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**TOWN OF NEWTOWN**  
LEGISLATIVE COUNCIL

**TOWN OF NEWTOWN LEGISLATIVE COUNCIL SPECIAL MEETING**  
**WEDNESDAY, OCTOBER 28, 2015**  
**NEWTOWN MUNICIPAL CENTER, NEWTOWN, CT**

**PRESENT:** Eva Bermudez, Bob Merola, Ryan Knapp, Neil Chaudhary, Mary Ann Jacob, Dan Amaral, Phil Carroll, Dan Honan

**ABSENT:** George Ferguson, Joe Girgasky, Paul Lundquist, Tony Filiato,

**ALSO PRESENT:** First Selectman Pat Llodra, Director of Finance Bob Tait, Director of Land Use George Benson, Charter Revision Commission members Jeff Capeci, Bob Hall, Deb Zukowski, James Ritchie, Eric Paradis, Dan Wiedemann, George Guidera and Kevin Burns, Attorney Barbara Schellenberg, Chief Michael Kehoe and 1 press.

**CALL TO ORDER:** Ms. Jacob called the meeting to order at 7:08pm with the Pledge of Allegiance.

**Alarm Ordinance:** MR. CHAUDHARY MOTIONED TO APPROVE THE CHANGES TO THE ALARM ORDINANCE AS PRESENTED. SECOND BY MR. CARROLL. Ms. Jacob noted she received a letter concerning the ordinance. Mr. Knapp stated the revisions address the issue of false alarms. He explained there are about 1,400 a year and only a handful are legitimate. It is drain on resources. The committee talked with Chief Kehoe, and looked at updating the system, annual renewals and increasing fines. They removed unenforceable steps with the alarm monitoring companies, putting the responsibility on the homeowner. MR. KNAPP MOTIONED TO AMEND 104-5 A-7 TO READ "BE RESPONSIBLE FOR ENSURING THAT THE ALARM SITE IS PROPERLY MARKED WITH THE STREET NUMBER OR UNIT NUMBER WHERE APPLICABLE AT THE ROADSIDE ENTRANCE AND ON THE BUILDING ITSELF. AMENDMENT SECOND AND APPROVED. MAIN MOTION APPROVED AS AMENDED. *Attachment*

**Charter Revision:** MR. CHAUDHARY MOTIONED TO CONTINUE DISCUSSION ON THE CHARTER. SECOND BY MR. MEROLA. APPROVED. MR. CHAUDHARY MOVED TO POSTPONE FURTHER DISCUSSION UNTIL THE NEXT MEETING. MOTION SECOND AND APPROVED. *Attachment*

**Purchasing Ordinance:** MR. CHAUDHARY MOTIONED TO APPROVE THE CHANGES TO THE PURCHASING ORDINANCE. MOTION SECOND BY MR. CARROLL. Mr. Knapp explained by charter the Council must review the ordinance periodically. A few changes were made based on the recommendation of the finance director and town attorney. Limits were changed from \$10,000 to \$50,000, bid quotes requirements were updated to reflect current practices and they amended professional services to be broader. References to the Board of Ed were removed. The town does not have the authority to tell Board of Ed how to spend their money, but the town can dictate the process. Mr. Knapp noted the ordinance was written to allow for a purchasing agent. The Finance Director would still authorize purchases. APPROVED. *Attachment*

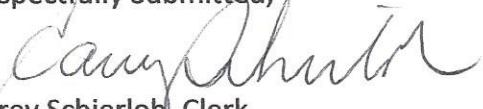
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**VOTER COMMENT:** None

**ANNOUNCEMENTS:** None

**ADJOURNMENT:** There being no further business the meeting adjourned at 10:30pm.

Respectfully Submitted,



Carey Schierloh, Clerk

Attachments: Alarm Ordinance, Letter, Charter Discussion Points, Purchasing Ordinance

*These are draft minutes and as such are subject to correction by the Legislative Council at the next regular meeting. All corrections will be determined in minutes of the meeting at which they were corrected.*



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Dear Sir:

I am a Newtown resident, a senior citizen, and an alarm system owner/operator. I read the proposed ordinance as published in The Newtown Bee in recent weeks. Several things caught my attention that I would like the committee to review.

1. The new ordinance seems to require that the STREET NAME in addition to the house number be posted ON the outside of the residence in the form of 3" high letters of a color contrasting with the siding color. I find this unnecessary and undesirable from an aesthetic standpoint. I live in a high-density connected townhouse arrangement. I agree that the street names need to be maintained on street signs at ALL intersections, but the street names on the residences would look hideous.

I have come to discover that emergency services responding to this neighborhood often rely on GPS and commercial mapping systems like Google maps to locate the target of their response. There is significant risk in this practice, in that there are some gross inaccuracies and incompleteness in those systems and the systems are not subject to government review or conformance. This has caused some significant delays in the responders reaching their destinations even in my neighborhood. This whole subject admittedly, needs a comprehensive review but this proposal for house labelling is NOT the best answer. The signage and installation would cost each homeowner approximately \$100.

