

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: JK

Item presented by: Jeffery J. O'Keefe

DATE: August 10, 2010

SUBJECT: Proposed Ordinance changes from Boating and Navigation Task Force

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

After receiving input from the public on the proposed changes to the Boating and Navigation Ordinance as presented by the task force, council adopt the proposed changes.

BACKGROUND

Among other items presented by the Boating and Navigation Task Force they did make recommendations to make minor changes to the Ordinance. The attached is what is under discussion this evening and is what is open to public comment.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

None at this time.

EH: Clerks Office

AGENDA ITEM: 4A

§ 173-1 Boats on Lake Pocotopaug.

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- [Basic View](#)

The following regulations are adopted by the Town Council in addition to the state and federal acts concerning boats.

§ 173-2 Vessels with built-in toilet systems.

Vessels with built-in toilet systems that are capable of overboard (INSERT) sewage discharge shall not be allowed in or on the lake at any time. (ADD) Vessels with portable toilets systems shall not discharge sewage into the lake.

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§ 173-3 Speed limits.

A.

No person shall operate any vessel powered in whole or in part by a motor between 1/2 hour after sunset and 7:00 a.m. at a speed in excess (REMOVE) of six miles per hour (CHANGE TO) Slow-No-Wake.

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B.

No person shall operate a vessel at a speed to exceed (REMOVE) six miles per hour (CHANGE TO) Slow-No-Wake within 200 feet of shore, or a dock, pier, float, or anchored or moored vessel unless taking off with a water skier.

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§ 173-4 Beaching of vessels.

The permanent beaching of any vessel at any public or community beach except for emergency use is hereby prohibited. The term "permanent" shall be defined as exceeding a twenty-four-hour period.

§ 173-5 Swimming restrictions.

No person using the lake for swimming or public bathing shall act recklessly or negligently (INSERT) ! or in such a manner that the safety of any person, including himself, shall be endangered (INSERT) ! (REMOVE) nor (CHANGE TO) No person shall swim beyond 100 feet from shore or a raft or mooring without a manned (REMOVE) surface craft (CHANGE TO) vessel in close and constant attendance (ADD) and maintaining line of sight.

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All persons using flotation devices such as life preservers, (except water skiers), inner tubes, air mattresses, inflatable toys, etc. shall be considered swimmers and shall abide by these regulations. (CHANGE TO) All persons using inner tubes, air mattresses, inflatable toys, etc., or floating or swimming with the aid of flotation devices including life preservers (except water skiers), shall be considered swimmers and shall abide by these regulations.

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(ADD) This section shall not apply to law enforcement or emergency personnel while such personnel are engaged in the performance of their official duties in connection with law enforcement, an emergency, or in connection with training thereof.

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§ 173-6 Washing or bathing.

The washing or bathing of any person or animal with soap or detergent in the lake is hereby prohibited.

§ 173-7 Garbage and litter.

Use of the lake either from the shore or from any vessel for the discard of papers, cans, bottles, grass cuttings, leaves, wood, lumber or any litter whatever is expressly prohibited.

§ 173-8 Floats and moorings.

A.

All floats, moorings or other anchored personal property shall be confined within the bounds of:

(1)

One hundred feet or less from the shoreline; and

(2)

The area in front of the property owner's lot that is bounded by lines that bisect the angles formed by the frontage closure line. A frontage closure line is a straight line between the two points where property lines meet the shoreline.

B.

A property owner may give permission to other persons to install such moorings, provided the moorings are within the property owner's bounds as described above.

C.

A property owner may request special permission from the Police Department to install a mooring beyond 100 feet if necessitated by water depths or other obstructions.

§ 173-9 Maximum speed on Lake Pocotopaug.

The maximum speed limit on Lake Pocotopaug shall be 40 miles per hour (INSERT) from 7:00 a.m. until ½ hour past sunset.

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§ 173-10 Speed in proximity to other vessels.

Motor boats are prohibited from coming within 50 feet of all other vessels in excess of (REMOVE) six miles per hour (CHANGE TO) Slow-No-Wake. In case of a violation, the burdened or giveaway vessel shall be cited.

