

Dorothy W. Reid, ATC
RECEIVED OCT 13 2022
@ 3:20 pm

AGENDA

TOWN COUNCIL
COUNCIL CHAMBERS
SOUTH WINDSOR TOWN HALL

REGULAR MEETING
Monday, October 17, 2022
TIME: 7:00 P.M.

A Public Hearing will be held at 8:00 p.m. to receive citizen input on the transfer of \$749,556 from the Non-Recurring Capital Account to fund two portables at Philip R Smith Elementary School

South Windsor Fire Department Chief Kevin Cooney will receive a Proclamation for Business Person of the Year

1. Call Meeting to Order

2. Pledge of Allegiance

3. Roll Call

4. Mayor's Remarks

5. Adoption of Agenda
- Councilor Koboski

6. Communications and Reports from the Town Manager

7. Public Input for Items on the Agenda

Public Input shall not exceed thirty (30) minutes. When recognized by the Mayor, the speaker(s) shall approach the lectern, give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any item on the agenda. The speaker(s) shall limit their speaking time to five (5) minutes.

8. Adoption of Minutes of Previous Meetings

Councilor Lopez

Approval of October 3, 2022 Town Council Meeting Minutes

BE IT RESOLVED, that the South Windsor Town Council hereby approves the Minutes of the Regular Town Council Meeting of October 3, 2022.

9. Communication from Liaisons, Officers, and Boards Directly Responsible to Council

10. Reports from Committees

Public Meetings are the time and place at which the Town Council conducts official business of the Town. The Council reserves the time and invites the public to be heard during **Public Input** of each Public Meeting, as follows:

Item #7: Public Input on Agenda Items Only

In-Person Meetings:

Public Input shall not exceed thirty (30) minutes unless extended by the Mayor with the consent of the majority of the Council present. When recognized by the Mayor, the speaker(s) shall approach the lectern, and give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any item on the agenda. The speaker(s) shall limit their speaking time to five (5) minutes. This limit may not be exceeded, except when invoked by any member of the Council with the consent of a majority of the Council present. Town Council members will not respond to any public comments/questions. Emails will only be read into the record if brought forth by a Council member or if the person submitting the email has requested that the email is read into the record. A Council member who brings an email forward will read the email into the record. No email shall be read if the substance of such email, at the discretion of the Mayor or any Council member violates these rules, or if, upon the advice of the Town Attorney, would otherwise be improper. A Council member or the Mayor shall advise the rest of the Council in writing through the Clerk of the Council their objection to the email being read prior to the call of the meeting.

Virtual Meetings:

Public Input shall not exceed thirty (30) minutes unless extended by the Mayor with the consent of the majority of the Council present. When recognized by the Mayor, the speaker(s) shall approach the lectern, and give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any item on the agenda. The speaker(s) shall limit their speaking time to five (5) minutes. This limit may not be exceeded, except when invoked by any member of the Council with the consent of a majority of the Council present. Town Council members will not respond to any public comments/questions. Emails sent to TownCouncilComments@southwindsor-ct.gov will only be read into the record. A Council member who brings an email forward will read the email into the record. No email shall be read if the substance of such email, at the discretion of the Mayor or any Council member, violates these rules, or if, upon the advice of the Town Attorney, would otherwise be improper. A Council member or the Mayor shall advise the rest of the Council in writing through the Clerk of the Council their objection to the email being read prior to the call of the meeting.

Item #15: Second Public Input - on any matter over which the Council has Jurisdiction

In-Person Meetings:

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11. Consent Agenda

[All items listed under this section are considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and be considered in its normal sequence on the Agenda.]

A. First Reading

Councilor Gamble:

Motion to approve items 11.A 1 through 11.A 3 as a First Reading on the Consent Agenda

1) Resolution appointing Kathy Daugherty (R) as a member of the Public Building Commission and Postponing Consideration of this Motion until the Town Council's next regularly scheduled meeting

BE IT RESOLVED, that the Town of South Windsor hereby appoints Kathy Daugherty (R) as a member of the Public Building Commission for a term ending November 30, 2024, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

2) Resolution appointing Stephanie Dexter (R) as a member of the Blighted Properties Appeals Board and Postponing Consideration of this Motion until the Town Council's next regularly scheduled meeting

BE IT RESOLVED, that the Town of South Windsor hereby appoints Stephanie Dexter (R) as a member of the Public Building Commission for a term ending November 30, 2024, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

3) Resolution appointing James Mitchell (R) as a member of the Economic Development Commission and Postponing Consideration of this Motion until the Town Council's next regularly scheduled meeting

BE IT RESOLVED, that the Town of South Windsor hereby appoints James Mitchell (R) as a member of the Economic Development Commission for a term ending November 30, 2025, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

B. Second Reading

None

C. Miscellaneous

None

12. **Unfinished Business**

13. **New Business**

Councilor Lopez:

A. Resolution Approving a Refund of Taxes to twenty-four (24) South Windsor Taxpayers, the total of said refunds being \$12,780.44

BE IT RESOLVED, that the South Windsor Town Council hereby approves a refund of taxes to twenty-four (24) South Windsor Taxpayers, the total of said refunds being \$12,780.44 and as more fully described on attached **Exhibit A**.

Councilor Evans:

B. Review Resolution Pursuant to Section 8-24 of the Connecticut General Statutes Referring Proposed Improvements to Nevers Park for the addition of a Splash Pad to the South Windsor Planning & Zoning Commission

WHEREAS, any plan to improve park lands owned by the Town must first be submitted to the South Windsor Planning & Zoning Commission for a report pursuant to Section 8-24 of the Connecticut General Statutes

BE IT RESOLVED, that the South Windsor Town Council hereby refers the proposed improvements of Nevers Park for the addition of a Splash Pad to the South Windsor Planning & Zoning Commission pursuant to Section 8-24 of the Connecticut General Statutes.

Councilor Kozikowski:

C. Resolution Authorizing Town Manager to Enter into an Agreement with the State of Connecticut Department of Energy and Environmental Protection

WHEREAS, effective July 1, 2022 and per PA 22-118, the Town of South Windsor has been awarded \$100,000 in ARPA funds granted by DEEP to fund a South Windsor Riverfront Linear Park Study and Planning; and

WHEREAS, these funds must be obligated by December 31, 2024 and expended by December 31, 2026; and

WHEREAS, the South Windsor Town Council authorizes the Parks and Recreation Department to conduct a feasibility study on creating a new Linear Park that begins at 220 Scantic Road and ends at the current Vibert Road Linear Park to allow for residents to park their car and put a canoe or kayak into the Scantic River, allowing people to paddle to the Connecticut River and exit at the Vibert Road Linear Park; and

(New Business Continued 13-C)

BE IT RESOLVED, that the Town of South Windsor may enter into with and deliver to the State of Connecticut Department of Energy and Environmental Protection, any and all documents which it deems to be necessary or appropriate for a grant of \$100,000 for the South Windsor Riverfront Linear Park Study and Planning at 220 Scantic Road and the Vibert Road Linear Park; and

BE IT FURTHER RESOLVED, that the South Windsor Town Council hereby authorizes Michael Maniscalco, Town Manager, to sign, execute, and deliver any and all agreements and documents necessary on behalf of the Town of South Windsor and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents.

Councilor Lydecker:

D. Resolution Accepting the Old Orchard Hill School to temporarily house the Parks and Recreation Department and formally start the process of moving the Parks and Recreation Department to Old Orchard Hill and pursuant to Section 8-24 of the Connecticut General Statutes referring said plan to the Planning and Zoning Commission for review

WHEREAS, the Town had leased Wapping School from the Board of Education to house Parks and Recreation; and

WHEREAS, the Board of Education needs Wapping School to house an increase in students at the High School; and

WHEREAS, the Town has an immediate need to temporarily relocate the Parks and Recreation and Facilities Department to the Old Orchard Hill School; and

WHEREAS, pursuant to Section 8-24 of the Connecticut General Statutes changes in use of a municipal facility require a referral to the Planning and Zoning Commission for review and a report;

BE IT RESOLVED, that the Town Council hereby approves the Old Orchard Hill School to temporarily house the Parks and Recreation and Facilities Department and formally begin the process of relocating both departments to the Old Orchard Hill School; and

BE IT FURTHER RESOLVED, the Town Council directs Town Manager, Michael Maniscalco, to submit a request to the South Windsor Planning & Zoning Commission for a report pursuant to Section 8-24 of the Connecticut General Statutes.

Councilor Gamble:

E. Resolution Accepting the Resignation of Stephanie Weintraub (R) from the Agricultural Commission effective October 6, 2022

BE IT RESOLVED, that the South Windsor Town Council hereby accepts, with regret, the resignation of Stephanie Weintraub (R) from the Agricultural Commission effective October 6, 2022; and

BE IT FURTHER RESOLVED, that the South Windsor Town Council extends its thanks to Stephanie Weintraub (R) for the time she has dedicated to serving her community by her membership on the Agricultural Commission.

Councilor Gamble:

F. Resolution Accepting the Resignation of Stephanie Weintraub (R) from the Human Relations Commission effective October 6, 2022

BE IT RESOLVED, that the South Windsor Town Council hereby accepts, with regret, the resignation of Stephanie Weintraub (R) from the Human Relations Commission effective October 6, 2022; and

BE IT FURTHER RESOLVED, that the South Windsor Town Council extends its thanks to Stephanie Weintraub (R) for the time she has dedicated to serving her community by her membership on the Human Relations Commission.

Councilor Paterna:

G. Resolution Accepting the Resignation of Athena Loukellis from the Energy Committee effective June 13, 2022

BE IT RESOLVED, that the South Windsor Town Council hereby accepts, with regret, the resignation of Athena Loukellis from the Energy Committee effective June 13, 2022; and

BE IT FURTHER RESOLVED, that the South Windsor Town Council would like to thank Athena Loukellis for the time she has dedicated to serving her community while on the Energy Committee.

Councilor Evans:

H. Resolution Accepting the Resignation of Mary Justine Hockenberry from the Human Relations Committee effective September 9, 2022

BE IT RESOLVED, that the South Windsor Town Council hereby accepts, with regret, the resignation of Mary Justine Hockenberry from the Human Relations Committee effective September 9, 2022; and

BE IT FURTHER RESOLVED, that the South Windsor Town Council would like to thank Mary Justine Hockenberry for her dedication to serving the community while on the Human Relations Committee.

Mayor Pendleton:

- I. Resolution Accepting the Mayoral Appointment of Steve Lewis as a member the Energy Committee to fill the unexpired term of Athena Loukellis, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting**

BE IT RESOLVED, that the Mayor of the Town of South Windsor hereby appoints Steve Lewis as a member of the Energy Committee to fill the unexpired term of Athena Loukellis, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

14. Passage of Ordinance

Deputy Mayor King:

Resolution Adopting amendments to the Health Department Ordinance #218, Chapter 50, Articles 5-10

BE IT RESOLVED, that the South Windsor Town Council hereby adopts an Amendment to Ordinance #218, Chapter 50, Articles 5-10 as shown in the attached **Exhibit B**.