I would suggest that, for the time being, until the whole location system can be reviewed, that the street name requirement be dropped from the ordinance. I think the Town of Newtown does a good job in maintaining street signs at intersections but where there are private roads in developments, the HOA or other responsible body should be required to maintain the same standard as the town observes. That is probably covered in another section of town ordinance.

2. I appreciate the need for periodic renewal of alarm system registrations. But my reading of the ordinance left me without a clear understanding of when or how often this would be required. The procedure for doing so was not clearly described. I am a senior citizen and remembering to do certain things on certain dates is becoming increasingly difficult. I further suggest that a large segment of alarm users are senior citizens who suffer from the same limitation. So adding another item that requires our annual attention is onerous. I would pay a dollar extra per year to have a notification mailed or emailed to me of the renewal requirement. Maybe this notification could be optional?

I appreciate your attention to my concerns and thank you for you and your committee's service to the community.

Sincerely,

Harry G. Schmus  
33 Woods Lane  
Newtown, CT

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CHARTER QUESTIONS:

Line 906-908: Within 6 months of the completion of each such assembly and senatorial redistricting, the Legislative Council shall adopt, by 7 affirmative votes, final Legislative Council District lines

*What happens if the Registrars never make a recommendation for District lines?  
Mr. Capeci will look at the statutes. (Section 3-10-b-2)*

Line 924: In the 2017 Town Election, three members of the Board of Finance having two year terms and three members of the Board of Finance having four years shall be elected. In the 2019 Town Election, three members of the Board of Finance having four year terms shall be elected. Thereafter, elections for the Board of Finance shall be as set forth in Subsection **Error! Reference source not found..**

*How is it decided which members will serve 2 years and 4 years? How will they resolve the parties and minority representation? 2017 election year will be different from future years. (315e) – needs a recommendation*

Line 943 shall be held as provided in Subsection **Error! Reference source not found..** The Legislative Council **may** recommend a

*Should the word “may” be changed to “will”? (3-25 a) Legal confirmation*

Line 1042 fill the vacancy shall serve the balance of the unexpired term only.

*“unexpired term only” appears they cannot be reappointed. Strike the word “only”  
The language is for an elected tax collector. Newtown’s tax collector is an employee.  
Technical question.*

Tax Assessor is guided by statute. First Selectman Llodra will send commission info.

General Statutes: Attorney Schellenberg stated when using the term “General Statutes”, it is clear whatever is in the Statutes applies. Where a specific statute is stated, they can add the language “or as amended” in the event the statute changes. Then the Charter will remain consistent.

Line 1158 The Town may enact ordinances relative to any matter on which the Town is empowered to act by law. If the Borough of Newtown has enacted an ordinance on the same subject, the ordinance enacted by the Town shall apply only to the portions of the Town outside the Borough.

*(5-05-g) Borough ordinances trump town ordinances. What is the relationship?  
Appears the borough doesn’t have to follow town ordinance.  
Legal question.*

Line 1180 by the affirmative vote of two-thirds of its entire authorized membership, enact emergency

*Why using “2/3” instead of “8”. It is in other places. Review and make consistent.  
Question on “authorized membership” and “membership”. Remove the word  
“authorized”? Is it needed in certain circumstances? Legal issue.*



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*in order to discuss additional financial recommendations. Further Discussion 6-25-b-1*

Line 1360 It shall have the power to reduce or increase any item by a majority of at least six (6) affirmative votes;

*Use to be a supermajority to increase a proposed budget. The thought was anything regarding failed referendum was to make it simpler because time is limited. Further discussion. 6-25-b-2-i*

Line 1393 The Tax Collector shall collect the tax in accordance with the General Statutes. Taxes shall be delinquent and interest charged in accordance with the General Statutes and any amendments thereto. Real estate tax bills of shall be due and payable in 2 semi-annual installments, July 1 and January 1.

*Typos – Add “with” and “of”*

Section 6-35 *Discuss/Talk through the process of Special and Emergency Appropriations*

Line 1398 (A) A "Special Appropriation" is any appropriation of additional funds made during a fiscal year that is supplemental to an adopted Town Budget or capital project. An "Emergency Appropriation" is an appropriation required for an unforeseen or extraordinary event or threat to public health, safety, or welfare. The Board of Finance shall have an opportunity to make a recommendation regarding a proposed Special Appropriation, but such a recommendation is not required for an Emergency Appropriation

*What should the Board of Finance role be in Special Appropriation and Emergency Appropriation. Current practice includes the Board of Finance in the process but it is not stated in the Charter.*

Line 1410 (C) If the First Selectman initiates an Emergency Appropriation request, the appropriation may be approved by a majority vote of the Legislative Council, otherwise the Emergency Appropriation must be approved by the affirmative vote of **two-thirds** of the entire membership of the Legislative Council.

*Clarify. Two different rules based on who initiate the request. Change to 2 sentences. 2/3 verses 8*

Line 1432 In the case of an Emergency Appropriation and the Board of Finance is unable to make such recommendation; the Finance Director shall make said recommendation.

