

ANY INDIVIDUAL WITH A DISABILITY WHO NEEDS SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE ADA COORDINATOR AT 203-385-4020 OR 203-385-4022 (TDD) 5 DAYS BEFORE THE MEETING, IF POSSIBLE.

AMENDED NOTICE OF SPECIAL MEETING

STRATFORD TOWN COUNCIL

March 31, 2016

PURSUANT TO THE DIRECTION OF HON. BETH DAPONTE, CHAIRMAN, THE STRATFORD TOWN COUNCIL WILL CONDUCT A SPECIAL MEETING AT 7:00 P.M. ON THURSDAY MARCH 31, 2016 IN COUNCIL CHAMBERS OF STRATFORD TOWN HALL, 2725 MAIN STREET, STRATFORD, CT.

TO DISCUSS THE FOLLOWING

I. CALL TO ORDER

II. BUDGET MODIFICATIONS REPORT from Chris Tymniak and Larry Ciccarella re: use of stipends and town vehicles.

III. APPOINTMENTS

BOARD OF ZONING APPEALS — 4-year term, elected position, representing Planning District I.

RESOLVED: that _____ of _____ - be and is hereby appointed a member of the Board of Zoning Appeals representing Planning District I. (term of Jean Collier expires Jan. 1, 2018)

IV. AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE TOWN OF STRATFORD, CONNECTICUT TO PARTICIPATE IN THE DEPARTMENT OF ADMINISTRATIVE SERVICES' COOPERATIVE PURCHASING PLAN; (#16-05) appended as page

V. AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE TOWN OF STRATFORD, CONNECTICUT TO PROHIBIT CONTRIBUTIONS TO TOWN CAMPAIGNS BY TOWN CONTRACTORS AND PROSPECTIVE TOWN CONTRACTORS; (#16-06) appended as pages 4-8

VI. RESOLUTION TO ORDER A PERFORMANCE AUDIT OF THE DEPARTMENT OF PUBLIC WORKS.

Sponsored by: Hon. Beth Daponte, First District Council member

WHEREAS: under section 2.2.15 of the Town Charter, the Council has the power to investigate.

The Council hereby orders that a performance audit of the Department of Public Works be conducted, the cost of which shall not exceed \$20,000.00.

VII. BUDGET WORKSHOP

VIII. ADJOURNMENT

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE TOWN OF STRATFORD, CONNECTICUT TO PARTICIPATE IN THE DEPARTMENT OF ADMINISTRATIVE SERVICES' COOPERATIVE PURCHASING PLAN; (#16-05)

Sponsored by: Hon. Mark Dumas, Second District

WHEREAS, Section 2.2.1 of the Charter of the Town of Stratford gives the Town Council the authority to enact ordinances relative to relative to the acquisition of real or personal property and relative to the appropriation of Town funds;

WHEREAS, the Town Council desires to provide for efficient and cost-effective procurement of goods services through "piggybacking" public bidding conducted by the State of Connecticut's Department of Administrative Services;

NOW, THEREFORE, BE IT HEREBY ORDERED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

That Chapter 14 of Code of the Town of Stratford, Connecticut shall be amended to include the following new Section:

- A. All purchases of, and contracts for, supplies, materials, equipment and contractual services and all sales of such personal property greater than \$7,500 which has become obsolete, unserviceable or unusable shall be based, when possible, on competitive bids. The Purchasing Department shall solicit sealed bids on purchases greater than \$7,500 by sending notice to prospective suppliers and by posting notice on a public bulletin board in the Town Hall. Each bid shall be opened publicly at the time stated in the notice soliciting such bid. If the amount of the expenditure or sale is estimated to exceed \$7,500, sealed bids shall be solicited by public notice inserted at least once in a newspaper circulated within the Town and at least five calendar days before the final date of submitting bids. Nothing in this section shall be construed to limit the ability of a Town of Stratford to enter into a contract pursuant to Connecticut General Statutes Section 4a-53a and the Commissioner of Administrative Services is hereby authorized to act as a contracting agent for the Town of Stratford pursuant to Connecticut General Statutes Section 4a-53a.
- B. Competitive bidding shall not be required for contracts for professional services. In any other case where competitive bidding is not required by law and either clearly is not practical or no advantage would result to the Town by requiring competitive bidding, the Mayor may authorize the execution of a contract without competitive bidding.