15. Public Input for Any Matter

Public Input for any other matter shall not exceed thirty (30) minutes. When recognized by the Mayor, the speaker(s) shall approach the lectern, give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any item. The speaker(s) shall limit their speaking time to five (5) minutes.

16. Communications from the Council

17. Executive Session

(Please invite Town Manager, Michael Maniscalco, Assistant Town Manager, Mrs. Perry and Assistant Town Manager, Mr. Roberts and any other appropriate personnel deemed necessary).

18. Adjournment

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

Minutes

**Monday, October 3, 2022
7:00 p.m.**

**TOWN COUNCIL REGULAR MEETING
COUNCIL CHAMBERS SOUTH WINDSOR TOWN HALL**

1. Call Meeting to Order

Mayor Pendleton called the Regular Meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Roll Call

Members Present: Mayor Elizabeth Pendleton
Deputy Mayor Steven King Jr.
Councilor Jamie Gamble
Councilor Marek Kozikowski
Councilor Andrew Paterna
Councilor Erica Evans
Councilor Philip Koboski

Others Present: Michael Maniscalco, Town Manager
Vanessa Perry, Assistant Town Manager/Director of H.R.
Scott Roberts, Assistant Town Manager/CIO/Emergency Mgmt.

4. Mayor's Remarks

On September 27th, retired Town Clerk Lori Trahan passed. At this time, the Council would like to observe a moment of silence in honor of her memory.

Mayor Pendleton handed out citations to the Eastern Region Little League Champions; next to the Mayor stood State Representative Tom Delnicki and Senator Anwar.

Players:

Dominic Caputa
Jesse DellaFera
Lyle Dresser
Weston Durbois
Corbyn Falco
Caysen Lewie
Jayden Matos
Adrian Morales
Grady Moynihan
Zachary Powers

TOWN COUNCIL
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Minutes

Monday, October 3, 2022
7:00 p.m.

Wes Prather
Elliot Wenzel
Jacob Zande

Coaches:

Joe Caputa
Matthew Durbois
Seth Falco
Steve Lewie

Mayor Pendleton took time to highlight some of the important topics of awareness for the month of October including; Breast Cancer Awareness Month, Autism Awareness Month, National Bullying Prevention Month, Domestic Violence Awareness Month and Fire Prevention Month. Mayor Pendleton then went on to thank the South Windsor Fire Department for all of their efforts in the community, for helping to bring awareness and offering safety tips. Madam Mayor opened the floor to the rest of the Council Members; no one had any commentary to add. They moved on to observe a moment of silence for retired Town Clerk Lori Trahan, who had passed away on September 27, 2022.

5. Adoption of Agenda

Councilor Koboski made a motion to adopt this agenda, motion was second by Councilor Gamble. **Motion Carries**

6. Communications and Reports from the Town Manager

Town Manager Michael Maniscalco attended the online ICMA conference and worked on credentials that consisted of 40 hours of classes and has been approved for credentials for the upcoming year. The list of classes that Mr. Maniscalco took are available in the written report. Work for repaving Town Hall parking lot has begun, replacing the catch basins and sidewalk work. Paving should start sometime the first week of October. The public should be aware of changing parking patterns and locations. Work on the COVID-19 Memorial has started at the Major Michael Donnelly Preserve. Home Depot donated a majority of the supplies, time and effort that went into the completion of the memorial.

The Strategic Planning Committee has voted to retain the services of UConn to help with the strategic plan. They will be conducting a survey of plans for residents holding focus groups and will submit a final report by July. In the very early stages of this project, more updates to come.

In the agenda packet, there is a listing of all the RFP's as well as the bid waivers that the Council has approved, as requested during the last meeting for the last 12 months.

TOWN COUNCIL
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7:00 p.m.

Councilor Gamble followed up with a question about the waiver of competitive bidding did not have any cost associated, awarded bid numbers are available upon request. Councilor Gamble noted the Council is not waiving just to expedite the process, they are doing it for safety reasons. He then went on to ask about creating an ordinance or resolution to change the \$5,000 limit. His opinion is that, that is a low budget in terms of public safety spending.

Mr. Maniscalco did ask the Town Attorney, just waiting for a response.

Councilor Koboski went on ask about the list of classes Mr. Maniscalco took, specifically pertaining to Priority Based Budgeting. Mr. Maniscalco summed up the class was an overview of a scientific study that was done about priority-based budgeting and the impacts it can have on municipalities. There is no impact on the amount of money that can be saved on departments for essential services. However, there seemed to be a negative impact where it pertained to non-essential services such as human services, library services.

Councilor Paterna congratulated Mr. Maniscalco on his credentials. He went on to thank Home Depot and recognized Councilor Evans for contributions.

The pickleball courts are set too open sometime soon, though no specific date.

Councilor Evans gave her take on the COVID-19 memorial and also thanked Home Depot for their contributions. She went to visit the memorial herself and was pleased with the work that was done. Asked about an opening ceremony for the memorial.

Mayor Pendleton highlighted the importance of preparing for severe weather and natural disasters and referenced ready.gov

7. Public Input for Items on the Agenda

Public Input shall not exceed thirty (30) minutes. When recognized by the Mayor, the speaker(s) shall approach the lectern, and give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any item on the agenda. The speaker(s) shall limit their speaking time to five (5) minutes.

8. Adoption of Minutes of Previous Meeting

(Councilor Evans)

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the Town Council Meeting September 19, 2022

Motion was made by Councilor Evans, motion was second by Councilor Paterna. **Motion Carries**

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Minutes

Monday, October 3, 2022
7:00 p.m.

9. Communications from Liaisons, Officers and Boards Directly Responsible to Council

Councilor Kozikowski reported that the Planning and Zoning Commission had a meeting on Tuesday, September 27, 2022 in which there were a few public hearings. This public hearing approved a special exception for Revolutions Bowling for a new multipurpose athletic field. Three sub committees were developed to oversee subdivision regulations, multi-family regulations, and warehouse distribution regulations. Sub committees have been meeting through the summer and do have updates upon request.

Councilor Paterna stated that the energy committee has been discussing the addition of electric vehicle chargers being placed in various locations around town. Looking at private companies that will come in and work with the state to put some EV chargers.

Councilor Evans said that the Art Commission and Social Justice Racial Equity Commission have been unable to meet. The Social Justice Commission is working hard to find a date to meet, three of the five seats on the commission still need to be filled. Some interested in joining, no commitment at this time.

10. Reports from Committees

Mayor recognizes Matt Montana from the Park and Recs Facilities Committee.

Matt (acting Chairman for Parks and Recs) and the committee have been meeting since March. A review of the program needs and assessing existing buildings for temporary need and touring new sites for a potential new permanent facility. Orchard Hill is being used temporarily, with plans to relocate permanently. Colliers International, helped investigate 3 properties for a new facility and quoted \$60-\$80 million. The committee decided that in the best interest of the town it would be wise to gather a survey from the public. The committee looked into purchasing the old L. A. Fitness building. The commission has discussed the idea of using old Orchard Hill Elementary School in conjunction with the old L. A. Fitness building. Neither location would be able to support all the new program needs. A preliminary report suggests that some funds would have to be used to update the facilities. Mr. Montana asked the council to review purchasing option for the old L. A. Fitness building as well as temporarily relocating the Parks and Recs to old Orchard Hill.

Councilor Gamble asks how much funding would be needed to consider purchasing the old gym facility. Matt estimates between \$15,000 - \$20,000.

Councilor Paterna verified that the town will be acquiring Old Orchard Hill.

TOWN COUNCIL
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7:00 p.m.

Councilor Koboski thanks Mr. Montana for his time and efforts. He then goes on to state that he is in favor of both buildings being used. In the event of a power outage due to natural disasters or storms having both facilities available for use is wise.

Mr. Maniscalco guesses that the continued use of Colliers will be an estimated \$10,000 for them to assess old L. A. Fitness building. At this time, he does not recommend that the town take any more money out of the budget. Due to inflation and the winter season approaching it is not wise to invest more money into the viability study.

Councilor Gamble confirms that a study should be conducted, just not at this time.

Councilor Paterna reminds the council that during the purchase of the Rockville Bank building, there was a push back from residents about tax rolls.

Mayor Pendleton would like a survey to be done in order to determine what the tax payers would like to see in the new Parks and Recs facility.

11. Consent Agenda

A. First Reading
None

B. Second Reading
None

C. Miscellaneous:
None

12. Unfinished Business:

None

13. New Business:

A Resolution: opt out of Public Act 21-29 relating to requirements for allowance of accessory apartments in single family zones
(Marek Kozikowski)

TOWN COUNCIL
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Minutes

Monday, October 3, 2022
7:00 p.m.

WHEREAS, the State of Connecticut recently adopted Public Act 21-29 which modified Section 8-2 of the General Statutes to establish specific provisions regarding zoning regulations for accessory apartments; and

WHEREAS, the adapted law does not allow the town to create standards any greater than those set forth in a single-family residence as it relates to the bulk zoning requirements including setbacks, landscaping and does not permit required ownership; and

WHEREAS, unless a municipality affirmatively votes to opt out there from, local zoning regulations would be required to adhere to the PA 21-29 provisions regarding accessory apartments; and

WHEREAS, no municipality may opt out of the accessory apartment provisions of section 8-2 of the CT General Statutes, as amended by PA 21-29, on or after January 1, 2023; and

WHEREAS, the Planning and Zoning Commission of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the PA 21-29 provisions regarding accessory apartments; and

WHEREAS, the Planning and Zoning Commission desires to retain local zoning control over the regulation of accessory apartments by opting out of the provisions of PA 21-29 regarding accessory apartments; and

WHEREAS, in an effort to meet the spirit of the law Planning and Zoning Commission recently adopted new Accessory Apartment zoning regulations to allow accessory apartments through issuance of a zoning permit, simplifying the process to create an accessory unit

WHEREAS, the Planning and Zoning Commission held a public hearing 4/26/22 and 7/12/22 and voted unanimously to opt out of the accessory apartment provisions of Section 8-2, as amended by the applicable provisions of PA 21-29

WHEREAS, the Town of South Windsor Council hereby recognizes the recent regulation changes made by the PZC that make creating an accessory apartment easier by reducing application costs and creating greater flexibility in future uses of existing apartments created; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council opts out of the accessory apartment provisions of Section 8-2, of the CT general Statutes, as amended by the applicable provisions of PA 21-29

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7:00 p.m.

Councilor Jamie Gamble seconded the motion which passed by unanimous voice vote.
MOTION CARRIES.