*Subject to what and who decides? Need to be more specific....qualify it somehow –days? Does this section add a layer? Could it impact an emergency? Check against section (b) states any request shall include financing information. Check how funding methods flow between the 2 sections.*

Line 1419 The Legislative Council shall have the power to make Special and Emergency Appropriations, in an amount not in excess of **\$1,500,000** for any one purpose during a fiscal year. Said amount shall be cumulative during the fiscal year as to all appropriations related to said purpose. The total of Special and Emergency Appropriations made by the Legislative Council for all purposes during a fiscal year shall not exceed an amount equal to one mil on the most recently completed Grand List.

*Discussion on the increase to \$1,500,000.*

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- Line 1206 Prior to **November 1<sup>st</sup>**, town officials responsible for the budget should meet at reasonably convenient times and confer. The conferees **should** discuss and review the status of the existing budget, existing programs, goals that are desirable to achieve, expenditures required to achieve such goals, the affordability of required expenditures and other subjects relevant to the budget. The conferees shall include the **First Selectman, Superintendent of Schools, the Chair of the Legislative Council and all or selected members of the Board of Selectmen, Board of Education, Board of Finance and up to three additional members of the Legislative Council.**  
*Date of November 1<sup>st</sup> can be problematic in an election year.  
Include all the members of above mentioned boards. Who would be obliged to notice the meeting, run the meeting, and take the minutes?  
The budget is easier passed when the boards collaborate. How much time is needed?  
Remove the word "should".*
- Line 1218 and maintenance of **quality** public elementary and secondary schools  
*Remove the word "quality" (also in BOE charge)*
- Line 1257 Prepare a complete financial plan for the operations of the Town for the next fiscal year (the "Recommended Board of Finance Budget") which shall contain at least the following  
*Isn't this the Finance Directors role? Reword to say "The Board of Finance will require to be presented a budget that contains the following:" Technical question*
- Line 1254 Make such changes in any estimates or appropriations contained in the proposed budgets as it may deem proper; Add appropriations or estimated revenues not contained in the proposed budgets; and  
*Is this redundant? Is there language elsewhere? Is it necessary to specify?*
- Line 1315 Otherwise the amendments shall be voted on by the Legislative Council as reductions, increases or additions, as the case may be, under Subsections **Error! Reference source not found., Error! Reference source not found. and Error! Reference source not found..**  
*What is "otherwise"? Can Board of Ed change Board of Finance recommendation and go directly to council with amendments? Discuss further.*
- Line 1318 Prior to subsequent budget referenda, if any, amendments made by the Board of Selectman and/or the Board of Education to budget proposals **shall not be exceeded by the Legislative Council.**  
*Can this happen in a 7 day period?*
- Line 1352 The Legislative Council shall reconsider and amend the proposed Town Budget within seven (7) calendar days. When amending the Board of Selectmen Budget, the Legislative Council shall confer with the First Selectman and members of the Board of Selectmen. When amending the Board of Education Budget, it shall confer with members of the Board of Education. The Legislative Council shall request additional financial recommendations from the Board of Finance.  
*Replace last line with- "The Legislative Council shall request that the BOF join its meeting*



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- Line 1554 Financial Impact Statements shall be prepared by the Finance Director as set forth in **Subsection** Error! Reference source not found..  
*Check for cross reference problem*
- Line 1550 No **Special Appropriation** shall be made, no purchase, grant nor gift of real or tangible personal property shall be accepted by any Town Department, including the Board of Education, until the Board of Finance and Legislative Council have received and have had **sufficient time** to give due consideration to a Financial Impact Statement.  
*The town has followed the process, the BOE has not.*  
*Define sufficient time.*  
*Does special appropriation belong here; it has its own procedures. What is the impact?*
- Chapter 8: *General Comment -- not nearly as readable as the rest of the document. This section seems to miss the general opportunity to re-write to make it a more easily read and comprehensible document. Discuss where the procedures belong; Charter or ordinance.*
- Line 1558 (a) The Town shall have all the powers set forth in the General Statutes and in this Charter to acquire and dispose of real property.  
  
(b) Use of the words "real property" shall be construed to include any definition thereof from any source under Connecticut law and shall include, without limitation, any interest in real property, except that where the interest in real property is a lease then Section **Error! Reference source not found.** shall control.  
*Combine or make easier?*
- Line 1599 The subdivision map showing said real property, restrictions and easements shall not be filed in the Town Clerk's office until all deeds, easements and restrictions have been properly executed, title is free and clear of all encumbrances, the town attorney has notified the Town Clerk that said deeds, easements and restrictions meet said conditions and accomplish the purposes for which they are required, and said deeds, easements and restrictions, except for a deed for the road which is to become a public highway, are recorded concurrently with filing the subdivision map.  
*Why the level of detail? This is current procedure. Does this belong in the Charter or in ordinance/regulation? Commission added details to protect the town; ordinances can be changed.*
- Section 8-10 *Lack of wording for reconsideration of sale or disposition.*
- Line 1613 Before making a final determination to retain said real property for a **specific** town purpose.  
*Change "specific". Is "valid" a better word? There may not be a specific plan.*
- Section 8-15 (a) Appraisal process. *Is level of detail needed? Include first sentence of section only?*
- Line 1627-1635 *If section is retained; separate into subsections for easier reading*
- Line 1676 (g) Selling of real property at public auction, Subsection 1-25(b);

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*No context or deadlines for waiting period. Add a waiting period before taking action to allow for more response. Post signage on the property.*