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§ 173-11 Motor coverings.

During normal operation, except for maintenance purposes, all motors must be complete with (INSERT) their proper cover, so as to muffle sound and prevent bodily injury from moving parts.

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§ 173-12 Towing of water skiers and others.

A.

The maximum number of water-skiers to be towed by a motorboat is two at any one time.

B.

The launching into the air of persons over Lake Pocotopaug through towing by a vessel is prohibited. (INSERT) I.E. PARASAILS AND KITES.

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§ 173-13 Rafts for water skiing.

The installation or use of any raft or other structure for the purpose of water ski jumping or other use by water skiers in motion is prohibited. This section shall not apply to organized programs approved or permitted by the Town of East Hampton.

§ 173-14 Operation of snowmobiles.

A.

No person shall operate a snowmobile on the public frozen waters of Lake Pocotopaug from 1/2 hour after sunset until 7:00 a.m.

B.

As used in this section, the following terms shall have the meanings indicated:

OPERATE

To control the course of or otherwise use a snowmobile.

SNOWMOBILE

Any self-propelled vehicle designed for travel on ice or snow except vehicles propelled by sail.

§ 173-15 Penalties for offenses.

Any person failing to observe any or all of these regulations shall be guilty of not less than an infraction and shall be fined (REMOVE) \$60 (CHANGE TO) MAXIMUM FINE ALLOWED for each infraction.

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§ 173-16 Buoys to mark dangerous lake conditions.

The Town of East Hampton may, from time to time, endeavor to mark buoys to indicate dangerous or rocky lake conditions. Should the Town determine to so mark buoys, a map of marked buoys will be available from the office of the Town Clerk during regular business hours. The marking of buoys, if performed by the Town, is a courtesy only. In no event shall the Town assume any responsibility or liability for personal injury or property damage caused by the marking of or failure to mark buoys.

§ 173-17 When effective.

This chapter shall take effect 20 days after publication provided it is approved by the State Department of Environmental Protection pursuant to the State Boating Act.

O'Keefe, Jeff

From: Plummer, Ruth
Sent: Tuesday, August 03, 2010 1:50 PM
To: O'Keefe, Jeff
Subject: Nav ord

The DEP Staff reviewed our recommendations for the Navigational Ordinance changes and the only input they had was to use the term No Wake instead of Steerage speed. Ruth

Ruth G Plummer, Director

East Hampton Parks and Recreation
20 East High Street, East Hampton, CT 06424
Office: 860 267-6020 Cell: 860 918-5318
Fax: 860 267-6453 Email: ruthp@easthamptonct.org

TOWN OF EAST HAMPTON
AGENDA REPORT

Town Manager Approval: _____



Item presented by:

Jeffery J. O'Keefe

DATE: August 10, 2010

SUBJECT: Adoption of Employee Handbook

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

All comments and attorney changes for the employee handbook have been incorporated. Council is now being asked to adopt the employee handbook.

BACKGROUND

An employee handbook is the most important communication tool for employees. We believe a well-written handbook sets forth expectations for employees as well as describes what they can expect from the Town and being that our handbook is so dated, we want be sure that all areas are covered.

I would like to publicly thank human resource manager, Lisa Seymour for all of the hard and diligent work she has put into making this document a reality.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

None at this time.

EH: Clerks Office

AGENDA ITEM: _____

4B

TOWN OF EAST HAMPTON
AGENDA REPORT

Town Manager Approval: _____

JH

Item presented by:

Jeffery J. O'Keefe

DATE: August 10, 2010

SUBJECT: Update from Task Force on noise control

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

Receive report from noise control task force members from recent visits to property owner's homes.

BACKGROUND

Two members of the noise control task force, Councilmember's John Tuttle and Thom Cordeiro, continue to monitor noise concerns in the neighborhood around Angelico's restaurant. They indicated an expressed interest to meet property owners at their homes to record noise levels with the Towns current noise meter reading device.

