

TOWN OF SIMSBURY

BOARD OF SELECTMEN

**AMENDMENTS TO VARIOUS SECTIONS OF THE CODE OF ORDINANCES
TO CONFORM THE CODE TO THE SIMSBURY TOWN CHARTER**

WHEREAS, in December 2017, the Town of Simsbury adopted a revised Charter which changed the Town's form of government changed from First Selectman-Board of Selectmen to Town Manager-Board of Selectmen; and

WHEREAS, as a result of the Charter change, the chief executive officer of the Town changed from the First Selectman to the Town Manager; and

WHEREAS, since the effective date of the 2017 Charter, the authority granted to the Town Manager as the chief executive officer by the various sections of the Charter requires an amendment to the corresponding sections of the Code of Ordinances to vest that authority in the Town Manager; and,

WHEREAS, the 2017 Charter eliminates the Health and Welfare and Human Relations Commissions; and

WHEREAS, the elimination of the two Commissions within the Charter requires the repeal of the ordinances related to those Commissions.

NOW, THEREFORE, BE IT RESOLVED, that the following Sections of the Code of Ordinances are hereby amended as indicated (deletions are indicated by strike-through, insertions are indicated in brackets):

A. CHAPTER 11, LOCAL EMERGENCIES

11-2 Declaration of Local Disaster or Emergency

The ~~First Selectman~~ [Town Manager], or in his or her absence or incapacity the Deputy ~~First Selectman~~ [Town Manager], or in his or her absence the Board of Selectmen, acting pursuant to Connecticut General Statutes Section 28-8a, is authorized to declare a local disaster or emergency when there exists within the Town of Simsbury conditions constituting a major disaster or emergency, as those terms are defined by Connecticut General Statutes Section 28-1.

11-3 Effect of Declaration

Upon the issuance of such declaration, the ~~First Selectman~~ [Town Manager], or in his or her absence or incapacity the Deputy ~~First Selectman~~ [Town Manager], or in his or her absence the Board of Selectmen, in conjunction with the Emergency Management Director, shall exercise all the powers and authority granted to the municipality and/or its chief executive officer under Connecticut General Statutes Chapter 517, as amended.

11-5 Activation of Emergency Operation Center

Upon the declaration of disaster or emergency, the ~~First Selectman~~ [Town Manager], or in his or her absence or incapacity the Deputy ~~First Selectman~~ [Town Manager], or in his or her absence the Board of Selectmen, in conjunction with the Emergency Management Director, is authorized to activate the Emergency Operations Center, open one or more emergency shelters, designate evacuation routes and take such action as is necessary to protect public health and safety.

B. CHAPTER 13, CODE OF ETHICS

13-12(A) Acknowledgment Form

Every official shall sign and file with the Board of Selectmen an acknowledgement form, supplied by the ~~First Selectman~~ [Town Manager], indicating his/her awareness of the provisions of this Code of Ethics, the guidelines issued thereunder and Section 1003 of the Charter of the Town of Simsbury on or before being sworn into office and again thereafter in January of each even numbered year. The Board of Selectmen shall adopt and implement a procedure for monitoring compliance with the aforesaid filing requirement.

Attachment 2 Board of Ethics Guidelines for Gifts and Favors

...offered the same benefit; AND (b) the event is approved in advance by the ~~First Selectman~~ [Town Manager] in the case of Town officials and employees, or the Superintendent of ... of Board of Education officials and employees. Any such approvals by the First ...

C. CHAPTER 21, FUNDS

21-3 Open Space Committee

For purposes of this chapter ~~there may be established pursuant to Section 403 of the Town Charter~~ an [The] Open Space Committee [as established in section 615] (hereinafter referred to as "Committee") to assist the Board of Selectmen in administering the fund. If so established by appropriate resolution, the Committee shall consist of the First Selectman, Chairman of the Planning Commission, Chairman of the Conservation Commission, Chairman of the Zoning

Commission, or their designees, and one other member to be appointed by the Board of Selectmen. The Committee shall establish rules of procedure for the conduct of its business.

21-4(A) Selection of Criteria for Land to be Considered for Acquisition and Preservation

The types of undeveloped or underdeveloped land, or development rights with respect to such land, to be considered by the Board of Selectmen for acquisition wholly or partially with moneys from the fund must be land or development rights the ownership of which would be consistent with the general purposes of this chapter. The Committee shall work with town staff and the Board of Selectmen to identify land or development rights for the purposes of this chapter. If requested by the ~~First Selectman~~ [Town Manager], the Committee may solicit potential sellers and may negotiate transactions to be recommended to the Board of Selectmen for approval for acquisition.

