

MAY 11, 2021

The regular meeting of the City Council was held on May 11, 2021 in the City Hall Council Chambers, 111 North Main Street at 7:04 p.m. Present: Mayor Zoppo-Sassu; Council Members Barney, Fortier, Hahn, Kelley, Preleski, and Rosado.

1. MOMENT OF REFLECTION FOR MENTAL HEALTH AWARENESS MONTH.

Mayor Zoppo-Sassu requested a Moment of Reflection for Mental Health Awareness Month and residents struggling with mental health issues, anxiety, post COVID anxiety, and substance misuse.

2. APPROVAL OF MINUTES OF REGULAR CITY COUNCIL MEETING ON APRIL 13, 2021.

On motion of Council Member Hahn and seconded, it was unanimously voted: To approve the minutes of the regular City Council meeting on April 13, 2021.

3. PUBLIC PARTICIPATION.

Orlando Calfe, 64 Leslie Court stated he contacted the Veterans Council and the Board of Park Commissioners regarding a veterans' banner program which they supported. The banners would recognize Bristol Korean War veterans. They would be hung from the light poles on Memorial Boulevard.

4. ADOPTION OF CONSENT CALENDAR.

Council Member Preleski requested removing from the Consent Calendar the item regarding the contract with Tabacco & Son Builders, Inc. for Roadway Reconstruction/ Drainage and Miscellaneous Work.

On motion of Council Member Hahn and seconded, it was unanimously voted: To adopt ten matters as part of the Consent Calendar.

5. NEW HIRE REPORT FOR APRIL, PLACED ON FILE.

Communication presented from the Human Resources Department.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To place on file the New Hire Report for the month of April, 2021.

MAY 11, 2021

6. MOTOR VEHICLE AND REAL ESTATE TAX REFUNDS IN AMOUNT OF \$18,339.62, APPROVED.

Request presented from the Tax Collector.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To approve the Tax Refunds as follows –

Motor Vehicle		\$ 5,001.25
Real Estate		<u>13,338.37</u>
	Total	\$18,339.62

7. CONTRACT 2021-070 CURBING AND SIDEWALK REPAIR PROGRAM AWARDED TO MARTIN LAVIERO CONTRACTOR, INC. FOR \$117,335.

Communication from the Purchasing Agent regarding sidewalk repairs at various locations throughout the City.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To award Contract 2021-070 Curbing and Sidewalk Repair Program to Martin Laviero Contractor, Inc. in the amount of \$117,335 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effectuate said Contract.

8. CONTRACT 2C21-073 REPLACEMENT OF ROOFTOP AIR HANDLING UNIT AT BRISTOL EASTERN HIGH SCHOOL AWARDED TO ALL STATE CONSTRUCTION, INC. FOR \$259,809.

Communication from the Purchasing Agent regarding the replacement of the air handling equipment at Bristol Eastern High School.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To award Contract 2C21-073 Replacement of Rooftop Air Handling Unit at Bristol Eastern High School to All State Construction, Inc. in the amount of \$259,809 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effectuate said Contract.

9. CONTRACT 2P21-068 ENGINEERING SERVICES RELATIVE TO REHABILITATION OF SLUDGE STORAGE TANK AWARDED TO WESTON & SAMPSON ENGINEERS, INC. FOR \$40,000.

Communication from the Purchasing Agent regarding the rehabilitation of a sludge storage tank.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To award Contract 2P21-068 Engineering Services Relative to Rehabilitation of Sludge Storage Tank to Weston & Sampson Engineers, Inc. in the

MAY 11, 2021

amount of \$40,000 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effectuate said Contract.

10. APPROVAL TO ABATE TAX BILLS 2013-01-0127000, 2015-13-0000040 AND 2013-13-0128100 FOR TALL GRASS ON STATE PROPERTY.

Communication from the Assistant Corporation Counsel Lacey regarding the abatement of tax bills arising from tall grass complaints on State property.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To abate tax bills 2013-01-0127000, 2015-13-0000040 and 2013-13-0128100. These bills arise out of tall grass complaints on State property and municipal liens against the State of Connecticut are unenforceable.

11. ESTABLISHMENT OF GREENE-HILLS SCHOOL BUILDING PROJECT COMMITTEE, APPROVED.

Recommendation presented from the Board of Education regarding the establishment of the Greene-Hills School Building Project Committee.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To establish a Greene-Hills School Building Project Committee.

12. CONTRACT 2021-072B ROADWAY RECONSTRUCTION/DRAINAGE AND MISCELLANEOUS WORK AWARDED TO MARTIN LAVIERO CONTRACTOR, INC. FOR \$391,543.

Communication from the Purchasing Agent regarding storm drainage improvements.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To award Contract 2021-072B Roadway Reconstruction/Drainage and Miscellaneous Work to Martin Laviero Contractor, Inc. in the amount of \$391,543, contingent upon successful resolution of information relevant to filings for the Department of Administrative Services and the Commission on Human Resources and Opportunities, and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effectuate said Contract.

13. CONTRACT 2021-072C ROADWAY RECONSTRUCTION/DRAINAGE AND MISCELLANEOUS WORK AWARDED TO B & W PAVING & LANDSCAPING, LLC FOR \$408,940.

Communication from the Purchasing Agent regarding storm drainage improvements.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To award Contract 2021-072C Roadway Reconstruction/Drainage and Miscellaneous Work to B & W Paving & Landscaping, LLC in

MAY 11, 2021

the amount of \$408,940, contingent upon successful resolution of information relevant to filings for the Department of Administrative Services and the Commission on Human Resources and Opportunities, and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effectuate said Contract.

14. CONTRACT 2021-071 PERMANENT PATCHING OF UTILITY TRENCHES IN CITY STREETS AWARDED TO MARTIN LAVIERO CONTRACTOR, INC. FOR \$117,550.

Communication from the Purchasing Agent regarding the permanent patching of utility trenches in City streets.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To award Contract 2021-071 Permanent Patching of Utility Trenches in City Streets to Martin Laviero Contractor, Inc. in the amount of \$117,550 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effectuate said Contract.

15. CONTRACT 2021-072A ROADWAY RECONSTRUCTION/DRAINAGE AND MISCELLANEOUS WORK AWARDED TO TABACCO & SON BUILDERS, INC. FOR \$351,668.

Communication from the Purchasing Agent regarding storm drainage improvements.

On motion of Council Member Hahn and seconded, it was voted: To award Contract 2021-072A Roadway Reconstruction/Drainage and Miscellaneous Work to Tabacco & Son Builders, Inc. in the amount of \$351,668, contingent upon successful resolution of information relevant to filings for the Department of Administrative Services and the Commission on Human Resources and Opportunities, and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effectuate said Contract.

(Council Member Preleski recused himself and "Abstained" from voting on this matter since the vendor was his client.)

16. EXCLUSIVE RIGHT TO SELL LISTING CONTRACT WITH KELLER WILLIAMS REALTY FOR 801 BURLINGTON AVENUE AND LOT NUMBERS 88, 102, AND 106 KILMARTIN AVENUE, APPROVED.

Mayor Zoppo-Sassu noted that 43 East Main Street was removed from the listing contract due to remediation issues and its location in a floodplain area.

As recommended by the Real Estate Committee and on motion of Council Member Hahn, Chair and seconded, it was voted: That the City of Bristol enter into an Exclusive Right to Sell Listing Contract with Keller Williams Realty to sell 801 Burlington Avenue and Lot numbers 88, 102 and 106 Kilmartin Avenue. It was also voted to refer this matter to the Corporation Counsel to prepare and/or review any necessary documents and to authorize the Mayor, or Acting Mayor to execute any necessary documents to effectuate the same.

MAY 11, 2021

17. PUBLIC HEARING SCHEDULED FOR JUNE 1, 2021 REGARDING PROPOSED AMENDMENTS TO BRISTOL CODE OF ORDINANCES SEC. 22-43 THROUGH SEC. 22-62 PERTAINING TO PRIVATE SEWAGE DISPOSAL SYSTEMS.

