

REVISED AGENDA

TOWN COUNCIL
VIRTUAL MEETING
SOUTH WINDSOR TOWN HALL

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

To view this meeting, please tune into Channel 16 if your provider is Cox Cable, Channel 6082 if your provider is Frontier, gmedia.swagit.com/live, or live stream on Facebook Page at www.facebook.com/SouthWindsor.

To participate in Public Input, call 855-925-2801. When you hear "Welcome to publicinput.com", type in the code 5358. Press *3 to show you would like to speak. This will enter you in a queue. When you are through speaking, you will hear, "Thank you for speaking you are now muted". You may request to speak again by pressing *3.

Note:

A Public Hearing will be held at 8:00 p.m. to receive citizen input on the Transfer of Funds from closed Capital Improvement Projects Accounts to the Police Department Women's Locker Room Project.

1. Call Meeting to Order

2. Pledge of Allegiance

3. Roll Call

4. Mayor's Remarks

5. Adoption of Agenda
(Councilor Lydecker)

6. Communications and Reports from 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 Paterna)

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meeting: Special Meeting Minutes of January 10, 2022, Public Hearing Minutes of January 18, 2022 and the Regular Meeting Minutes of January 18, 2022

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

10. Reports from Committees

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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 Lopez)

Motion to Approve Agenda Item 11.a.A.-11.a.C. as a First Reading on the Consent Agenda

A. Resolution Reappointing James Hennessey (D) to the Park and Recreation Commission and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

BE IT RESOLVED that the South Windsor Town Council hereby appoints James Hennessey (D) to the Parks and Recreation Commission for a term ending November 30, 2025 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting

B. Resolution Reappointing Genevieve Coursey (D) to the Park and Recreation Commission and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

BE IT RESOLVED that the South Windsor Town Council hereby appoints Genevieve Coursey (D) to the Parks and Recreation Commission for a term ending November 30, 2025 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting

C. Resolution Appointing Elizabeth McGuire (D) to the Personnel Board of Appeals and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

BE IT RESOLVED that the South Windsor Town Council hereby appoints Elizabeth McGuire (D) to the Personnel Board of Appeals for a term ending November 30, 2022 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting

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11. Consent Agenda (Continued)

a. First Reading (Continued)

(Councillor Koboski)

Motion to Approve Agenda Item 11.a.D.–11.a.I. as a First Reading on the Consent Agenda

D. Resolution Appointing Carolyn Carey (R) an Alternate to the Planning and Zoning Commission and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

BE IT RESOLVED that the South Windsor Town Council hereby appoints Carolyn Carey (R) an Alternate to the Planning and Zoning Commission for a term ending December 1, 2025 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting

E. Resolution Appointing Tad Bistor (R) to the Historic District Commission and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

BE IT RESOLVED that the South Windsor Town Council hereby appoints Tad Bistor (R) to the Historic District Commission for a term ending November 30, 2022 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting

F. Resolution Appointing Audrey Delnicki (R) an Alternate to the Inland/Wetlands Commission and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

BE IT RESOLVED that the South Windsor Town Council hereby appoints Audrey Delnicki (R) an Alternate to the Inland/Wetlands Commission for a term ending December 1, 2023 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting

G. Resolution Appointing Richard Balboni (R) to the Public Building Commission and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

BE IT RESOLVED that the South Windsor Town Council hereby appoints Richard Balboni (R) to the Public Building Commission for a term ending November 30, 2025 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting

**REVISED AGENDA
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11. Consent Agenda (Continued)

a. First Reading (Continued)

H. Resolution Appointing Stephanie Weintraub (R) an Alternate to the Economic Development Commission and Postponing Consideration of this Motion until the Town Council’s Next Regularly Scheduled Meeting

BE IT RESOLVED that the South Windsor Town Council hereby appoints Stephanie Weintraub (R) an Alternate to 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

I. Resolution Appointing Michael Buganski (R) an Alternate to the Economic Development Commission and Postponing Consideration of this Motion until the Town Council’s Next Regularly Scheduled Meeting

BE IT RESOLVED that the South Windsor Town Council hereby appoints Michael Buganski (R) an Alternate to the Economic Development Commission for a term ending November 30, 2024 and postpones consideration of this motion until the Town Council’s next regularly scheduled meeting

b. Second Reading

(Councillor Lydecker)

