

FEBRUARY 14, 2023

The regular meeting of the City Council was held on Tuesday, February 14, 2023 in the Board of Education Auditorium, 129 Church Street at 7:15 p.m. Present: Mayor Caggiano; Council Members Lusitani, Olsen, Panioto, Thibeault, and Tyler. Videoconference: Council Member Howe.

1. **MAYOR CAGGIANO INTRODUCED HUNTER HEATH OF CUB SCOUT PACK #432 WHO LED THE PLEDGE OF ALLEGIANCE.**
2. **APPROVAL OF MINUTES OF REGULAR CITY COUNCIL MEETING ON JANUARY 10, 2023, SPECIAL CITY COUNCIL MEETINGS ON JANUARY 24, 2023, AND FEBRUARY 2, 2023**

On motion of Council Member Thibeault and seconded, it was unanimously voted: To approve the minutes of the regular City Council meeting held on January 10, 2023 and the special City Council meetings of January 24, 2023 and February 2, 2023.

3. **PUBLIC PARTICIPATION**

Cynthia Chesky, 27 Spring Street expressed concern over nip bottles and trash littering the City. Mayor Caggiano stated that this issue is on the Public Works Board agenda.

4. **ANNOUNCEMENTS**

Council members reported on committees, activities, and events.

5. **ADOPTION OF CONSENT CALENDAR.**

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

a. **New Hire Report For January 2023**

Communication received from the Human Resources Department.

As part of the Consent Calendar adoption and on motion of Council Member Panioto and seconded, it was unanimously voted: To place on file the New Hire Report for the month of January, 2023.

b. **Motor Vehicle, Personal Property, and Real Estate Tax Refunds In Amount Of \$36,701.99, Approved**

Request presented from the Tax Collector.

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

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Motor Vehicle	\$14,515.41
Personal Property	2,388.44
Real Estate	<u>19,798.14</u>
Total	\$36,701.99

c. 10 Year Capital Improvement And Strategic Planning Committee Renamed

As part of the Consent Calendar adoption and on motion of Council Member Panioto and seconded, it was unanimously voted: To rename the 10 Year Capital Improvement And Strategic Planning Committee as the Capital Improvement and Strategic Planning Committee.

d. Approve Corbin Ridge as City Accepted Street

Communication received from Public Works Director Rogozinski recommending Corbin Ridge be accepted as City street.

As part of the Consent Calendar adoption and on motion of Council Member Panioto and seconded, it was unanimously voted: To approve the portion of Corbin Ridge described as, 50 feet in width running from the westerly line of Old Orchard Road in a westerly and southerly direction about 1,600 feet as a City Accepted Street. Said acceptance shall include the street, storm drainage, detention pond, sanitary sewers, water system and all other improvements required by the Planning Commission completed in conformance with the Subdivision regulations of the City of Bristol. Approval of Street acceptance is subject to the Corbin Ridge Road developer posting a maintenance bond in the amount of \$144,872 and providing a Mylar map for filing on City land records of the subject roadway.

e. Transfer Station Online Payment Provider

Communication received from Public Works Director Rogozinski regarding online payment.

As part of the Consent Calendar adoption and on motion of Council Member Panioto and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to execute any and all documents associated with procuring the services of Wells Fargo Commercial Banking as the Department of Public Works' transfer station online payment provider.

f. Participation In National Opioids Settlement

Communication received from Asst. Corporation Counsel Conlin.

As part of the Consent Calendar adoption and on motion of Council Member Panioto and seconded, it was unanimously voted: To authorize the City of Bristol to participate in the National Opioids Settlement with Teva, Allergan, CVS, Walgreens, and Walmart, and that the Mayor or Acting Mayor be authorized to execute any and all documents required to signify the City's agreement and participation.

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g. Agreement With Civic Plus

Communication received from Town Clerk's Office.

As part of the Consent Calendar adoption and on motion of Council Member Panioto and seconded, it was unanimously voted: To approve the agreement between the City of Bristol and Civic Plus and the Mayor or Acting Mayor be authorized to execute the agreement on behalf of the City

h. Urban Grant Contract For \$650,000 For Board Of Education Multi-Purpose Field And Site Upgrades

Communication received from Bristol Board of Education.

As part of the Consent Calendar adoption and on motion of Council Member Panioto and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to execute on behalf of the City of Bristol an Urban Grant Contract under the Department of Energy and Environmental Protection with the State of Connecticut for \$650,000 for Board of Education Multi-Purpose Field and Site upgrades; and to enter into such agreements and contracts and execute all documents necessary to said grant with the State of Connecticut.

6. REPORTS AND COMMITTEE REPORTS

a. Salary Committee

Recommendation of Salary Committee to update changes to Personnel Policies and Procedures.

On motion of Council Member Thibeault and seconded, it was unanimously voted: To accept proposed changes to the Personnel Policies & Procedures

b. Ordinance Committee

Recommendation of Ordinance Committee to publish changes to Sec. 17-34 of the Bristol Code of Ordinances.