- Line 1712 All leases shall be negotiated by the First Selectman, with the final, written version subject  
*Why is Fairfield Hills Authority not mentioned. It has, by its mandate, the responsibility for negotiating leases at Fairfield Hills. The First Selectmen negotiates leases except for Fairfield Hills*
- Section 8 *Timing, number of days, can be difficult and cumbersome. Bodies may not be able to respond in time. Example; Line 1678 states 15 days*
- Line 1743 (a) The Code of Ethics shall guard against improper influence or the appearance of improper influence to better ensure public trust in the government. To that end, the Code of Ethics shall set standards on the conduct of all Town officials and employees as necessary or appropriate to prevent a conflict of interest or the appearance of a conflict.  
*Is the paragraph too narrow? Make it stronger?*
- Line 1745 shall set standards on the conduct of all Town officials and employees as necessary or appropriate.  
*Strike the balance of the sentence and charge the Code of Ethics sets the standards.*
- Line 1750 Council shall have **60 days** to approve, modify or reject said amendment.  
*Is 60 days enough time? Process takes longer with proper notices and public hearing. What is timeline for changes?*
- Line 1804 Within 5 years after submission of the report of the most recent Charter Revision  
*Should "most recent" be changed to final?*
- Line 201 *Town Department: The term "Town Department" shall include the offices of Tax Collector, Town Clerk, Assessor, Registrar of Voters or the **Legislative Council***  
*Does this add responsibilities to the Legislative Council if it is a Town Department?*  
*What about Fire Commissioners?*
- Line 256 *Legislative Council: No member of the Legislative Council shall hold or be appointed to **any other office** or Town Body.*  
*Is "other office" too broad? Define*



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## Chapter 104. Alarm Systems

### § 104-1. Purpose.

A.

The purpose of this chapter is to encourage alarm users and alarm companies to properly use and maintain the operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms in Newtown.

B.

This chapter governs alarm systems intended to summon law enforcement responses, and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension of emergency response or revocation of registration.

### § 104-2. Definitions.

For the purpose of this chapter, the following terms and phrases shall have the following meanings:

#### ALARM ADMINISTRATOR

Person or Persons designated by the First Selectman, who shall administer, control and review false alarm reduction efforts and administer the provisions of this chapter.

#### ALARM DISPATCH REQUEST

A notification to an emergency communications center that an alarm, either manual or automatic, has been activated at a particular alarm site.

#### ALARM INSTALLATION COMPANY

A person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site.

#### ALARM REGISTRATION

Authorization granted by the alarm administrator to an alarm user to operate an alarm system.

#### ALARM SIGNAL

A detectable signal, audible or visual, generated by an alarm system, to which law enforcement is requested to respond.

#### ALARM SITE

A single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multiunit building or complex, shall be considered a separate alarm site.

#### ALARM SYSTEM

A device or series of devices, including, but not limited to, hard-wired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement, including local alarm systems. "Alarm system" does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site. For the purposes of this ordinance "Alarm System" excludes smoke, fire and carbon monoxide detectors.

#### ALARM USER

Any person who has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who owns or operates an alarm system which is not monitored, maintained or repaired under contract.



**ARMING STATION**

A device that allows control of an alarm system.

**AUTOMATIC VOICE DIALER**

Any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

**CANCELLATION**

The process whereby response is terminated when a monitoring company for the alarm site notifies the emergency communications center representing the responding law enforcement agency units that there is not an existing situation at the alarm site requiring law enforcement agency response after an alarm dispatch request.

**FALSE ALARM**

An alarm dispatch request for a law enforcement agency response, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site; or the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the owner or lessee of an alarm system or of his employees or agents. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

**HOLDUP ALARM**

A silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

**LOCAL ALARM SYSTEM**

Any alarm system, which is not monitored, that annunciates an alarm only at the alarm site, and is not monitored by a remote monitoring facility, whether installed by an alarm installation company or alarm user.

**MONITORING**

The process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the municipality for the purpose of summoning law enforcement personnel to the alarm site.

**MONITORING COMPANY**

A person in the business of providing monitoring services.

**PANIC OR DURESS ALARM**

An audible alarm signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring law enforcement response.

**PERSON**

An individual, corporation, partnership, association, organization or similar entity.

**RESPONDER or KEY HOLDER**

An individual capable of reaching the alarm site within 20 minutes and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

**REGISTRATION YEAR**

A registration year means the period beginning July 1<sup>st</sup> and ending June 30<sup>th</sup> of the following year. Registrations will initially be valid beginning on the day and month on which an alarm registration is issued, continuing through the subsequent June 30<sup>th</sup>.

**RUNAWAY ALARM**

A security alarm system that produces repeated alarm signals that do not appear to be caused by separate human action.

SIA CONTROL PANEL STANDARD CP-01

The American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidents of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

SUSPENSION OF RESPONSE

Law enforcement will not respond to an alarm dispatch request from the monitoring company or local alarm system activation, except if a responder or key holder arrives and finds evidence of a forced entry.

TAKEOVER

The transaction or process by which an alarm user takes over control of an existing alarm system which was previously controlled by another alarm user.