As recommended by the Ordinance Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: To authorize a Public Hearing on Tuesday, June 1, 2021 at 5:10 p.m. in the First Floor Meeting Room, City Hall, 111 North Main Street, Bristol, Connecticut on proposed amendments to the Bristol Code of Ordinances Sec. 22-43 through Sec. 22-62 pertaining to private sewage disposal systems and to waive the reading of the proposed amendments, but to include them as part of the minutes. The ordinance reads as follows:

Underscored text is proposed to be added. [Bracketed] text is proposed for deletion.

[ARTICLE III. PRIVATE SEWAGE DISPOSAL SYSTEMS] Reserved.

[DIVISION 1. GENERALLY

Sec. 22-43. Compliance with sections required.

No sewage disposal system shall hereafter be constructed, rebuilt or altered for any dwelling, boardinghouse, hotel or commercial building in the city without compliance with the regulations set out in sections 22-44 through 22-61.
(Code 1960, § 7-10)

Sec. 22-44. Approval and permit.

Approval in every case must be obtained from the director of health prior to installation of a sewage disposal system for any dwelling, boarding house, hotel or commercial building in the city. The permit for the system must be obtained from the city health department. The applicant shall submit sketches and data, including plot plan of home and the proposed disposal system, which must contain at least the minimum requirements as outlined in sections 22-45 through 22-61.

(Code 1960, § 7-10)

Cross reference(s)—Licenses and miscellaneous business regulations, Ch. 13
reference(s)—.

Sec. 22-45. House sewer specifications.

House sewers shall not be less than four (4) inches in diameter, and preferably five (5) or six (6) inches to avoid stoppages. The grade shall be one-quarter inch per foot for four (4) inch sewers and shall not be less than one-eighth inch per foot for larger sizes. House sewers shall be laid with tight joints to a septic tank in a straight line and on a uniform grade. Pipe for such house sewers shall be of cast iron, with leaded joints, to a point at least ten (10) feet beyond the foundation wall of any cellar or basement. Portions of house sewers within seventy-five (75) feet of a well shall be of cast iron, with leaded joints, but no portion of such sewer, however constructed, shall be within twenty-five (25) feet of a well. No sewer shall be located within twenty-five (25) feet of a cellar drain or groundwater drain unless pipe is of cast iron with leaded joints.

MAY 11, 2021

(Code 1960, § 7-10)

Sec. 22-46. Separate trenches required for water service and house sewer pipes.

Water service and house sewer pipes shall be laid in separate trenches with a minimum of four (4) feet between trenches.

(Code 1960, § 7-10)

Sec. 22-47. Dry wells restricted.

Dry wells shall not be constructed for the disposal of sewage but may be used for sink drainage or laundry water only. In the latter case, grease tanks of adequate size shall be installed as provided in subsection (n) regulation 103, of the state sanitary code.

(Code 1960, § 7-10)

Sec. 22-48. Location.

No septic tank, tile field, seepage bed or leaching well shall without the approval of the director of health be constructed within seventy-five (75) feet of a well or spring or within fifty (50) feet of a human habitation other than the building served, nor shall be constructed within fifty (50) feet of a tributary of a water supply reservoir or any ground or surface water drain tributary to such reservoir. No part of the system shall be located within ten (10) feet of a lot line or within twenty-five (25) feet of any stream, pond, lake or tidal water, without approval by the director of health. No system shall be laid out in areas where high groundwater surface flooding or ledge rock will interfere with its effective operation. The bottom of any leaching area shall be at least eighteen (18) inches above maximum groundwater level.

(Code 1960, § 7-10)

Sec. 22-49. Population served.

In the specifications of sections 22-50 through 22-61, one family is considered as five (5) persons. Where it is known that a larger number of persons is to be served by a single system, proportional increases in the sizes of the system shall be made. For houses containing more than two (2) bedrooms, the system shall be based on an estimate of two (2) persons per bedroom. Similar considerations apply to a house of more than one family, or to a boarding house or hotel.

(Code 1960, § 7-10)

Sec. 22-50. Septic tanks—Generally.

(a) Septic tanks shall be provided for water carriage sewage disposal where no public sewers are available. No tank shall be located within ten (10) feet of a house. They shall be constructed with watertight walls and bottom, with inlets baffled or submerged to a depth of twelve (12) to eighteen (18) inches and outlets baffled or submerged to a depth of at least eighteen (18) inches below the surface of liquid in the tank but not more than half the liquid depth. With two-compartment tanks there should be adequate connections about at middepth, and two-thirds or more of the required capacity should be in the first compartment. Septic tanks shall be made with removable covers or manholes so as to provide access to the tank for purposes of cleaning. Cleanout manholes on septic tanks are to be brought up to grade to facilitate inspection and cleaning of tanks; such covers shall be flytight. At least two (2) manholes shall be provided for tanks more than ten (10) feet long and at least one manhole per compartment. No septic tank shall have a liquid

MAY 11, 2021

capacity of less than seven hundred fifty (750) gallons below the outlet invert. The minimum liquid depth of septic tanks shall be thirty-six (36) inches, measured from the bottom to the invert of the outlet. Septic tanks are to be cleaned out at intervals not to exceed two (2) years.

- (b) The minimum liquid capacities for more than one family are as follows: Two (2) families, one thousand five hundred (1,500) gallons; three (3) families, two thousand two hundred (2,200) gallons; larger sizes proportional.
- (c) Where additional capacity is needed, two (2) tanks may be used in series for one installation. No more than two (2) tanks shall be installed in series or parallel but larger tanks shall be used to make up the required capacity. Sometimes sectional units of approved design may be put together to make up what is virtually a single tank although the tank is usually constructed as a complete unit.
- (d) Houses of new construction may provide for a separate leaching system for kitchen and laundry waste. Such a leaching system may consist of either one or more dry wells. No garbage grinder is to be installed in this system. Drainage from kitchen and laundry is in no way to be connected to the septic tank system for bathroom fixtures. This system is to be placed on lower ground than that for bathroom fixtures wherever feasible and shall be located in accordance with provisions stated in section 22-48. In no event shall this system be higher in elevation than that used for bathroom fixtures.

(Code 1960, § 7-10)

Sec. 22-51. Same—Commercial establishments.

- (a) The minimum per capita allowance for normal conditions in regard to septic tanks for commercial establishments shall be twenty-five (25) gallons per employee. In designing septic tanks and seepage facilities serving employees of a commercial establishment, sewage disposal facilities shall be laid out as provided for above; and it shall be assumed in figuring capacities that the septic tank, seepage and other provisions for one family as outlined in section 22-48 will serve twelve (12) employees or less, in a commercial building, and larger populations shall be allowed for proportionately. For very large commercial buildings, special arrangements will be required by the director of health.
- (b) In the case of restaurants, laundromats, toilets for public use, or other types of establishments where water use and sewage flows will depend on the extent of public use or employment of water uses especially pertinent to the type of establishment in question, special allowances for capacities of disposal units shall be provided as approved by the director of health. In all cases, the septic system, including the septic tank and leaching fields, shall be designed by an approved sanitary engineer or concern and submitted to the director of health along with soil seepage test figures before any action is taken to approve such an application.

(Code 1960, § 7-10)

Cross reference(s)—Licenses and miscellaneous business regulations, Ch. 13
reference(s)—.

Sec. 22-52. Same—Disposal of effluent by tile or other pipe.

Disposal of septic tank effluent may be by means of tile or other accepted distributing pipe laid in screened gravel or broken stone, at a distance of at least fifteen (15) feet from any dwelling or building on the same property. No part of any leaching system shall be within the same property. No part of any leaching system shall be within twenty-five (25) feet of a storm

MAY 11, 2021

drain, cellar drain or subsoil drain which discharges into a stream or culvert, or onto the surface of the ground, unless such drains are constructed of cast-iron pipe with leaded joints. No part of such leaching system shall be within fifteen (15) feet of the top of an embankment where seepage may escape from the embankment. Seepage systems shall not cross water service lines. Dry wells may be preferable where the amount of area is limited or where porous soil is at a greater depth than can be secured by the tiled fields. They are not recommended where groundwater may interfere with their operation, or where soil of better seepage quality is found at shallow depth. They may be constructed only after approved by the director of health. (Code 1960, § 7-10; Ord. of 10-4-66)

Sec. 22-53. Classification of soil.

