

## TOWN OF EAST WINDSOR

The following ordinance was adopted on \_\_\_\_\_, 2020.

### **“Ordinance Establishing the Town of East Windsor – Broad Brook Fire Department”**

BE IT ORDAINED by the legislative body of the Town of East Windsor, Connecticut (the “Town”) the following ordinance creating a Town Fire Department:

#### **Section 1. Establishment of Town Fire Department**

Pursuant to Connecticut General Statutes Section 7-301, the Town hereby establishes a Town Fire Department to be known as the “Town of East Windsor – Broad Brook Fire Department.” All references to the Fire Department as used herein shall refer to the Town of East Windsor – Broad Brook Fire Department.

#### **Section 2. Territorial Jurisdiction of the Fire Department**

Pursuant to Connecticut General Statutes Section 7-301, the powers and duties of the Fire Department shall extend to all portions of the Town that are not included within the limits of any fire district (the “Territorial Jurisdiction”). The Warehouse Point Fire District is not included in the Territorial Jurisdiction. The outer limits of the Territorial Jurisdiction shall be the same as the boundaries of the Town excluding the Warehouse Point Fire District.

#### **Section 3. Appropriations and Operating Expenses**

All operating expenses of the Fire Department shall be met and paid for by the Town, out of Town funds appropriated for that purpose. At any meeting specially warned for the purpose, the Town shall make appropriations and lay taxes for the support thereof for the purpose of defraying the cost of maintaining and operating the Fire Department. Any tax levied by the Town for the purpose of defraying the cost of maintaining and operating the Fire Department shall be levied solely on property within the Territorial Jurisdiction, and shall exclude therefrom property within the boundaries of the Warehouse Point Fire District.

#### **Section 4. Fires Services and Mutual Aid**

The Town shall enter into fire services and mutual aid agreements with the Broad Brook Fire Department, Inc. (“BBFD”) or any other fire company providing fire services or mutual aid within the Territorial Jurisdiction. If the Town is unable to enter into a fire services agreement for the Territorial Jurisdiction, the Fire Department shall assume all fire services within the Territorial Jurisdiction. In accordance with Connecticut General Statutes Section 7-301, the Fire Department shall assume all BBFD property that the Fire Department wishes to utilize, including, but not limited to, any buildings, fire apparatus or other property owned by BBFD. The Fire Department shall not take ownership of any building, fire apparatus or other property owned by BBFD, after having produced evidence of ownership, without having first come to an agreement with BBFD

with regard to (i) the disposition of and compensation for such building, apparatus and other property and (ii) the funding and maintenance of any building, apparatus and other property.

## **Section 5.     Board of Fire Commissioners**

The operation, supervision and management of the Fire Department shall be vested in a Board of Fire Commissioners (“Board”), consisting of five (5) members and two (2) alternates. Such members and alternates shall serve without pay. The initial members and alternates of the Board and the initial Chair and Vice Chair of the Board shall be appointed by the BBFD to the following three classes of members and alternates: (i) the first class (“Class A”), consisting of two members and one alternate; (ii) the second class (“Class B”), consisting of two members and one alternate; and (iii) the third class (“Class C”), consisting of one member. Together, Class A, Class B and Class C shall be known as the “Classes” and each a “Class.”

The term of the Class A members and alternate shall expire on June 30, 2022 and every three (3) years thereafter. Class A members and alternates must be elected on the same day as the Initial Fire Department Budget Referendum (as hereinafter defined) immediately prior to the expiration of their term by the voters within the Territorial Jurisdiction.

The term of the Class B members and alternate shall expire on June 30, 2023 and every three (3) years thereafter. Class B members and alternates must be elected on the same day as the Initial Fire Department Budget Referendum immediately prior to the expiration of their term by the voters within the Territorial Jurisdiction.

The term of the Class C member shall expire on June 30, 2024 and every three (3) years thereafter. The Class C member must be elected on the same day as the Initial Fire Department Budget Referendum immediately prior to the expiration of its term by the voters within the Territorial Jurisdiction.

All members and alternates of the Board must reside within the Territorial Jurisdiction and shall not be a ranking member (including, but not limited to, any chief, assistant chief, deputy chief, captain, lieutenant, director or officer) of any fire company providing fire services or mutual aid to the Fire Department. A majority of the Board shall annually elect a Chair and Vice Chair at the Board’s first meeting after July 1<sup>st</sup> of each year. The Board shall report to the Board of Selectmen and Board of Finance on all budgetary matters. The Chief of the Fire Department shall manage the day to day affairs of the Fire Department in accordance with direction from the Board. The Fire Chief shall report to the Board regarding the operation, supervision and management of the Fire Department, including all personnel and regulatory matters.

## **Section 6.     Conduct of Fire Department**

The Board shall establish rules and regulations governing the operation, supervision and management of the Fire Department; shall authorize and direct the disbursement of all funds appropriated by the Town for the Fire Department; shall provide for the supervision and care of apparatus and equipment used by the Fire Department. The Board shall appoint a fire marshal for

the Fire Department, who shall have the powers and duties prescribed for its office by the Connecticut General Statutes, the Town Charter, or by ordinance.