VERIFY

An attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this chapter, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify himself or herself to determine whether an alarm signal is valid before requesting dispatch.

ZONE

A division of devices into which an alarm system is divided to indicate the general location from which an alarm signal is transmitted.

**§ 104-3. Registration required; application; fee; transferability; false statements.**

A.  
No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm registration. If an alarm user has one of more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate registration shall be required for each structure and/or tenant. Effective immediately upon the enactment of this chapter, as amended, every alarm user shall apply for registration in accordance with this chapter, even if the alarm user has previously obtained alarm registration.

B.  
The alarm registration shall be requested on an application form provided by the Town of Newtown. An alarm user has the duty to obtain and complete an application available from the Police Department in person or on the Police Department website, and submit to the alarm administrator with the requested information on or before the application/renewal deadline.

C.  
The fee for an alarm registration is set forth below and shall be paid by the alarm user. No refund of an alarm registration or registration renewal fee will be made. The initial alarm registration fee must be submitted to the alarm administrator within five days after the alarm system installation or alarm



system takeover. Fees for alarm registration in a given year shall be set forth below (the "Alarm Registration Schedule"). The Alarm Registration Schedule is subject to change upon resolution by the Legislative Council, which may base such changes on recommendations to the Legislative Council from the office of the First Selectman. The current Alarm Registration Schedule shall be made available to the public at the Police Department or on the Police Department website.

Alarm Registration Schedule:

- (1) Alarm Registration fee: \$25
- (2) Renewal fee: \$5
- (3) Late fee: \$25
- (4) Reinstatement fee: \$50.
- (5) Notwithstanding the foregoing, fees for alarm registration and renewal shall be waived for the registration year beginning July 1, 2015.

D.

Upon receipt of a completed alarm registration application form and the alarm registration fee, the alarm administrator shall issue the alarm registration to the applicant unless the applicant has:

- (1) Failed to pay a fine assessed pursuant to section 104-8; or
- (2) Had an alarm registration for the alarm site placed on suspension of response status, and the violation causing the suspension of response status has not been corrected.

E.

Each alarm registration application will provide the necessary information required to track dispatch requests and the results thereof as determined by the alarm administrator.

F.

Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue an alarm registration or to revoke alarm registration.

G.

Transfer and updates of an alarm registration.

- (1) An alarm registration cannot be transferred to another person or alarm site.
- (2) When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the premises shall file an application for an alarm registration within 30 days of obtaining possession of the premises.
- (3) Should information provided on the alarm registration application change, the alarm user shall provide correct information to the alarm administrator within 30 days of the change.
- (4) Each year after the issuance of the alarm registration, alarm registration holders will receive from the Town of Newtown a form requesting updated information. The alarm registration holder shall complete and return this form to the Town of Newtown whether or not any of the requested information has changed.

H.

All fines and fees owed by an applicant must be paid before an alarm registration may be issued or renewed.

**§ 104-4. Registration duration and annual renewal**

Alarm registrations must be renewed annually. After the first year, and each year thereafter, the alarm administrator will issue notice of alarm registration renewal, which must be completed and returned within 30 days.

**§ 104-5. Duties of alarm user.**

A.

An alarm user shall:

- (1) Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;
- (2) Be accountable for a response to the alarm system's location when requested by the emergency communications center representing law enforcement personnel in order to:
  - (a) Deactivate an alarm system; and/or
  - (b) Provide access to the alarm site.
- (3) Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.
- (4) Adjust the mechanism of the alarm system or cause the mechanism of the alarm system to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than 15 minutes after being activated.
- (5) Not use automatic voice dialers.
- (6) Agree with their alarm installation company and/or monitoring company to go through an acclimation period for the first seven days after installation of an alarm system, during which time the alarm installation company and/or monitoring company will have no obligation to and will not respond to any alarm signal from the alarm site and will not make an alarm dispatch request to law enforcement, even if the alarm signal is the result of an actual alarm event, excluding panic, duress and holdup alarm signals. The alarm administrator may grant an alarm user's request for an exemption from this acclimation period based upon a determination that special circumstances substantiate the need for the exemption.
- (7) Be responsible for ensuring that the alarm site is properly marked with the street name and street number at the roadside entrance and on the building itself. Markings shall consist of a minimum of three-inch lettering in contrasting color to the background and clearly visible from the roadway.
- (8)



Be responsible for ensuring safe access to and within the alarm site including but not limited to ensuring that access to the alarm system is free and clear of debris, snow, water, locked gates or fences, and animals on the property are secured.

(9)

Understand and accepts that law enforcement or fire department response may be influenced by factors including, but not limited to, the availability of units, priority of calls, weather conditions, traffic conditions, emergency conditions, and staffing levels.

(10)

If the alarm user is a business or commercial entity, the alarm user shall ensure that its employees are trained to operate the alarm system.

(11)

On new installations after July 1, 2016, use only alarm control panels which meet the ANSI/SIA Control Panel Standard CP-01.

**§ 104-6. Duties and authority of alarm administrator.**

A.