These councilmember's were invited to these residents' homes because of their concerns with the noise emanating from the bands playing at Angelico's. Councilmember's John Tuttle and Thom Cordeiro continue to reach out to these neighbors to address their noise concerns.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

None at this time.

EH: Clerks Office

AGENDA ITEM: _____

4C

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: JOK

Item presented by: Jeffery J. O'Keefe

DATE: August 10, 2010

SUBJECT: Naming of Task Force Members to develop an Arts & Cultural Commission Ordinance

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

Presentation of names from Council Member Cordeiro to serve on a task force to develop an Arts & Cultural Commission Ordinance.

BACKGROUND

There has been some interest within the community and amongst some council members to discuss the possibility of forming an Arts & Cultural Commission.

There are several groups currently operating within the town that offer some sort of cultural or arts events on an ongoing basis. The Goff House holds a multitude of events; Epoch Arts is fast becoming a haven for our youth and offer programs in video production, theatre, sound recording, music, etc. The podium players and schools offer many programs as well.

There are also several local artists, some very prominent, who are constantly looking for places to display their work. In fact several of them rotate and display their art work right here at Town Hall. This commission could provide direction in coordinating and scheduling events within the community that would benefit all of our local business as well. The formation of this commission could go a long way in bringing some real organization and direction to the Arts & Cultural venues within our community.

Council Member Cordeiro had agreed to bring back names for the council's consideration to serve on the task force to develop a Arts & Cultural Commission Ordinance. These names will be presented this evening.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

None at this time.

EH: Clerks Office

AGENDA ITEM: 5A

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: JOK

Item presented by: Jeffery J. O'Keefe

DATE: August 10, 2010

SUBJECT: Defined Contribution Program for all new Town Hires

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

Discuss and direct the Town Manager, Finance Director and Human Resource Coordinator to proceed with the implementation and analysis of a "defined contribution pension program" effectively immediately for all new non-union Town hires.

BACKGROUND

Several towns throughout the State of Connecticut and many throughout the nation are moving away from the traditional "defined benefits pension programs" where government employees receive pension benefits for life and are moving into "defined contribution programs" where employers pension liabilities cease when an employee retires or leaves employment.

Currently the Towns pension liabilities for employees in the "defined benefits program" are upwards of \$21 million dollars and 15% of these liabilities are still unfunded. The Town currently assumes all of the "market" risks for these funds and from June 2007 to June 2010 assets have decreased by \$2 million dollars. In the event these market fluctuations do not "smooth" out over time the Town would then be in a position to have to increase its contributions to the plan or require participants to pay more for the plan to meet these long term pension obligations. None of this is required in a "defined contribution" program.

Financially the long term savings and/or risks to the Town will be minimized significantly. Market risks will now be born by the plan participant and the Town would only be responsible for its contribution to the plan participant(s) accounts.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

An analysis of administrative costs associated with the new program and a recommendation as to what the Town's Contribution to this new plan will be addressed at a few future council meeting.

EH: Clerks Office

AGENDA ITEM: 5B

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: _____



Item presented by:

Jeffery J. O'Keefe

DATE: August 10, 2010

SUBJECT: Discuss and approve amendment changes to Chapter 109 of the Town of East Hampton Ordinances to abolish the position of Chief of Police and to restructure the Police Department. Set public hearing date.

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

Discuss and approve amendment changes to Chapter 109 of the Town of East Hampton Ordinances to abolish the position of Chief of Police and to restructure the Police Department. Set public hearing date.

BACKGROUND

Because of the actions taken by the Town Manager on June 22, 2010 to "right size" the Towns Police Department and to bring it more into financial alignment with peer Towns; council is required to modify its existing ordinance as it relates to the police department. Although, this right sizing is a step in the right direction, you can see by the attached charts that we still support our law enforcement program more than any of our peers. Some of these peer towns rely solely on the State Trooper Resident program. And, I looked at this when comparing peer models. I do not support, nor do I believe most of the Towns residents' support, going to a strictly State Trooper Resident program. Portland, however, has a model, which this proposed ordinance is fashioned after (see attached), that brings us much closer to financial alignment with our peers.

