

## AGENDA

TOWN COUNCIL  
COUNCIL CHAMBERS  
SOUTH WINDSOR TOWN HALL

REGULAR MEETING  
MONDAY, JULY 3, 2017  
TIME: 7:00 P.M.

1. Call Meeting to Order
2. Prayer: TBD
3. Pledge of Allegiance
4. Roll Call
5. Communications and Reports from Town Manager
6. Public Input (Items Not on the Agenda)
7. Adoption of Minutes of Previous Meetings  
(Councilor Riley)

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meetings: Special Meeting Minutes of June 8, 2017; and Regular Meeting Minutes of May 15, 2017 and June 19, 2017.

8. Public Petitions
9. Communications from Liaisons, Officers and Boards Directly Responsible to Council
10. Reports from Standing Committees
11. Reports of Temporary Committees
12. Public Participation (Items on the Agenda)
13. Consent Agenda  
(Councilor Maneeley)

[All items listed with an asterisk (\*) are considered to be 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 General Order of Business and be considered in its normal sequence on the Agenda.]

Motion to approve Agenda Items 15. A. (\*) through 15. B. (\*) as the Consent Agenda. **(Please read dark headings, only, on Consent Agenda Items.)**

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

Item #5:

Communications and Reports from Town Manager – This segment of the meeting shall not exceed twenty (20) minutes, unless extended by a majority consent of the Council present.

Item #6:

Public Input – A segment of up to twenty (20) minutes (which may be extended by the Mayor with consent of the Council) is set aside to hear from the public on any matter **not on the agenda**. Speaker(s) generally are to limit their comments to three (3) minutes each, and shall avoid personalities or impugning of improper motive to any person.

Item #8:

Public Petitions – A South Windsor Resident or Taxpayer may petition the Council to submit a new item on the agenda as described in Section 312 of the Town Charter.

Item #12:

Public Participation – A segment of up to twenty (20) minutes (which may be extended by the Mayor with consent of the Council) is set aside to hear from the public on any matter **on the agenda**. Speaker(s) generally are to limit their comments to three (3) minutes each, and shall avoid personalities or impugning or improper motive to any person.

Item #17:

Public Input/Participation – A segment of up to ten (10) minutes (which may be extended by the Mayor with consent of the Council) is set aside to hear from the public **on any matter**. Speaker(s) generally are to limit their comments to three (3) minutes each, and shall avoid personalities or impugning or improper motive to any person.

**AGENDA**  
**Regular Meeting – Town Council**  
**Monday, July 3, 2017**

**14. Unfinished Business**

**15. New Business**

- \*A. Resolution Appointing Neil Caron (U) to the Greater Hartford Transit District and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**  
**(Councilor Maneeley)**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Neil Caron (U) to the Greater Hartford Transit District for a term ending December 12, 2020 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

- \*B. Resolution Appointing Janet Uday (U) an Alternate to the Historic District Commission**  
**(Councilor Maneeley)**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Janet Uday (U) an Alternate to the Historic District Commission for a term ending November 30, 2017 to fill the unexpired term of Nadine Hassan-Caron and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

- C. Resolution Accepting the Resignation of Karen Patterson (D) from the Human Relations Commission**  
**(Councilor Anwar)**

BE IT RESOLVED that the South Windsor Town Council hereby accepts with regret, the resignation of Karen Patterson (D) from the Human Relations Commission, said resignation to be effective immediately; and

BE IT FURTHER RESOLVED that the South Windsor Town Council extends its thanks to Karen Patterson for the time she has dedicated to serving her community by her membership on the Human Relations Commission.