21-5 Approval; Administrative

Determination that a particular parcel of land or development rights thereto is to be acquired with moneys in the fund shall be made solely by the Board of Selectmen after recommendation from the Committee ~~and by the Town Meeting if required by Section 503(h) of the Town Charter.~~ Referral to the Simsbury Planning Commission shall be made pursuant to Connecticut General Statutes, § 8-24. The fund shall be administered by the ~~First Selectman~~ [Town Manager] and appropriations made from the fund by the Board of Finance as directed by the Board of Selectmen in accordance with the provisions of this chapter and the Town Charter.

REPEAL OF CHAPTER 23, HEALTH AND WELFARE COMMISSION

Delete in its entirety:

~~Section 23-1 Creation~~

~~Pursuant to the General Statutes of Connecticut, Chapters 98 and 99, Sections 7-148 through 7-201, and the Charter of the Town of Simsbury, Chapter VII, Section 708, there is hereby created a Health and Welfare Commission in the Town of Simsbury with full powers and authority as set forth in said statutes.~~

~~Section 23-2 Membership; Appointment and Term; Compensation~~

~~The Health and Welfare Commission shall consist of nine electors of the town. The members shall be appointed by the First Selectman with approval of the Board of Selectmen and shall serve a term of four years, except that of those first appointed four shall be appointed for a two-year term and the remainder for the full four year term. Biennially thereafter, the Selectmen shall appoint in the manner provided herein either four or five members to this Commission. The members shall serve without compensation.~~

~~Section 23-3 Officers; Rules and Regulations~~

~~Members of the Commission shall elect a Chairperson, Vice Chairperson and a Clerk for a period of one year. The Commission shall have the power to adopt rules and regulations for its~~

government, and the conduct of business within its jurisdiction, which shall be established within six months of the date this chapter becomes effective.

~~Section 23-4 Powers and duties.~~

~~The Commission shall be responsible for investigating the health, mental health and welfare needs of the citizens of the town and shall assist public and private agencies in the implementation of programs and facilities in the areas of health, mental health and welfare. The Commission shall have such other powers and duties not inconsistent with the Charter as may be prescribed by the Board of Selectmen.~~

REPEAL OF CHAPTER 26, HUMAN RELATIONS COMMISSION

Delete in its entirety:

~~Section 26-1 Creation~~

~~Pursuant to the Charter of the Town of Simsbury, Chapter VII, Section 709, there is hereby created a Human Relations Commission in the Town of Simsbury with full powers and authority as set forth in said statutes.~~

~~Section 26-2 Membership; Appointment and Term~~

~~The Human Relations Commission shall consist of three members. The members shall be appointed by the First Selectman with approval of the Board of Selectmen and shall serve a term of two years. Biennially thereafter, the Selectmen shall appoint three members to this Commission.~~

~~Section 26-3 Powers and Duties~~

~~The Commission shall be responsible for advising and assisting in the elimination of all discrimination against any individual or individuals because of race, color, religious creed, disability, national origin or ancestry. In pursuing these goals, the Commission shall have the duty to foster mutual understanding and respect, to encourage equality of treatment, to develop a community wide program of education, to investigate and mediate complaints and seek compliance with federal, state and other governmental laws and regulations and to assist public and private agencies in the implementation of these goals and programs upon the request of such agencies or any person or persons. The Commission shall have such other powers and duties not inconsistent with the Charter as may be prescribed by the Board of Selectmen.~~

F. CHAPTER 48, PERSONNEL

48-4(A) and (B) Position Descriptions

(A) The ~~First Selectman~~ [Town Manager] shall prepare or cause to be prepared initial position descriptions for all existing positions and present them to the Board of Selectmen for review at or before the first meeting of the Board of Selectmen in December 1975[of each year following the municipal election].

(B) The ~~First Selectman~~ [Town Manager] shall prepare or cause to be prepared new or revised position descriptions from time to time as appropriate and submit them to the Board of Selectmen for approval. No new permanent full-time employees will become employed by the town until a position description has been prepared, recommended by the ~~First Selectman~~ [Town Manager] and approved by the Board of Selectmen, except when unusual circumstances require a temporary departure from this standard.

48-5 Compensation Plan and Personnel Guidelines

The ~~First Selectman~~ [Town Manager] shall also prepare or cause to be prepared the compensation plan and personnel guidelines and rules referred to in §48-3 above. They shall be referred to the Board of Selectmen for review at or before the first meeting of the Board of Selectmen in December 1975.