The existing ordinance and proposed changes to this ordinance are attached.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

There is a projected savings of upwards of \$429,478.21 for the fiscal 2011/12 budget and a savings of approximately \$283,000 in the current budget we are currently operating under. In addition, long term savings in pension costs and obligations are currently being calculated and would increase the savings considerably.

EH: Clerks Office

AGENDA ITEM: _____

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Before Reorganization		Population	Sq. Miles	Law Enforcement Budget	Percent of Town Budget	Police Chief	Chiefs Salaries	Fire Department Budget
East Haddam	8,896	54	\$332,018	3.50%	no	\$0	\$221,185	
Marlborough	6,360	24	\$289,405	6.67%	no	\$0	\$171,661	
Durham	7,456	24	\$252,542	4.93%	no	\$0	\$92,045	
Hebron	9,228	37	\$276,333	3.12%	no	\$0	\$352,078	
Portland	9,551	25	\$1,121,250	8.65%	no	\$0	\$264,675	
Colchester	15,578	49	\$1,058,088	7.80%	no	\$0	\$867,763	
EAST HAMPTON	12,685	35	\$1,733,811	14.00%	yes	\$99,578	\$241,703	

NOTE:

East Hamptons and Portlands costs DO NOT include pension and health care costs
 Colchesters costs DO NOT include workers Compensation and health care costs

After Reorganization		Population	Sq. Miles	Law Enforcement Budget	Percent of Town Budget	Police Chief	Chiefs Salaries	Fire Department Budget
East Haddam	8,896	54	\$332,018	3.50%	no	\$0	\$221,185	
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Hebron	9,228	37	\$276,333	3.12%	no	\$0	\$352,078	
Portland	9,551	25	\$1,121,250	8.65%	no	\$0	\$264,675	
Colchester	15,578	49	\$1,058,088	7.80%	no	\$0	\$867,763	
EAST HAMPTON	12,685	35	\$1,304,332	10.38%	no	\$0	\$241,703	

The reorganization has reduced the Police Departments budget by \$429,478.
 Still not in total alignment with bordering Towns but a good step in the right direction

NOTE:

East Hamptons and Portlands costs DO NOT include pension and health care costs
 Colchesters costs DO NOT include workers Compensation and health care costs

II. CURRENT ORDINANCE

CHAPTER 109 POLICE DEPARTMENT

Adopted by the Special Town Meeting of the Town of East Hampton 5-22-1989 (Ord. No. 8.01). Amendments noted where applicable.

§ 109-1 Establishment; purpose.

Pursuant to § 7-148(c)(4)(A) of the Connecticut General Statutes, as amended, there is hereby established a Police Department for the Town of East Hampton, which shall have all the powers and duties of a municipal police department conferred by state statutes and local ordinances for the purpose of police protection and law enforcement.

§ 109-2 Appointments.

Pursuant to Town Charter, based upon merit and fitness alone, the Town Manager shall appoint a Chief of Police and all sworn law enforcement officers for the Department.

§ 109-3 Powers and duties of Chief of Police.

The Chief of Police, subject to such rules and regulations as are adopted by the Town Council, shall have general management, administrative and supervisory control over all operations of the Department. The Chief of Police shall be the traffic authority for the Town of East Hampton.

§ 109-4 Transfer of authority.

The ordinance adopted in June 1963 establishing a Board of Police Commissioners is hereby repealed upon the effective date of this chapter. All incumbent police officers, including the Chief of Police, shall continue to hold rank, and all such equipment assigned to the Commission shall hereby be permanently transferred to the department established by this chapter.

§ 109-5 Effective date.

This chapter shall take effect upon the election of a Town Council on November 7, 1989.

III. PROPOSED ORDINANCE

Be it ordained by the Town Council of the Town of East Hampton:

Section 1. That the office of Chief of Police be and the same is hereby abolished.