**AGENDA**  
**Regular Meeting – Town Council**  
**Monday, July 3, 2017**

**15. New Business (*Continued*)**

- D. Resolution Appointing Ritu Goel (D) to the Human Relations Commission and Postponing Consideration of this Motion until the Town Council's next Regularly scheduled meeting**  
**(Councilor Havens)**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Ritu Goel (D) to the Human Relations Commission for a term ending November 30, 2017 to fill the unexpired term of Karen Patterson and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

- E. Discussion Item: Weekly Recycling Pick-up (*requested by Mayor Mirek*)**

- F. Resolution Amending and Restating a Resolution Designating the South Windsor Board of Education as the Building Committee for the Pleasant Valley Elementary School Oil Tank Removal Project**  
**(Councilor Beaulieu)**

WHEREAS, at the June 5, 2017 Town Council meeting, the Council approved a resolution designating the South Windsor Board of Education as the Building Committee for the Pleasant Valley Elementary School Oil Tank Removal Project; and

WHEREAS, at the review meeting with the Office of School Construction Grants, the Director of Facility Operations was informed that the Town Council must complete new resolutions for each school/project to reflect their exact wording for each school/project

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby amends and restates the resolution to read as follows:

WHEREAS, the South Windsor Town Council approved the Pleasant Valley Elementary School Oil Tank Removal Project as part of the Capital Projects Budget at the May 22, 2017 meeting

**(Resolution Continued on Next Page)**

## AGENDA

Regular Meeting – Town Council  
Monday, July 3, 2017

### 15. F. (Continued)

NOW, THEREFORE, BE IT RESOLVED that the Town of South Windsor authorizes the South Windsor Board of Education to apply to the Commissioner of Education and to accept or reject a grant for the Oil Tank Removal Project at Pleasant Valley Elementary School; and

BE IT FURTHER RESOLVED that the South Windsor Board of Education is hereby established as the building committee with regard to the Oil Tank Removal Project at Pleasant Valley Elementary School; and

BE IT FURTHER RESOLVED that the South Windsor Town Council hereby authorizes at least the preparation of schematic drawings and outline specifications for the Oil Tank Removal Project at Pleasant Valley Elementary School.

### G. **Resolution Amending and Restating a Resolution Designating the South Windsor Board of Education as the Building Committee for the Timothy Edwards Middle School Oil Tank Removal Project** (Councilor Pendleton)

WHEREAS, at the June 5, 2017 Town Council meeting, the Council approved a resolution designating the South Windsor Board of Education as the Building Committee for the Timothy Edwards Middle School Oil Tank Removal Project; and

WHEREAS, at the review meeting with the Office of School Construction Grants, the Director of Facility Operations was informed that the Town Council must complete new resolutions for each school/project to reflect their exact wording for each school/project

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby amends and restates the resolution to read as follows:

WHEREAS, the South Windsor Town Council approved the Timothy Edwards Middle School Oil Tank Removal Project as part of the Capital Projects Budget at the May 22, 2017 meeting

**(Resolution Continued on Next Page)**

**AGENDA**  
**Regular Meeting – Town Council**  
**Monday, July 3, 2017**

**15. G. (Continued)**

NOW, THEREFORE, BE IT RESOLVED that the Town of South Windsor authorizes the South Windsor Board of Education to apply to the Commissioner of Education and to accept or reject a grant for the Oil Tank Removal Project at Timothy Edwards Middle School; and

BE IT FURTHER RESOLVED that the South Windsor Board of Education is hereby established as the building committee with regard to the Oil Tank Removal Project at Timothy Edwards Middle School; and

BE IT FURTHER RESOLVED that the South Windsor Town Council hereby authorizes at least the preparation of schematic drawings and outline specifications for the Oil Tank Removal Project at Timothy Edwards Middle School.