- (a) Classification of soil shall be made by percolation tests in every case before issuing a building permit.
- (b) In making tests for classification of soil, such tests should be considered in the light of groundwater variations as specified in section 22-48. The classification of soil at the proposed location of a seepage system shall be determined by soil tests made as follows:
 - (1) For cesspools, one hole about one foot square shall be dug; this should extend to the depth of the proposed cesspool. For the tile fields, at least two (2) holes, one foot square in the leaching field area, must be dug to a depth of the proposed trenches. Before observations are made the hole shall be thoroughly wet down by filling it to a depth of at least twelve (12) inches. These holes shall then be refilled with water to a depth of twelve (12) inches or more and the rate of drop of water measured for a period of ten (10) to fifteen (15) minutes under normal conditions. The minimum uniform rate of drop should be used in calculating seepage areas. When tests are made, consideration should be given to the finished grade of building sites, so that results will correspond to the absorptive value of the soil in which leaching systems will be constructed. In investigating soil conditions for a large area, test holes may have to be dug at a rate of one per acre or even one per lot. Also, in investigating soil conditions for a large area, more than one deep test hole is frequently desirable in that this may disclose available good seepage soil below normal depths.
 - (2) Where the observed drop is at a rate faster than one (1) inch in three (3) minutes (coarse sand or gravel), the soil shall be considered as class A; where the rate is slower than one (1) inch in three (3) minutes and faster than one (1) inch in ten (10) minutes (fine sand or light sandy loam), the soil shall be considered as class B; where the rate is slower than one (1) inch in ten (10) minutes and faster than one (1) inch in fifteen (15) minutes (clay with some sand, gravel or silt; not for very light soils), the soil shall be considered as class C; where the rate is slower than one (1) inch in thirty (30) minutes, the soil shall be considered as class D, and special consideration is needed to avoid nuisance conditions. In some class D soils it may be impossible or impracticable to construct a subsurface method for the disposal of sewage.

(Code 1960, § 7-10)

Sec. 22-54. Tile lines and laterals.

- (a) The minimum lineal feet of tiled lines with open joints in stone-filled trenches of leaching fields shall be, for one family, one hundred (100) in class A soil, one hundred fifty (150)

MAY 11, 2021

in class B soil and three hundred (300) in class C soil. These dimensions may be modified to suit local conditions provided equivalent absorptive area is made available. Under normal conditions however, trench width should not exceed twenty-four (24) inches.

- (b) Unglazed drain tile, four (4) inches in diameter, laid with open joints one-quarter to one-half inch in shallow trenches of the width indicated and about eighteen (18) inches deep may be used. Pipe of vitrified tile or other acceptable material with suitable perforations or adequate spacing may also be used. All trenches should follow contours with the bottoms of the individual trenches level. The upper portions of joint openings should be protected by strips of tar paper or other suitable material. Tile shall be laid near the top of a layer of one-inch screened gravel or broken stone placed to a depth of twelve (12) inches in the trenches.
- (c) The minimum depth of stone under tile invert shall be at least one-half the width of trench. Bottom trench area only shall be laid on a grade not exceeding two (2) to four (4) inches per one hundred (100) feet. A layer of tar paper shall be placed over open tile joints before backfilling the trenches. Spacing between adjacent sides of trenches for the tile lines shall be at least three (3) times the width of the trench.
- (d) When space between trenches is also excavated and backfilled with one-inch stone or screened gravel, only one-third of the total bottom shall be considered effective. Construction shall be such as to provide for proper distribution of settled sewage to trenches, is secured in tile fields by using diverting boxes with several outlets of the same elevation to the individual trenches.
- (e) Length of individual tile laterals shall not exceed forty (40) feet.
- (f) If the slope of the main header exceeds one (1) foot per hundred feet, provision shall be made for reducing the velocity of the septic tank effluent at the head of the seepage system by properly located and constructed distribution box or drop manhole construction. Depth of lateral inverts below ground surface should preferably be between twelve (12) inches and twenty-four (24) inches, but depths up to thirty-six (36) inches or greater may be used if warranted by conditions of topography or more favorable absorption capacity of soil at that depth.

(Code 1960, § 7-10)

Sec. 22-55. Disposal of sewage in practically impervious class D or wet soil.

Where practically impervious class D or wet soil conditions exist, no sewage disposal system shall be built, unless special plans are prepared by a qualified sanitary engineer or concern and presented to the director of health for his consideration.

(Code 1960, § 7-10)

Sec. 22-56. Escape of overflow.

No drainage from a sewage disposal system shall be discharged into a street, gutter or onto the surface of the ground. No effluent from any sewage disposal system shall discharge into any tributary of a public water supply.

(Code 1960, § 7-10)

Sec. 22-57. Discharge of groundwater, etc., to system prohibited.

No groundwater drainage or drainage from roofs, roads, cellars or yards, or flow of industrial wastes or discharge from sump pumps or other liquids shall be discharged into a

MAY 11, 2021

sewage disposal system. Such drainage or liquid shall be disposed of separately subject to any requirements considered necessary by the director of health.

(Code 1960, § 7-10)

Sec. 22-58. Sink drainage.

Sink drainage or laundry waste systems, where no water flush toilet fixtures are used, shall be constructed with at least one-third the capacity specified for usual house sewerage systems.

(Code 1960, § 7-10)

Sec. 22-59. Prohibition and abatement of sewage overflow or nuisance.

Nothing in sections 22-43 through 22-61 of this article shall be construed to permit the creation or maintenance of any sewage overflow or nuisance, the abatement of which shall be subject to the provisions of regulation 102 of the state sanitary code.

(Code 1960, § 7-10)

Sec. 22-60. Percolation tests for private systems prohibited during winter.

No percolation tests will be made between the dates of December first and April first of each year for determining the requirements of the individual systems in those areas not serviced by public sanitary sewers.

(Code 1960, § 7-10)

Sec. 22-61. Variances from article.

The board of health, upon petition and hearing, may vary any requirement of this article, under circumstances of hardship, when such variance will not affect the proper functioning of any sewage disposal system constructed or maintained under the provisions of this article.

(Code 1960, § 7-10)

Sec. 22-62. Subdivisions in areas without city sewage system.

Any area within the city which is proposed for subdivision for the erection of private homes shall conform to the following if not serviced by the city sewage system:

- (1) A map of the area shall be submitted to the director of health showing all streets and the subdivision of lots in the area, giving the frontage and the depth of each proposed lot. It shall also show the contours in the area involved and all data covering streets and lots, such as filling, drainage, etc.
- (2) After a proper map has been filed, the area shall be inspected by the health director or his agent, representatives of the zoning and planning commissions and the superintendent of public works or his agent. If upon inspection by the above-named representatives, all requirements have been fulfilled, each representative shall sign the plan as submitted.
- (3) Before the erection of any home in such area, it will be necessary for the developer to make application for a seepage test on each lot before a building permit will be issued. Such application must be filed at the department of health giving pertinent information asked for on the application. A fee of five dollars (\$5.00) will be charged for each seepage test made, and such fee will be payable when application is filed for this test.

(Code 1960, § 7-11)

MAY 11, 2021

Cross reference(s)—Subdivision regulations, App. B.]

18. PUBLIC HEARING SCHEDULED FOR JUNE 1, 2021 REGARDING PROPOSED AMENDMENTS TO BRISTOL CODE OF ORDINANCES SEC. 3-32 THROUGH SEC. 3-39 PERTAINING TO PUBLIC DANCES.

As recommended by the Ordinance Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: To authorize a Public Hearing on Tuesday, June 1, 2021 at 5:15 p.m. in the First Floor Meeting Room, City Hall, 111 North Main Street, Bristol, Connecticut on proposed amendments to the Bristol Code of Ordinances Sec. 3-32 through Sec. 3-39 pertaining to Public Dances and to waive the reading of the proposed amendments, but to include them as part of the minutes. The ordinance reads as follows:

Underscored text is proposed to be added. [Bracketed] text is proposed for deletion.

ARTICLE III. [PUBLIC DANCES] Reserved

[Sec. 3-32. Definition.