RESOLVED: that the first reading of the above entitled Ordinance (#16-05) be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE TOWN OF STRATFORD, CONNECTICUT TO PROHIBIT CONTRIBUTIONS TO TOWN CAMPAIGNS BY TOWN CONTRACTORS AND PROSPECTIVE TOWN CONTRACTORS; (#16-06)

Sponsored by: Hon. Mark Dumas, Second District

WHEREAS, Section 2.2.1 of the Charter of the Town of Stratford gives the Town Council the authority to enact ordinances relative to the regulation of the various departments; the acquisition of real or personal property, within and without the Town, by purchase, gift, devise, condemnation, lease, contract or otherwise; the sale, leasing, management, improvement and control of such property, and the appropriation of Town funds, including the transfer of funds between departments;

WHEREAS, the Town Council desires to foster the public trust in the operations of the Town;

NOW, THEREFORE, BE IT HEREBY ORDERED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

That Chapter 14 of Code of the Town of Stratford, Connecticut shall be amended to include the following new section:

A. Definitions. As used in this section:

(1) "Quasi-public agency" has the same meaning as provided in Connecticut General Statutes section 1-120.

(2) "Town agency" means any office, department, board, council, commission, institution or other agency in the executive or legislative branch of Town government.

(3) "Town contract" means an agreement or contract with the Town of Stratford or any Town agency, let through a procurement process or otherwise, having a value of one thousand dollars or more, or a combination or series of such agreements or contracts having a value of one hundred thousand dollars or more in a calendar year, for (i) the rendition of services, (ii) the furnishing of any goods, material, supplies, equipment or any items of any kind, (iii) the construction, alteration or repair of any public building or public work, (iv) the acquisition, sale or lease of any land or building, (v) a licensing arrangement, or (vi) a grant, loan or loan guarantee. "Town contract" does not include any agreement or contract with the Town or any Town agency that is exclusively federally funded, an education loan, a loan to an individual for other than commercial purposes or any agreement or contract between the Town or any Town agency and the United States Department of the Navy or the United States Department of Defense.

(4) "Town contractor" means a person, business entity or nonprofit organization that enters into a Town contract. Such person, business entity or nonprofit organization shall be deemed to be a Town contractor until December thirty-first of the year in which such contract terminates. "Town

contractor” does not include the State of Connecticut, a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or an employee in the executive or legislative branch of Town or State of Connecticut government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person’s capacity as a Town, state, or quasi-public agency employee.

(5) “Prospective Town contractor” means a person, business entity or nonprofit organization that (i) submits a response to a Town contract solicitation by the Town in response to a request for proposals by the Town until the contract has been entered into. “Prospective Town contractor” does not include the State of Connecticut, a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or an employee in the executive or legislative branch of Town or State of Connecticut government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person’s capacity as a Town, state, or quasi-public agency employee.

(6) “Principal of a Town contractor or prospective Town contractor” means (i) any individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in, a Town contractor or prospective Town contractor, which is a business entity, except for an individual who is a member of the board of directors of a nonprofit organization, (ii) an individual who is employed by a Town contractor or prospective Town contractor, which is a business entity, as president, treasurer or executive vice president, (iii) an individual who is the chief executive officer of a Town contractor or prospective Town contractor, which is not a business entity, or if a Town contractor or prospective Town contractor has no such officer, then the officer who duly possesses comparable powers and duties, (iv) an officer or an employee of any Town contractor or prospective Town contractor who has managerial or discretionary responsibilities with respect to a Town contract, (v) the spouse or a dependent child who is eighteen years of age or older of an individual described in this subparagraph, or (vi) a political committee established or controlled by an individual described in this subparagraph or the business entity or nonprofit organization that is the Town contractor or prospective Town contractor.

(7) “Dependent child” means a child residing in an individual’s household who may legally be claimed as a dependent on the federal income tax return of such individual.

(8) “Managerial or discretionary responsibilities with respect to a Town contract” means having direct, extensive and substantive responsibilities with respect to the negotiation of the Town contract and not peripheral, clerical or ministerial responsibilities.

(9) “Rendition of services” means the provision of any service to a Town agency or quasi-public agency in exchange for a fee, remuneration or compensation of any kind from the Town or through an arrangement with the Town.

(10) “Town contract solicitation” means a request by a Town agency or quasi-public agency, in whatever form issued, including, but not limited to, an invitation to bid, request for proposals,

request for information or request for quotes, inviting bids, quotes or other types of submittals, through a competitive procurement process or another process authorized by law waiving competitive procurement.

(11) “Subcontractor” means any person, business entity or nonprofit organization that contracts to perform part or all of the obligations of a Town contractor’s Town contract. Such person, business entity or nonprofit organization shall be deemed to be a subcontractor until December thirty-first of the year in which the subcontract terminates. “Subcontractor” does not include (i) the State of Connecticut, a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or (ii) an employee in the executive or legislative branch of Town or State of Connecticut government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person’s capacity as a Town, state, or quasi-public agency employee.