The alarm administrator shall establish a procedure to record such information on alarm dispatch requests necessary to permit the alarm administrator to maintain records, including, but not limited to, the following information:

(1)

Identification of the alarm site;

(2)

Date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring operator's name or number;

(3)

Date and time of law enforcement officer arrival at the alarm site;

(4)

Weather conditions if applicable to the expected response;

(5)

Name of alarm user's representative at alarm site, if any;

(6)

Cause of alarm signal, if known.

B.

The alarm administrator shall establish and implement a procedure for the notification to the alarm user of a false alarm. The notice shall include the following information:

(1)

The date and time of law enforcement response to the false alarm;

(2)

The identification number of the responding law enforcement officer; and

(3)

A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting fines.

C.

The alarm administrator may require a conference with an alarm user and/or the alarm installation company and/or monitoring company responsible for the installation, repair or monitoring of the alarm system to review the circumstances of each false alarm.

D.

The alarm administrator may require an alarm user to remove or modify a holdup alarm that is a single-action, nonrecessed button, if a false holdup alarm has occurred.

E.

If the alarm administrator or his/her designee determines that an alarm dispatch request results from a runaway alarm, the alarm administrator or his/her designee may temporarily suspend response to the affected alarm system.

**§ 104-7. Fines.**

A.

An alarm user shall be subject to fines, depending on the number of false alarms within a registration year. Any and all fines not paid in full within 30 days of billing could result in placement of the alarm site on a suspension of response status. If any alarm site of an alarm user is placed on suspension of response status as a result of failure to pay fines, once an account is paid in full, the alarm site will be removed from suspension of response status. Enforcement of this chapter may be by civil action to the fullest extent allowed by applicable law. The following shall be the penalties and fines assessed pursuant to this chapter:

(1)

Fines for false alarms in a given registration year shall be set forth in the table below (the “False Alarm Fine Schedule”). The False Alarm Fine Schedule is effective immediately and any false alarms that have occurred during the registration year in which this chapter, as amended, is enacted, shall be included for purposes of determining the applicable fines for any false alarms occurring after the date of the enactment of this chapter, as amended. The False Alarm Fine Schedule is subject to change upon resolution by the Legislative Council, which may base such changes on recommendations to the Legislative Council from the office of the First Selectman. The current False Alarm Fine Schedule shall be made available to the public at the Police Department.

False Alarm in a registration year	Fine (in dollars)
1st	0
2 <sup>nd</sup>	25
3 <sup>rd</sup>	50
4 <sup>th</sup>	50
5 <sup>th</sup>	100
6 <sup>th</sup>	100
7 <sup>th</sup>	100
8 <sup>th</sup>	200
9 <sup>th</sup>	200
10 <sup>th</sup>	250
11 <sup>th</sup>	250
12 <sup>th</sup> and beyond	250

B.

Any person operating an unregistered alarm system will be subject to a fine for \$99. The alarm administrator shall waive this additional fine for an unregistered system if the alarm user submits an application for alarm registration within 10 days after notification of such violation.



C.

If cancellation occurs prior to law enforcement arriving at the scene, this is not a false alarm for the purpose of fines, and no fines will be assessed.

D.

The responding officer has the discretion to determine if the alarm was caused by circumstances outside the alarm user's control and to report a no fault alarm to the alarm administrator, in which case no fines will be assessed.

E.

No fees, fines or penalties, including for false alarms, shall be charged for alarm systems installed in buildings occupied by the Town of Newtown, including the Board of Education, the State of Connecticut or the United States of America. Municipal volunteer organizations, which provide emergency services to the Town of Newtown, shall also be exempt from fines, fees and penalties.

F.

All Town of Newtown departments and agencies, including the Board of Education, shall be responsible for adhering to the registration requirements of this chapter. In addition, all Town of Newtown departments and agencies, including the Board of Education, shall be responsible for taking corrective action on false alarms and shall work in cooperation with the alarm administrator in reducing unnecessary false alarms to Town of Newtown-owned buildings or buildings occupied by Town of Newtown agencies and departments.

G.

If the alarm user is a business or commercial entity, a failure of the alarm user to ensure that its employees are trained to operate the alarm system shall result in a fine of \$99.

#### **§ 104-8. Notification.**

A.

The alarm administrator shall notify the alarm user in writing after each false alarm. The notification shall include the date and time of the response and the amount of the fine for the false alarm, if applicable.

B.

The alarm administrator will notify the alarm user in writing after an alarm site has been placed on suspension of response status, the exception being responses to duress, holdup and panic alarms. This notice of suspension of response status will also include the amount of the fine(s) for each false alarm and a description of the appeals procedure available to the alarm user.

#### **§ 104-9. Suspension of response.**

A.

The alarm administrator may suspend law enforcement response to an alarm site by revoking the alarm registration if it is determined that:

(1)

The alarm user has 10 or more false alarms in a twelve-month-calendar-year period; or

(2)

There is a statement of a material fact known to be false in the application for a registration; or

(3)

The alarm user has failed to make timely payment of a fine assessed under § 104-7 or fee assessed under § 104-3.

B.

A person commits a violation of this chapter if he/she operates an alarm system during the period in which the alarm registration is revoked and is subject to enforcement and penalties set in §§ 104-7 and 104-14.

C.