Councilor Evans asks for clarification on the opt out. Is it only a result of what the state is moving forward, the town has already had this in place.

Mr. Maniscalco does confirm that Planning and Zoning already has regulations in place. PAZ has the ability to modify their regulations as they see fit.

At 8:02 Mayor Pendleton stops the meeting to begin the public hearing.

Public Hearing

Citizen input on the Health Department Ordinance Chapter 50 Article 5-10
(Amanda Poma)

Notice is hereby given that the South Windsor Town Council has set **Monday, October 3, 2022 at 8:00 p.m.**, in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut, as the time and place for a Public Hearing to receive citizen input on the proposed updates to Article V, Article VIII, Article IX and Article X of the Health Department Ordinance, a copy of which is on file in the Office of the Town Clerk

Mayor opens the floor to the public, no one came forward. Public hearing is closed at 8:05pm.

Going back to 13. New Business: A. Resolution: opt out of Public Act 21-29 relating to requirements for allowance of accessory apartments in single family zones

A. Councilor Paterna asks for clarification. The changes are, there are no short-term rentals, it must be owner occupied, increase the space you can have in the apartment, the process to get the permits has been stream lined. They are easier to acquire, standard permit, whereas the current process requires a public hearing from PAZC. The application cost has been decreased because there is no longer a need for a public hearing, therefore no public hearing fee.

Councilor Kozikowski is asked, if there are towns that do not have any regulations for accessory apartments, to which he answers yes there are some towns that do not have this available.

The new zoning regulations allow for the accessory apartment to be in a detached building from the primary house.

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7:00 p.m.

Councilor Gamble made a motion for the resolution, Councilor Koboski seconded the motion which passed by unanimous voice vote. **MOTION CARRIES.**

B. Resolution Approving the Sale of Surplus Monopole Tower Parts
(Councilor Gamble)

WHEREAS, the Town of South Windsor completed the purchase of a 115-foot monopole tower from Valmont Industries for the Veterans Memorial Park Project and;

WHEREAS, the Town vendor Eastern Communications has completed the construction of said tower; and

WHEREAS, Valmont industries has shipped three extra mount kits for the tower and, that were not billed or paid for by the Town; and

WHEREAS, Valmont Industries has informed the Town that Valmont Industries does not want the parts returned and has authorized the Town to disposed of the three extra mount kits as the Town sees fit; and

THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby authorizes Town Manager Michael Maniscalco to sell the extra mount kits from Valmont Industries and any monies received be deposited into Emergency Communications Upgrade Capital Account.

Councilor Koboski seconded the motion which passed by unanimous voice vote. **MOTION CARRIES.**

Scott Roberts approaches the podium to answer some questions for the Council. There are a couple vendors that complete communication projects throughout the state, 2 of whom are interested in purchasing these extra parts.

Councilor Gamble verifies the use of the towers. Their main use is in cases of emergencies for residents to use.

Mr. Maniscalco says that there will be left over space available for leasing purposes for private cell phone companies to hang equipment off of the tower, that will then benefit the members of the community.

C. Resolution Approving a Refund of Taxes to thirty-nine (39) South Windsor Taxpayers, the total of said refunds being \$10,059.93
(Councilor Paterna)

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Minutes

Monday, October 3, 2022
7:00 p.m.

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to thirty-nine (39) South Windsor Taxpayers, the total of said refunds being \$10,059.903 and as more fully describes on attachment exhibit A

A motion was made by Councilor Paterna and seconded by Councilor Koboski.
Motion carries.

D. Resolution Setting Time and Place for a Public Hearing to receive citizen input on the transfer of \$749,556 from the non-recurring Capital Account to fund two portables at Philip R. Smith Elementary School.

Councilor Evans made a motion for the adoption of the following resolution:

BE IT RESOLVED that the Town of South Windsor hereby sets October 17, 2022 at 8:00 pm in the Council Chambers of the South Windsor Town hall, 1540 Sullivan Avenue, South Windsor Connecticut, as the time and place for a Public hearing to receive citizen input on the transfer of \$749,556 from the Non-recurring capital Account to fund the addition of two portables at Philip R. Smith Elementary School.

Councilor Paterna seconded the motion which passed by unanimous voice vote.
MOTION CARRIES.

Scott Roberts approaches the podium. If a project in Capital closes with a balance left over, financial accounting with the finance department requests that it be transferred to Capital Non-Reoccurring Fund, if a project on the capital projects wants to go forward they can make a request for those funds. Which is then followed by a public hearing, if it passes with a resolution made by the council, finance will then transfer the money from that Non-Reoccurring account to the new capital project account.

For clarification purposes Councilor Gamble asks if there was a discussion item regarding this in the last meeting.

Mayor Pendleton explains that since this is a request for capital accounts, that the Board of Education went to the Capital meeting with this request.

Mr. Maniscalco goes on to note that the Council will still have to pass a resolution to approve and move forward, to be done during the resolution or at a later time.

Councilor Paterna seconded the motion which passed by unanimous voice vote.
MOTION CARRIES

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

Minutes

**Monday, October 3, 2022
7:00 p.m.**

E. Resolution amending a previously approved resolution from the September 19, 2022 Town Council Meeting Resolution Appointing Amanda Poma as Clerk of the Council

Deputy Mayor King made a motion for the adoption of the following resolution:

WHEREAS, that the South Windsor Town Council previously adopted a resolution appointing Amanda Poma as Clerk of the Council on September 19, 2022, which stated an incorrect term end date; and

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby appoints Amanda Poma as Clerk of the Council for a term ending November 13, 2023 to fill the unexpired term of Scott Nolan.

Councilor Paterna seconded the motion which passed by unanimous voice vote.
MOTION CARRIES.

Mayor Pendleton brings Amanda to the podium to exchange a few words.

F. Resolution accepting the resignation of Carol Fletterick (D) from the Water Pollution Control Authority effect 9-13-22

BE IT RESOLVED, that the South Windsor Town Council hereby accepts, with regret the resignation of Carol Fletterick (D) from the Water Pollution Control Authority effective 9-13-22; and

BE IT FURTHER RESOLVED that the South Windsor Town Council extends its thanks to Carol Fletterick for the time she has dedicated to serving her community by her membership on the Water Pollution Control Authority.

Motion was made by Councilor Evans and seconded by Councilor Paterna

Councilor Paterna extends his gratitude to Carol Fletterick for her many years of service.

14. Passage of Ordinance

None

15. Public Input for any Matter

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Minutes

Monday, October 3, 2022
7:00 p.m.

Mr. Joseph Kennedy 81 Allison Drive, he thanks the councilors, commissioners, and board members for their dedication during the pandemic. He pushes the older members of the community to get their booster shots. On behalf of the Agricultural Commission, they are looking to change the meeting format. The South Windsor Farmers Market will host its last event of the season on October 8, 2022.

16. Communications from the Council

On Thursday October 6, 2022 Friends of Wood Memorial Library & Museum is celebrating 50 years of service. The South Windsor Historical Society is celebrating their 75th anniversary.

17. Executive Session

None

18. Adjournment

At 8:32 Deputy Mayor King made a motion to adjourn the Regular Meeting. Councilor Koboski seconded the motion, and was approved unanimously.

Respectfully submitted,

Amanda Poma
Clerk of the Council

BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS, REAPPOINTMENTS, OR RESIGNATIONS

(This form is to be filled out for each appointment, reappointment, or resignation that is being requested)

BOARD OR COMMISSION	NAME	ADDRESS AND EMAIL	PHONE NUMBER	APPTMT REAPPTMT OR RESIGNATION	NAME OF THE PERSON WHO IS BEING REPLACED OR VACANCY	PARTY AFFILIATION	TERM
Public Building Commission	Kathy Daugherty	12 Roy Road k.daugherty@cox.net	860-306-4117	Appointment	Vacancy (replacing C. Kelley)	R	11/30/24
Blighted Properties Appeals Board	Stephanie Dexter	15 Larkspur Lane stephd3@cox.net	860-709-0476	Appointment	Vacancy (replacing Jamie Gamble)	R	11/30/24
Economic Development Commission	James Mitchell	197 Hillside Drive jamitchelljr@gmail.com	860-951-6761	Appointment	Vacancy (alternate position)	R	11/30/25

All appointments or reappointments are to be submitted to the Town Council Office on the Monday prior to the Council meeting. If they are not received on the Monday prior to the Town Council Meeting, appointments or reappointments WILL NOT be put on that agenda and would need to wait until the following Town Council Meeting. All resignations must be accompanied with a letter of resignation. If the resignation is from an elected position, the letter must be original and sent to the Town Clerk to be processed. The date and time the Town Clerk posts on the letter, is when the resignation is official. Also, all information should be filled in or WILL NOT be accepted.

Submitted by: Nick Jones

Party Affiliation: R

Date: 10/2/22

Exhibit A

06  74

SIMCT

JENNIFER R. HILINSKI SHIRLEY, CCMC, CCMO
COLLECTOR OF REVENUE

MEMO

DATE: October 5, 2022
FROM: Carlene Andrulat
TO: Amanda Poma –Clerk of the Council
SUBJECT: Refund Batch #6 for Town Council – October 17, 2022 Agenda
CC: Michael Maniscalco, Town Manager
Patricia Perry, Director of Finance
OF PAGES: 2

Please note that messages to and from the Town of South Windsor may be subject to public release in accordance with applicable laws.

I respectfully request the Town Council's consideration and approval of 24 refunds totaling \$12,780.44, as noted on the attached report. All refund requests received by September 29, 2022 are included.