The term "public dance," as used in this article, shall mean any dance to which admission can be had by the purchase, possession or presentation of a ticket or token for which a charge is made for caring for clothing or other property, or any other dance to which the public generally may gain admission with or without payment of a fee.

Cross reference(s)—Rules of construction and definitions generally, § 1-3Cross reference(s)—.

Sec. 3-33. Permit—Required.

No person shall conduct a public dance in the city without first procuring a permit pursuant to this article.

Cross reference(s)—Licenses and miscellaneous business regulations, Ch. 13Cross reference(s)—.

Sec. 3-34. Same—Application.

Applications for the permit required by section 3-33 shall be made to the chief of police, and shall state the location of the proposed dance.

(Code 1960, § 45-2; Ord. of 5-2-67)

Sec. 3-35. Same—Chief of police designated issuing authority.

Under the provisions of this article, the chief of police is designated as the issuing authority for permits to hold public dances.

(Code 1960, § 45-1; Ord. of 5-2-67)

Cross reference(s)—Police, Ch. 19Cross reference(s)—.

Sec. 3-36. Same—Fee.

The fee for the permit required by section 3-33 will be determined by the cost of police protection as provided in section 3-37 at prevailing rates and will be paid in advance of issuance of the permit.

(Code 1960, § 45-3; Ord. of 5-2-67)

MAY 11, 2021

Sec. 3-37. Police protection.

Upon an application to the chief of police for the permit required by section 3-33, the chief will determine the number of policemen required to protect both the dance premises and private property that may be affected in the immediate area.
(Code 1960, § 45-2; Ord. of 5-2-67)

Sec. 3-38. Exemptions.

This article shall in no way limit private clubs, organizations or associations who were in existence before May 2, 1967.
(Code 1960, § 45-4) Sec. 3-39. Reserved.

Editor's note(s)—An ordinance adopted Sept. 9, 1985, provided for the repeal of § 3-39 Editor's note(s)—, recreational, tourist and convention commission as derived from an ordinance adopted Dec. 7, 1976.]

19. PUBLIC HEARING SCHEDULED FOR JUNE 1, 2021 REGARDING PROPOSED AMENDMENTS TO BRISTOL CODE OF ORDINANCES SEC. 11-31 THROUGH SEC. 11-37 PERTAINING TO AIR POLLUTION CONTROL.

As recommended by the Ordinance Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: To authorize a Public Hearing on Tuesday, June 1, 2021 at 5:05 p.m. in the First Floor Meeting Room, City Hall, 111 North Main Street, Bristol, Connecticut on proposed amendments to the Bristol Code of Ordinances Sec. 11-31 through Sec. 11-37 pertaining to Air Pollution Control and to waive the reading of the proposed amendments, but to include them as part of the minutes. The ordinance reads as follows:

Underscored text is proposed to be added. [Bracketed] text is proposed for deletion.

[ARTICLE III. AIR POLLUTION CONTROL¹] Reserved.

[Sec. 11-31. Definitions.

As used in this article, the following terms shall have the meanings indicated, unless the context clearly indicates otherwise:

Air pollution means the presence in the outdoor atmosphere of one or more air contaminants or any combination thereof in such quantities and of such characteristics and duration as is, or is likely to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

Emission means a release into the outdoor atmosphere of air contaminants.

(Code 1960, § 50-1; Ord. of 3-10-72)

Cross reference(s)—Rules of construction and definitions generally, § 1-3 Cross reference(s)—.

¹Cross reference(s)—Water pollution control, § 22-94 Cross reference(s)—.

State law reference(s)—Authority to adopt rules and regulations for air pollution control, G.S. § 19-520a.

MAY 11, 2021

Sec. 11-32. Statement of purposes.

The purposes for the adoption of this article are as follows:

- (1) Recognizing the direct relationship between polluted air and an unhealthful environment; recognizing further that air pollution is presently affecting the lives and health of the citizens of the city and damaging or destroying their property; it is hereby declared to be the public policy of the city to preserve, protect and improve the air resources of the city so as to promote the health, safety and welfare of the city's inhabitants and to the greatest degree practicable, facilitate the enjoyment of the natural attractions of the city;
- (2) To provide a comprehensive program for the prevention and control of air pollution in the city;
- (3) To aid in promoting the health, safety and welfare of the city's inhabitants; and
- (4) To facilitate the enjoyment of the natural attractions of the community.

(Code 1960, § 50-1; Ord. of 3-10-72)

Sec. 11-33. Director of health's powers and duties.

The director of health of the city, in addition to any other powers vested in him by law, shall have and may exercise the following powers and duties in accordance with the provisions of this article and pursuant to rules and regulations adopted hereunder:

- (1) Develop a comprehensive program for the prevention and control of air pollution in the city;
- (2) Pursuant to rules and regulations adopted by the board of health, subject to section 11-34 of this article, require any person to submit to him for approval (and/or a permit) any plans, specifications and other data related to construction, modification or use of any article, machine, equipment, facility or installation which has caused, may cause, or is intended primarily to prevent or control the emission of air pollutants. Should such approval (and/or permit) be denied, the director of health may prohibit the installation, alteration or use of such article, machine, equipment, facility or installation;
- (3) Issue, modify, revoke or enforce orders requiring compliance with this article or rules or regulations promulgated hereunder, subject to section 11-34 of this article, by the board of health;
- (4) Enforce compliance with the laws of the state and rules or regulations promulgated thereunder related to air pollution;
- (5) Advise, consult and cooperate with other agencies of the city, political subdivisions of the state, industries, agencies of the state, the federal government and affected groups and persons in furtherance of the purposes of this article;
- (6) Encourage and conduct studies and research relating to air pollution and conservation of the air resources of the city;
- (7) Investigate complaints about air pollution and secure abatement of the cause thereof;
- (8) Collect and disseminate information relating to air pollution; and
- (9) Encourage voluntary cooperation by people, industries, other agencies of the city and others in preventing and controlling air pollution in the city;
- (10) In the event of any written complaints or upon his own initiative, the authority to enter and inspect any building or place, except a private residence, for the purpose of investigating conditions relating to air pollution and ascertain compliance with the provisions of the laws of the state and rules and regulations promulgated thereunder related to air pollution, and to investigate compliance with this article, and rules and

MAY 11, 2021

- regulations adopted hereunder. He and/or his deputies shall have the authority to inspect such premises to determine compliance with the provisions of the laws of the state and rules and regulations promulgated thereunder related to air pollution and compliance with the provisions of this article, and rules and regulations adopted hereunder by the board of health. All information gained by such inspection shall be kept confidential except as it relates directly to air pollution;
- (11) Accept, receive and administer funds, grants or gifts from public or private agencies, including the federal government, for the purpose of carrying out any of the functions provided in this article. Such funds received by the director of health shall be deposited with the comptroller of the city and held in a special account established for air pollution control activities of the department of health;
 - (12) Represent the city in any and all matters relating to air pollution;
 - (13) Appoint, convene and dissolve special advisory groups to consider and report on any matters relating to air pollution;
 - (14) Employ personnel, purchase equipment, supplies and materials and enter into contracts to carry out the purposes of this article in conformance with any practices of the city applicable to the department of health;
 - (15) Carry out all other activities as may be necessary to enforce this article and the rules and regulations promulgated hereunder by the board of health;
 - (16) Designate a member or members of his staff to inspect, investigate, prepare reports and perform any other duties required to carry out the purpose of this article or to enforce the rules and regulations of the board of health adopted pursuant to the authority herein granted.

(Code 1960, § 50-2; Ord. of 3-10-72)

Cross reference(s)—Director of health generally, § 11-18.

Sec. 11-34. Board of health's powers and duties.

In addition to any other duties and powers vested in it by law, the board of health shall have the following powers and duties:

- (1) To adopt, promulgate, amend and repeal all rules and regulations for the prevention, control and abatement of air pollution subject to approval by the city council of the board's recommendations for such regulations. Any such regulations enacted under this subparagraph, as well as any changes, shall be consistent with state and federal air pollution control statutes, rules and regulations.
- (2) To promulgate a system of alerts to prevent and reduce the risk of situations in which there may be imminent and serious danger to the public health and welfare of the community from air pollution.
- (3) To adopt rules and regulations whereby the director of health shall be empowered to provide for the issuance, suspension and revocation and renewal of any permits that it may require pursuant to this article, and rules and regulations adopted hereunder, subject to approval by the city council of its recommendations for such rules and regulations.