Motion to Approve Agenda Items 11.b.A. as a Second Reading on the Consent Agenda

A. Resolution Appointing Barbara Kelly (D) to the Open Space Task Force

BE IT RESOLVED that the South Windsor Town Council hereby appoints Barbara Kelly (D) to the Open Space Task Force for a term ending December 31, 2025, to fill the expired term of Elizabeth Warren

c. Miscellaneous

12. Unfinished Business

**REVISED AGENDA
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13. New Business

- A. Discussion Item: Declaration of Landfill Closure** *(Requested by Michael Maniscalco; Town Manager) (Vincent Stetson, Director of Public Works to present)*

- B. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on the proposed establishment of an Illicit Discharge Ordinance**
(Councilor Kozikowski)

BE IT RESOLVED that the South Windsor Town Council hereby sets **Tuesday, February 22, 2022, at 8:00 p.m.**, for a virtual Public Hearing to receive citizen input on the proposed establishment of an Illicit Discharge Ordinance, a copy of which is on file in the Office of the Town Clerk.

- C. Discussion Item: Presentation of District Map Regarding Polling Location**
(Requested by Michael Maniscalco; Town Manager) (Presented by Sue W. Larsen and Sue Burnham)

- D. Resolution Amending a Previously Approved Resolution from the January 18, 2022 Town Council Meeting – Resolution Appointing Dominica Zdonek as Clerk of the Council**
(Deputy Mayor King)

WHEREAS, the South Windsor Town Council previously adopted a Resolution appointing Dominica Zdonek as Clerk of the Council on January 18, 2022, which resolution stated an incorrect term end date.

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby appoints Dominica Zdonek as Clerk of the Council for a term ending November 13, 2013 to fill the unexpired term of Deborah Reid

WHEREAS, at the December 20, 2021, Town Council meeting, the Town Council approved to establish a Park and Recreation Facility Planning and Implementation Committee to develop, plan, host new programs, and endorse community events that will recognize, commemorate, and celebrate the founding of South Windsor; and;

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13. New Business (*Continued*)

E. Resolution Amending a Previously Approved Resolution from the December 6, 2021, Town Council Meeting Regarding the Creation of a Park and Recreation Facility Planning and Implementation Committee
(Councilor Evans)

WHEREAS, the South Windsor Town Council previously approved a resolution creating a Park and Recreation Facility Planning and Implementation Committee at their December 6, 2021, Town Council Meeting; and

WHEREAS, since the creation of the Committee, the Town Council had held discussions regarding the membership of this Committee and have made prudent changes to the make-up of the membership which should be reflected in the resolution

NOW, THEREFORE, BE IT RESOLVED that the South Windsor amends the resolution to read as follows:

WHEREAS, the Town of South Windsor operates a robust Parks and Recreation program that includes children, teens, adults, and seniors; and

WHEREAS, since July 2017, the South Windsor Parks and Recreation Department has been housed at Wapping School; and

WHEREAS, the Town of South Windsor invested \$1,341,277.90 into the upgrade, maintenance, and operation of Wapping School in order to operate its programs; and

WHEREAS, Wapping School is still under the control of the South Windsor Board of Education; and

WHEREAS, the Town of South Windsor has seen a significant increase in the student population; and

WHEREAS, the Board of Education has notified the Town that they will need Wapping School for educational purposes to meet the needs of the increased student population by July 1, 2023; and

WHEREAS, the Town of South Windsor needs of a permanent home for the Parks and Recreation Department

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby creates a Park and Recreation Facility Planning and Implementation Committee with the express purpose to:

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13. New Business (*Continued*)

1. Identify the needs of the South Windsor Parks and Recreation Department and the recreational needs of the South Windsor community.
2. Identify and vet locations for the South Windsor Parks and Recreation Department based on the following criteria:
 - a. Meeting Department programing needs.
 - b. Space for growth and meeting the needs of the community today and tomorrow.
 - c. Accessibility to all residents.
 - d. Cost effectiveness.
3. To make a recommendation to the Town Council that offers a plan for the relocation of the South Windsor Parks and Recreation Department.
4. Educate and advocate for the proposed Facilities solution and for resources to implement the plan.
5. Effectively transition and collaborate with the Public Building Commission to implement the transition of the new Parks and Recreation Facility.
6. The Committee shall be dissolved at the completion of a proposed project or the failure of a referendum to allocate resources for a proposed project; and

BE IT FURTHER RESOLVED that the Committee shall consist of 7 voting members with no more than a bare majority being from one single political party. One member shall also be a member on the Public Building Commission and bring experience in design and building of public facilities; one member shall be from the Parks and Recreation Commission who will bring an understanding and knowledge of the community's recreational needs; **one member shall be a high school student who is a registered voter with experience with the Recreation Department; and all 4 remaining** members shall be voting members of the community and must have experience in planning, building, architecture, design, **and/or** recreation; and

BE IT FURTHER RESOLVED that a member of the Town Council from the majority party and minority party shall be ex officio members with the right to speak at meetings but not vote. The Town Manager and/or his designee shall also be ex officio members with the right to speak at meetings but not vote.