48-7 Personnel and Collective Bargaining Committee

The ~~First Selectman~~ [Town Manager] and the Board of Selectmen shall be assisted by the Personnel and Collective Bargaining Committee of the Board of Selectmen in fulfilling their obligations as outlined above. All newly created positions will be referred to this Committee prior to action by the full Board. This Committee will also be advised of plans to hire or promote employees at department head level so that assistance can be provided in screening candidates and so that the Committee will be able to recommend action to the full Board when appropriate.

G. CHAPTER 52, POLICE COMMISSION

52-4 Powers and Duties

B.

Specifically, the Police Commission shall also have the following specific powers and duties:

(3)

Personnel matters. The Police Commission shall be responsible for personnel matters within the Police Department, including but not limited to the appointment and removal, after receiving and considering comments from the Chief of Police and subject to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to the provisions of Chapter X of the Charter, of all other officers and employees of the Police Department. Said powers of appointment and removal shall include the appointment and removal of an Animal Control Officer, whose appointment shall be subject to the approval of the ~~First Selectman~~ [Town Manager] and whose powers and duties shall be as provided in Chapter 435 of the Connecticut General Statutes, as amended.

H. CHAPTER 63, ALCOHOLIC BEVERAGES

63-2(A) Possession or Consumption in Town Buildings Limited; Permit Required

Exception to prohibition; permit required. Notwithstanding the provisions of this §63-2, any person may possess and consume alcoholic liquor in Town-owned buildings, excluding buildings operated by the Board of Education, if a written permit so authorizing said possession and consumption has been obtained from the office of the ~~First Selectman~~ [Town Manager] for a specific event on a specific date or dates. Such a permit may be issued by the ~~First Selectman~~ [Town Manager] upon receipt of a completed application on a form approved by the Board of Selectmen and upon a determination by the Board of Selectmen that the issuance of the permit will not be detrimental to the public safety, health or welfare or result in a violation of any other ordinance of the Town, or state or federal law.

I. CHAPTER 75, OPEN BURNING

75-1 SUBSECTION 4 Open Burning Official

Any person appointed by the ~~First Selectman~~ [Town Manager] and certified by the Commissioner.

J. CHAPTER 100, GIFT POLICY

100-5(A) Administrative Procedures

Before a donor offers a gift of personal property to the town which does not exceed \$1,500 in value, the donor shall discuss the proposed gift with the Director of Finance if the gift is to be directed to a specific program or department or with the ~~First Selectman~~ [Town Manager] if the proposed gift is intended for system-wide use by the town. The Director of Finance may accept any such gift not in excess of \$1,500 in value if he determines that acceptance of the gift is consistent with the goals of the town.

K. CHAPTER 106, LITTERING

106-3(A) Notice to Remove Litter, Failure Comply; Assessment of Costs and Expense

The ~~First Selectman~~ [Town Manager] or his authorized representative is hereby authorized and empowered to notify the owner of any private property within the town or the agent of such owner to dispose of litter located on such owner's property which is unsightly or dangerous to public health, safety or welfare. Said notice shall be by registered or certified mail, return receipt requested, addressed to such owner at the address shown on the last completed grand list or to his agent at his last known address.

L. CHAPTER 120, PEDDLERS AND HAWKERS

120-8(B) Suspension and Revocation of Licenses

Notice of any suspension shall be in writing and shall be issued by the Town Clerk, who shall state therein the reasons for the suspension and shall further give notice of the date and time of the revocation hearing scheduled before the ~~First Selectman~~ [Town Manager]. A notice of hearing for revocation of license shall set forth specifically the ground(s) of the complaint. The Town Clerk shall mail the suspension and revocation hearing notice by certified mail to the last known address of the license holder at least seven days before said scheduled revocation hearing.

M. CHAPTER 123, BLIGHTED AND UNSAFE PREMISES

123-3 Subsection 2 Blight Prevention Officer

Such individual as is designated by the ~~First Selectman~~ [Town Manager] to act as the Blight Prevention Officer.

123-3 SUBSECTION 4 Building Citation Office

Any individual(s) appointed by the ~~First Selectman~~ [Town Manager] to conduct hearings authorized by the Simsbury Code of Ordinances.

N. CHAPTER 133, SOLID WASTE

133-7(c) Revocation or Suspension of License or Registration

Request for review; filing; effect of failure to file. If a collector objects to the Director's action described in Subsection B above to revoke or suspend such collector's license or registration, he may, within the five calendar days of issuance of said notice, file a written request for review with the ~~First Selectman~~ [Town Manager] at which review the collector may present evidence to attempt to demonstrate that he has not violated this article or that the penalty for the violation should be mitigated for good cause. Failure to file such timely request for review shall make the Director's action final and binding upon such collector.