(Code 1960, § 50-3; Ord. of 3-10-72)

Cross reference(s)—Board of health generally, § 11-17.

MAY 11, 2021

Sec. 11-35. Public hearings on proposed rules; notice of adoption.

The city council shall hold a public hearing with respect to the adoption, repeal or amendment of any rule or regulation relating to the control of air pollution, notice of which hearing shall be published in a newspaper having a general circulation in the city at least seven (7) days before such hearing. A copy of the proposed rules and regulations shall be filed with the town clerk not less than seven (7) days prior to the date of such public hearing. Such rules and regulations shall become effective on such day as the board of health shall prescribe provided that a notice setting forth the fact of their adoption and their effective date shall have been published twice consecutively in a newspaper having a general circulation in the city at least two (2) weeks prior to the effective date and provided, further, that a copy of such rules and regulations as adopted shall have been filed with the town clerk prior to their effective date and that such filing shall have been noted in such notice.

(Code 1960, § 50-3; Ord. of 3-10-72)

Sec. 11-36. Appeal from orders of director of health.

- (a) Any person who is aggrieved by an order of the director of health issued in connection with any alleged violation of this article or of applicable rules and regulations issued pursuant hereto may apply to the board of health in writing for a reconsideration and review of such order within ten (10) days after issuance on forms supplied by the director of health.
- (b) The completed form shall state the name and address of the aggrieved party and shall set forth in brief the reasons for objecting to the action of the director of health, and such other pertinent information as may be required by the board.
- (c) Upon receipt of an appeal from any action of the director of health as provided in subsection (b) of this section, the board of health shall set the time and date for a hearing on such appeal. This hearing shall be held within ten (10) days of the receipt of such an appeal by the board of health; provided, until such time as a decision is rendered by the board of health, the appellant shall not be compelled to comply with the order appealed from; provided, further, that the chairman of the board of health may, without such an appeal and hearing, require the immediate compliance with such order upon the certification of the director of health that continuance of the activity referred to in such order will or may result in great harm to the public health, safety or welfare.
- (d) At such hearing the appellant shall be given an opportunity to be heard in person and/or with counsel and to show why such notice ought to be modified or withdrawn.
- (e) After such hearing the board of health may affirm the decision or action of the director of health and order immediate compliance with his order, or it may modify or revoke the same, or allow additional time for compliance therewith.
- (f) Any person who fails to appeal from a legally issued order of the director of health, issued in connection with any alleged violations of this article or applicable rules and regulations issued pursuant thereto, will be said to have waived his right to appeal, and the board of health will then order immediate compliance with the order of the director of health.
- (g) Any person aggrieved by the final decision of the board of health may seek review thereof by an appeal to the proper state court having jurisdiction to review such decisions; provided, the filing of such an appeal shall not act as a stay of the order unless and until specifically decreed by the court appealed to. Any person who violates

MAY 11, 2021

any order which has been confirmed by the board of health before any such stay is granted will be subject to the penalties of section 11-37.
(Code 1960, § 50-4; Ord. of 3-10-72)

Sec. 11-37. Penalty.

Any person who willfully violates an order of the director of health, legally issued in accordance with this article or rules and regulations issued pursuant thereto, shall be subject to a fine not in excess of one thousand dollars (\$1,000.00), or imprisonment of not more than six (6) months, or both. Intentional violation of a legally issued order of the director of health that has been confirmed by the board of health shall be deemed a misdemeanor.
(Code 1960, § 50-5; Ord. of 3-10-72)]

20. PUBLIC HEARING SCHEDULED FOR JUNE 1, 2021 REGARDING PROPOSED AMENDMENTS TO BRISTOL CODE OF ORDINANCES SEC. 9-16 THROUGH SEC. 9-43 PERTAINING TO LICENSING OF FOOD VENDORS.

As recommended by the Ordinance Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: To authorize a Public Hearing on Tuesday, June 1, 2021 at 5:20 p.m. in the First Floor Meeting Room, City Hall, 111 North Main Street, Bristol, Connecticut on proposed amendments to the Bristol Code of Ordinances Sec. 9-16 through Sec. 9-43 pertaining to Licensing of Food Vendors and to waive the reading of the proposed amendments, but to include them as part of the minutes. The ordinance reads as follows:

Underscored text is proposed to be added. [Bracketed] text is proposed for deletion.

ARTICLE II. [LICENSING OF FOOD VENDORS²] Reserved.

[Sec. 9-16. Definition; scope.

The term "food vendor" as used herein is defined to mean any place where food or beverages, including any milk, milk products, cream or frozen desserts, are served to the public as well as kitchens in which food or beverages, including milk or milk products, are prepared for sale elsewhere to the public. All of the following named establishments, drug-stores, bakeries, markets and deli counters, luncheonettes, restaurants, grill, hot dog stands, tea rooms, dairies and frozen dessert vendors, shall be considered to be included within the provisions hereof.

(Ord. of 2-4-75)

Sec. 9-17. License—Required.

No person, firm or corporation shall operate or maintain within the City of Bristol any establishment as defined by section 9-16 until licensed to do so.

(Ord. of 2-4-75)

²Editor's note(s)—An ordinance of Feb. 4, 1975, amended § 7-6Editor's note(s)— of the city's former code, included in this Code as Art. II, Div. 1, §§ 9-16Editor's note(s)—9-20, and Div. 2, §§ 9-26—9-33, to read as set out in Art. II, §§ 9-16Editor's note(s)—9-24.

MAY 11, 2021

Sec. 9-18. Same—Application.

Each application for a license shall be in writing, in duplicate, upon blank forms provided by the health department. One of said application forms shall be filed with the health department and the other shall be kept by the applicant. Said application forms shall contain the name and address of the applicant, the location of his place of business or general description thereof; and in the case of a dealer who does not produce all or any of the food, beverages, milk, milk products, cream or frozen desserts sold or delivered for sale by him, such application shall include the name and address of each producer from whom such applicant procures any such food, beverages, milk, milk products, cream or frozen desserts from any person, firm or corporation other than those named in the application for such license, then, in that event, the name of such person, firm or corporation shall be filed forthwith with the health department by such dealer, and the health department of the City of Bristol.
(Ord. of 2-4-75)

Sec. 9-19. Investigation of premises by health department.

The director of health or an agent of the health department shall investigate and examine an applicant's place of business, specifically where food, beverages, milk, milk products, cream or frozen desserts are sold or offered for sale, including an inspection of any vehicle, container or appliance used in the handling, selling and delivering of food, beverages, milk, milk products, cream or frozen desserts by any applicant or licensee hereunder; and if he is satisfied that the applicant for a license delivers or sells, as the case may be, pure and wholesome food, beverages, pasteurized milk, milk products, cream or frozen desserts, he shall endorse his approval upon such duplicate application. In those cases where it is not feasible for the director of health or his agent to make a personal inspection and investigation, he may accept the report of any state agency recognized by the state in the matter.
(Ord. of 2-4-75)

Sec. 9-20. License to be in effect.

No person, firm or corporation shall offer, keep or expose for sale, sell or deliver for sale within the City of Bristol, any food, beverages, milk, milk products, cream or frozen desserts, when the license held by such person, firm or corporation, for such purpose is suspended or revoked.
(Ord. of 2-4-75)

Sec. 9-21. License fee; display of license.

Each license shall be numbered, and each applicant for such license shall, at the time such license is issued, pay to the health department fifteen dollars (\$15.00) for the use of the city, therefor, no license shall be issued for a term longer than one year. Said fee shall be returned in the event the license is not granted. Each license shall expire on the last day of June in each year. Each licensee shall display his license in a conspicuous location in the place in which he sells, or offers or exposes for sale any food, beverages, milk, milk products, cream or frozen desserts.

(Ord. of 2-4-75; Ord. of 10-3-78)

MAY 11, 2021

Sec. 9-22. Premises to comply with public health code; inspections.