(12) “Principal of a subcontractor” means (i) any individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in, a subcontractor, which is a business entity, except for an individual who is a member of the board of directors of a nonprofit organization, (ii) an individual who is employed by a subcontractor, which is a business entity, as president, treasurer or executive vice president, (iii) an individual who is the chief executive officer of a subcontractor, which is not a business entity, or if a subcontractor has no such officer, then the officer who duly possesses comparable powers and duties, (iv) an officer or an employee of any subcontractor who has managerial or discretionary responsibilities with respect to a subcontract with a Town contractor, (v) the spouse or a dependent child who is eighteen years of age or older of an individual described in this subparagraph, or (vi) a political committee established or controlled by an individual described in this subparagraph or the business entity or nonprofit organization that is the subcontractor.

B. (1) No Town contractor, prospective Town contractor, principal of a Town contractor or principal of a prospective Town contractor, with regard to a Town contract or a Town contract solicitation with or from a Town agency or a quasi-public agency, shall make a contribution to, or, on and after January 1, 2017, knowingly solicit contributions from the Town contractor’s or prospective Town contractor’s employees or from a subcontractor or principals of the subcontractor on behalf of (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Mayor, Town Council, Board of Education, Zoning Commission, Zoning Board of Appeals, Planning Commission, Registrar of Voters for the Town of Stratford, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, (iii) a party committee; (iv) or referendum committee;

(2) If a Town contractor or principal of a Town contractor makes or solicits a contribution as prohibited under subparagraph (1) of this subsection, the contracting Town agency or quasi-public agency shall, in the case of a Town contract executed on or after January 1, 2017, void the existing contract with such contractor, and no Town agency or quasi-public agency shall award the Town contractor a Town contract or an extension or an amendment to a Town contract for one year after the election for which such contribution is made or solicited unless the Town Council, in its sole discretion, determines that mitigating circumstances exist concerning such

violation. No violation of the prohibitions contained in subparagraph (1) of this subsection shall be deemed to have occurred if, and only if, the improper contribution is returned to the principal by the later of thirty days after receipt of such contribution by the recipient committee treasurer or the filing date that corresponds with the reporting period in which such contribution was made;

(3) If a prospective Town contractor or principal of a prospective Town contractor makes or solicits a contribution as prohibited under subparagraph (1) of this subsection, no Town agency or quasi-public agency shall award the prospective Town contractor the contract described in the Town contract solicitation or any other Town contract for one year after the election for which such contribution is made or solicited unless the Town Council determines that mitigating circumstances exist concerning such violation. The Town Purchasing Agent shall notify applicants of the provisions of this subsection during the prequalification application process; and

(4) The Town Attorney shall make available to each Town agency and quasi-public agency a written notice advising Town contractors and prospective Town contractors of the contribution and solicitation prohibitions contained in subparagraphs (1) and (2) of this subsection. Such notice shall: (i) Direct each Town contractor and prospective Town contractor to inform each individual described in subsection A.(6) of this section, with regard to such Town contractor or prospective Town contractor, about the provisions of subparagraph (1) or (2) of this subsection, whichever is applicable, and this subparagraph; (ii) inform each Town contractor and prospective Town contractor that, in the case of a Town contractor, if any such contribution is made or solicited, the contract may be voided; (iii) inform each Town contractor and prospective Town contractor that, in the case of a prospective Town contractor, if any such contribution is made or solicited, the contract described in the Town contract solicitation shall not be awarded, unless the Town Council, in its sole discretion, determines that mitigating circumstances exist concerning such violation; and (iv) inform each Town contractor and prospective Town contractor that the Town will not award any other Town contract to anyone found in violation of such prohibitions for a period of one year after the election for which such contribution is made or solicited, unless the commission determines that mitigating circumstances exist concerning such violation. Each Town agency and quasi-public agency shall distribute such notice to the chief executive officer of its contractors and prospective Town contractors, or an authorized signatory to a Town contract, and shall obtain a written acknowledgement of the receipt of such notice.

(4) The provisions of this subsection shall not apply to the campaign of a principal of a Town contractor or prospective Town contractor or to a principal of a Town contractor or prospective Town contractor who is an elected public official.

C. (1) Not later than thirty days after February 1, 2017, each Finance Director shall prepare and forward to the Mayor and Town Council a list of the names of the Town contractors and prospective Town contractors and shall publish such list on the Town website. Not less than once per fiscal quarter, the Finance Director shall forward to the Mayor and Town Council any changes, additions or deletions to said lists.

(2) Not later than sixty days after February 1, 2007, the Finance Director shall (i) compile a master list of Town contractors and prospective Town contractors for all Town agencies and

quasi-public agencies, based on the information received under subsection (1) of this subsection, (ii) publish the master list on the Town's Internet web site, and (iii) provide copies of the master list to campaign treasurers upon request

RESOLVED: that the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.