**H. Resolution Amending and Restating a Resolution Designating the South Windsor Board of Education as the Building Committee for the Wapping School Oil Tank Removal Project**  
**(Councilor Carroll)**

WHEREAS, at the June 5, 2017 Town Council meeting, the Council approved a resolution designating the South Windsor Board of Education as the Building Committee for the Wapping School Oil Tank Removal Project; and

WHEREAS, at the review meeting with the Office of School Construction Grants, the Director of Facility Operations was informed that the Town Council must complete new resolutions for each school/project to reflect their exact wording for each school/project

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby amends and restates the resolution to read as follows:

WHEREAS, the South Windsor Town Council approved the Wapping School Oil Tank Removal Project as part of the Capital Projects Budget at the May 22, 2017 meeting

**(Resolution Continued on Next Page)**

**AGENDA**  
**Regular Meeting – Town Council**  
**Monday, July 3, 2017**

**15. H. (Continued)**

NOW, THEREFORE, BE IT RESOLVED that the **Town of South Windsor** authorizes the **South Windsor Board of Education** to apply to the Commissioner of Education and to accept or reject a grant for **the Oil Tank Removal Project** at **Wapping School**; and

BE IT FURTHER RESOLVED that the **South Windsor Board of Education** is hereby established as the building committee with regard to the **Oil Tank Removal Project** at **Wapping School**; and

BE IT FURTHER RESOLVED that the **South Windsor Town Council** hereby authorizes at least the preparation of schematic drawings and outline specifications for the **Oil Tank Removal Project** at **Wapping School**.

**I. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on an Amendment to Ordinance #179**  
**(Deputy Mayor Snyder)**

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, July 17, 2017, 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 an Amendment to Ordinance #179, Chapter 14. Buildings and Building Regulations; Article I. In General; Section 14-1 Fire Marshal Plan Review Fees, said Ordinance more fully described in attached **Exhibit A**, a copy of which is on file in the Office of the Town Clerk.

**J. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on an Amendment to Ordinance #187**  
**(Councilor Anwar)**

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, July 17, 2017, at 8:15 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 an Amendment to Ordinance #187, Chapter 14. Buildings and Building Regulations; Article I. In General; Section 14-2 Fire Marshal Permit and Plan Review Fees, said Ordinance more fully described in attached **Exhibit B**, a copy of which is on file in the Office of the Town Clerk.

**AGENDA**  
**Regular Meeting – Town Council**  
**Monday, July 3, 2017**

**15. New Business (Continued)**

**K. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on an Amendment to Ordinance #188**  
**(Councilor Riley)**

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, July 17, 2017, at 8:30 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 an Amendment to Ordinance #188, Chapter 14. Buildings and Building Regulations; Article II. Building Code; Section 14-31. Construction and Alteration Fees, said Ordinance more fully described in attached **Exhibit C**, a copy of which is on file in the Office of the Town Clerk.

**L. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on the Establishment of an Ordinance, Chapter 90; Sections 90-12 through 90-13**  
**(Councilor Maneeley)**

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, July 17, 2017, at 8:45 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 establishment of an Ordinance under Chapter 90. Taxation; Section 90-12. Withhold Granting of Building Department Permits, Certificates of Occupancy, Licenses or Permits to Operate a Business, due to Delinquent Taxes; and Section 90-13. Procedure to Withhold, said Ordinance more fully described in attached **Exhibit D**, a copy of which is on file in the Office of the Town Clerk.

**M. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on an Amendment to Ordinance #132**  
**(Councilor Beaulieu)**

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, July 17, 2017, at 9:00 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 an Amendment to Ordinance #132, Chapter 86 – Streets, Sidewalks and Other Public Places; Article II. Obstructions, Excavations and Driveways; Sections 86-31 through 86-80, said Ordinance more fully described in attached **Exhibit E**, a copy of which is on file in the Office of the Town Clerk.



**AGENDA**  
**Regular Meeting – Town Council**  
**Monday, July 3, 2017**

**15. New Business (Continued)**

- N. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on the Establishment of an Ordinance, Chapter 50; Article V., Section 50-103 through 5-121; Article VI., Section 50-122 through 50-131; and Article VII., Section 50-132 through 50-160.**

(Councilor Pendleton)

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, July 17, 2017, at 9:15 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 establishment of an Ordinance, Chapter 50. Health and Sanitation; Article V. Food Establishments, Section 50-103 through Section 50-121; Article VI. Water Supply Wells, Section 50-122 through Section 50-131; and Article VII. Subsurface Sewage Disposal Systems (SSDS); Section 50-132 through 50-160, said Ordinance more fully described in attached **Exhibit F**, a copy of which is on file in the Office of the Town Clerk.

