Wolcott

Dear Chairman Valletta and Members of the Wolcott Town Council:

Attached please find a short draft Agreement in order to begin discussions regarding the contract for David Kalinowski as Consulting Zoning Enforcement Officer.

Thank you for your attention to this matter.

Very truly yours,

Brian Tynan

BT/kah
Enclosure

CONSULTING ZONING ENFORCEMENT OFFICER CONTRACT
WITH THE TOWN OF WOLCOTT

Whereas, the Planning and Zoning Commission has agreed to hire David Kalinowski as a Consulting Zoning Enforcement Officer.

Whereas, David Kalinowski has agreed to act as Consulting Zoning Enforcement Officer answerable to the Planning and Zoning Commission.

This Agreement will memorialize the terms of the Agreement of David Kalinowski.

David Kalinowski shall be paid $_____ per hour for a maximum of _____ hours per week. Said payments shall be retroactive to June 2, 2020.

As a Consulting Zoning Enforcement Officer, David Kalinowski will be issued a 1099 and shall not be an employee of the Town of Wolcott but shall be an independent contractor. As an independent contractor, David Kalinowski shall not be entitled to medical benefits.

_____
David Kalinowski
Consulting Zoning Enforcement Officer

_____
Raymond Mahoney
Chairman of Planning and Zoning Commission

_____
David Valletta
Chairman of the Wolcott Town Council

_____
Thomas G. Dunn
Mayor of the Town of Wolcott

(d) If the person vacating the office is not a member of a political party or was not an endorsed candidate of a political party, such vacancy shall be filled by the next highest vote getter for that office that is available from the prior election. In the case of the Town Council, such vacancy shall be filled by the next highest vote getter for the council in that District that is available from the prior election.

CHAPTER III
THE TOWN COUNCIL

SEC. 301. THE COUNCIL. There shall be a Town Council consisting of nine (9) members, hereinafter referred to as the Council. No member of the Council shall hold any other office, or position, on any board or commission including but not limited to any Charter Revision Commission under the government of the Town of Wolcott, except as hereinafter provided.

SEC. 302. CHAIRMAN

(a) The Council shall meet at 8:00 P.M. on the second Wednesday following its election to organize and to elect a Chairman and a Vice-Chairman This will be the first order of business. The Mayor will preside, without vote, over the Council until this order of business is completed. The Chairman of the Council shall have a regular vote only. The Chairman shall preside over all meetings of the Council and perform such other duties consistent with his or her office as may be imposed by the Council. Unless otherwise specified herein, during his or her absence or disability, his or her duties shall be performed by the member of the Council chosen by the Council as Vice-Chairman. The Chairman of the Council is an ex-officio member, without vote, of all Legislative Committees. The Town Council shall make no contracts, verbal or written, from the date of the election, until the successor council has been sworn in.

(b) The Town Committee of each political party shall have submitted in writing , within thirty (30) days after the first meeting of the new Council, its designees for majority leader and minority leader respectively. The Council shall then accept and certify said designees.

SEC. 303. CLERK. The Council shall appoint a clerk, who shall keep a record of all proceedings of the Council in accordance with Connecticut General Statutes.

SEC. 304. MEETINGS. The Council shall, at its first meeting or as soon thereafter as possible, establish by resolution a place and time for holding its regular meetings, and shall meet at least once a month. Said Council shall provide a method for the calling of special meetings and no matter shall be considered at such special meetings which was not included in the call.

SEC. 305. PROCEDURE. The Council shall operate under Roberts Rules of Order Newly Revised unless or until such time that said Council determines its own rules and procedures except as herein provided. A bare majority shall constitute a quorum provided no ordinance, resolution or vote, except a vote to accept minutes of the previous meetings, to adjourn, or to fix the time and place of the next meeting, shall be adopted by less than five (5) affirmative votes. All ordinances or resolutions shall be confined to one subject which shall be clearly stated in the title.

The Council shall keep for public inspection, minutes in accordance with Connecticut General Statutes, which shall be the official record of its proceedings. The record, so kept, shall be authenticated for each meeting by the signature of the presiding officer upon its acceptance by the Council.

SEC. 306. GENERAL POWERS AND DUTIES OF THE COUNCIL.

(a) The Council shall have the powers and duties which, prior to the effective date of this Charter, were conferred by law upon existing Boards, Officers and Commissions of said Town except as otherwise specifically provided in the Charter, the Connecticut General Statutes or in The Constitution of the State.

(b) The legislative power of the Town shall be vested exclusively in the Council except as otherwise specifically provided in this Charter.