## **Section 7. Annual Fire Department Budget**

Commencing with the budget for the fiscal year beginning on July 1, 2021, the Board shall annually draw up a budget covering the anticipated expenses of said Fire Department for the ensuing fiscal year (the “Fire Department Budget”) and present such Fire Department Budget to the Board of Selectmen not later than February 1 in each year. The Fire Department Budget shall include itemized estimates of revenues and expenditures for the ensuing fiscal year (including any personnel costs and capital expenditures), as well as the corresponding approved budget for the current fiscal year, together with estimates of any unexpended balances for the current fiscal year. The Board of Selectmen shall review the Fire Department Budget prepared by the Board and, after consultation with the Board, may revise the Fire Department Budget. On or before March 15<sup>th</sup> of each year, the Board of Selectmen shall conduct at least one (1) public hearing on the proposed Fire Department Budget. Notice of any public hearing shall be published in a local newspaper at least five (5) days prior to said public hearing. On or before April 1<sup>st</sup> of each year, the Board of Selectmen shall approve and submit the proposed Fire Department Budget to the Board of Finance. Upon receipt, the Board of Finance may adjust by line item the requested appropriations set forth in the Fire Department Budget, calculate the mill rate to be assessed on the grand list for the Territorial Jurisdiction based on the Board of Finance’s adjustment, and approve the adjusted Fire Department Budget and the recommended mill rate for the Fire Department Budget.

The Fire Department Budget as approved by the Board of Finance shall be presented by the Board of Selectmen to the voters within the Territorial Jurisdiction at a meeting specially warned for such purpose on or before the last Tuesday of the month of April. The Board of Selectmen, not less than 5 days prior to the day of such meeting, shall remove a vote on the Fire Department Budget from the call of the meeting and submit the Fire Department Budget to the voters of the Territorial Jurisdiction at a referendum vote to be held on the second Tuesday of the month of May (the “Initial Fire Department Budget Referendum”).

If the Fire Department Budget fails at the Initial Fire Department Budget Referendum, the Fire Department Budget shall be returned to the Board of Finance who shall return the Fire Department Budget to the Board with instructions to resubmit a revised Fire Department Budget to the Board of Finance on or before the third Tuesday of the month of May. Following the third Tuesday of the month of May, the Board of Finance shall approve the revised Fire Department Budget. The revised Fire Department Budget as approved by the Board of Finance shall be presented by the Board of Selectmen to the voters of the Territorial Jurisdiction at a meeting specially warned for such purpose on or before the first Tuesday of the month of June. The Board of Selectmen, not less than 5 days prior to the day of such meeting, shall remove a vote on the revised Fire Department Budget from the call of the meeting and submit the revised Fire Department Budget to the voters of the Territorial Jurisdiction at a referendum vote to be held on the second Tuesday of the month of June (the “Second Fire Department Budget Referendum”).

If the Fire Department Budget fails at the Second Fire Department Budget Referendum, the Fire Department Budget shall be returned to the Board of Finance who shall return the Fire Department

Budget to the Board with instructions to resubmit a revised Fire Department Budget to the Board of Finance on or before the third Tuesday of the month of June. Following the third Tuesday of the month of June, the Board of Finance shall approve the revised Fire Department Budget. The revised Fire Department Budget as approved by the Board of Finance shall be presented by the Board of Selectmen to the voters of the Territorial Jurisdiction at a meeting specially warned for such purpose on or before the first Tuesday of the month of July. The Board of Selectmen, not less than 5 days prior to the day of such meeting, shall remove a vote on the revised Fire Department Budget from the call of the meeting and submit the revised Fire Department Budget to the voters of the Territorial Jurisdiction at a referendum vote to be held on the second Tuesday of the month of July (the "Third Fire Department Budget Referendum").

Upon approval of the Fire Department Budget at a referendum, the Board of Finance shall set the mill rate and promptly notify the Tax Collector of such rate. Official copies of the Fire Department Budget, as approved, shall be filed by the Board of Finance with the Town Clerk within five (5) days of approval.

If the Fire Department Budget fails at the Third Fire Department Budget Referendum, the Fire Department Budget reverts to last year's approved Fire Department Budget, plus two percent (2%), and shall be deemed the approved Fire Department Budget for such year. The Fire Department Fire Department Budget shall be returned to the Board of Finance for the sole purpose of establishing a mill rate. The Fire Department Budget and the mill rate shall be adopted no later than midnight on the 15<sup>th</sup> of July. Expenditures prior to the final adoption of the Fire Department Budget shall be governed by the provision of the Connecticut General Statutes.

Sections 8-4 and 8-5 of the Town Charter shall not apply to the Fire Department Budget.

Any Fire Department Budget surplus shall be segregated from Town budget funds and be used solely for Fire Department purposes.

**Section 8.     Suspension and Removal of Members**

The Board shall have the power to suspend or remove members of the Fire Department, including the Chief of the Fire Department, pursuant to rules and regulations established for such purpose. No member of the Fire Department shall be suspended, reduced in grade or removed without having first received a written statement from the Board setting forth the reason for such removal or reduction and been given an opportunity to appear and be heard before the Board.

EFFECTIVE DATE: \_\_\_\_\_

Attest: \_\_\_\_\_  
Amy R. Lam  
Town Clerk of East Windsor

Ordinance No: \_\_\_\_\_