On motion of Council Member Tyler and seconded, it was unanimously voted: To adopt amendments to the Bristol Code of Ordinances Sec. 17-34, Fees and that City Clerk publish said amendments and additions to the Code of Ordinances, and that they become effective upon the expiration of 14 days from the date of their publication in a newspaper of general circulation in the City of Bristol.

c. Ordinance Committee

Recommendation of Ordinance Committee to hold a public hearing on Sec. 17-22 and Sec. 21-21.10 of the Bristol Code of Ordinances.

On motion of Council Member Tyler and seconded, it was unanimously voted: To set a public hearing by the Ordinance Committee for Tuesday, March 7, 2023 at 4:40 p.m. in Meeting Room 1, 131 North Main Street, Bristol, Connecticut and

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that the City Clerk publish notice of said public hearing and the proposed amendments to the Bristol Code of Ordinances, Sec. 17-22 and Sec. 21-21.10, as required by City Charter.

7. OLD BUSINESS

a. Trulieve’s Hybrid License for Retail Sale of Marijuana

Presentation from Steven Stafstrom of Pullman & Comley, representing Trulieve. Mr. Stafstrom provided documents proving Trulieve has met the City’s requirements for the hybrid license. Traffic control measures were discussed. Council Member Olsen questioned availability of product. Council Member Panioto expressed concerns over the involvement of the Social Equity Council and the potential of setting a precedent in the future.

On motion of Council Member Thibeault and seconded, it was unanimously voted: To approve Trulieve’s hybrid license for the retail sale of medical marijuana to registered patients and caregivers, and to sell adult-use cannabis to consumers 21 years of age and older.

A roll call vote was taken.

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Council Member Howe	Council Member Olsen	
“ ” Lusitani	“ “ Panioto	
“ ” Thibeault	“ “ Tyler	
Mayor Caggiano		

MOTION PASSED: *YES – 4; NO – 3; ABSTAIN – 0.*

8. NEW BUSINESS

a. Dollar General Literacy Foundation Grant

Communication received from Library Director Prozzo.

On motion of Council Member Panioto and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to execute any and all documents associated with the application for a grant from Dollar General Literacy Foundation, and to refer the matter to the Board of Finance for any necessary action.

9. RESIGNATIONS

The following resignations were presented:

- Reynardo Ortiz Jr., Diversity Council.*
- Ramiro Suarez, Board of Water and Sewer.*
- Lauren Kittle, School Readiness Council.*

On motion of Council Member Thibeault and seconded, it was unanimously voted: To accept the resignations and send letters of thanks.

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10. APPOINTMENTS

The following appointments were presented:

PUBLIC WORKS BOARD

Frank Stawski – Reappointment – term to 2/26
 Confirming motion by Council Member Thibeault.
 Motion passed in voice vote.

SUPERINTENDENT OF PARKS, REC., YOUTH COMM. SERVICES

Joshua Medeiros – Reappointment – term to 2/27.
 Confirming motion by Council Member Olsen.
 Motion passed in voice vote.

PUBLIC WORKS DIRECTOR

Raymond Rogozinski – Reappointment – term to 2/27.
 Confirming motion by Council Member Olsen.
 Motion passed in voice vote.

ANNOUNCEMENT

Although not required by Charter, it was suggested by Corporation Counsel and agreed to by Community and Youth Services, that until formally established, our Fair Rent Commission, which will be in place before July of this year, name Stephen Bynum as our Acting Fair Housing Officer. This is a temporary position that will be subject to change pending Ordinance and City Council approval of the Fair Rent Commission.

11. APPROVE CHANGE ORDERS FOR D’AMATO+DOWNES JOINT VENTURE TOTALING \$19,475.56 – MEMORIAL BOULEVARD INTRADISTRICT ARTS MAGNET SCHOOL COMMITTEE

Communication received from Bristol Board of Education.

On motion of Council Member Olsen and seconded, it was unanimously voted: To approve the change orders for D’Amato+Downes Joint Venture, totaling \$19,475.56 as recommended by the Memorial Boulevard Intradistrict Arts Magnet School Committee and to take any action necessary.

12. AWARD CONTRACT 2C23-047 CDBG PROGRAM – FEDERAL & WEST STREETS SIDEWALK IMPROVEMENTS

Communication received from Purchasing Director Roger Rousseau.

On motion of Council Member Thibeault and seconded, it was unanimously voted:

To award Contract 2C23-047 CDBG Programs Federal & West Streets Sidewalk Improvements to Martin Laviero Contractor, Inc. in the amount of \$69,520.00 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said contract.

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13. AWARD CONTRACT 2P23-046 ENGINEERING STAFF RECRUITMENT SERVICES

Communication received from Purchasing Director Roger Rousseau.

On motion of Council Member Tyler and seconded, it was unanimously voted: To award Contract 2P23-046 Engineering Staff Recruitment Services to Shepherd Search Group Inc. in an amount not exceeding \$33,375.00 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said contract.

14. AMEND CONTRACT 2P21-031B WITH D'AMATO+DOWNES JOINT VENTURE

Communication received from Public Works Director Raymond Rogozinski.