Exhibit A

Collector of Revenue

Name	Bill	Prop Loc/Vehicle Info.	Reason	Over Paid
ACAR LEASING LTD	2021-03-0050146	2019/1GCUYDED7KZ177401	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(426.10)
CAPTROL SERVICES GROUP LLC	2021-03-0053249	2015/1GYS4MK12FR631454	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(313.47)
CAPTROL SERVICES GROUP LLC	2021-03-0053250	1995/4T1GK12E1S1078561	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(23.60)
CCAP AJUTO LEASE LTD	2021-03-0053580	2019/1C4R1FAG1KCS93971	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(400.72)
EVERGREEN ENDOSCOPY CTR LLC	2018-02-0040478	2800 TAMARACK AVENUE	Sec. 12-129 Refund of Excess Payments.	(4,180.58)
EVERGREEN ENDOSCOPY CTR LLC	2019-02-0040487	2800 TAMARACK AVENUE	Sec. 12-129 Refund of Excess Payments.	(2,878.48)
HARTLEY EUNICE T	2021-03-0059614	2006/1HGCMS56846A120075	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(17.14)
HYUNDAL LEASE TITLING TRUST	2021-03-0060640	2019/5NPE24AF5KH750137	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(127.57)
MACOMBER CARON A	2021-03-0063918	2007/2FMDK49CA78B04608	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(11.01)
MARCIANO ANIELLO	2021-03-0064303	2017/WA1M2AF3HA05806	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(107.25)
MAURER CRAIG H	2021-03-0064632	2011/5TFUY5F10BX199133	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(253.96)
MILLUZZO ALFINA M	2021-03-0065259	2012/1G1ZB5E06CF201936	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(158.40)
MILLUZZO ALFINA M	2021-03-0065260	2011/KNAGRA46885117164	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(211.31)
MIRANDA CASEY T	2021-03-0065285	2011/4S3BMB16583232359	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(19.48)
PENSKE LEASING & RENTAL CO	2020-03-0067530	2014/1FUJGEDV4ELFL5899	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(1,029.87)
PENSKE LEASING & RENTAL CO	2020-03-0067531	2013/1FUJGLDR3DSBV1396	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(876.46)
PENSKE LEASING & RENTAL COMPANY	2020-03-0067551	2013/1FUJGLDR1DSBV1395	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(876.46)
PISANO ALESSANDRA M	2021-03-0067901	2020/1G1FH1R76L0107592	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(87.25)
RAHA PAWAL	2021-03-0068579	2015/WA1L1GAF8E8FD028710	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(45.57)
SHARMA GIRISH L	2021-03-0070574	2009/1FMCU94719KB56476	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(11.62)
SHARMA GIRISH L	2021-03-0070575	2013/WDDHFB184DA692348	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(32.07)
TAYLOR KEVIN W	2021-03-0072139	2009/2HGFA16569H369939	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(13.01)
TAYLOR KEVIN W	2021-03-0072140	2012/2HGFB2F57CH584224	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(18.40)
VEHICLE ASSET UNIVERSAL LEASING TRUST	2020-03-0073276	2017/2C3CDX1G0HH603798	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(660.66)
Total of 24 refunds				(12,780.44)

Date: 10/5/22

Drafted by: *Carlene Andrulet*
 Carlene Andrulet
 Revenue Clerk

Approved by: *J. Hillins*
 Jennifer R. Hillinski-Shirley
 Collector of Revenue, CCMC, CCMO

Date: 5 Oct 2022

Resolution Pursuant to Section 8-24 of the Connecticut General Statutes Referring Proposed Improvements to Nevers Park for the addition of a Splash Pad to the South Windsor Planning & Zoning Commission

WHEREAS, any plan to improve park lands owned by the Town must first be submitted to the South Windsor Planning & Zoning Commission for a report pursuant to Section 8-24 of the Connecticut General Statutes

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby refers the proposed improvements of Nevers Park for the addition of a Splash Pad to the South Windsor Planning & Zoning Commission pursuant to Section 8-24 of the Connecticut General Statutes.

Resolution Authorizing the Town Manager to Enter into an Agreement with the State of Connecticut Department of Energy and Environmental Protection

WHEREAS, effective July 1, 2022 and per PA 22-118, the Town of South Windsor has been awarded \$100,000 in ARPA funds granted by DEEP to fund a South Windsor Riverfront Linear Park Study and Planning; and

WHEREAS, these funds must be obligated by December 31, 2024 and expended by December 31, 2026; and

WHEREAS, the South Windsor Town Council authorizes the Parks and Recreation Department to conduct a feasibility study on creating a new Linear Park that begins at 220 Scantic Road and ends at the current Vibert Road Linear Park to allow for residents to park their car and put a canoe or kayak into the Scantic River, allowing people to paddle to the Connecticut River and exit at the Vibert Road Linear Park

NOW, THEREFORE, BE IT RESOLVED that the Town of South Windsor may enter into with and deliver to the State of Connecticut Department of Energy and Environmental Protection, any and all documents which it deems to be necessary or appropriate for a grant of \$100,000 for the South Windsor Riverfront Linear Park Study and Planning at 220 Scantic Road and the Vibert Road Linear Park

NOW, THEREFORE, BE IT FURTHER RESOLVED that the South Windsor Town Council hereby authorizes Michael Maniscalco, Town Manager, to sign, execute, and deliver any and all agreements and documents necessary on behalf of the Town of South Windsor and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents.

Resolution Accepting the Old Orchard Hill School to temporarily house the Parks and Recreation Department and formally start the process of moving the Parks and Recreation Department to Old Orchard Hill and pursuant to Section 8-24 of the Connecticut General Statutes referring said plan to the Planning and Zoning Commission for review.

WHEREAS, the Town had leased Wapping School from the Board of Education to house Parks and Recreation; and

WHEREAS, the Board of Education needs Wapping School to house an increase in students; and

WHEREAS, the Town has an immediate need to temporarily relocate the Parks and Recreation Department to the Old Orchard Hill School and to formally begin the process of relocating, and

WHEREAS, pursuant to Section 8-24 of the Connecticut General Statutes changes in use of a municipal facility require a referral to the Planning and Zoning Commission for review and a report;

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby approves the Old Orchard Hill School to temporarily house the Parks and Recreation and Facilities Department and formally begin the process of relocating Parks and Recreation to the Old Orchard Hill School and to submit a request to the South Windsor Planning & Zoning Commission for a report pursuant to Section 8-24 of the Connecticut General Statutes.

Poma, Amanda

From: Armstrong, Bonnie
Sent: Friday, October 7, 2022 8:34 AM
To: Stephanie Weintraub; Poma, Amanda
Cc: Jamie Gamble
Subject: RE: [External]Commission resignation

Hi Stephanie,

I believe you wanted to send this to the new Clerk of the Council, Amanda Poma. I am copying her on this email so she can process your resignation and so that you have her email address for future use.

Enjoy the weekend.

Bonnie

Bonnie L. Armstrong, CCTC

Town Clerk
Town of South Windsor
1540 Sullivan Avenue
South Windsor, CT 06074

Phone: 860-644-2511 ext. 2225

Email: bonnie.armstrong@southwindsor-ct.gov

From: Stephanie Weintraub <stephanie4ctgop@gmail.com>
Sent: Thursday, October 6, 2022 10:37 PM
To: Armstrong, Bonnie <Bonnie.Armstrong@southwindsor-ct.gov>
Cc: Jamie Gamble <jgamblesemail@gmail.com>
Subject: [External]Commission resignation

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Bonnie and Jamie

I just want to make sure this gets to appropriate new town clerk. I have sent this a few times and the email keeps getting sent back to me.

To Whom It May Concern ;

My name is Stephanie Weintraub. I currently serve on Human Relations and South Windsor Agricultural commission, I would like to resign from both commissions. Due to work commitments, I have not been able to attend one South Windsor Agricultural meeting and few Human Relations meetings. It's best someone else serves on these commissions. I was hoping my work schedule would change which is why I have not withdrawn prior to this email. I apologize for any inconvenience.

Kindly,
Stephanie Weintraub

Poma, Amanda

From: Paterna, Andrew
Sent: Tuesday, October 11, 2022 3:07 PM
To: Poma, Amanda
Subject: Fwd: [External]Fwd: Resignation Notification

Hi Amanda
Here is the email from Athena
Andy

Get [Outlook for iOS](#)

From: Fitness prof <fitnessprof@gmail.com>
Sent: Tuesday, October 11, 2022 3:04 PM
To: Paterna, Andrew <Andrew.Paterna@southwindsor-ct.gov>
Cc: Fitness prof <fitnessprof@gmail.com>
Subject: [External]Fwd: Resignation Notification

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

ok

Begin forwarded message:

From: Athena Loukellis <aloukellis@cox.net>
Subject: Resignation Notification
Date: June 13, 2022 at 6:32:58 PM EDT
To: Andrew Paterna <fitnessprof@gmail.com>
Cc: Steve Wagner <wagnersg-sw@outlook.com>, "Cullinane, Hank" <hank.cullinane@gmail.com>

Dear Andrew,

After a very enjoyable 8 years serving on the Town of South Windsor Energy Committee, I will be resigning this month.

It was very rewarding to be a part of this volunteer group and hope my efforts over the early years as the Eversource Energize CT liason benefited residents that took advantage of the HES (home energy solution) programs and C-PACE financing. In addition, assisting the team with the July 2019 Town Energy Plan, writing up monthly energy tips for our website, and most recently introducing Energy Sage to our community will continue to promote energy efficiency initiatives.

I have enjoyed working with various members on other projects and helping to make our town a greener, energy efficient community!
Much success always to this dedicated group of concerned citizens ~

Begin forwarded message:

From: Mary Justine Hockenberry <maryjustinehockenberry@gmail.com>
Date: September 12, 2022 at 1:28:00 PM EDT
To: Tony Duarte <tonygolfs@att.net>, Sandy Jeski <scjip@cox.net>
Subject: Resignation : Human Relations Committee .

To whom it may concern

As of Sept 9,2022 , I Mary Justine Hockenberry here tender my resignation from the Human Relations committee.

I am honored to have served , and humbly resign due to scheduling issues with my work position in Massachusetts.

I will always support those in need in our community , State and country who are being oppressed . And will always support the International day of Peace every September 21. I will always be available for those in need .

Thank you again

Respectfully submitted ,

MJ Hockenberry
Mary Justine Hockenberry

Sent from my iPhone

**Resolution Adopting an Amendment to the Health Department Ordinance #218,
Chapter 50, Articles 5-10**

BE IT RESOLVED that the South Windsor Town Council hereby adopts an
Amendment to Ordinance #218, Chapter 50, Articles 5-10 as shown in attached
Exhibit _____.

Exhibit B

ARTICLE V. - FOOD ESTABLISHMENTS

Sec. 50-103. - Purpose.

This article authorizes and provides provisions for municipal enforcement of section 19-13-B42, section 19-13-B48, and section 19-13-B49, inclusive of the public health code of the State of Connecticut (the "public health code") and of any amendments thereof hereafter adopted, all of which deal with sanitation of restaurants, food operations, and other places preparing and serving food and beverages.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-104. - Definitions.

Authorized agent. Any individual certified by the commissioner to inspect food service establishments and enforce the provisions of section 19-13- B42 of the Regulations of Connecticut State Agencies under the supervision and/ or authority of the director of health.

Base of operation. A licensed and inspected food service establishment that is in compliance with the Public Health Code section 19-13-B42 where an itinerant vendor has access to use the facilities as needed to support the functions of the itinerant vending unit.

Director of health. The director of the town's local health department or district health department approved by the commissioner as specified in Connecticut General Statutes sections 19a-200 and 19a-242, respectively.

Food service establishment. Any place where food is prepared and intended for individual portion service, regardless of whether there is a charge for the food, and including an not limited to any place engaged in the retail sale of food, including itinerant vendors who transport food for the purpose of retail sale, temporary food service operations and caterers whose fixed base of operation are located within the town's boundaries.