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13. New Business (Continued)

F. Resolution Appointing Members to the Park and Recreation Facility Planning and Implementation Committee
(Councilor Gamble)

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby appoints the following members to the Park and Recreation Facility Planning and Implementation Committee:

- Matthew Montana (D)
- George Caye (D)
- Andrew Paterna (D)
- Kathleen Daugherty (R)
- Nathan Bernier (R)
- Drew Mabey (U)

G. Resolution Appointing Barbara Kelly to the Town Council Subcommittee Open Space Task Force
(Councilor Evans)

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby appoints Barbara Kelly to the Town Council Subcommittee Open Space Task Force, as the Inland Wetlands Agency/Conservation Commission Representative.

H. Resolution Appointing Bart Pacekonis to the Town Council Subcommittee Open Space Task Force
(Councilor Lopez)

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby appoints Bart Pacekonis to the Town Council Subcommittee Open Space Task Force as the Planning & Zoning Commission Representative.

14. Passage of Ordinance

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 Council

17. Executive Session

18. Adjournment

*Backup Information for
Items 11.a.A. through 11.a.B*

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
PARK & REC	JAMES HENNESSEY	105 GREENFIELD jameshennessey@gmail.com	860 899 6228	REAPPT	N/A	D	11-30-25
PARK & REC	GENEVIEVE COURSEY	65 LEWIS DRIVE GMCOURSEY@GMAIL.COM	808 354 1836	REAPPT	N/A	D	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: Sandra C Jeski Party Affiliation: D Date: 1/14/2022



Backup Information for Item 11.a.c.

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
PERSONNEL APPEALS BOARD	ELIZABETH MCGUIRE	89 HERITAGE DRIVE ERM999@AOL.COM	860-690-1126	APPTMT	WINIFRED WILSON	D	11-30-22

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Submitted by: Sandra C Jeski Party Affiliation: D Date: 1/28/2022

Backup Information for Items 11.a-d. through 11.g-f

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
Planning and Zoning Commission Alternate	Carolyn Carey	215 Abbe Rd Cmcos73@aol.com	860 648-8950	APPTMT	Megan Powell	R	12-01-25
Historic District Commission	Tad Bistor	261 Main St Tad.bistor@gmail.com	860 798-2307	APPTMT	Megan Powell	R	11-30-22
Inland Wetlands Commission Alternate	Audrey Delnicki	130 Felt Rd audreydel@aol.com	860 644-0026	APPTMT	Dan Katzbek	R	12-01-23
Public Building Commission	Richard Balboni	23 Debbie Dr Rmbjr1970@gmail.com	860 558-0900	APPTMT	Vacancy	R	11-30-25
Economic Development Commission Alternate	Stephanie Weintraub	155 Skyline Dr S_weintraub09@yahoo.com	860 375-0250	APPTMT	Vacancy	R	11-30-25
Economic Development Commission Alternate	Michael Buganski	133 Cliffwood Lane Mid_buganski@cox.net	860 993-5669	APPTMT	Robert Burns	R	11-30-24

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: Stephanie M Dexter Party Affiliation: R Date: 1/21/2022



DRAFT

TOWN OF SOUTH WINDSOR

Illicit Discharge and Connection Storm-Water Ordinance

Section 1. - Purpose/Intent/Compatibility.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of South Windsor through the regulation of Non-Storm-Water-Discharges to the Storm Drainage System to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of Pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with the requirements established by the Connecticut Department of Energy and Environmental Protection's (DEEP) General Permit for the Discharge of Storm-Water from Municipal Separate Storm Sewer Systems (MS4 General Permit) as well as the requirements of the U.S. Environmental Protection Agency's EPA National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (a) To regulate the contribution of Pollutants to the Storm Drainage System through stormwater discharges by any user.
- (b) To prohibit illicit connections and discharges to the Storm Drainage System (MS4).
- (c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.
- (d) To remain compatible with the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 2. - Definitions.

Accidental Discharge means a discharge prohibited by this ordinance, which occurs by chance, and without advance planning or thought.

Best Management Practices (BMPs) means schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of Pollutants directly or indirectly to Storm-Water, receiving waters, or Storm-Water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or

water disposal, or drainage from raw materials storage.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity means activities subject to NPDES construction permits and activities required for construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Designated Enforcement Agency means employees or designees of the Town of South Windsor Conservation Commission designated to enforce this ordinance.