Section 2. That Section 109-2 of the Code of Ordinances is hereby amended by deleting/striking the current language and inserting the following in lieu thereof:

Pursuant to Town Charter, §§7-148(c)(4)(A) and 7-148(c)(5)(C) of the Connecticut General Statutes, and based upon merit and fitness alone, the Town Manager shall appoint a Chief of Police and all sworn law enforcement officers for the Department. **Nothing herein shall require the Town Manager to fill or create any position that he may deem to be unnecessary.**

Section 3. That Section 109-3 of the Code of Ordinances is hereby amended by deleting/striking the current language and inserting the following in lieu thereof

~~The Chief of Police, subject to such rules and regulations as are adopted by the Town Council, shall have general management, administrative and supervisory control over all operations of the Department. The Chief of Police shall be the traffic authority for the Town of East Hampton.~~

a. **The position of Chief of Police is hereby abolished.**

b. **The Town Manager shall serve as the chief non-sworn/civil administrative authority for the Police Department and shall have general management, administrative and supervisory control over all operations of the Department, as may be permitted by law.**

c. **Consistent with §109-2 of Code of Ordinances, the Town Manager shall appoint a lieutenant, who shall provide day-to-day management of the Police Department, as may be delegated by the Town Manager. The lieutenant shall also be vested with such powers, responsibilities, and duties that were formerly exercised by the Chief of Police by the general statutes and the ordinances, rules, and regulations of the Town of East Hampton**

and that the Town Manager may not be permitted to perform under law and/or must be performed by a sworn law enforcement officer.

Section 4. All ordinances and parts thereof now in force and inconsistent with any part of this ordinance are hereby repealed.

IV. TOWN OF PORTLAND CHARTER

Section 1007. Law Enforcement

Law enforcement shall be provided as approved by the Board of Selectmen in the annual operating budget and may include Resident State Troopers, Police Officers and such other personnel as shall be authorized.

Section 1007-a. Chief of Police

1. The First Selectman shall be the Chief of Police and shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property and enforcement of the laws of the State, and the ordinances of the Town and all rules and regulations made in accordance therewith.
2. The First Selectman, as the Chief of Police, shall assign all employees, including the Municipal Animal Control Officer, to their respective posts, shifts, details and duties. The Chief shall make rules and regulations concerning the police service and the conduct of all officers and employees thereof. The Chief shall be the traffic authority of the Town, and shall be responsible for the efficiency, discipline and good conduct of police service and for the care and custody of all property used in police work. Disobedience to the lawful orders, rules and regulations of the Chief shall be grounds for dismissal or for other appropriate disciplinary action subject to the right of review by the Board of Selectmen.

Section 1007-b. Police Officers

There shall be such police officers as are deemed necessary by the Board of Selectmen, ~~appointed by the First Selectman, in accordance with the authority granted by General Statutes~~ Section 7-148 to provide police protection.