Foods. Any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use, or for sale, in whole or in part for human consumption.

Itinerant vendor. Any food vending business serving food or drink from any establishment or conveyance without fixed location and without connection to water supply and sewage disposal systems.

Not-for-profit organization. A nonprofit tax exempt organization.

Public event. Event to which the general public is invited by advertisement or advertisements circulated or directed to the public at large and where food is served or made available.

Temporary food establishment. Food service establishment that operates at a fixed location for a temporary period of time, not to exceed two weeks, in connection with a carnival, circus, public exhibition, festival, celebration, or similar transitory gathering.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-105. - Authority.

This section is enacted pursuant to the provisions of C.G.S. §§ 7-148 and 19a-36. The director of health and his/her agent(s) shall be charged with the enforcement of the provisions of this article and the public health code.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-106. - Permit to operate food service establishment.

- (a) No person shall operate a food service establishment without a valid permit issued by the director of health. Only a person who complies with the requirements of this section and the public health code shall be entitled to receive or retain such permit. Permits are not transferable and shall be renewed annually. A valid permit shall be posted in a conspicuous public location, visible to the patrons of the establishment.
- (b) The provisions of this section shall apply to every food service establishment in the business of manufacturing for the sale or dispensing of food and/or beverages intended for human consumption, and every person operating a hotel, restaurant, store or vehicle for selling or dispensing food and/or beverages to the public.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-107. - Classifications of food service establishments.

- (a) *Classification.* For purposes of this article, the following classifications of retail food establishments are adopted.
 - (1) *Class I:* A food establishment that only offers for retail sale:
 - a. Prepackaged food that is not time or temperature controlled for safety.
 - b. Commercially processed food that:
 - i. Is time or temperature controlled for safety and heated for hot holding; but
 - ii. Is not permitted to be cooled.
 - c. Food prepared in the establishment that is not time or temperature controlled for safety.
 - (2) *Class II:* A retail food establishment that does not serve a population that is highly susceptible to foodborne illnesses and offers a limited menu of food that is prepared, cooked, and served immediately, or that prepares and cooks food that is time or temperature controlled for safety and may require hot or cold holding, but that does not involve cooling.
 - (3) *Class III:* A retail food establishment that:
 - a. Does not serve a population that is highly susceptible to foodborne illnesses.
 - b. Has an extensive menu of foods, many of which are time or temperature controlled for safety and require complex preparation, include, but not limited to handling of raw ingredients, cooking, cooling, and reheating for hot holding.
 - (4) *Class IV:* A retail food establishment that serves a population that is highly susceptible to foodborne illnesses, including but not limited to preschool students, hospital patients, and nursing home patients or residents, or that conducts specialized food processes, including but not limited to smoking, drying, or reduced oxygen packaging for the purposes of extending the shelf life of the food.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-108. - Permit application.

- (a) Every person proposing to operate a food service establishment shall make written or electronic application on forms provided by the director of health.

- (b) The director of health shall issue a permit to the applicant when the food establishment is found to be in compliance with the requirements of this chapter, the public health code of the State of Connecticut, and all other applicable regulations and policies within the Town of South Windsor.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-109. - Plan review and fees.

- (a) Every person who:
 - (1) Proposes to remodel or alter an existing building or portion thereof which is being used or is proposed to be used as a food establishment; or
 - (2) Proposes to construct a new building which is to be used in whole or in part as a food establishment; or
 - (3) Proposes a menu change resulting in a reclassification of the existing food establishment to a Class III or Class IV as described in section 50-107; or
 - (4) Takes over ownership of an existing food establishment; or
 - (5) Proposes to operate as an itinerant vendor, shall prior to the start of such remodeling, construction, change in ownership (including the transfer of a majority interest in any corporation, limited liability company or limited liability partnership) and/or making sales as an itinerant vendor, submit an application, draft menu, qualified food operator certificates (if applicable), plans, and applicable fees, to the director of health for approval.
- (b) Such plans shall be drawn to a scale of no less than one-fourth inch equals one foot. The plans and specifications shall indicate the proposed floor plan or layout, construction materials of work areas and the type and model of proposed equipment.
- (c) The director of health or his/her agent shall have a minimum of 30 days to complete the plan review process.
- (d) Plan review fees for each class shall be established by the town council.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-110. - Temporary food establishment permitting.

- (a) Any person applying for a temporary food service permit shall make written or electronic application to the town's health department. All applicants shall make the required application at least 14 days prior to the event.
- (b) The director of health shall issue a permit to the applicant if proposed temporary food establishment complies with the requirements of this section and the public health code.
- (c) Temporary permits shall not exceed a period of 14 days.

Sec. 50-111. – Itinerant vendor permitting

- (a) Any person applying for an itinerant vendor permit shall make electronic application to the town's health department.
- (b) Itinerant vendors must submit an approved Base of Operations (BOO) declaration as a part of the electronic application.

(c) The director of health shall issue a permit to the applicant when the itinerant vending operation is found to be in compliance with the requirements of this chapter, the public health code of the State of Connecticut, and all other applicable regulations and policies within the Town of South Windsor.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-112. - Food service establishment permit fee.

- (a) Annual fees for food service establishments for each permit or renewal shall be established by the town council.
- (b) Not-for-profit organizations which maintain permanent kitchen facilities or apply for temporary permits and are subject to regulations section 19-13-B42 and 19-13-B48 of the Connecticut Public Health Code are hereby exempt from any food service establishment permit fee payment.
- (c) Annual permits will be valid from January 1 through December 31. Permits will be pro-rated to half the annual permit fee if the food service establishment opens less than 6 months into the calendar year.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-113. - Non-transferability of permit.

Permits and renewals issued under this section are not transferable by address, owner or change of classification. Any change of address, owner or classification shall require a new permit.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-114. - Permit expiration.

All permits shall expire annually on December 31st and be renewed for another year upon application and payment of the annual fee, regardless of when the original application for a permit was made. Permit renewal is subject to the rules and regulations of the Town of South Windsor and the public health code.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-115. - Suspension or revocation; appeals.

- (a) The director of health may suspend any permit to operate a food service establishment if the food service establishment is not in compliance with, or the permit holder does not comply with, the requirements of this chapter or the public health code. If the director of health or his/her authorized agent finds unsanitary conditions in the operation of a food establishment which in his/her judgment constitute a substantial hazard to public health, he/she shall immediately notify the permit holder or operator in writing, citing such conditions and specifying the corrective action to be taken and the time period within which such action shall be taken. If deemed necessary, he/she will order immediate correction. If the corrections are not made in the stated time, the permit shall be suspended. Suspension is effective upon service of a notice as stated in this article. When a permit is suspended, food service activities shall immediately cease.
- (b) Whenever a permit is suspended, the permit holder or person in charge may, within 48 hours, file a written appeal with the director of health. If no appeal is filed within 48 hours, the suspension becomes

final and the permit is revoked. If an appeal is filed, the director of health or his/her appointed designee shall schedule a hearing within a reasonable time, rendering a decision within ten days.

- (c) The director of health may revoke a food service permit for serious or repeated violations of any of the requirements of this section or the public health code or for interference with the director of health or his authorized agent in the performance of their duties. Prior to revocation, the director of health shall notify the permit holder or person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked effective upon service of such notice unless an appeal is filed within 48 hours. If no appeal is filed within 48 hours of service of said notice, the revocation of the permit becomes final. When a permit is finally revoked, food service activities shall immediately cease. If any appeal is filed, the director of health shall thereupon immediately examine the merits of such revocation and may vacate or affirm such revocation.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-116. - Reapplication for permit.

- (a) *Suspension.* Whenever a permit has been suspended, the holder of the suspended permit may make written request for reinstatement of the suspended permit. Within ten days following receipt of such written request, including a statement signed by the applicant that in his opinion the conditions causing the suspension have been corrected, the director of health or his/her authorized agent shall make a re-inspection. If the applicant is found to be complying with the requirements of this section and the public health code, the permit shall be reinstated.
- (b) *Revocation.* Following a revocation, a written application may be made pursuant to section 50-108 herein. Upon payment of the annual fee and following a successful re-inspection, the permit shall be reinstated.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-117. - Service of notice.

Service of notice as provided for in this article is deemed to be properly served when it is delivered to the permit holder or person in charge of the food establishment or when it is sent by registered or certified mail, return receipt requested, to the address of the food establishment shown on the last completed application of the permit holder. Service is complete upon mailing and not receipt of said notice. A copy of any such notice shall be filed in the records of the director of health.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-118. - Examination and condemnation of food.

- (a) Food service establishments may be inspected and food samples taken therefrom may be analyzed by the director of health or his/her authorized agent as often as deemed necessary for enforcement of this section or the public health code. The director of health or his/her authorized agent shall notify the owner or person in charge of the food service establishment specifying the reasons to place a hold order on any food or beverage believed to be unfit for human consumption. The director of health or his/her authorized agent shall tag, label or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served or removed from the food service establishment. The director of health shall permit storage of the food under conditions specified in the hold order. If food storage is not possible without risk to the public health, an order for destruction will be issued by the director of health or his/her agent which shall be immediately accomplished by the food service establishment.

- (b) The hold order shall state that a request for hearing may be filed with the director of health within 48 hours. In the event no hearing is requested, the food shall be destroyed immediately upon expiration of said 48-hour period. If requested the director of health or his/her designee shall hold a hearing, and on the basis of evidence produced at the hearing, the hold order may be vacated or the owner or person in charge of the food may be ordered to denature or destroy such food or bring it into compliance with the provisions of this section or the public health code. The requested hearing must take place within 24 hours from the issuance of the hold order.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-119. - Penalties.

- (a) Any person who operates a food service establishment without a valid food permit or found to be in violation of this article shall be issued an infraction as provided for in C.G.S. §§ 51-164m and 51-164n, as the same may be amended from time to time.
- (b) In addition to any other penalties, a fine of \$250.00 shall be assessed for each violation that constitutes an offense under this section.
- (c) Each day of the violation thereof shall be deemed a separate offense.
- (d) If criminal prosecution is the result of noncompliance of any of the provisions of this section, the defendant shall be responsible for the town's costs, together with reasonable attorney's fees.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Secs. 50-120—50-121. - Reserved.

ARTICLE VI. - WATER SUPPLY WELLS

Sec. 50-122. - Purpose.

This article authorizes and provides provisions for municipal enforcement of sections 19-13-B51a through 19-13-B51m, inclusive of the public health code of the State of Connecticut (the "public health code") and of any amendments thereof hereafter adopted.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-123. - Definitions.

Water supply well. Water supply well means an artificial excavation, constructed by any method, for the purpose of obtaining water for drinking or other domestic use.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-124. - Authority.