Facility means any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

Hazardous Materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hearing Officer means the person designated by the Town Manager to hear appeals in accordance with section 15 herein. The Hearing Officer shall be a resident of South Windsor impartial with knowledge of storm water infrastructure and effective methods for management of discharge.

Illegal Discharge means any direct or indirect Non-Storm-Water-Discharge to the Storm Drainage System, except as exempted in section 7 of this ordinance.

Illicit Connections means the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an Illegal Discharge to enter the Storm Drainage System including, but not limited to, any conveyances which allow any Non-Storm-Water Discharge including sewage, process Wastewater, and wash water to enter the Storm Drainage System and any connections to the Storm Drainage System from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Designated Enforcement Agency, any drain or conveyance connected from a commercial or industrial land use to the Storm Drainage System which has not been documented in plans, maps, or equivalent records and approved by the Designated Enforcement Agency or their authorized designee or other public official or body having jurisdiction thereof.

Industrial Activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14) or CGS 22a-430b.

Municipal Separate Storm Sewer System or MS4 means conveyances for Storm-Water (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) owned or operated by the Town of South Windsor or by any State of Connecticut or federal institution and discharging into surface waters of the state.

National Pollutant Discharge Elimination System (NPDES) Storm-Water discharge permit means a permit issued by ERA (or by a state under authority delegated pursuant to 33 DSC § 1342(b)) that authorizes the discharge of Pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm-Water Discharge means any discharge to the Storm Drainage System that is not composed entirely of storm-water.

Person shall mean any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises means any building, lot, parcel or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

State Waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Connecticut which are not entirely confined and retained completely upon the property of a single person.

Storm Drainage System means the publicly-owned facilities by which storm-water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures, and includes the Municipal Separate Storm Sewer System (MS4).

Storm-Water means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Storm-Water Pollution Prevention Plan means a document that describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce Pollutant discharges to Storm-Water, storm-water conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated Storm-Water, discharged from a Facility.

Watercourse means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water. This includes but is not limited to lakes, ponds, rivers, streams and any other surface water defined as a watercourse by the town's inland wetland and watercourse regulations.

Section 3. - Applicability.

This ordinance shall apply to all water entering the Storm Drainage System generated on any developed and undeveloped lands unless explicitly exempted by the Designated Enforcement Agency.

Section 4. - Responsibility for administration.

The Designated Enforcement Agency shall, in consultation with the Town Manager, Town Engineer and Public Works personnel, as the case may be, administer, implement, and enforce the provisions of this ordinance.

Section 5. - Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

Section 6. - Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of Pollutants.

Section 7. - Discharge and Connection prohibitions.

(a) *Prohibition of Illegal Discharges.* No person shall discharge or cause to be

discharged into the Storm Drainage System any materials, including but not limited to, Pollutants or waters containing any Pollutants that cause or contribute to a violation of applicable water quality standards, other than Storm-Water. The commencement, conduct or continuance of any Illegal Discharge to the Storm Drainage System is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, including intermittent and perennial Watercourses, swimming pools (if de-chlorinated - typically less than one (1) PPM chlorine), firefighting activities, and any other water source not containing Pollutants.

(2) Discharges specified in writing by the Designated Enforcement Agency as being necessary to protect public health and safety, residual street wash water associated with sweeping and other discharges specified in writing by the Town of South Windsor as being necessary to protect public health and safety; and water line flushing performed by a public utility;

(3) Dye testing is an allowable discharge but requires a written notification to the Designated Enforcement Agency prior to the time of the test. Said written notification may be in the form of electronic mail, facsimile transmission or hard copy letter format.

(4) The prohibition shall not apply to any Non-Storm-Water-Discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the Storm Drainage System.

(5) The following discharges are also exempt from the prohibition provision above provided that they do not contribute to a water quality violation and such Non-Storm-Water-Discharges are not significant contributors of Pollutants to the Municipal Separate Storm Sewer System, including: naturally occurring discharges such as uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20).

(b) Prohibition of illicit connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the Storm Drainage System is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the Storm Drainage System or allows such a connection to continue.

Section 8. - Suspension of Storm Drainage System (MS4) access.

(a) *Suspension due to Illicit Discharges in emergency situations.* The Designated Enforcement Agency may, without prior notice, suspend Storm Drainage System discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the Storm Drainage System or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Designated Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the Storm Drainage System or waters of the United States, or to minimize danger to persons.