- O. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on an Amendment to Ordinance #157**

(Councilor Carroll)

BE IT RESOLVED that the South Windsor Town council hereby sets **Monday, July 17, 2017, at 9:30 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 an Amendment to Ordinance #157, Chapter 2. Administration; Article III. Boards, Commissions, Committees, Agencies, Authorities and Councils; Division 14 Inland Wetlands Agency; Section 2-422. Fee Structure, said Ordinance More fully described in attached **Exhibit G**, a copy of which is on file in the Office of the Town Clerk.

- P. Discussion Item: Planning & Zoning Department Fees**

- Q. Resolution Accepting the Suspense List**

(Councilor Havens)

BE IT RESOLVED that the South Windsor Town Council hereby accepts the Suspense List as proposed and submitted by the Collector of Revenue, said list shown as **Exhibit H** and attached hereto and made a part hereof.

**AGENDA**  
**Regular Meeting – Town Council**  
**Monday, July 3, 2017**

**15. New Business (Continued)**

**R. Resolution Appointing Councilor Pendleton to the Ethics Committee**  
**(Mayor Mirek)**

WHEREAS, Councilor Havens has resigned from the Ethics Committee

NOW, BE IT RESOLVED that the South Windsor Town Council hereby appoints Councilor Pendleton to the Ethics Committee

**S. Resolution Directing the Tax Collector to Mail the Motor Vehicle Property Tax Bills After July 1, 2017, but no later than October 2, 2017**  
**(Deputy Mayor Snyder)**

WHEREAS, the State of Connecticut has not yet adopted a budget which would include the mill rate to be used for motor vehicle property taxes; and

WHEREAS, the Town Council wishes to avoid the potential need and expense of issuing supplemental motor vehicle property tax bills in response to the adoption of the State budget

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby directs the Tax Collector to mail the motor vehicle property tax bills after July 1, 2017, but no later than October 2, 2017.

**T. Resolution Approving a Refund of Property Taxes to Thirty-Five (35) South Windsor Taxpayers**  
**(Councilor Anwar)**

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to thirty-five (35) South Windsor Taxpayers, the total of said refunds being \$5,147.23, and as more fully described on attached Exhibit I.

**16. Passage of Ordinance**

**17. Public Input/Participation (Any Matter)**

**AGENDA**  
**Regular Meeting – Town Council**  
**Monday, July 3, 2017**

**18. Communications and Petitions from Council**

[Per Town Council Rules, this segment of the meeting shall not exceed twenty (20) minutes unless extended by the Mayor, with the consent of a majority of the Council.]

**19. Executive Session**

— A. To discuss a personnel issue (Town Manager and Council Clerk's Evaluations)

**20. Adjournment**

ORDINANCE ###

AMENDMENT TO ORDINANCE #179 AND TO THE CODE OF ORDINANCES  
CHAPTER 14, ARTICLE I SECTION 14-1 FIRE MARSHAL PLAN REVIEW FEES. .