Before any suspension of response status is imposed by the alarm administrator, a hearing will be held before the Police Commission. The alarm administrator shall send written notice of the intended action to place an alarm site on suspension of response status and the date for the hearing to either the affected applicant or alarm user. The appropriate party will be provided at least 20 days' notice of the hearing date. A decision will be made by the Police Commission no later than 30 days following the hearing. If the Police Commission approves suspension of response, it will go into effect upon written notification of this decision by registered mail or certified mail to the affected applicant and/or alarm user. Suspension of response will end when the alarm administrator informs the Police Commission that the party in question has taken action to conform to the requirements of this chapter.

D.

If it is found at the hearing that suspension of response status is warranted, until the party in question has taken action to conform to the requirements of this chapter, the following actions may take place:

(1)

Unless there is separate indication that there is a crime in progress, the Chief of Police or their designee will refuse law enforcement response to an alarm dispatch request at an alarm site for which the alarm registration is suspended.

(2)

In addition to the sanctions outlined in Subsection [A](#), a shift supervisor may temporarily suspend the response of law enforcement personnel to an alarm dispatch request if, in the opinion of the Police Chief or their designee, the frequency and timing of alarm dispatch requests to the same alarm site indicates that the alarm dispatch request is another false alarm.

E.

If the alarm registration is reinstated pursuant to § 104-10, the Chief of Police and/or the alarm administrator may again suspend law enforcement response to the alarm site by again revoking the alarm registration, if it is determined that two false alarms have occurred within 30 days after the reinstatement date. Before suspension of response can take place, the procedure for a hearing detailed in Subsection [C](#) shall be followed.

#### **§ 104-10. Reinstatement.**

A.

A person whose alarm registration has been revoked may have the alarm registration reinstated by the alarm administrator if the person meets the alarm administrator's requirements for reinstatement which may include:

(1)

Submission of a new application and payment of a reinstatement fee;

(2)

Payment, or otherwise a resolution of, all outstanding citations and fines;

(3)

Submission of a certification from an alarm installation company stating that the alarm system has been inspected and repaired, if necessary, by the alarm installation company;

(4)



Proof that an employee of the alarm installation company or monitoring company caused the false alarm;

(5)

Upgrade of the alarm control panel to meet AISC/SIA Control Panel Standard CP-01; and/or

(6)

A written statement from an independent inspector approved by the alarm administrator that the alarm system has been inspected and is in good working order.

**§ 104-11. Confidentiality.**

In the interest of public safety, all information contained in and gathered through the alarm registration applications and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.

**§ 104-12. Government immunity.**

An alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of a response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that law enforcement response may be influenced by factors such as the availability of units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

**§ 104-13. Citation Hearing Officer.**

The First Selectman, with the approval of the Board of Selectmen, shall appoint one citation hearing officer, other than the alarm administrator, police officers or employees of the Town of Newtown or persons who issue citations, to conduct the hearing authorized by § 104-15.

**§ 104-14. Enforcement of Fines and Appeals procedure.**

A.

Each violation of this chapter for which fines are set forth above shall be enforceable by citation and paid within fourteen days to the Town of Newtown. In addition to the fines set forth above, each violation of this chapter may be enforceable by citation at the discretion of the alarm administrator or any police officer in the maximum amount of \$99, which citation shall be paid within fourteen days to the Town of Newtown.

B.

If a person who is issued a citation does not make an uncontested payment of the fine(s), penalties, costs, or fees due for noncompliance as specified by the citation, to the Town of Newtown, the procedures set forth in the "Code of the Town of Newtown" § 132-10, Appeals procedure, Subsections A through E shall apply.

## Chapter 350. Purchasing

[HISTORY: Adopted by the Legislative Council of the Town of Newtown 4-5-1978 (Reg. No. 4); amended 1-18-1984; 1-20-2010. Subsequent amendments noted where applicable.]

### § 350-1. Purchasing authorities designated.

A.

In accordance with the Newtown Charter, the Financial Director and the First Selectman shall be the purchasing authority for the Town of Newtown.

### § 350-2. Submission of purchase orders and contracts to purchasing authority.

All purchase orders or contracts for supplies and/or services to be purchased or contracted for shall be submitted to the respective purchasing authority on such forms as that authority may prescribe, signed by the head of the department, office or agency or chairman of the board or commission making the requisition.

### § 350-3. Quotes required for public work or services of less than \$50,000.

Before any award is made or any contract for public work or services, other than professional services (see § 350-11), is let involving the expenditure of more than \$2,000 but less than \$50,000, quotations from at least three sources shall be sought and listed on or with the purchase order. This procedure may be followed for purchases or contracts under \$2,000 but it is not mandatory.

### § 350-4. Sealed bids required for public work or services of more than \$50,000; award of contracts; joint bids.

A.

