

BOARD OF SELECTMEN  
TOWN HALL CONFERENCE ROOM  
APRIL 05, 2017  
MINUTES

Present: First Selectman Bruce Farmer; Selectmen, Carol Walter, Lynn Pinder, William W. Fritz and John Giannotti

Everyone stood and pledged allegiance to the flag. The meeting was called to order at 8:00 AM.

**VISITORS**

Dom Morelli spoke briefly about the Police Canine Program.

**APPROVAL OF MINUTES – APRIL 5, 2017**

Walter made a motion, seconded by Giannotti to approve the minutes from March 29, 2017. The motion was unanimously approved.

**RESIGNATIONS AND APPOINTMENTS**

Walter made a motion, seconded by Giannotti to accept the resignation of Bryan Pellegrini from the Human Services Advisory Board. The motion was unanimously approved. The board thanked Bryan for all his years of service.

**BUILDING PERMIT PROPOSED FEE INCREASE**

Ed Smith, Building Official reviewed his proposal on increasing the building department permit fees. The last time the fees were increased was in 2008. The town is currently charging contractors and homeowners a flat fee of \$10.00 for each \$1,000 worth of construction value. Smith is proposing a fee schedule of \$25.00 for the first \$1,000 worth of construction value/demolition cost and \$12.00 for each additional \$1,000 worth of construction/demolition cost. Fritz made a motion, seconded by Pinder to approve the fee increase as presented by the Building Official effective July 1, 2017. The motion was unanimously approved with one abstention from Giannotti.

Pinder made a motion, seconded by Fritz to add agenda item 5A – Public Works Line Item Transfer. The motion was unanimously approved.

**PUBLIC WORKS LINE ITEM TRANSFER**

Giannotti made a motion, seconded by Fritz and unanimously approved the following line item transfers as presented by Peter Neff, Director of Public Works.

Public Works Line Item Transfers

Decrease OT Snow/Ice by \$2,000 and Increase PT/Seasonal by \$2,000  
Decrease OT Snow/Ice by \$500 and Increase Building Maintenance by \$500

**POLICE DEPARTMENT**

**Canine Program**

Chief Vincent DeMaio and Chairman Peter Niles were present for the meeting. The department raised a total of \$12,840.57 for the Canine Program. The department will continue to do more fundraising to

BOARD OF SELECTMEN  
TOWN HALL CONFERENCE ROOM  
APRIL 05, 2017  
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cover the additional training cost for the handler and the dog. Fritz made a motion, seconded by Pinder to accept \$12,840.57 for the Police Canine Program and send to the Board of Finance for approval. The funds will go into the general fund then into a separate line item designated for the Canine Program. The motion was unanimously approved.

10-33 Program

The department is an active member of the Law Enforcement Program. The 10-33 Grant is a government surplus that's available through the Law Enforcement Program. The department was approved to receive 10 patrol rifles to be used for emergency response at no cost to the town. Fritz made a motion, seconded by Giannotti to accept the 10-33 Grant and send to the Board of Finance and town meeting for approval. The motion was unanimously approved.

Police and Youth Grant

The department already has a police youth interactive program in place. This grant will help strengthen the relationship between officers and youths and provide a positive influence to help reduce crime. This grant is a 75/25 percent match but the program allows the 25 percent to be in kind services. At this time, it is uncertain if the Police Department or Human Services will be administering the grant. Pinder made a motion, seconded by Giannotti to approve applying for the Police and Youth Program Grant. The motion was unanimously approved.

Officer Harkins

Chief DeMaio acknowledged Officer Harkins as a Drug Recognition Expert. The state will provide training for Officer Harkins and all travel expenses will be reimbursable.

Pinder made a motion, seconded by Giannotti to add agenda item 6A – Madison Communication Tower Site. The motion was unanimously approved.

Madison Communication Tower Site

Chief DeMaio and Madison Police Chief Drumm have been working together on an agreement that will allow Clinton to move their equipment/antennas from a tower site located on Ridge Road to a tower that is owned by Madison. The town is currently paying \$695.00 per month on tower rental fees. Both towns are close to an agreement. If approved Madison will absorb the tower rental fee. Once an agreement is finalized it will be presented to the board for review.

Letter from Attorney Bennet regarding the Police Commission

The Police Commission received a letter from Attorney Bennet regarding budgetary & contracting considerations. A copy of the letter will be attached to the minutes.

Car Seats

DeMaio would like to start fundraising for child safety seats. The department has come across many families who can't afford to purchase car seats. Instead of handing out tickets they would like to be able to provide car seats to families less fortunate. Walter made a motion, seconded by Pinder to allow the

BOARD OF SELECTMEN  
TOWN HALL CONFERENCE ROOM  
APRIL 05, 2017  
MINUTES

Police Department to begin accepting donations to go towards the purchase of child safety seats. The motion was unanimously approved.

Pinder made a motion, seconded by Giannotti to add 6D – Police Commission Liaison. The motion was unanimously approved.