ARTICLE I. IN GENERAL

**Sec. 14-1. Fire marshal plan review fees.**

- (a) The Town of South Windsor shall charge a fee set by the Town Council for all plan reviews required by Connecticut State Fire Safety Code, 29-292-1(e), et seq., or for plan reviews required under similar fire safety codes hereafter adopted, as the same may be amended from time to time.
- (b) The plan review fees set forth in this section shall be paid in full prior to the office of the fire marshal taking any action to review or approve plans submitted or resubmitted to said office. All fees paid to the office of fire marshal shall be nonrefundable.
- (c) No plan review fees authorized by this section shall apply to plans submitted or resubmitted by municipal or state governmental agencies, subdivisions or entities.
- (d) Any building plans for buildings 50,000 square feet or greater may be required to have an independent plan review, as determined at the sole discretion of the office of the fire marshal. The independent plan review shall be conducted by a plan reviewer hired by the applicant and subject to the approval of the office of the fire marshal. The applicant shall pay all costs associated with the contracted plan reviewer's independent review. The applicant shall submit the plan reviewer's written report, along with documentation that the reviewer's costs have been paid in full, prior to the office of the fire marshal's review and approval of any such plan.

ORDINANCE ###

AMENDMENT TO ORDINANCE #187 AND TO THE CODE OF ORDINANCES CHAPTER 14, ARTICLE I  
SECTION 14-2 FIRE MARSHAL PERMIT AND PLAN REVIEW FEES WHICH ARE AMENDED AND  
RESTATED

**Sec. 14-2. - Fire marshal permit and plan review fees.**

Fire Marshal permit and plan review fees shall be set by the Town Council.

ORDINANCE ###

AMENDMENT TO ORDINANCE #188 AND TO THE CODE OF ORDINANCES CHAPTER 14, ARTICLE II BUILDING CODE, CONCERNING CONSTRUCTION, ALTERATION, BUILDING PERMIT, MOVING AND DEMOLITION FEES, FEE FOR SIGNS AND ENGINEERING INSPECTION FEE, WHICH IS AMENDED AND RESTATED.

ARTICLE II. BUILDING CODE

Sec. 14-31. Construction and alteration fees.

- (a) *Permits.* All building permit, trade permit, certificate of occupancy, moving of buildings, demolition, signs, and engineering inspection fees shall be set by the Town Council.
- (b) *Cost of project.* Building and trade permit fees shall be based upon the cost of construction and the materials to be supplied in conjunction with the project described in the permit. The owner or contractor shall supply the building official with an estimate of the total job covered under the permit. All trade permits shall have individual costs and fees.
- (c) *Accepted value.* The cost of materials and labor of a project accepted by the building official shall be in accordance with the ICC portion of the Connecticut State Building Code, Section 108.3.
- (d) *Affidavit.* An affidavit under oath under penalties of false statement of actual final cost for all new structures and major additions shall be signed by the owner, agent or contractor for the project prior to the issuance of a certificate of occupancy; and the fee shall then be appropriately adjusted. Affidavits for other construction permit costs may be required by the building official.
- (e) *Moving of buildings.* The permit fee for moving a building shall be based on the estimated cost of the move. Any additional costs, such as traffic control or newspaper advertising, shall be paid by the applicant in addition to the permit fee.
- (f) *Demolition.* The permit fee for the demolition of buildings shall be based on the estimated cost of the demolition. Letters of disconnect from any applicable utility shall be submitted to the building official prior to the issuance of the demolition permit.
- (g) *Signs.* The permit fee for signs shall be based on the estimated cost of the sign and its installation.
- (h) *Engineering inspection fees.* Where an engineering inspection is necessary to establish compliance with an approved site/plot plan for the issuance of a certificate of occupancy according to the zoning and subdivision regulations, an inspection fee shall be assessed when the request for a site inspection is made.

ORDINANCE ###

ADDITION TO CHAPTER 90 – TAXATION

ADDITION TO CHAPTER 90 ADDING SECTIONS 90-12 AND 90-13

**Sec. 90-12. Withhold Granting of Building Department Permits, Certificates of Occupancy, Licenses or Permits to Operate a Business, due to Delinquent Taxes**

(a) Pursuant to C.G.S. §7-148(c)(2)(B) the Town of South Windsor hereby prohibits the granting of building permits, trade permits, and certificates of occupancy issued by the Town to persons or business enterprises who are delinquent on their municipal taxes, personal property taxes, or Water Pollution Control Authority sewer user fee, sewer surcharges, or sewer assessments.