(b) *Suspension due to the detection of Illicit Discharge.* Any person discharging to the Storm Drainage System in violation of this ordinance may have their Storm Drainage System access terminated if such termination would abate or reduce an Illicit Discharge. The Designated Enforcement Agency will notify a violator of the proposed termination of its Storm Drainage System access. The violator may petition the Designated Enforcement Agency for reconsideration and hearing.

A person commits an offense if the person reinstates without the prior written approval of the Designated Enforcement Agency, Storm Drainage System access to any Premises where access was terminated pursuant to this section.

Section 9. - Industrial or Construction Activity discharges.

Any person subject to an Industrial or Construction Activity NPDES Storm-Water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Designated Enforcement Agency prior to the allowing of discharges to the Storm Drainage System.

Section 10. - Right of entry, evaluation, and monitoring of damages.

(a) *Applicability.* This section applies to all facilities that have Storm-Water discharges associated with Industrial or Construction Activity, and any other commercial or residential facilities that discharge Storm-Water to the Storm Drainage System.

(b) *Access to Facilities.*

(1) The Designated Enforcement Agency shall be permitted to enter and inspect Facilities subject to regulation under this ordinance no more than once within a calendar year for an annual inspection; or a complaint is received by the Agency in writing and signed by a complainant; or during the normal course of other external work of the agency there is reasonable suspicion of a violation. If a discharger has security

measures in force which require proper identification and clearance before entry into its Premises, the discharger shall make the necessary arrangements to allow access to the Designated Enforcement Agency.

(2) Facility operators shall allow the Designated Enforcement Agency access to all parts of the Facility for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a town, state or federal NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3) The Designated Enforcement Agency shall have the right to set up on any NPDES permitted Facilities such devices as are necessary in the opinion of the Designated Enforcement Agency to conduct monitoring and/or sampling of the Facility's Storm-Water discharge.

(4) The Designated Enforcement Agency has the right to require the installation of sampling and monitoring equipment on any NPDES permitted Facility by the discharger at its own expense. The Facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure Storm-Water flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the Facility to be inspected and/or sampled shall be promptly removed by the Facility operator and/or owner at the written or oral request of the Designated Enforcement Agency and shall not be replaced. The costs of clearing such access shall be borne by the Facility operator and/or owner.

(6) Unreasonable delays in allowing the Designated Enforcement Agency access to a permitted Facility is a violation of a Storm-Water discharge permit and of this ordinance. A person who is the owner and/or operator of a Facility with a NPDES permit to discharge Storm-Water associated with Industrial Activity commits an offense if the person denies the Designated Enforcement Agency reasonable access to the permitted Facility for the purpose of conducting any activity authorized or required by this ordinance.

(7) If the Designated Enforcement Agency has been refused access to any part of the Facility from which Storm-Water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Designated Enforcement Agency or other applicable municipal entity may seek issuance of a search warrant from any court of competent jurisdiction.

(1) While performing the necessary work on private properties referred to in subsections (b) (1) through (5) of this section, the Designated Enforcement Agency

shall observe all safety rules applicable to the Premises established by the Facility.

Section 11. - Requirement to prevent, control, and reduce Storm-Water pollutants by the use of Best Management Practices.

The Designated Enforcement Agency will adopt requirements identifying Best Management Practices (BMPs) for any activity, operation, or Facility which may cause or contribute to pollution or contamination of Storm-Water, the Storm Drainage System, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the Storm Drainage System or Watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or Facility, which is, or may be, the source of an Illicit Discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of Pollutants to the Storm Drainage System as directed by the Designated Enforcement Agency. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of Storm-Water associated with Industrial or Construction Activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a Storm-Water Pollution Prevention Plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Section 12. - Wetland and Watercourse protection.

Every person owning property which contains wetlands or a watercourse, or such person's lessee, shall keep and maintain the wetland or watercourse within the property free of trash, debris, and other obstacles that could pollute, contaminate, or impact the flow of water. In addition, the owner or lessee shall remove or maintain existing privately-owned structures within or adjacent to a wetland or watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the wetland or watercourse. Any activity conducted in or near a wetland or watercourse shall be in accordance with the Inland Wetland/Watercourse and Conservation Regulations.

Section 13. - Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a Facility or operation, or responsible for emergency response for a Facility or operation has information of any known or suspected release of materials which are resulting or may result in Illegal Discharges or Pollutants discharging into Storm-Water, the Storm Drainage System, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of Hazardous Materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Designated

Enforcement Agency in person or by phone, electronic mail or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Designated Enforcement Agency within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Section 14. - Enforcement.