This section is enacted pursuant to the provisions of C.G.S. §§ 7-148 and 19a-36. The director of health and his/her agent(s) shall be charged with the enforcement of the provisions of this article and the public health code.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-125. - Well permit.

No person shall commence excavation without obtaining a permit from the director of health.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-126. - Fee.

Each permit fee to construct and/or repair a water supply well shall be established by the town council.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-127. - Penalties.

Any person violating section 50-125 shall be fined \$250.00 and shall be required to obtain said permit. Failure to obtain said permit in a reasonable time shall be considered a separate offense subject to a \$250.00 fine unless such excavation is ceased.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Secs. 50-128—50-131. - Reserved.

ARTICLE VII. - SUBSURFACE SEWAGE DISPOSAL SYSTEMS (SSDS)

Sec. 50-132. - Purpose.

This article authorizes and provides provisions for municipal enforcement of section 19-13-B103 of the public health code of the State of Connecticut (the "public health code") and of any amendments thereof, hereafter adopted, which are incorporated in full in this ordinance. The provisions of this ordinance shall not apply to Subsurface Sewage Disposal Systems (SSDS) having a capacity greater than the jurisdiction design flow set forth by Public Act No. 17-146, Section 30, effective July 1, 2017,, of 7,500 gallons per day, or as may be amended from time to time.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-133. - Definitions.

Approved. For SSDS of 7,500 gallons per day or less, acceptable to the director of health based on a determination as to conformance with the requirements of this Code and the public health code and/or good public health practices. For SSDS of greater than 7,500 gallons per day regulations of the State Department of Energy and Environmental Protection shall be followed.

Licensed installer. A person licensed pursuant to Chapter 393a of the General Statutes of the State of Connecticut.

Plan review. The review of plans associated with the design and construction of a private subsurface sewage disposal system.

Subsurface sewage disposal system (SSDS). A system consisting of a house sewer, a septic tank followed by a leaching system, any necessary pumps and siphons, and any groundwater control system on which the operation of the leaching system is dependent.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-134. - Authority.

This section is enacted pursuant to the provisions of C.G.S. § 7-148. The director of health and his/her agent(s) shall be charged with the enforcement of the provisions of this article and the public health code.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-135. - Actions requiring approval of director of health.

- (a) No person shall construct, alter, repair, enlarge or modify a SSDS that serves any existing building or structure without first having obtained a permit from of the director of health.
- (b) No person shall enlarge, remodel or change the present use of any existing building or structure served by a SSDS without first having obtained the written approval of the director of health.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-136. - Soil testing requirements.

- (a) Applications for soil testing and site evaluation shall be made on forms provided by the director of health, signed by the property owner or his duly authorized agent and shall be accompanied by the appropriate fee.
- (b) All soil testing shall be performed in the manner prescribed by the public health code and technical standards.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-137. - Application process for SSDS plan approval.

- (a) Applications to approve a plan to alter, repair, replace, enlarge or modify an existing SSDS or to construct a new SSDS shall be made on forms provided by the director of health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the public health code and technical standards. Applications must be signed by the property owner or his duly authorized agent.
- (b) Two sets of plans prepared by a professional engineer (P.E.), licensed by the State of Connecticut, bearing the seal and original signature of the engineer shall be submitted for review with each application. Plans shall be at a minimum scale of 1" = 30', have minimum two-foot contours and field topography in the area of the leaching system, contain all soil test results, including percolation test data, provide a cross sectional detail of the leaching system with all appropriate elevations and any other information needed to ensure Code requirements can be met at the site. One set of returnable building plans must accompany the application.
- © The director of health may require that plans for the alteration, repair, replace or modification of an existing SSDS be prepared by a P.E. if, in his opinion, the site presents especially difficult conditions and/or the plan prepared by the owner or his agent does not adequately address the site conditions or does not demonstrate compliance with the public health code and technical standards. If the director of health does not require engineered plans for the alteration, repair or modification of an existing SSDS, then the services of a licensed professional subsurface sewage disposal installer are required.

- (d) Upon the receipt of a properly completed application, plan and supporting documentation, the director of health shall review the plan or proposal within ten days of submittal. If the plan is found to be in compliance with the public health code and technical standards, the director of health shall approve the plan and issue a letter of approval, which shall contain any conditions of approval. If the plan is not in compliance with the public health code and technical standards, the director of health shall provide a written report to the applicant and/or the design engineer detailing the reasons why the plan has not been approved.
- (e) The approval of a plan to install a new SSDS or to alter, repair, replace, enlarge or modify an existing SSDS shall not constitute a permit to construct or install and shall expire 12 months from the date of issuance. Plan approvals may be renewed for an additional 12-month period by the director of health upon a showing of good cause.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-138. - Permit to construct or install SSDS.

- (a) No person shall construct or install, alter, repair, replace, enlarge or modify any new or existing SSDS without first obtaining a permit from the director of health. Applications shall be made on forms provided by the director of health, signed by a licensed installer and shall be accompanied by the appropriate fee as specified in the fee schedule.
- (b) At time of application, the licensed installer must provide the director of health with a copy of his valid subsurface sewage disposal system installer's license issued pursuant to C.G.S. § 20-341.
- (c) Upon receipt of a properly completed application and fee, the director of health shall issue a permit to construct or install a SSDS in accordance with the approved plan together with a copy of the approved plan and the plan review with any comments.
- (d) The permit to construct/install shall expire one year from the date of issuance, and shall not be transferable from place to place or from one installer to another. Permit fee(s) are not refundable.
- (e) The SSDS shall be constructed in strict accordance with the provisions of the approved plan and the conditions set forth in the permit to construct or install, unless an exception is granted in writing by the director of health.
- (f) Exceptions to the Code may only be granted for the repair, replacement, enlargement or modifications to existing septic systems and shall not be granted for new construction. Permits in locations where exceptions are needed shall not be issued until the required forms and supporting documentation are submitted to this office.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-139. - SSDS final approval/permit to discharge.

- (a) No SSDS shall be placed into use until it has been inspected and approved by the director of health. The licensed installer shall submit to the director of health an "as-built" plan of the SSDS after the final inspection has been completed and the installation has been approved by the inspector. Upon completion and passing of the final inspection and receipt of all required documentation, the director of health shall issue a permit to discharge for the system as specified in the public health code.
- (b) A final permit to discharge for an individual SSDS system shall not be issued until the installation is completed and an approved as-built drawing is submitted to the satisfaction of the sanitarian.
- (c) Any exceptions to the Code must be noted on the permit to discharge.
- (d) Where the soil air process has been utilized, the permit to discharge shall note any Code exceptions and will require that monitoring data on system performance is submitted on an annual basis by the

licensed installer. The director of health shall be notified in writing in the event the soil air system is no longer in use. Orders to install a Code complying system may be issued by the director of health if a surface failure occurs while the soil air system is in use or if its use is discontinued.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-140. - Determination of adequacy of SSDS by sanitarian.

When in the opinion of the town sanitarian he/she determines that the requirements of this section do not appear sufficient to provide adequate waste disposal by a SSDS at a specific location, the sanitarian may require such additional facilities or measures as he/she shall deem necessary to provide the required waste disposal for the protection of public health.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-141. - Subdivision reviews.

- (a) No proposed subdivision requiring private SSDS shall be approved until the director of health has observed soil testing on the land thereof and has filed a report regarding the feasibility of SSDS with the appropriate planning and/or zoning commission.
- (b) All requests for the observation of soil tests at proposed subdivision sites must be made at least one month prior to the planning and/or zoning commission meeting at which said subdivision sites shall be considered and shall be made in writing on forms provided by the director of health. Such requests shall be accompanied by a preliminary subdivision site plan indicating the number and location of each proposed lot, subdivision location relative to existing roads and the appropriate fee as listed in the fee schedule.
- (c) Prior to site testing, all lots shall be numbered in the field according to the subdivision site plan location.
- (d) At least three deep observation pits per proposed lot shall be required with two test pits to be dug in the likely areas of the primary and another in the likely area for the reserve. Fewer pits may be acceptable if site conditions warrant such reduction.
- (e) To assure the accuracy of deep observation pit findings, the director of health, or his authorized agent, shall be present during testing.
- (f) At least one percolation tests shall be performed on each proposed lot.
- (g) It shall be the responsibility of the property owner to fill in all test holes after evaluation by the director of health.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-142. - Subdivision plan requirements.

- (a) At least two weeks prior to issuance of the report to the planning and zoning commission, the following information shall be submitted to the director of health with the appropriate subdivision plan review fee:
 - (1) A site plan showing each proposed lot with possible locations for the septic system, reserve area, well, any drainage control measures, cuts and fills, driveway locations and any other information necessary to demonstrate the feasibility of building on the lot in conformance with the Connecticut Public Health Code requirements.
 - (2) Location of storm drainage system/easements, if any.
 - (3) Location of water courses or intermittent streams, if any.

- (4) Location of any wetlands as defined by C.G.S. § 22a-45, as amended.
- (5) Site plan design scale shall be a minimum of 1" = 40'.
- (6) Existing and proposed site contours of the subdivision.
- (7) The accurate location of all test pits as they relate to a possible house or building location, the well, septic system and reserve areas.
- (8) Certification that all proposed lots must have soil conditions in the area of the leaching system and reserve that meet the minimum requirements of the public health code and technical standards.
- (9) When a proposed subdivision includes a lot with an existing structure served by a SSDS, a certification that sufficient testing has been performed on that lot to demonstrate the presence of a reserve area that satisfies the requirements of this Code.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-143. - SSDS and subdivision fee schedule.

The fee schedule for SSDS and subdivision shall be established by the town council.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Sec. 50-144. - Penalties.

- (a) Violation of this article shall be an infraction as provided for in C.G.S. §§ 51-164m and 51-164n, as the same may be modified from time to time.
- (b) A fine of \$250.00 per day shall be assessed for each violation that constitutes an offense under this section.
- (c) Each day of the violation thereof shall be deemed a separate offense.
- (d) If criminal prosecution is the result of noncompliance of any of the provisions of this section, the defendant shall be responsible for the town's costs, together with reasonable attorney's fees.

(Ord. No. 218, 8-7-17; Ord. No. 226, 5-21-18)

Secs. 50-145—50-160. - Reserved.

ARTICLE VIII. - COSMETOLOGY

Sec. 50-161. - Purpose.

This article authorizes and provides provisions for municipal enforcement of Chapter 386, § 20-234 through Chapter 387, § 20-265 of the Connecticut General Statutes and any amendments thereof, hereafter adopted.

(Ord. No. 226, 5-21-18)

Sec. 50-162. - Definitions.