(c) The Council shall have the power to make, alter or repeal ordinances, not inconsistent with this Charter or the General Statutes of the State, creating or abolishing Boards, Commissions, Departments and Offices and for the preservation of the good order, peace, health and safety of the Town and its inhabitants provided no such ordinance shall be enacted without a public hearing held thereon except as hereinafter provided.

(d) The Council may contract for services and the use of facilities of the State or any political subdivision thereof. It may, by agreement, join with any such political subdivision to provide services and facilities.

(e) The Council is authorized in adopting ordinances to incorporate any recognized code, rules or regulations that have been printed in book form, or any code officially adopted by any administrative agency of the State, by reference thereto in such ordinance. Upon the adoption of any ordinance wherein any such code, rules or regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of the same, in the Office of the Town Clerk, for examination by the public.

(f) Said Council shall determine the compensation of the Mayor, the Registrars of Voters, Town Clerk, Tax Collector, Treasurer, Board of Assessment Appeals, succeeding Council and the officers and employees appointed by the Council. Once the Council has established the compensation of an elected official serving a two (2) year term, said compensation shall neither be increased nor decreased until after the expiration of that term. Increment pay increases shall be instituted as follows: Increment #1 shall begin with the first pay period after the November election; increment #2 shall begin with the first pay period in November of the following year. The Council may adjust the compensation of any official serving a four (4) year term every two (2) years under the same restrictions as herein provided. Town Clerk and the Registrars of Voters incremental pay shall begin with the first pay period of their term and continue under the same restrictions as herein provided. Council shall determine the charges, if any to be made for services by the Town or for the execution of powers vested in the Town as provided in Chapter I of this Charter, for the government of the Town and its business.

(g) The Council shall be the budget making authority of the Town and shall have control of the finances of the Town and may, at its discretion, appoint a Finance Committee of which at least one member shall be a member of the Council. The duties of this Committee shall be as directed by the Council.

SEC. 425. HEALTH DISTRICT. There shall be a Health District as provided by General Statute and Town Ordinance.

SECTION 426. BOARD FOR ADMISSION OF ELECTORS. There shall be a Board for Admission of Electors, as provided by State Statutes, consisting of the Town Clerk and the Registrars of Voters. The duties of such board shall be as prescribed by State Statutes.

CHAPTER V
MAYOR

SEC. 501. MAYOR.

(a) The Mayor, who shall be the Chief Executive Officer as well as the Chief Administrative Officer of the Town, shall be directly responsible to the Council for the administration of all departments, agencies and offices in charge of persons or boards appointed by the Mayor, and he or she shall supervise and direct the same except as provided in this Charter. He or she shall see that all laws and ordinances governing the Town are faithfully executed. He or she shall make periodic reports to the Council and attend its meetings with full right of participation in its discussion but without a right to vote.

However, this shall not be construed to preclude an executive session of the Council wherein all are excluded but the Council members and their staff. Executive sessions shall not exclude the Mayor unless he or she is given in writing reasons which are personal to him or her for his or her exclusion.

(b) He or she shall prepare and cause to be printed an annual fiscal report, including a description of the performances of the Municipal offices, agencies, department, boards, and commissions which shall be submitted within fifty (50) days from the close of the fiscal year to the Town Clerk and the Town Council.

(c) He or she shall recommend to the Council such measures as he or she may deem necessary or expedient.

(d) He or she shall keep the Council fully advised as to the financial condition of the Town.

(e) He or she shall prepare and submit to the Council an Annual Budget.

(f) He or she shall exercise such other powers and perform such other duties as may be required of him by this Charter.

(g) The Mayor shall appoint, or remove, all department heads and other officers and employees of the town, except as otherwise specifically provided by this Charter and except employees in the offices of elected officers or boards and officers and boards appointed by the Council. Notwithstanding the foregoing, employment contracts with the Deputy Chief of Police, Superintendent of Public Works, Chief Accountant, and Senior Center Activities Coordinator, shall require Council approval as shall the removal of any such department head from office. In lieu of any appointment by the Mayor of any of his or her appointees to any office under his or her jurisdiction, subject to approval of the Council, the Mayor may perform the duties of such office.