(a) *Notice of violation.* Whenever the Designated Enforcement Agency finds that a person has violated any provision of this ordinance or otherwise has failed to meet a requirement of this ordinance, he/she shall order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of Illicit Discharges or Connections;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of Storm-Water pollution or contamination hazards and the restoration of any affected property;
- (5) The implementation of source control or treatment *BMPs*-, and
- (6) Payment of a fine.

If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the Designated Enforcement Agency may order the work be done by a designated governmental agency or a contractor and the violator fined an amount equal to the expense thereof, in addition to any fine imposed hereunder.

(b) *Procedure for issuance of citations.*

(1) The Designated Enforcement Agency shall issue a written notice to any person who violates any provision of this ordinance. No written notice may be issued against the state or any state official or state employee acting within the scope of his employment. Such written notice shall explain the nature of the violation and the steps required for compliance and shall allow a seventy-two-hour period within which to correct the violation or within which a written plan for correction shall be submitted to the Designated Enforcement Agency, setting forth a reasonable time period for correction of the violation as agreed upon by the Designated Enforcement Agency. A

written notice issued pursuant to this subsection shall be served: 1) by hand delivery, at which time the seventy-two-hour period shall begin; or 2) by certified mail return receipt requested and by regular first-class mail. Three (3) business days shall be allowed for mail delivery of the notice prior to the commencement of the seventy-two-hour period.

(2) Within two (2) business days after the period for correction established in subsection (a) expires, the Designated Enforcement Agency shall re-inspect the subject property to determine compliance.

(3) If the violations set forth in the written notice have not been corrected at the time of reinspection, the Designated Enforcement Agency, in its capacity as principal enforcement officer, may issue a citation and fine of up to one hundred dollars (\$100.00) for each violation, delivered by hand, by certified return receipt requested, by leaving a true and attested copy of the citation at the usual place of abode or residence of the person in violation, or in the case of a corporate or business entity, delivery to the business address or the address of the statutory agent of said entity. No such fine shall be levied against the state or any state official or state employee acting within the scope of his employment. All citations issued pursuant to this section shall state the violation for which the citation is being issued, the fine imposed for the violation, the time period within which the fine must be paid, and an address for remittance of the fine.

(c) *Compliance periods after citation.*

(1) Any violation for which a citation is issued and which is not corrected within the time period specified in subsection (b) of this section shall be a new violation of this ordinance, and every twenty- four-hour period thereafter in which the violation is not corrected shall constitute a new violation. The citation shall include a notice to the alleged violator that each twenty-four-hour period of noncompliance after the time period specified in section 14(b) shall constitute a new violation and a new fine of up to one hundred dollars (\$100.00).

(2) The Designated Enforcement Agency shall not be responsible for a daily re-inspection to confirm accrual of fines. Rather, the person to whom the citation has been issued shall be responsible for reporting subsequent compliance by way of written report to the Designated Enforcement Agency. Fines will accrue until such compliance report is received by the Designated Enforcement Agency. The Designated Enforcement Agency shall re-inspect to confirm compliance within one (1) business day of receipt of such report.

(d) *Payment of fines.*

(1) All fines imposed under this ordinance which are uncontested shall be made payable to the Town of South Windsor and shall be received by the Designated Enforcement Agency within fourteen (14) calendar days from date of notice of the citation. All fines collected by the Designated Enforcement Agency shall be deposited into the Town of South Windsor General Fund.

Section 15. - Appeals.

- (a) If the Designated Enforcement Agency issues a notice of violation, said Designated Enforcement Agency shall send written notice of action and a statement of the right to an appeal to the Facility operator or Facility owner.
- (b) The Facility operator or Facility owner may appeal a notice of violation to the Designated Enforcement Agency by setting forth in writing the reasons for the appeal within ten (10) calendar days after date of the notice of violation.
- (c) The Facility operator or Facility owner may appeal the decision of the Designated Enforcement Agency to the Hearing Officer as follows:
- (1) The Facility operator or Facility owner may file a written request for a review by paying an appeal fee of twenty-five dollars (\$25.00) and setting forth the reasons for the appeal within ten (10) calendar days after the date of notification of the decision from the Designated Enforcement Agency. Appeal fees shall be returned to the appealing Facility operator or Facility owner if the appeal is sustained.
- (2) The Hearing Officer shall conduct a hearing not less than fifteen (15) or more than thirty (30) calendar days after the receipt of the request. The hearing shall be informal in nature. The person requesting the hearing may testify concerning the facts, circumstances and nature of his/her appeal and may present supporting documentation.
- The Hearing Officer shall render a written decision within fifteen (15) calendar days of the hearing. The decision will affirm or reverse the decision of the Designated Enforcement Agency.
- (3) The Facility Operator can appeal the decision of the Hearing Officer to the Superior Court of Connecticut in accordance with the rules and regulations thereof or within thirty (30) calendar days whichever is shorter.
- (d) Filing of a request for appeal shall stay the action by the Designated Enforcement Agency requiring payment of fines until the Hearing Officer has completed his or her review. However, an appeal shall not stay any action by the Designated Enforcement Agency to halt an Illegal Discharge that is ongoing. If a request for appeal is not made within the appropriate deadline, the decision and/or action of the Designated Enforcement Agency is final.