(b) Pursuant to C.G.S. §12-146a the Town of South Windsor shall withhold or revoke any license or permit to operate a business enterprise if any taxes levied against personal property used in such business enterprises are delinquent and have been so delinquent for a period of not less than one year.

**Sec. 90-13. Procedure to Withhold**

(a) The Collector of Revenue shall file with the Building Official, Health Department and Town Manager a list of all property addresses, property owners and/or business enterprises who are delinquent in making payments for real property taxes, personal property taxes, sewer use taxes and any municipal assessments as of August 1st and February 1st of each year.

(b) Before approving any application, the Building Official or Health Official shall require any person, business enterprise and/or applicant for property appearing on said list to:

1. Obtain a certification from the Collector of Revenue that the delinquent taxes and/or assessments have been paid; or

2. Obtain a certification from the Collector of Revenue that the taxpayer has entered into an acceptable agreement with the Collector of Revenue for the payment of the delinquent taxes and/or assessments; provided, however, that the failure of such taxpayer to pay the delinquency in accord with such agreement shall entitle the Town to revoke the permit under which work at the property is proceeding and to refuse to issue further certificates in connection therewith.

(c) The Building Official or Health Official may grant an application without the payment of all delinquent taxes if he certifies, in writing, that any emergency exists affecting the health and safety of the occupants of a building or property that is delinquent in property taxes.

(d) The Collector of Revenue, Building Official, and Health Official shall develop the necessary forms to implement this section.

AMENDMENT TO ORDINANCE NUMBER 132 ENTITLED AMENDMENT  
TO THE CODE OF ORDINANCES CHAPTER 86, STREETS, SIDEWALKS  
AND OTHER PLACES, ARTICLE II – OBSTRUCTIONS, EXCAVATION AND  
DRIVEWAYS, SECTIONS 86-31 THRU 86-80

**Chapter 86 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

**ARTICLE II. - OBSTRUCTIONS, EXCAVATIONS AND DRIVEWAYS**

**Sec. 86-31. - Scope and purpose.**

It is the purpose of this article to regulate the making of openings or placing of obstructions within the limits of public highways, including openings in curbs and sidewalks and the installation of driveways, and to establish responsibility for such excavations and obstructions until they are restored or removed.

**Sec. 86-32. - Permit required.**

Except as otherwise provided, no persons, public utility or public agency other than the town or its agent shall excavate any part of any street or highway under the control of or maintained by the town, or dig below the surface thereof, or place any obstruction thereon, or construct a driveway entrance from any street, without first obtaining a permit therefor from the director of public works or his authorized representative. For emergency utility repairs, see section 86-45(b).

**Sec. 86-33. - Application for permit.**

No permit required by section 86-32 shall be issued until after receipt of an application, to be made in writing on forms provided by the director of public works and signed by the applicant or his authorized representative.

**Sec. 86-34. - Surety bond.**

No permit required by section 86-32 shall be issued until after the applicant has deposited with the town a surety bond guaranteeing that any excavation made under such permit will be restored without cost to the town. Such bond shall be in an amount and for a period of time determined to be appropriate by the director of public works and shall be issued by a surety company licensed to do business in and having a place of business in the state. The director of public works shall prepare reasonable rules governing the application of this section, and in the case of any governmental agency or public service company as defined in the general statutes, such rules may provide for the acceptance of any legally binding agreement in lieu of a surety bond as aforesaid.

**Sec. 86-35. - Liability insurance.**

No permit required by section 86-32 shall be issued until after the applicant has filed with the town a certificate of insurance showing limits of liability equal to or exceeding the coverage carried by the town conditioned substantially that the applicant shall indemnify and save harmless the



town, its officers and employees and the director of public works and his agents, from all suits and actions of every name and description brought against the town, or any officer or employee of the town for or on account of any injuries or damages received or sustained by any person in consequence of or resulting from any work performed by the applicant, his servants or agents, or of or from any act or omission of the applicant, his servants or agents.