Barbering. Includes the following described practices when performed by a barber licensed in the State of Connecticut, upon the head, face, scalp, or neck for cosmetic purposes only:

- (1) The cutting, trimming, or shaving of the hair.
- (2) Singeing, shampooing, dyeing, coloring, or styling of the hair.
- (3) The application of cosmetic preparations, hair tonics, antiseptics, powders, oils, clays, creams, or lotions.
- (4) Giving facial and scalp massage or the application of oils, creams, lotions or other preparations, either by hand or mechanical appliances.

Barbershop. Any establishment engaged in the practice of barbering for the public.

Cosmetology establishment. For the purpose of this regulation, all barbershops, hairdressing, cosmetology shops, nails salons, and other service providers as described in this regulation are considered "cosmetology establishments".

Esthetician. A person who, for compensation, performs esthetics

Eyelash technician. A person, who for compensation, performs individual eyelash extensions, eyelash lifts, or perms and eyelash color tints.

Hairdressing and cosmetology. Includes the following described practices performed by a licensed hairdresser/cosmetician in the State of Connecticut upon the head, face, scalp, arms, hands, body, legs, and feet for cosmetic purposes only.

- (1) Dressing, arranging, curling, waving, weaving, cutting, singeing, relaxing/straightening, bleaching, and color hair.
- (2) Treating the scalp, face, neck, and arms by massaging, cleansing, exercising, stimulating, beautifying, or manipulating with the hands or mechanical appliances.
- (3) Application of cosmetics, preparations, antiseptics, tonics, lotions, creams, powders, oils, clays, or sprays.
- (4) Manicuring fingernails of the hand and, for cosmetic purposes only, trimming, filing and painting the healthy toenails of the feet, excluding cutting nail beds, corns, calluses, or other medical treatment involving the foot or ankle.

Nail technician. A person who, for compensation, cuts, shapes, polishes, or enhance the appearance of the nails of the hands, including but not limited to the application and removal of sculptured or artificial nails.

(Ord. No. 226, 5-21-18)

Sec. 50-163. - Authority.

This section is enacted pursuant to the provisions of C.G.S. § 7-148. The director of health and his/her agent(s) shall be charged with the enforcement of the provisions of this article and the public health code.

(Ord. No. 226, 5-21-18)

Sec. 50-164. - Cosmetology license .

No person shall commence operation without obtaining a license from the director of health. Only a person who complies with the requirements of this section, under C.G.S. Section 20-525(a) and the public health code shall be entitled to receive or retain such a license. A valid License shall be posted in a conspicuous public location, visible to the patrons of the establishment.

(Ord. No. 226, 5-21-18)

Sec. 50-165. - Non-transferability of license.

Licenses and renewals issued under this section are not transferable by address, owner or change of classification. Any change of address, owner or classification shall require a new license.

(Ord. No. 226, 5-21-18)

Sec. 50-166. – Plan Review and fees.

Scope – This section applies to:

- a. Every person who:
 - i. Proposes to remodel or alter an existing building or portion thereof which is being used or is proposed to be used as a cosmetology establishment; or
 - ii. Proposes to construct a new building which is to be used in whole or in part as a cosmetology establishment; or
 - iii. Takes over ownership of an existing cosmetology establishment
- b. Such plans shall be drawn to scale or no less than one-fourth inch equals one foot. The plans and specifications shall indicate the proposed floor plan or layout, construction materials or work areas and the type and model of proposed equipment.
- c. The director of health and his/her agent shall have a minimum of 30 days to complete the plan review process.
- d. Plan review fees for cosmetology establishments shall be established by the town council.

Sec. 50-167 – Specific Standards and Requirements

- a. Water Supply - An adequate supply of hot and cold running water, at proper temperatures, from a municipal or approved private source shall be provided for service for customers, cleanliness of employees and for washing floors, walls, ceiling and equipment. Hot water must not exceed 115°F.
- b. Waste Disposal - Wastewater from all plumbing fixtures shall be discharged into municipal sewers or approved subsurface sewage disposal systems. Oils, greases, industrial/commercial wastes, toxic chemicals and wastewater that is not sewage, as defined in Public Health Code Section 19-13-B103b (a), shall not be discharged to a subsurface sewage disposal system.

Mineral oil and chemical laden swabs or cloth shall be placed in a metal container with a foot-actuated cover. All waste materials from Cosmetology Establishment workstations shall be removed from the premises to outside garbage disposal at the end of each workday. Outside garbage storage areas shall be maintained in a sanitary condition.

- c. Plumbing Fixtures

- (1) All plumbing installation and fixtures shall conform to applicable public health, building and plumbing codes, including the installation and maintenance of approved backflow prevention devices.
 - (2) There shall be at least one shampoo station for each three work stations.
 - (3) Shampoo bowls shall be used for cosmetology work only.
 - (4) A utility sink shall be provided.
 - (5) At least one (1) handwash station shall be located in each cosmetology establishment. This handwashing sink must be used for handwashing only.
- d. Floors - Floors shall be of such construction as to be easily cleaned and shall be kept clean and in good repair.
- e. Process Ventilation
- (1) Cosmetology Establishments shall be properly and adequately ventilated so as to remove chemical vapor emissions, excess heat, and odors. Salon ventilation shall comply with state and local building codes and ordinances.
 - (2) Cosmetology Establishment using chemical agents that create indoor vapor emissions shall not pollute nor negatively affect the indoor air quality of adjacent premises. Vapor emissions shall be controlled by ventilation systems to that remove the contaminating agent at its source. Emissions shall be discharged to the outdoors and shall not be re-circulated into any space. The source, for the purpose of this section, shall mean vapor emissions originating at Cosmetology Establishment work stations. Those facilities in operation prior to January 1, 2006 are exempt from this requirement, except that the Director of Health may order the correction of nuisance conditions should they occur.
- f. Cabinets - Cabinets shall be provided for storage of clean linen, towels, blankets and gowns. They shall have tight-fitting doors that shall be kept closed to protect the linen, towels, blankets and gowns from dust and dirt.
- g. Receptacle for Used Towels and Gowns - A covered receptacle, which can be readily emptied and cleansed, shall be provided and maintained in a sanitary manner. Chemically soiled towels and linens shall be stored in fire-retardant containers.
- h. Refuse - Covered containers for hair droppings, paper and other waste material shall be provided and maintained in a sanitary manner.
- i. Toilet Facilities
- (1) Adequate toilet facilities and handwashing sinks must be provided for customers and employees. Such facilities and washbasins shall be kept clean and in working order.
 - (2) The use of common bar soap is prohibited.
 - (3) A covered refuse receptacle shall be provided.
 - (4) Common towels for handwashing are prohibited.

(5) Common fingernail brushes are prohibited.

Sec. 50-168 - Maintenance and Operation

a. General Cleanliness

- (1) Cosmetology Establishments shall be kept in a clean and sanitary condition at all times.
- (2) No hair droppings shall be allowed to accumulate on floors. Hair droppings shall be removed following service to a customer, and before a new customer is seated. Arms, seats and rests of chairs shall be wiped of hair droppings after serving each customer and shall be kept in a clean and sanitary condition at all times.

b. Walls, Ceiling and Fixtures

- (1) Ceilings shall be kept in good repair, and cracks in walls shall be filled in so as to prevent the harboring and breeding of insects.
- (2) Cabinets, shelves, furniture, shampoo bowls and fixtures shall be kept clean and free of dust, dirt and hair droppings.

c. Sanitary Services

- (1) A towel shall not be used for more than one (1) person without being properly laundered before each use.
- (2) A sanitary paper strip or clean towel shall be placed completely around the neck of each customer before an apron or any other protective device is fastened around the neck.
- (3) Clean towels shall be delivered in a closed container and kept in a clean, closed cabinet or closet. A commercial linen service shall be used for laundering if not done on the premises.

d. Disinfection of Equipment and Implements

- (1) Hair brushes, combs and all other implements used on a customer shall be kept clean and sanitary at all times and shall undergo thorough cleansing and disinfection after serving each customer, or single-service disposable implements shall be used.
- (2) Cleaned and disinfected implements shall be stored in sanitary-covered containers which shall contain a disinfectant, or in a clean drawer.
- (3) After attending a customer, the instruments shall be effectively cleaned, washed with soap or a detergent and water, then disinfected utilizing an approved method listed in Section 15 of this Regulation
- (4) Single-service towels, papers and other material shall be disposed of in the proper receptacle immediately after use and shall not be used again.
- (5) All disposable materials that come into contact with blood and/or body fluids shall be disposed of in sealable plastic bags prior to placing in the waste receptacle.

(6) All articles that come into direct contact with the customer's skin, nails, or hair that cannot be effectively cleaned and sanitized shall be disposed of in a covered waste receptacle immediately after use. Exception: orangesticks, emery boards, buffing squares, cosmetic sponges and disposable nail bits may be kept for the original customer if kept in a covered container labeled with the customer's name.

- e. Shaving Brushes, Mugs, Finger Bowls, and Credo Blades - The use of shaving brushes, shaving mugs and credo blades is prohibited. The use of finger bowls for manicuring purposes is allowed, but the finger bowl must be properly cleaned and sanitized after each customer. Disposable, single-use finger bowls may be used.
- f. Alum and Other Astringents - Alum or other material used to stop the flow of blood shall be applied in powdered or liquid form only.
- g. Neck Dusters, Powder Puffs, Makeup Brushes and Sponges - The use of brush neck dusters, powder puffs, makeup brushes and sponges is prohibited unless they are single-use disposable implements, or kept for the original customer if kept in a covered container labeled with the customer's name.
- h. First Aid Kit - The facility shall maintain at least one (1) portable, readily available first aid kit. Each kit shall be a closed container for storing first aid supplies, accessible to staff at all times.
- i. Foods and Beverages - Foods and beverages shall not be prepared, stored or provided to patrons in the permitted premises, except with a valid food service license from the Director of Health. Customer self-service coffee or tea with dry non-dairy creamers, or individually prepackaged Ultra High Temperature (UHT) creamers may be offered for free or for sale without a food service license.
- j. Animals, Pets or Live Birds - No animals, pets or live birds shall be kept in any working area of any Cosmetology Establishment. This prohibition does not apply to trained guide dogs (or dogs in training) for the disabled, sightless or hearing impaired.

Sec. 50-169 – General Hygiene

a. Cleanliness of Operators - The hands of the operator shall be thoroughly washed with soap and warm water before serving each customer and immediately after using the toilet, or after eating.

b. Health of Operators - No person known to be affected with any communicable disease in an infectious stage shall engage in barbering, hairdressing or cosmetology.

c. Smoking Prohibited - Smoking is prohibited in all Cosmetology Establishments. Operators shall not eat or drink while providing services to a customer.

d. Proper Attire - Operators shall wear, while attending any customer in a Cosmetology Establishments, clean, washable garments.

Sec. 50-170. - Fee.

A fee established by the town council shall be collected for each license to operate a cosmetology establishment.

(Ord. No. 226, 5-21-18)

Sec. 50-167. - Annual inspection.