Walter made a motion, seconded by Giannotti to appoint Lynn Pinder as the Police Commission liaison. The motion was unanimously approved.

**SELECTMEN'S REPORTS**

Reported by Farmer

- RiverCOG is presenting testimony to the Appropriations Committee regarding the Governor's ECS and Teacher Pension budget proposals. They don't anticipate any decisions being made until the end of May.

**ADJOURN**

Pinder made a motion, seconded by Giannotti and unanimously adjourned the meeting at 9:10 AM.

Respectfully submitted,

Mary Schettino

GOULD, LARSON, BENNET, MCDONNELL,  
QUILLIAM & MCGLINCHEY, P.C.

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April 4, 2017

JAMES H. GOULD (1911-1985)  
JOHN E. LARSON (1924-2016)

Mr. Bruce Farmer, First Selectman  
Clinton Town Hall  
54 East Main Street  
Clinton CT 06413

*Via Email & Fax 860.669.0890*

Re: Budgetary & contracting considerations

Dear Bruce,

You have raised with me, concerns that employees of the town and/or certain boards or commissions may be proceeding with projects that have not received appropriate budgetary review and review by the Board of Selectman. In particular, you have noted the police commission and police department are interested in undertaking fund raising for certain projects, wish to apply for grants for certain projects and to undertake acquisition of a canine unit and certain equipment.

As a general proposition, no public employee or agency may undertake the expenditure of funds that have not been approved through the proper channels of the Board of Finance and Board of Selectmen. For example, Connecticut General Statutes §7-348 provides "No officer of any such town shall expend or enter into any contracts by which the town shall become liable for any sum which, with any contract then in force, shall exceed the appropriation for the department, except in cases of necessity.... the case of necessity connected with the repair of highways, bridges, sidewalks and water and sewer systems and the care of the town poor, and then not more than \$1,000." The statute then goes on to provide for a process whereby the selectmen can notify the Board of Finance of the need of additional funds and those expenditures then go through a process of approval and appropriation.

Our charter carries similar provisions at Section 10-4 regarding special appropriations or transfer of appropriations and Section 10-5 regarding emergency appropriations.

CGS §7-349 further provides that "Any officer who, in violation of any provision of this chapter, expends or causes to be expended, any money of such town, except for the purpose of paying judgments rendered against such town, shall be liable in a civil action in the name of such town, and the amount so drawn from the treasury of such town shall be liquidated damages in such action against any such officer." Our charter carries a nearly identical provision at Section 10-6(d).

Nor is it appropriate for any officer or agent of the town to undertake fund raising. Any fund that might be raised would become part of the general funds of the town. To the extent that gifts are made to the Town or any department of the town, the gifts have limitations. That is to say that the

funds received must be for the designated purpose. However, until there has been an approval to undertake the designated purpose, it is inappropriate to be gathering funds for it. For example, raising funds to acquire a piece of equipment brings with it the obligation to use the funds only for that equipment. However, if town authorities have not determined that having that equipment is a good thing, or want to undertake the maintenance of that equipment, or undertake the liability the equipment may represent, the funds cannot be expended. They would have to go through the appropriation process and then be expended for the defined purpose or returned to the donor.

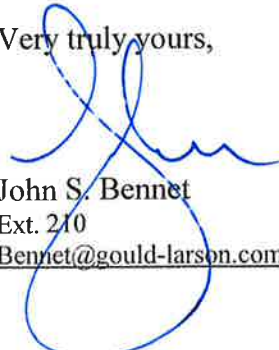
The same applies to grants. Virtually, every grant made by any governmental body or other grant making authority, carries with it certain limitations and restrictions. The town may or may not want to undertake the limitations or restrictions. Therefore, until a determination is made by the legislative body, the Board of Selectman, that the town should be bound by the terms of the gift or grant, it is inappropriate to be applying for the grant. Typically, the agency, employee or officer of the town would bring the prospect of such a grant to the selectmen for consideration to approve or disapprove an application.

Regarding your questions concerning the Police Commission, in regard to what I have said above, the Commission has no independent authority to approve any new programs, grants or expenditures. Certainly it is the first authority to consider anything that may be proposed with respect to the department, its needs for equipment, advantages of any available grants, etc. However, all of that is then run through the budget making process which includes the Board of Selectmen and the Board of Finance, as noted above.

Connecticut General Statutes, at §7-274, provide for the establishment of town police commissions. CGS §7-276 lists the powers of police commissions (full text attached hereto). Those powers run to management and supervision of the department and of the property and equipment used by the department, to make regulations for the governance of the department and oversee the supervision or removal from office of any officer of the department. In that management and oversight capacity, certainly the Board of Commissioners could appeal to the Board of Selectmen and the Board of Finance for increases in budget or for application for grants or acquisition of equipment, etc. However, there is no independent authority to undertake those steps without the appropriate review by the Board of Selectmen before obligating the town, with respect to an accepted gift, a grant or contract of any kind.

I trust what I set forth above, clarifies any concerns you may have and I look forward to hearing from you should you need more.

Very truly yours,



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