The premises described in each application shall be inspected by the health department and if the same are maintained and equipped in accordance with the rules and regulations governing sanitation of places dispensing food or beverages prescribed in the public health code of the State of Connecticut, shall grant the license which shall be signed by the health officer. Such license must be framed and posted in a conspicuous location within easy reading distance of patrons within the licensed premises. The health department shall inspect all licensed premises from time to time and if found that any such licensed premises maintained and operated by any person, firm or corporation licensed hereunder is not being operated, maintained or equipped in accordance with the provisions of this article, shall revoke or suspend such license.

(Ord. of 2-4-75)

Sec. 9-23. Rules specifically governing milk, milk products, cream or frozen desserts.

(a) *Bottling; quality.* No person shall bottle any milk or cream in any vehicle, upon any street nor in any place other than the plant or place where the same is produced or within the plant, store or room where the same is kept for sale, and all milk or cream produced, sold or offered for sale shall be of the standard quality prescribed by the General Statutes of Connecticut and shall be produced, handled, cared for, sold and delivered in accordance with the provisions of the General Statutes and the rules and regulations of this state and the provisions of this article.

(b) *Frozen desserts generally.* Frozen desserts sold or produced, offered, kept, exposed or delivered for sale shall conform with the requirements of the General Statutes of the state having to do with the manufacture of frozen desserts, and with the sanitary requirements of the local board of health; and the handling, delivering and vending of the same shall be in conformity with the rules and regulations drafted by the board of health and approved by the city council.

(c) *Definitions.* The following definitions shall apply in the interpretation and the enforcement of this section:

Milk: Milk is hereby defined to be the lacteal secretion practically clear from colostrum, obtained by complete milking of one or more healthy cows, which contain not less than three and one-fourth ($3\frac{1}{4}$) per cent milkfat.

Milkfat: Milkfat, or butterfat, is the fat of milk.

Cream: Cream is a portion of milk which contains not less than eighteen (18) per cent milkfat.

Milk products: Milk products shall be taken to mean and to include cream, sour cream, whipped cream, flavored milk, buttermilk, skim milk, cottage cheese and any other product made by the addition of any substance to milk, or any of these milk products used for similar purposes, and designated as a milk product by the director of health.

Pasteurization: The term "pasteurization," "pasteurized," shall be taken to refer to the process of heating every particle of milk or milk products to at least one hundred forty-three (143) degrees Fahrenheit and holding it at such temperature continuously for at least thirty (30) minutes, or at least one hundred sixty-one (161) degrees Fahrenheit and holding it at such temperature continuously for at least fifteen (15) seconds, in approved and properly operated equipment.

MAY 11, 2021

Labeling: All bottles, cans, packages and other containers milk or any milk product as defined in this ordinance shall be plainly labeled or marked with name of the contents as given in the definition in this article.

Homogenized milk: Homogenized milk is milk which has been treated in such a manner as to insure break-up of the fat globules to such an extent that after forty-eight (48) hours of quiescent storage, no visible cream separation occurs on the milk, and the fat percentage of the top one hundred (100) milliliters of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than ten (10) per cent of itself from the fat percentage of the remaining milk as determined after thorough mixing.

Milk producer: A milk producer is any person who owns or controls one or more cows, a part or all of the milk or milk products from which is sold or offered for sale.

Milk distributor: A milk distributor is any person who offers for sale or sells to another any milk or milk products for human consumption as such.

(Ord. of 2-4-75)

Sec. 9-24. Violation of article.

Whenever any person shall have been notified in writing by the board of health or by the director of health that he is violating any of the provisions of this article, each day shall constitute a separate offense, and, in addition thereto, such violation shall be caused for revocation of his license to sell or otherwise dispose of food, beverages, milk or cream in this city.

(Ord. of 2-4-75)]

Secs. 9-25—9-43. Reserved.

21. PUBLIC HEARING SCHEDULED FOR JUNE 1, 2021 REGARDING PROPOSED AMENDMENTS TO BRISTOL CODE OF ORDINANCES SEC. 16-5 PERTAINING TO PARK AMBASSADORS.

As recommended by the Ordinance Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: To authorize a Public Hearing on Tuesday, June 1, 2021 at 5:00 p.m. in the First Floor Meeting Room, City Hall, 111 North Main Street, Bristol, Connecticut on proposed amendments to the Bristol Code of Ordinances Sec. 16-5 pertaining to Park Ambassadors and to waive the reading of the proposed amendments, but to include them as part of the minutes. The ordinance reads as follows:

Underscored text is proposed to be added. [Bracketed] text is proposed for deletion.

Sec. 16-5. Enforcement.

Members of the City of Bristol's Police Department and the Parks, Recreation, Youth and Community Services Park Ambassadors shall be charged with the enforcement of this chapter. Such officers [of the department] shall inform the violator of this chapter and take enforcement action when a violation has occurred.

(Ord. of 2-11-20)

MAY 11, 2021

22. AMENDMENTS TO BRISTOL CODE OF ORDINANCES SECTION 7-17, OPEN BURNING REQUIREMENTS, ADOPTED.

On motion of Council Member Preleski and seconded, it was unanimously voted: To bring to the floor the adoption of Bristol Code of Ordinances, Article 1, Section 7-17, Open burning requirements.

As recommended by the Ordinance Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: To amend and adopt the Bristol Code of Ordinances Sec. 7-17, Open burning requirements. It will be effective upon the expiration of fourteen days of its newspaper publication, and reads as follows –

Underscored text is proposed to be added. [Bracketed] text is proposed for deletion.

Sec. 7-17. Open burning requirements.

(a) Preamble: Statement of Purpose: Open burning of combustible materials may create a hazard or nuisance, emissions from incomplete combustion or burning of hazardous and toxic materials pollute the air and make it difficult for persons with respiratory problems to breathe. A nuisance is considered to be the unreasonable, unwarranted, or unlawful use of a person's property which substantially interferes with the use and enjoyment of another person's property. A smoke nuisance typically occurs when wood or other combustible materials are burned in a campfire, fire pit, chiminea or similar devise which results in the release of large amounts of smoke and un-burned particulate matter.

([a]b) The following types of open burning shall be allowed only in accordance with the following standards:

- (1) The burning of nonprocessed (Non-processed wood is considered to be any untreated natural wood up to and including rough cut lumber) wood for campfires, bonfires and other outdoor fires for ceremonial or recreational purposes; cooking fires and fires within an enclosed commercial product such as a chiminea, fire pit or patio hearth; fires within an enclosed fixed masonry structure such as stone, block or brick;
- (2) No fire shall exceed three (3) feet in diameter and no fire shall extend beyond 1:00 a.m. The fire marshal or [fire chief] Open Burning Official may approve exceptions for emergency situations.
- (3) Only dry, non-processed wood may be burned.
- (4) Burning is prohibited when the State of Connecticut Forest Fire danger is High, Very High or Extreme or when conditions as identified by the Fire Marshal prohibit burning, or when the predicted State Air Quality Index is 75 or higher as reported by ct.gov/DEEP/Air/Forecasting/AQI/Air-Quality-Index.

([b]c) The following types of open burning shall not be allowed unless the fire marshal or [fire chief] Open Burning Official issues a permit:

- (1) Fires for the control or destruction of diseases, pests, floodplain brush and debris, vegetation management; for the control of frost and the warming of livestock;

MAY 11, 2021

- (2) Fires to abate an immediate fire hazard or fires to abate a health hazard as determined by the local director of health.

[(c)d] The following types of open burning shall not be allowed:

- (1) Processed wood (including wood that has been milled and or planed and includes recycled wood, glued wood, treated wood, pallets, crates, and/or wood scraps from these types of materials), garbage, grass, paper, metals, rubber, painted materials, demolition waste, cardboard, construction waste materials, plastic, flammable and combustible liquids, hazardous materials, paints, solvents, lacquers, varnish;
- (2) Any other materials that are prohibited by Connecticut Statutes or regulations or materials that are deemed hazardous to burn by the fire marshal, [fire chief] Open Burning Official or senior fire official on scene.