VI. EXCERPTS FROM PERTINENT CASES.

A. State v. Pinkerman, 28 A. 110, 117 -118 (1893)

Upon September 22d, 1891, an ordinance was adopted by the common council, which reads as follows: "Be it ordained by the common council of the city of Bridgeport: Section 1. That the office of chief of police be and the same is hereby abolished. Sec. 2. That section 6 of chapter 17, being 'An ordinance relative to the police department,' be and the same is hereby amended by striking out the words 'chief of police' in the second line thereof. Sec. 3. That section 9 of said chapter 17, being 'An ordinance relative to the police department,' be and the same is hereby amended by adding thereto the following: 'If at any time the office of said chief of police be abolished or ceases to exist, then said captain of police shall be vested with all the powers and responsibilities, and shall perform all the duties, formerly exercised by or imposed upon said chief of police by the statutes of the state, the charter and ordinances of the city of Bridgeport, and the rules of the police department of said city.' Sec. 4. All ordinances and parts thereof now in force and inconsistent with any part of this ordinance are hereby repealed." It is obvious that this ordinance was inartificially drawn, but its general purpose is unmistakable. It was designed to abolish the office of chief of police, to amend certain of the ordinances in such a way as to secure the devolution of the functions of the office upon the captain of police, and to repeal all provisions of the ordinances which were inconsistent with the accomplishment of these objects. If this ordinance is to be construed as a mere attempt to remove the incumbent of an office, and appoint another to exercise its functions, it would be void. *Farrell v. City of Bridgeport*, 45 Conn. 191, 193. The removal of a chief of police is, by section 58 of the city charter, a matter within the sole jurisdiction of the board of police commissioners. But we are not to presume an improper motive. If the ordinance can be supported as a legitimate exercise by the common council of its authority to make and repeal ordinances with respect to the police, and to the proper regulation of the police department, it is our duty to give it such a construction as will make it operative, and consistent with the charter. *School Dist. v. Merrills*, 12 Conn. 437, 439; *Bartlett v. Kinsley*, 15 Conn. 327, 331; *Beach, Pub. Corp.* §§ 516, 517. ... But in the case before us, after the abolition of an office comes, not the creation of a similar one, but the devolution of its functions, or of some of them, on the incumbent of another office. ... Neither the city charter nor the General Statutes of the state appears to us to contain any such mention of an office of chief of police as to amount to a declaration that an office by that name must necessarily exist in Bridgeport. ...*118... An ordinance which deprived the police department of any head would be contrary to the intent of the charter. Had the ordinance now in question abolished, not only the office of chief of police, but also those of captain and lieutenant, and omitted to intrust the powers of chief to any other officer, it would have been

void. Had it assumed to remove the incumbent of the office of chief of police while leaving the office itself still in existence, it would have been void. *Samis v. King*, 40 Conn. 298, 309. But whether the powers and duties properly belonging to the head of the department were by the ordinance, as adopted, transferred to the captain of police from motives of economy, or to terminate an unseemly and longcontinued wrangle over official appointments, or to secure any other possible end in the interests of good government, it is enough that they were transferred, and that such transfer was within the jurisdiction of the common council.

B. Morris v. Congdon, 277 Conn. 565, 577-579 (2006)

The defendants next claim that the meeting's purpose was improper because the plaintiffs' true motivation for filing an application for a special town meeting was to fire the incumbent town planner. In other words, they ask us to scrutinize the plaintiffs' alleged actual purpose instead of their stated purpose to eliminate the position, and hold that, because the board solely is responsible for hiring and firing town employees for existing positions, the meeting's purpose was improper. We disagree with the defendants.

The defendants have not provided, nor have we discovered, any authority for the proposition that a court must inquire into the applicants' subjective motives when determining whether a town meeting is for a legitimate and proper purpose. Rather, the case law suggests the opposite. See *Reed v. Risley*, supra, 151 Conn. at 373-74, 198 A.2d 55 (examining purpose set forth in application for special town meeting); *Cummings v. Looney*, supra, 89 Conn. at 561-62, 95 A. 19 (same); *Lyon v. Rice*, supra, 41 Conn. at 246-50 (same); see also *Peck v. Booth*, 42 Conn. 271, 274-75 (1875) (although this court later speculated as to applicants' subjective motives for requesting town meeting, we first held that *stated* purpose, to repeal West Haven's town charter, was improper).

Moreover, in *State ex rel. Rylands v. Pinkerman*, 63 Conn. 176, 194-95, 28 A. 110 (1893), the former chief of police of the city of Bridgeport alleged that the city's common council had passed an ordinance eliminating his position in order to remove him from office. This *578 court concluded that “we are not to presume an improper motive. If the ordinance can be supported as a legitimate exercise by the common council of its authority ... it is our duty to give it such a construction as will make it operative and consistent with [Bridgeport's] charter.” *Id.*, at 195, 28 A. 110. Likewise, in the present case, it is inappropriate for us to presume an improper purpose. Accordingly, we will examine only the purpose set forth in the plaintiffs' application, which we already have concluded was proper.

[16] The defendants finally claim that the meeting was for an improper purpose because removal of the town planner by the town meeting would constitute a bill of attainder in violation of article one, § 9, of the United States constitution. We disagree.