Before any purchase is made or any contract for public work and/or services, other than professional services, is let involving any expenditure of \$50,000 or more, the purchasing authority shall invite sealed bids of proposals, giving 10 days' notice of the date and hour such proposals are to be opened by publishing at least one legal notice in a newspaper having a substantial circulation in the Town, and thereafter such purchase shall be made from or contract let to the lowest responsible bidder bidding thereon. This provision requiring an award to the lowest responsible bidder may be waived by the purchasing authority. The purchasing authority may at any time reject a bid, select parts of different bids with vendor mixing, where appropriate, or make differentiations and awards on the basis of quality or performance references. Nothing herein shall limit the right of the purchasing authority to reject any or all bids or proposals if it deems it to be in the interest of the Town to do so. Advertisements for such bids shall contain a statement reserving such right to reject, but an oversight on the part of the purchasing authority in inserting such reservation in the legal notice shall not affect the rights of the purchasing authority to reject such bids or proposals.



B.

Where it appears in the interest of the Town of Newtown, the purchasing authority may, at its option, elect to participate in joint bidding operations with other boards of education, cooperatives or municipalities. In addition, purchases may be made by use of the State of Connecticut contract pricing as opposed to a formal bid process. State pricing agreements may also be used as a benchmark in evaluating bids and proposals.

### § 350-5. Waiver of quote or bid requirements in case of emergency.

The requirements of §§ **350-3** and **350-4** above may be waived where the need to make the purchase or let the contract arises because of an emergency situation resulting from some cause other than the oversight or neglect of the purchasing authority and then only when a written statement describing such emergency is submitted with the requisition by the head of the department, officer or agency or chairman of the board or commission. In the event that the emergency has arisen because of the neglect or oversight of the purchasing authority, §§ **350-3** and **350-4** hereof may be waived only with the written approval of the Chairman of the Legislative Council or the Chairman of the Board of Education, which approval and reasons therefor shall become part of the minutes of the respective board.

### § 350-6. Waiver of quote or bid requirements.

The requirements of §§ **350-3** and **350-4** are waived in the following circumstances upon the prior approval of the respective purchasing authority members:

A.

One-vendor materials. Where a purchase order includes items that are required to intermember or match with an existing installation or equipment, and there are no competitive products available that would function equally well or if maintenance costs would be unduly increased by having different makes installed, bidding may be restricted to the manufacturer's product, and legal publication is waived.

B.

Purchase pursuant to government agency. Purchases from a government agency, or pursuant to a contract which has been bid and awarded by a government agency may not require competitive bidding or legal publication.

C.

Services not customarily competitively bid. The purchasing authority is authorized to waive the requirements of bidding and the issuing of purchase orders for such services as, but not limited to, utilities such as gas, electricity, water, publishing legal notices, etc. The signature of the department director on the periodic invoice shall constitute sufficient authority for the Financial Director or Business Manager to disburse.

### § 350-7. Signatory approvals.

Signatory approvals shall be approved, electronically or otherwise, by the respective department heads or their designees, and signed, electronically or otherwise, by the Financial Director.

### § 350-8. Cost savings.

The purchasing authority is authorized to recommend to department directors alternate methods, materials, techniques or specifications to achieve lower costs and greater efficiency.

### § 350-9. Operating procedures.

A.

The purchasing authority may establish and authorize operating procedures for the conduct of daily business such as, but not limited to:

(1)

Establishing time tables to permit consolidation of orders for like items.

(2)

Establishing conditions for local accounts for recurring purchases on a requirement or open order purchase order basis for trades purchases, hardware, plumbing, electrical, automotive parts, etc, subject to the requirements set forth in sections 350-3 and 350-4 of this chapter.

(3)

Establishing specifications and terms in conjunction with department directors.

(4)

Inventorying information procedures.

(5)

Listing of bidders and those disqualified from bidding.

(6)

Establishing specifications and policies that may be more restrictive or definitive but that do not change any dollar amount discussed herein.

(7)

Establishing procedures for the expenditure of petty cash.

B.

These procedures shall be recorded in the minutes of the Legislative Council and Board of Education for the respective purchasing authority.

### § 350-10. Review of purchases.

The purchasing authority is authorized to audit, test and/or inspect any purchases of the Town to determine compliance with specifications, reasonableness of prices, or any other aspect it deems appropriate for the best interests of the Town.

### § 350-11. Professional services.

The requirements of §§ 350-3 and 350-4 are waived for professional services less than \$50,000. The contracting for professional services involving any expenditure of \$50,000 or more, by the purchasing authority, shall be carried out with the following procedure:

A.

The purchasing authority shall publish at least one legal notice in a newspaper having a substantial circulation, an invitation to architects and professional engineers to reply by letter to the purchasing



authority indicating their interest in the project and submitting their qualifications and experience. This legal notice shall state the name of the project, the design consultant required, a brief description of the project, an estimate of construction cost, and a closing date for submissions.

B.

A list of architects and engineers interested in a project shall be prepared and the qualification and experience of various firms investigated. In the event that fewer than three firms reply, the purchasing authority shall again publish the project as in Subsection A. One repeat publication shall be deemed sufficient.

C.

A minimum of three firms shall be selected from the list for consideration. Additional information from and/or interviews with the firms selected shall be required. Firms being considered shall then be ranked on the basis of preference (first choice, second choice, etc.). The purchasing authority shall then notify the "first choice" candidate of its selection pending the negotiation of a fee acceptable to both parties. In the event that an acceptable fee cannot be negotiated with the "first choice," the purchasing authority shall then move sequentially down the list of ranked candidates until an acceptable fee is negotiated.