[(d)e] Open burning shall be conducted so as not to create a hazard or nuisance. When burning dry wood in a campfire or in one of the acceptable devices as mentioned in section (b) (1) above, the utmost caution must be exercised to prevent injury to humans and animals and damage to property. Any fire shall be considered a nonpermitted fire if it is determined to be a hazard and/or nuisance by the fire marshal, Opening Burning Official, senior fire official on scene or police officer.

[(e) Any fire shall be considered a nonpermitted fire if it is determined to be a hazard and/or nuisance by the fire marshal, fire chief, senior fire official on scene or police officer.]

(f) Upon receipt of a complaint concerning any open fire, the deputy fire chief, the nearest available engine company, and a police officer shall respond to the complaint. The senior fire official on scene shall make a determination as to whether the fire shall be extinguished. The police officer shall make a determination as to whether an infraction shall be issued or whether other action shall be taken.

(g) Violations of this section shall be an infraction punishable as provided in section 1-11 of this Code of Ordinances. Each violation shall be considered a separate offense.

(Ord. of 12-14-10)

23. HIRING OF CONSULTANT TO OVERHAUL CITY OF BRISTOL CHARTER REFERRED TO BOARD OF FINANCE.

Mayor Zoppo-Sassu stated that last month the City Council discussed how parts of the Charter were old and antiquated.

Council Member Barney noted sections were outdated and should be revised to make them more clear and understandable.

On motion of Council Member Fortier and seconded, it was unanimously voted: To refer to the Board of Finance a request to hire a consultant to begin an overhaul of the City of Bristol Charter before the next Charter Revision Commission is created. It was further voted to refer this matter to the Corporation Counsel to provide guidance in terms of a range of funds that would meet these needs.

MAY 11, 2021

24. CREATION OF AMERICAN RESCUE PLAN TASK FORCE AND APPOINTMENT OF MEMBERS, APPROVED.

Mayor Zoppo-Sassu announced the creation of the American Rescue Plan Task Force. She stated that the City would receive \$17 million directly and another \$11 million through county allocation. Mayor Zoppo-Sassu stressed the importance of accountability and transparency in spending these funds.

On motion of Council Member Barney and seconded, it was unanimously voted: To establish the American Rescue Plan Task Force and endorse the following members:

AMERICAN RESCUE PLAN TASK FORCE

Thomas O'Brien – Appointment – no term.
 Cindy Bombard – Appointment – no term.
 Orlando Calfe – Appointment – no term.
 Eric Clemons – Appointment – no term.
 Michael Dumas – Appointment – no term.
 Marvin Goldwasser – Appointment – no term.
 Glenn Heiser – Appointment – no term.
 Malcolm Huckaby – Appointment – no term.
 David Maikowski – Appointment – no term.
 Donna Osuch – Appointment – no term.
 David Preleski – Appointment – no term.
 Susan Sadecki – Appointment – no term.
 Howard Schmelder – Appointment – no term.
 John Smith – Appointment – no term.
 Confirming motion by Council Member Barney.
 Motion passed in voice vote.

25. ROCKWELL THEATER TASK FORCE DISBANDED.

Mayor Zoppo-Sassu stated the Rockwell Theater Task Force completed its work and it transitioned into a 501(c)(3) non-profit. This will guide the fundraising and other matters associated with the theater.

On motion of Council Member Hahn and seconded, it was unanimously voted: To disband the Rockwell Theater Task Force and send letters of thanks to members for their work.

26. FILMING OF TWO MOVIES IN BRISTOL AT END OF MAY REFERRED TO BOARD OF PUBLIC WORKS AND POLICE DEPARTMENT.

Council Member Fortier stated that two companies were interested in filming in Bristol. The movies being filmed were *Call Jane* and a Netflix holiday film, *Noel Diaries*.

On motion of Council Member Fortier and seconded, it was unanimously voted: To refer to the Board of Public Works in possible consultation with the Police Department the

MAY 11, 2021

matter of filming two movies in Bristol at the end of May. The film companies may need access to City land for staging and parking.

27. SCHOOL READINESS CONTINUATION GRANT APPLICATION PROGRAM FROM OFFICE OF EARLY CHILDHOOD FOR PERIOD OF JULY 1, 2021 - JUNE 30, 2022, ADOPTED.

On motion of Council Member Kelley and seconded, it was unanimously voted: To bring to the floor an Amendment to Contract 200ECCDC01BRS between the City of Bristol and the State of Connecticut Office of Early Childhood.

Communication presented from the School Readiness Grant Manager regarding an Amendment to Contract 200ECCDC01BRS.

Council Member Kelley moved and it was seconded: That the following Resolution be adopted –

RESOLVED that the Mayor, Ellen Zoppo-Sassu or Acting Mayor, is empowered to enter into amendments and to execute contractual instruments with the Office of Early Childhood of the State of Connecticut in the name of and on behalf of Bristol Preschool Child Care Center, Inc. for a Child Day Care program which amendments pertain to Contract 200ECCDC01BRS to increase the funding amount by \$9,057.60 from \$778,407.06 to \$787,464.66 and change the term of the agreement to be 10/5/2020 to 6/30/2022.

A roll call vote was taken.

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Council Member Barney		
“ ” Fortier		
“ ” Hahn		
“ ” Kelley		
“ ” Preleski		
“ ” Rosado		
Mayor Zoppo-Sassu		

RESOLUTION ADOPTED: *YES – 7; NO – 0; ABSTAIN – 0.*

28. APPOINTMENTS.

The following appointments were presented:

INLAND WETLANDS COMMISSION

James Carros – Reappointment – term to May, 2024

Mayor’s Appointment – No confirming motion required.

Chet Reed – Reappointment – term to May, 2024.

Mayor’s Appointment – No confirming motion required.

MAY 11, 2021

PLANNING COMMISSION

Jeffrey Hayden, alternate member – Reappointment – unexpired term to July 31, 2025.
Confirming motion by Council Member Fortier.
Motion passed in voice vote.

GREENE-HILLS SCHOOL BUILDING PROJECT COMMITTEE

John Sklenka, appointed by Board of Education.
John Smith, appointed by Board of Finance.
Mary Fortier, appointed by Mayor Zoppo-Sassu.

29. CHANGE ORDERS TO D'AMATO DOWNES, A JOINT VENTURE TOTALING A CREDIT OF \$1,754.51 FOR MEMORIAL BOULEVARD INTRADISTRICT ARTS MAGNET SCHOOL, APPROVED.

Recommendation from the Memorial Boulevard Intradistrict Arts Magnet School Building Committee regarding change orders to D'Amato Downes.

On motion of Council Member Barney and seconded, it was unanimously voted: To approve the change orders for D'Amato Downes, a Joint Venture totaling a credit of \$1,754.51 for the Memorial Boulevard Intradistrict Arts Magnet School and to authorize the Mayor or Acting Mayor to execute any and all documents.

30. CONTRACT 2C21-055B PEQUABUCK RIVER CONDUIT-CULVERT REHABILITATION AWARDED TO SCHULTZ CORPORATION FOR \$579,055.48.

Communication from the Purchasing Agent regarding the rehabilitation of and sediment removal from the Pequabuck River conduit from School Street to Riverside Avenue.

On motion of Council Member Fortier and seconded, it was unanimously voted: To award Contract 2C21-055B Pequabuck River Conduit-Culvert Rehabilitation to Schultz Corporation in the amount of \$579,055.48 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effectuate said Contract.

31. RESOLUTION REGARDING APPROVAL OF 2021-2022 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT, ADOPTED.

Communication presented from the Grants Administrator regarding the 2021-2022 Annual Action Plan for the City of Bristol.

Council Member Fortier moved and it was seconded: That the following Resolution be adopted –

BE IT HEREBY RESOLVED by the City Council of the City of Bristol, Connecticut, that the 2021-2022 Annual Action Plan for the Community Development Block Grant, as approved by the Economic & Community Development Board on May 6, 2021 is

MAY 11, 2021

hereby approved and that the Mayor or Acting Mayor is hereby authorized to execute any and all documents relating to this grant including final agreements; and to submit all required documents to the U.S. Department of Housing and Urban Development for its approval and allocation of funds;

BE IT FURTHER RESOLVED that the Annual Action Plan be referred to the Board of Finance for action regarding the appropriation of funds, subject to final approval by HUD.