- a. On an annual basis, applications to operate shall be made electronically and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the Connecticut General Statutes. Applications must be signed by the cosmetology establishment owner or his duly authorized agent. Annual licenses will be valid from July 1 through June 30.
- b. The director of health, or authorized agent, may inspect in their absolute discretion, each cosmetology establishment and shall make as many additional inspections as are necessary for the enforcement of this regulation and the applicable sections of the Connecticut Public Health Code and Connecticut General Statutes.

(Ord. No. 226, 5-21-18)

Sec. 50-169. - Penalties.

Any person violating section 50-163 and/or section 50-164 shall be fined \$250.00 and shall be required to obtain said license. Failure to obtain said license in a reasonable time shall be considered a separate offense subject to a \$250.00 fine.

(Ord. No. 226, 5-21-18)

Secs. 50-170—50-175. - Reserved.

ARTICLE IX. - TATTOO

Sec. 50-176. - Purpose.

This article authorizes and provides provisions for municipal enforcement of Chapter 387a, §§ 20-266n through 20-266s of the Connecticut General Statutes and any amendments thereof, hereafter adopted.

(Ord. No. 226, 5-21-18)

Sec. 50-177. - Definitions.

Bloodborne pathogens. Pathogenic microorganisms that are present in human blood and can cause disease in humans; these pathogens include, but are not limited to hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

Regulated waste. Liquid or semiliquid or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are

capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

Tattoo establishment. Any room or space where tattooing is practiced or where the business of tattooing is conducted or on any party thereof.

Tattooing. The process by which the skin is marked or colored by the insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin as to form indelible marks for cosmetic, medical, or figurative purposes.

Universal precautions. An approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for hepatitis B virus (HBV), hepatitis C virus (HCV), human immunodeficiency virus (HIV), and other bloodborne pathogens.

(Ord. No. 226, 5-21-18)

Sec. 50-178. - Authority.

This section is enacted pursuant to the provisions of C.G.S. § 7-148. The director of health and his/her agent(s) shall be charged with the enforcement of the provisions of this article and the public health code.

(Ord. No. 226, 5-21-18)

Sec. 50-179. - Tattoo license.

No person shall commence tattooing without obtaining a license from the director of health. The tattoo establishment license shall be issued by the department prior to opening of the establishment and thereafter on an annual basis. Each applicant shall provide the department with the following information: name(s) of owner(s), establishment names, proposed hours of operation, names of all employees and their exact duties, a copy of the written aftercare instructions given to each client and a copy of the informed consent that each client must sign.

(Ord. No. 226, 5-21-18)

Sec. 50-180. - Non-transferability of license.

Licenses and renewals issued under this section are not transferable by address, owner or change of classification. Any change of address, owner or classification shall require a new license.

(Ord. No. 226, 5-21-18)

Sec. 50-181. – Plan Review and fees.

This Section applies to:

- a. Every person who:
 - i. Proposes to remodel or alter an existing building or portion thereof which is being used or is proposed to be used as a tattoo establishment; or

- ii. Proposes to construct a new building which is to be used in whole or in part as a tattoo establishment; or
- iii. Takes over ownership of an existing tattoo establishment
- b. Such plans shall be drawn to scale or no less than one-fourth inch equals one foot. The plans and specifications shall indicate the proposed floor plan or layout, construction materials or work areas and the type and model of proposed equipment.
- c. The director of health and his/her agent shall have a minimum of 30 days to complete the plan review process.
- d. Plan review fees for tattoo establishments shall be established by the town council.

Sec. 50-182. - Fee.

A fee established by the town council shall be collected for each license to operate a tattoo establishment.

(Ord. No. 226, 5-21-18)

Sec. 50-183. - Annual filing.

- a. On an annual basis, applications to operate shall be made on forms provided by the director of health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the Connecticut General Statutes. Applications must be signed by the tattoo establishment owner or his duly authorized agent. Annual permits will be valid from July 1 through June 30.
- b. On an annual basis, the director of health, or authorized agent, shall inspect each tattoo establishment and shall make as many additional inspections as are necessary for the enforcement of this regulation and the applicable sections of the Connecticut Public Health Code and Connecticut General Statutes.

(Ord. No. 226, 5-21-18)

Sec. 50-184. - Penalties.

Any person violating section 50-179 shall be fined \$250.00 and shall be required to obtain said license. Failure to obtain said license in a reasonable time shall be considered a separate offense subject to a \$250.00 fine.

(Ord. No. 226, 5-21-18)

Sec. 50-185. - Establishment requirements.

- (a) *Equipment.* The chair, seat, or table to be utilized by the person receiving the tattoo or piercing shall be smooth, easily cleanable, and nonabsorbent. All chairs, seats, or tables must be cleansed prior to use by the next client.
- (b) *Handwashing.* Each workstation in the tattoo/piercing establishment shall have access to a handwashing sink for the exclusive use of the tattoo artist for the purpose of washing his or her hands and prepping clients. At each handwashing sink, liquid antibacterial soap and single-use disposable towels shall be provided at all times. Common towels are prohibited.
- (c) *Regulated and infectious waste.* All infectious and regulated waste must be disposed of by means of medical regulated waste containers and licensed medical waste disposal methods. All needles and attached equipment shall be disposed of in sharps containers. The needles shall not be broken prior to disposing in the sharps container. A written plan of disposal for regulated and infectious waste must be submitted to the department for approval prior to issuance of the tattoo establishment license.

(Ord. No. 226, 5-21-18)

Sec. 50-186. - Certification and licensure.

- (a) *Bloodborne pathogen certification.* In addition to individuals who satisfy the requirements set forth in accordance with C.G.S. § 20-266o(b)(1), no person shall engage in tattooing except a physician, an osteopathic physician, an advanced practice registered nurse rendering service under the direction of a physician or osteopathic physician, a registered nurse rendering service under the supervision, control and responsibility of a physician or osteopathic physician, a physician assistant rendering service under the supervision, control, and responsibility of a physician, or a technician rendering service under the supervision of a physician or osteopathic physician in accordance with regulations adopted by the department of public health.
- (b) The bloodborne pathogen certificate shall be posted in a prominent area where it can be observed by patrons. The bloodborne pathogen certificate is not transferable between persons.
- (c) Physician duties shall include one inspection every three months with or without notice. During inspection the physician shall review records and operating procedures, ensure that appropriate sterile techniques are utilized and patient safety is in compliance.

(Ord. No. 226, 5-21-18)

Sec. 50-187. - Client records.

- (a) Each tattoo artist shall keep permanent records for a minimum of two years for each client which shall consist of the following: the name, address, and telephone number of the client, the time and date the tattoo and/or the body piercing was applied, a photocopy that certifies the person is at least 18 years of age, a description of the tattoo and/or body piercing, the area of the body tattooed and/or pierced, a photocopy of the written aftercare instructions of the tattoo and/or body piercing, and a release form signed by the client that these records are accurate. Records shall be available to the department upon request.
- (b) No person shall tattoo the body of an unemancipated minor under 18 years of age without parental or guardian presence and consent, i.e., signature. This permission shall be signed by either parent or guardian. Photographic identification of the parent or guardian must be obtained by the tattoo artist. A photocopy of the photographic identification shall be included in the client's permanent records.

(Ord. No. 226, 5-21-18)

Secs. 50-188—50-195. - Reserved.

ARTICLE X. - DAYCARE

Sec. 50-196. - Purpose.

This article authorizes and provides provisions for municipal enforcement of sections 19a-77 to 19a-80 and sections 19a-82 to 19a-87a of the Connecticut General Statutes and sections 19a-79-1 to 19a-79-13 of the Connecticut Public Health Code and any amendments thereof, hereafter adopted.

(Ord. No. 226, 5-21-18)

Sec. 50-197. - Definitions.

Child care center ("daycare") offers or provides a program of supplementary care to more than 12 related or unrelated children outside their own homes on a regular basis.

(Ord. No. 226, 5-21-18)

Sec. 50-198. - Daycare center permit.

No person shall operate a daycare center without obtaining a license from the State Department of Public Health. The daycare center license shall be issued by the department prior to opening of the establishment and thereafter every four years thereafter. Each applicant shall provide the department with the following information: a notarized original affidavit on a form supplied by the department; home address(es) of owner(s), and home phone number(s) of owner(s); the establishment name(s), address(es), and telephone number(s); proposed hours of operation; ages of the children to be served; proposed licensed capacity; criminal checks and a check of the State Child Abuse Registry; names of all employees, and their exact duties.

(Ord. No. 226, 5-21-18)

Sec. 50-199. - Authority.

This section is enacted pursuant to the provisions of C.G.S. § 7-148. The Director of Health and his/her agent(s) shall be charged with the enforcement of the provisions of this article and the Public Health Code.

(Ord. No. 226, 5-21-18)

Sec. 50-200. - Non-transferability of license.

Licenses and renewals issued under this section are not transferable by location, owner or operator. Any change of location, owner or operator shall require a new license.

(Ord. No. 226, 5-21-18)

Sec. 50-201. - Fee.

A fee established by the town council shall be collected for each license to operate a daycare center.

Sec. 50-202. – Plan Review and fees.

- a. Every person who:
 - i. Proposes to expand, renovate or convert an existing building or portion thereof which is being used or is proposed to be used as a daycare establishment; or
 - ii. Proposes to construct a new building which is to be used in whole or in part as a daycare establishment; or
 - iii. Takes over ownership of an existing daycare establishment
- b. Such plans shall be drawn to scale or no less than one-fourth inch equals one foot. The plans and specifications shall include a written narrative of the proposed use, and shall be accompanied by such plans which shall indicate the proposed floor plan or lay out, construction materials or work areas and the type and model of proposed equipment.
- c. The director of health and his/her agent shall have a minimum of 30 days to complete the plan review process.
- d. Plan review fees for daycare establishments shall be established by the town council.

(Ord. No. 226, 5-21-18)

Sec. 50-203. - Annual filing.

- a. On an annual basis, applications to operate shall be made on forms provided by the director of health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the Public Health Code. Applications must be signed by the daycare center owner or his duly authorized agent. Annual licenses will be valid from August 1 of year of application through July 31 of the fourth year following application.
- b. The director of health, or authorized agent, shall inspect each daycare establishment and shall make as many additional inspections as are necessary for the enforcement of this regulation and the applicable sections of the Connecticut Public Health Code and Connecticut General Statutes.

(Ord. No. 226, 5-21-18)

Sec. 50-204. - Penalties.

Any person violating section 50-201 shall be fined \$100.00 and shall be required to obtain said license. Failure to obtain said license in a reasonable time shall be considered a separate offense subject to a \$250.00 fine.

(Ord. No. 226, 5-21-18)

Secs. 50-204—50-210. - Reserved.