(h) In the event of the Mayor's absence or disability for a period of three (3) or more days, but less than thirty (30) days, the Chairman of the Town Council shall be temporary Mayor, notwithstanding section 301 herein, unless the Mayor has designated such a person. If the Mayor designates other than an elected Town official, his or her designee must be approved by the Council. The temporary Mayor shall conduct such business as is necessary to the daily management of Town affairs. After more than thirty (30) consecutive days of his or her disability, the Office of Mayor shall be filled by the Chairman of the Town Council on an interim basis as temporary mayor until such time as an Acting Mayor is appointed. Within an additional thirty (30) consecutive days of his or her disability the Office of Mayor shall be filled by an Acting Mayor appointed by the party from which the Mayor was elected. If the Mayor was elected as an Unaffiliated Candidate, that being a candidate not elected from a "Major Party" or a "Minor Party" or as a candidate not having a "Party Designation Committee," all as defined in Section 9-372 of the Connecticut General Statutes, then a Town Meeting shall be scheduled by the Town Council to be held within thirty (30) days after the next meeting of the Town Council to select an Acting Mayor. Any resident eligible to hold public office may file a verified petition with the Town Clerk signed by at least the equivalent of 1% of the total number of votes cast in the last regular election for the Office of Mayor of the Town of Wolcott, to become a candidate at the Town meeting. The Town Committee of each party may designate a candidate for Acting Mayor at said Town Meeting. The Chairman of the Council, shall serve until the Town Committee or Town meeting certifies the appointment of Acting Mayor, in accordance with this provision. Nothing herein shall be construed to preclude the elected Mayor from resuming his or her office during the term of said office. If the absence of the Mayor is due to disability during his or her term of office, the Council shall make provision to pay him or her his or her full salary for a period of three weeks. Compensation for the Acting Mayor shall be at the same rate as that of the elected Mayor. The Acting Mayor shall have all the powers and duties of the Mayor.

(i) In the event that the Mayor resigns, dies, or is declared legally incompetent, the vacancy shall be filled by such person designated by the enrolled members of the previous Mayor's political party at a duly noticed caucus to be held within thirty (30) days of said vacancy. If the Mayor was elected as an Unaffiliated Candidate as defined in section (h) hereof, a special Town election may be convened either by the Town Council or upon application of twenty (20) electors of the Town filed with the Town Clerk. Any resident eligible to hold public office may file a verified petition with the Town Clerk signed by at least the equivalent of 1% of the total number of votes cast in the last regular election for the Office of Mayor of the Town of Wolcott, to become a candidate for Mayor at said special election. The Town Committee of each party may designate a candidate for Mayor for said Special Election. The Chairman of the Council, shall serve until the Town Committee certifies the appointment of Mayor or until a Mayor is elected at the Special Election as provided for herein. The date of such election shall be determined by the Town Council and notice of such date shall be filed with the Town Clerk. In determining the date of such election, the Town Council shall allow the time specified for holding primaries for municipal office in Section 9-423 and the time specified for the selection of party-endorsed candidates for municipal office in Section 9-391. On application of twenty (20) electors of the Town, the date of such election as determined by the Town Council, shall not be later than the one hundred fiftieth (150) day following the filing of such application. Except as otherwise provided by general statute, the provisions of the general statutes pertaining to elections shall apply to the special election. No such election may be held unless the Town Clerk first files notice of the office to be filled at the special election with the town chairman of the town committee of each major and minor party within the Town, with the Secretary of State and posts a notice in a newspaper having a general circulation in the Town at least three weeks in advance of the final time specified for the re-election of party endorsed candidates for municipal office in

WOLCOTT TOWN COUNCIL

CORRESPONDENCE

Regular Meeting-Tuesday, July 21, 2020
7:00 p.m.

1. **Proposed Resolution** (#451) **State of Connecticut Department of Emergency Services and Public Protection**

2. **Copy of letters dated June 19th regarding Board of Ethics appointments**

3. **Letter dated June 29th from Todd Bendtsen, Wolcott Public Schools Business Manager, regarding recommendation of transfer into Board of Education Non-Lapsing Reserve Fund**

4. **Letter dated July 1st to Raymond Mahoney, Planning & Zoning Commission Chairman, regarding Town Council decision on Zoning Enforcement Officer appointment**

5. **Letter dated July 6th from Raymond Mahoney in response to the Town Council's letter**

6. **Copy of Letter dated July 10th from Town Attorney Brian Tynan to Raymond Mahoney regarding the Appointment of Zoning Enforcement Officer**

7. **Town Council Annual Report for Fiscal Year 2019-2020** (separately attached)

8. **Board of Education Year to Date Budget Report dated 06-30-20** (separately attached)

ADDITIONAL CORRESPONDENCE:

9. **Invoice dated July 5th for June Zoning Matters**