Section 16. - Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Designated Enforcement Agency may, in addition to all other remedies at law or hereunder, petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. The owner of the

Premises shall become liable for all costs the Town incurs in seeking injunctive relief to restrain a violation, including but not limited to administrative fees, legal fees and expert fees.

Section 17. - Costs of Abatement.

All costs to abate a violation shall be the sole responsibility of the property owner(s). In the event that the Town of South Windsor, either by court order or emergency, must abate the violation, the owner of the Premises shall become liable for all costs the Town incurs in remediating the violation, including but not limited to court costs, administrative fees, legal fees and expert fees. All costs not paid within 30 days of the issuance of a demand for same shall become a lien upon the property in question. The property owner may file a written protest to the Board of Selectman objecting to the assessment or to the amount of the assessment within 30 days of the issuance of such notice. A hearing on any abatement assessment appeal before the Town Council shall take place within 60 days from the date of receipt of the notice of appeal.

Section 18. - Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Designated Enforcement Agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, watershed cleanup, or other related activities.

Section 19. - Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. A violator shall be liable for all costs incurred pursuant hereto, including but not limited to court costs, legal and expert fees.

Section 20. - Criminal prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law. The Designated Enforcement Agency may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Section 21. - Remedies not exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Designated Enforcement Agency to seek cumulative remedies.

Section 22. - Adoption and effective date of ordinance.

This ordinance shall be in full force and effect days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Passed and Adopted this ____ day of _____, 2021.

Backup Information
for Item 13.C.



Town of South Windsor

1540 SULLIVAN AVENUE • SOUTH WINDSOR, CT 06074
TELEPHONE (860) 644-2511

TO: Members of the Town Council

Every ten years a national census is taken to determine congressional representation. Each state is then mandated to draw congressional lines based on the number of House Representatives.

Shortly, the U.S. Congressional lines will be formalized by the Legislature but at this time, we do not feel South Windsor will be impacted and will remain in Congressional District 1.

The State of CT also uses this data to redraw its Senate and Assembly Districts (Article XXVI of the Amendments to the Constitution of the State of CT). What we have presented in this letter is the map of South Windsor and the two assembly districts as voted upon by the State Legislature. Under CGS 169(a), these boundaries cannot be altered. South Windsor is now part of Assembly Districts 5 and 14.

Until the final approval of the reapportionment plans (US Congressional, State Senate and Assembly Districts) by the Legislature, we are not able to determine the exact number of voters this will impact but an estimate would be around 700 – 800 voters moving from District 5 to District 1 and another 100 going from District 1 to District 3.

Also, we would like to present a district map that we feel would benefit a few voters as to their travel distance to their polling location. An estimated impact would be 50 homes or less.

We would like the opportunity to present this at a town council meeting.

Sincerely,

Handwritten signature of Sue W. Larsen in cursive.