Housing Rehabilitation Program	\$ 288,092
Support Staff	\$ 114,555
Planning & Administration	\$ 102,885
Fair Housing	\$ 3,000
Bristol Boys & Girls Club - Outreach	\$ 20,000
Shepard Meadows Therapeutic Riding	\$ 10,000
Prudence Crandall - Shelter services	\$ 10,000
Bristol Adult Education - Intro to Manufacturing	\$ 25,000
Family Resource Centers	\$ 4,000
United Way Summer Youth Employment	\$ 4,000
HRA- Case Manager	\$ 20,000
YWCA New Britain - SACS	\$ 5,093
City of Bristol - Infrastructure (sidewalks)	\$ 37,924
Bristol Recovery Club-kitchen upgrade	\$ 12,500
Komanetsky Estates - BHA elevator upgrade	\$ 10,000
Bristol Adult Resource Center - Roof	\$ 25,000
Neighborhood Housing Services of NB	<u>\$ 10,000</u>
Grand Total:	\$ 702,049

A roll call vote was taken.

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Council Member Barney		Council Member Fortier
“ ” Hahn		“ ” Preleski
“ ” Kelley		“ ” Rosado
Mayor Zoppo-Sassu		

RESOLUTION ADOPTED: YES – 4; NO – 0; ABSTAIN – 3.

(Council Member Rosado “Abstained” since he was a board member at the Bristol Boys and Girls Club; Council Member Fortier “Abstained” since she was a board member at the HRA; and Council Member Preleski “Abstained” due to Komanetsky Estates.)

32. APPROVAL OF GRANT APPLICATION TO THOMASTON SAVINGS BANK FOUNDATION TO REPAIR FENCE IN OLD NORTH CEMETERY ON LEWIS ROAD AND AUTHORIZATION FOR MAYOR OR ACTING MAYOR TO EXECUTE ANY DOCUMENTS.

Communication presented from the Grants Administrator regarding a grant application for the repair of an historic fence in the Old North Cemetery on Lewis Road.

MAY 11, 2021

On motion of Council Member Barney and seconded, it was unanimously voted: To approve the submission of a grant application for \$2,000 to the Thomaston Savings Bank Foundation, to authorize the Mayor or Acting Mayor to execute any and all documents, and to refer the matter to the Board of Finance for any necessary action.

33. EXECUTIVE SESSIONS TO DISCUSS MATTERS OF LITIGATION MATTER OF 1235 FARMINGTON AVENUE BR, LLC VS. CITY OF BRISTOL, DOCKET NO. HHB-CV-20-6059764-S; MATTER OF EXEMPT RECORDS PERTAINING TO TEST QUESTIONS, SCORING AND OTHER EXAM DATA USED TO ADMINISTER EXAMS FOR FIRE CHIEF SELECTION; LITIGATION MATTER OF FESTIVAL FUN PARKS, LLC VS. CITY OF BRISTOL, SUP. COURT DOCKET #HHB-CV-20-6059739-S; AND DOCKET NO. X07-HHD-6084696-S, CITY OF BRISTOL VS. TSKP STUDIO, LLC, ET AL (HVAC SYSTEM AT GREENE HILLS SCHOOL).

At 8:01 p.m. on motion of Council Member Hahn and seconded, it was unanimously voted: To convene into Executive Sessions to discuss the litigation matter of 1235 Farmington Avenue BR, LLC vs. City of Bristol, Docket No. HHB-CV-20-6059764-S; the exempt records pertaining to test questions, scoring and other exam data used to administer exams for the Fire Chief selection; the litigation matter of Festival Fun Parks, LLC vs. City of Bristol, Sup. Court Docket #HHB-CV-20-6059739-S; and Docket No. X07-HHD-6084696-S, City of Bristol vs. TSKP Studio, LLC, et al (HVAC System at Greene Hills School).

Present to discuss the litigation matter of 1235 Farmington Avenue BR, LLC vs. City of Bristol, Docket No. HHB-CV-20-6059764-S: Mayor Zoppo-Sassu; Council Members Barney, Fortier, Hahn, Kelley, Preleski, and Rosado; Corporation Counsel Clift; Assistant Corporation Counsel Conlin; and Assessor DeNoto.

Present to discuss the exempt records pertaining to test questions, scoring and other exam data used to administer exams for the Fire Chief selection: Mayor Zoppo-Sassu; Council Members Barney, Fortier, Hahn, Kelley, Preleski, and Rosado; Corporation Counsel Clift; Human Resources Director Penney; and Board of Fire Commissioners Benvenuto and Jandreau.

Present to discuss the litigation matter of Festival Fun Parks, LLC vs. City of Bristol, Sup. Court Docket #HHB-CV-20-6059739-S: Mayor Zoppo-Sassu; Council Members Barney, Fortier, Hahn, Kelley, Preleski, and Rosado; Corporation Counsel Clift; Assistant Corporation Counsel Conlin; and Assessor DeNoto.

Present to discuss Docket No. X07-HHD-6084696-S, City of Bristol vs. TSKP Studio, LLC, et al (HVAC System at Greene Hills School): Mayor Zoppo-Sassu; Council Members Barney, Fortier, Hahn, Kelley, Preleski, and Rosado; Corporation Counsel Clift; Assistant Corporation Counsel Lacey, Assistant Corporation Counsel Steeg, and Assistant Corporation Counsel Conlin.

Discussion was held. No votes were taken.

MAY 11, 2021

At 9:26 p.m., on motion of Council Member Hahn and seconded, it was unanimously voted: To reconvene into Public Session.

34. SETTLEMENT BY STIPULATED AGREEMENT IN MATTER OF 1235 FARMINGTON AVENUE BR, LLC VS. CITY OF BRISTOL, DOCKET NO. HHB-CV-20-6059764-S, APPROVED.

On motion of Council Member Barney and seconded, it was unanimously voted: That approve the settlement by Stipulated Agreement in the matter of 1235 Farmington Avenue BR, LLC vs. City of Bristol, Superior Court Docket Number HHB-CV-20-6059764-S and to authorize the City Assessor to adjust the 2019 Grand List value at \$10,850,000. It was also voted to authorize the Corporation Counsel to execute the Stipulation on behalf of the City of Bristol.

35. STIPULATION TO JUDGMENT IN MATTER OF FESTIVAL FUN PARKS, LLC VS. CITY OF BRISTOL, SUP. COURT DOCKET #HHB-CV-20-6059739-S, APPROVED.

On motion of Council Member Fortier and seconded, it was unanimously voted: That the litigation matter of Festival Fun Parks, LLC vs. City of Bristol, Superior Court Docket Number HHB-CV-20-6059739-S be resolved by Stipulation to Judgment, pursuant to Connecticut General Statutes section 12-81p whereby the City shall abate the personal property taxes owed on the October 1, 2019 Grand List by the amount of \$69,717.73. It was also voted to authorize the Corporation Counsel or Assistant Corporation Counsel to execute this Stipulated Judgment on behalf of the City of Bristol.

36. REJECTION OF CHIEF OF FIRE DEPARTMENT APPOINTMENT FROM BOARD OF FIRE COMMISSIONERS, ADOPTED.

Council Member Hahn moved and it was seconded: That the following Resolution be adopted –

BE IT RESOLVED that pursuant to Section 42(i) of the Charter of the City of Bristol the Mayor and City Council hereby exercise their prerogative and reject the appointment received from the Board of Fire Commissioners for the office of Chief of the Fire Department.

A roll call vote was taken.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Council Member Barney			
“ ” Fortier			
“ ” Hahn			
“ ” Kelley			
“ ” Preleski			
“ ” Rosado			
Mayor Zoppo-Sassu			

RESOLUTION ADOPTED: YES – 7; NO – 0; ABSTAIN – 0.

MAY 11, 2021

37. ADJOURNMENT.

At 9:29 p.m., on motion of Council Member Hahn and seconded, it was voted: To adjourn.

ATTEST: _____

Therese Pac
Town & City Clerk