On motion of Council Member Thibeault and seconded, it was unanimously voted: To amend Contract 2P21-031B with D'Amato+Downes Joint Venture in the amount of \$167,636.69 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said contract. Said amendment will increase the contract value from \$28,461,496.00 to \$28,629,132.70.

15. APPROVE REVISION TO NORTH MAIN STREET EASTERN RIGHT OF WAY LINE ACROSS LOTS 6, 7, & 8, MAP 26 AND LOT 5, MAP 30

Communication received from Public Works Director Raymond Rogozinski.

On motion of Council Member Panioto and seconded, it was unanimously voted: To approve a revision to the North Main Street eastern right of way line across lots 6, 7, & 8 Map 26 and Lot 5, Map 30. Said revision to the referenced section of North Main Street shall relocate the existing right of way line 9.5 ft. to the east. The revised right of way shall be parallel to the existing right of way line.

16. REFER CITY ASSESSOR'S RECOMMENDATIONS FOR AMENDMENTS TO THE CITY'S SENIOR BENEFIT PROGRAM TO THE BOARD OF FINANCE

Presentation by Tax Assessor DeNoto was given during preceding Joint Board Meeting. Council Member Olsen asked how the refund was actually given. Comptroller Waldron responded that it is a credit off the tax bill. Council Member Thibeault stated that she had contacted Corporation Counsel about the qualification process. Council Member Tyler expressed concern over fraudulently receiving the credit. Tax Assessor DeNoto explained the vetting process.

On motion of Council Member Thibeault and seconded, it was unanimously voted: To refer the City Assessor's recommendations for amendments to the City's Senior Benefit Program to the Board of Finance with the endorsement of the City Council.

FEBRUARY 14, 2023**17. APPROVE SUBMISSION OF APPLICATION FOR DEEP RECREATION TRAILS GRANT AND REFER THE MATTER TO BOARD OF FINANCE**

Communication received from Grant Administrator Dawn Leger.

On motion of Council Member Panioto and seconded, it was unanimously voted: To approve the submission of an application for up to \$320,000 and a City match of up to \$80,000, for a DEEP Recreational Trails Grant to design and engineer a pedestrian/bicycle trail from Rockwell Park to Rt. 229, to authorize the Mayor to execute any and all documents associated with the application/grant, and to refer the matter to the Board of Finance for any necessary action.

18. REFERRALS FROM THE BRISTOL PLANNING COMMISSION FOR THE ACQUISITION OF THE FOLLOWING PROPERTIES PURSUANT TO C. G. S. 8-24: Map 43 Lot 98-1 Frederick Street, Map 43 Lot 96 Twining Street, Map 40 Lot 3 Broad Street, Map 58 Lot 9 Hart Street

Recommendation from the Bristol Planning Commission for the positive referral of properties listed above.

Council Member Thibeault clarified that this motion is for a referral, not an acquisition. Council Member Tyler added that these properties will go back to the Real Estate Committee.

On motion of Council Member Panioto and seconded, it was unanimously voted: To place on file the positive referrals from the Bristol Planning Commission for the acquisition of the following properties pursuant to C. G. S. 8-24: Map 43 Lot 98-1 Frederick Street, Map 43 Lot 96 Twining Street, Map 40 Lot 3 Broad Street, Map 58 Lot 9 Hart Street.

19. NEGATIVE REFERRAL FROM THE BRISTOL PLANNING COMMISSION PURSUANT TO C. G. S. 8-24, MAP 18 LOT 63 BELMONT STREET

Recommendation from the Bristol Planning Commission for the negative referral of property listed above.

On motion of Council Member Tyler and seconded, it was unanimously voted: To place on file the negative referral from the Bristol Planning Commission for Map 18 Lot 63 Belmont Street.

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20. EXECUTIVE SESSION TO DISCUSS AND TAKE ANY ACTION AS NECESSARY ON LITIGATION MATTER #HHB-CV-20-6059735-S SBK, LLC V. BRISTOL

At 8:36 p.m. on motion of Council Member Olsen and seconded, it was unanimously voted: To convene into Executive Sessions to review item #20 HHB-CV-20-6059735-S SBK, LLC V. BRISTOL and #21 HHB-CV-20-6059736-S 570 MAIN STREET, LLC V. BRISTOL.

Present to discuss these litigation matters: Mayor Caggiano; Council Members Lusitani, Olsen, Panioto, Thibeault, and Tyler; Corporation Counsel Krawiecki; Assistant Corporation Counsels Conlin, Steeg, and Welch.

No action was taken on either #20 or #21.

At 8:47 p.m., on motion of Council Member Tyler and seconded, it was unanimously voted: To reconvene into Public Session and continue with item #22 Other Business.

21. EXECUTIVE SESSION TO DISCUSS AND TAKE ANY ACTION AS NECESSARY ON LITIGATION MATTER #HHB-CV-20-6059736-S 570 MAIN STREET, LLC V. BRISTOL

22. OTHER BUSINESS – None.

23. ADJOURNMENT

At 8:47 p.m., on motion of Council Member Thibeault and seconded, it was unanimously voted: To adjourn.

ATTEST: _____

**Erica Cabiya
Town & City Clerk**