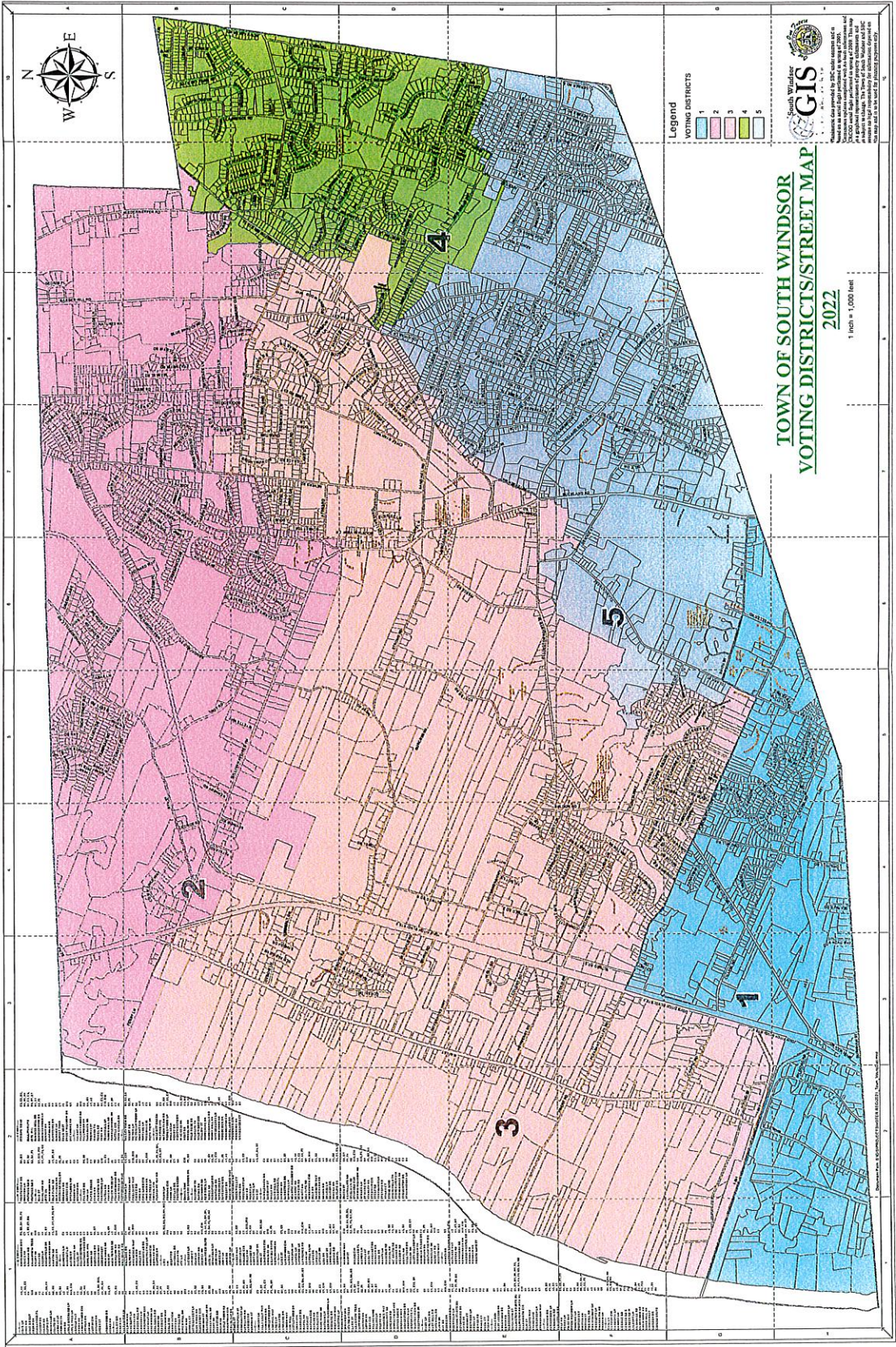
Sue W. Larsen

Democratic Registrar of Voters

Handwritten signature of Sue Burnham in cursive.

Sue Burnham

Republican Registrar of Voters



DISTRICT	STREET	SECTION	TOWNSHIP	COUNTY
1	1000	1	1	1
	1001	1	1	1
	1002	1	1	1
	1003	1	1	1
	1004	1	1	1
	1005	1	1	1
	1006	1	1	1
	1007	1	1	1
	1008	1	1	1
	1009	1	1	1
2	2000	2	2	2
	2001	2	2	2
	2002	2	2	2
	2003	2	2	2
	2004	2	2	2
	2005	2	2	2
	2006	2	2	2
	2007	2	2	2
	2008	2	2	2
	2009	2	2	2
3	3000	3	3	3
	3001	3	3	3
	3002	3	3	3
	3003	3	3	3
	3004	3	3	3
	3005	3	3	3
	3006	3	3	3
	3007	3	3	3
	3008	3	3	3
	3009	3	3	3
4	4000	4	4	4
	4001	4	4	4
	4002	4	4	4
	4003	4	4	4
	4004	4	4	4
	4005	4	4	4
	4006	4	4	4
	4007	4	4	4
	4008	4	4	4
	4009	4	4	4
5	5000	5	5	5
	5001	5	5	5
	5002	5	5	5
	5003	5	5	5
	5004	5	5	5
	5005	5	5	5
	5006	5	5	5
	5007	5	5	5
	5008	5	5	5
	5009	5	5	5



 TOWN OF SOUTH WINDSOR

 VOTING DISTRICTS/STREET MAP

 2022

 1 inch = 1,000 feet

Legend

 VOTING DISTRICTS

 1

 2

 3

 4

 5

This map was prepared by GIS Center, Inc. for the Town of South Windsor. The map is a representation of the current data as of the date of preparation. The Town of South Windsor is not responsible for any errors or omissions on this map.