[17] Bills of attainder are “legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial” *United States v. Lovett*, 328 U.S. 303, 315, 66 S.Ct. 1073, 90 L.Ed. 1252 (1946). Contrary to the defendants' claim, the legislation proposed by the plaintiffs in their application for a special town meeting was not directed at punishing a named individual, but at eliminating entirely a municipal position. The plaintiffs did not seek to exclude a particular person or group of persons from the town planner job; instead, they proposed legislation that would exclude *everyone* from the job by abolishing it. A piece of legislation is not a bill of attainder by virtue of the fact that it burdens a particular individual more than others, even if it was passed with that particular individual **422 in mind. See *Nixon v. Administrator of General Services*, 433 U.S. 425, 471-72, 97 S.Ct. 2777, 53 L.Ed.2d 867 (1977) (act preventing destruction of records was not bill of attainder because, although it applied specifically to plaintiff and was passed with plaintiff in mind, it also *579 applied to records of future presidents and other federal officials); see also *Benjamin v. Bailey*, 234 Conn. 455, 482, 662 A.2d 1226 (1995) (bill prohibiting sales of firearms made by named manufacturer was not bill of attainder directed at that company because ban prohibited everyone from possessing or selling those weapons). Accordingly, we conclude that the proposed legislation was not an unconstitutional bill of attainder.

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: JKe

Item to be presented by: Jeffery O'Keefe

DATE: August 10, 2010

SUBJECT: Department of Emergency Management & Homeland Security
Memorandum of Agreement and Authorizing Resolution

DEPARTMENT: Town Manager's Office

RECOMMENDED ACTION

That Council approves the attached resolution and authorizes the Town Manager to execute the Memorandum of Agreement on behalf of the Town for the State of Connecticut Department of Emergency Management and Homeland Security.

BACKGROUND

Each year The Department of Emergency Management and Homeland Security (DEMHS) region sends to each town The Emergency Management Performance Grant (EMPG). This Grant allows for reimbursement to the towns for some of the costs related to maintaining their respective Emergency Operations Centers (EOC) based upon the current budget for their respective EOC's.

To assist in the completion of the EMPG requirements, the Town must sign the attached Memorandum of Agreement. This will give the Town Manager the authority to work on the Town Council's behalf, in completing the EMPG Application allowing for the reimbursement to take place. The agreement is for the Federal Fiscal Year beginning on October 1, 2010.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

The Town benefits from the grant funds for projects listed in the Memorandum of Agreement.

EH: Clerks Office

AGENDA ITEM: 7A

AUTHORIZING RESOLUTION OF THE
EAST HAMPTON TOWN COUNCIL

I, Sandra M. Wieleba, Town Clerk of the Town of East Hampton, do hereby certify that the following is a true and correct copy of a resolution adopted by the East Hampton Town Council at its duly called and held meeting on Tuesday, August 10, 2010, 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 Town Council may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate; and

FURTHER RESOLVED, that Jeffery J. O'Keefe, Town Manager of the Town of East Hampton, is authorized and directed to execute and deliver any and all documents on behalf of the Town Council and to do and perform all acts and things which he 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 Jeffery J. O'Keefe now holds the office of Town Manager and that he has held that office since September 1, 2008.

IN WITNESS WHEREOF: The undersigned has executed this certificate this 11th day of August, 2010

Sandra M. Wieleba, Town Clerk

**Nancy Hasselman, CCMC
Collector of Revenue
Town of East Hampton**

August 6, 2010

To: The East Hampton Town Council

Please find copies of tax refunds for your review. The total refunds equal \$2,571.82.

Thank you for your assistance.

Nancy Hasselman, CCMC

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Collector of Revenue

15.76 +
33.97 +
11.24 +
152.63 +
7.74 +
170.71 +
192.01 +
12.57 +
140.22 +
139.04 +
8.09 +
4.15 +
13.90 +
50.21 +
27.64 +
10.85 +
55.06 +
46.76 +
4.49 +
11.40 +
117.86 +
53.83 +
1,115.33 +
176.36 +
2,571.82 *