**Sec. 86-36. - Fee for permit.**

Every Permittee shall pay a fee for permits issued under the provisions of this article.; however, such fee shall be waived in the case of any firm, corporation or agency that, by special charter or franchise, is legally authorized in the course of its normal activities to make excavations or place obstructions in the limits of public highways in the town. Fee schedule shall be set by the Town Council.

**Sec. 86-37. - Fee for permanent patching.**

The fee for the permanent patching of the roadway shall be collected prior to issuance of a permit. This fee shall be based upon the estimated size of the patch and upon the estimated costs developed by the director of public works or his agents. A minimum fee shall be established by the director for uses in situations where a per-square-foot charge does not reflect actual costs. These costs shall be updated periodically at least once a year.

**Sec. 86-38. - Additional fee.**

If after the permittee has completed the work of permanent patching and it is determined that the size of the patch is larger than that estimated, an additional fee shall be collected from the permittee. If the actual cost of the permanent patch exceeds the fee collected from the permittee, the permittee will be billed the difference in costs. If the actual cost is less than that collected from the permittee, the permittee will be reimbursed the difference in costs.

**Sec. 86-39. - Issuance of permit.**

Upon the filing of an application, payment of permanent patch deposit, and payment of the required application fee, the director of public works shall cause to be issued, on forms provided by him, a permit specifying the nature and location of the work to be done; the terms and conditions of such work, which terms and conditions shall be based upon the requirements of the public welfare and safety; and the time within which the work is to be completed, which shall not be longer than one year from the date of the permit. Notwithstanding such other conditions as may be imposed, or any provision contained herein to the contrary, it shall be a condition of each permit issued under this article that the permittee shall for a period of one year from the date of completion of work of such permit, unless sooner released from this condition over the written signature of the director of public works or his authorized representative or until the town constructs or causes to be constructed the permanent roadway patch, save harmless the town from all claims for penalties and damages arising from or in consequence of any work performed by or any act or omission of the applicant under such permit.

**Sec. 86-40. - Expiration of permit.**

Permits issued under the provisions of this article shall expire in accordance with the following conditions:

- (1) Upon completion of all work specified on the permit, including the restoration of any excavation, the removal of any obstruction and temporary roadway patch, the permittee may present his permit to the director of public works or his authorized representative, who shall cause such work to be inspected and, if the work has been completed to his satisfaction, and in accordance with the terms and conditions of the permit, shall certify thereon as to the completion of the work and the expiration of the permit.
- (2) Expiration of the permit shall not be deemed to imply that the permittee is released of the obligation to maintain the work. The permittee is responsible to maintain the temporary roadway patch until a permanent patch is in place.
- (3) The installation of the permanent roadway patch shall not relieve the permittee of his obligation if after the permanent roadway patch is installed it fails and it is proven that failure was a result of the work done by the permittee.

**Sec. 86-41. - Inspection by director.**

- (a) The director of public works or his authorized representative is empowered to inspect, or cause to have inspected, at any time any or all work being performed under a permit issued under the provisions of this article.
- (b) If in the opinion of the director the public safety and welfare so warrant, or if the work is not satisfactory or not in accordance with town standards, he may direct the permittee to restore any excavation or remove any obstruction within 12 hours of such notice; and, if such excavation is not restored or such obstruction removed within that period, he may cause such work to be done, and the permittee shall be responsible for the full expense of such work.

**Sec. 86-42. - Requirements for pavement patching.**

The minimum requirements for temporary and permanent patching shall be as specified in the street cut permit manual, which shall be provided with the street cut application form.

**Sec. 86-43. - Other requirements.**

- (a) The permittee shall be responsible to repair or replace any damage caused by the permittee or his assigns to existing sidewalks, curbs, yards, mailboxes and any other such existing aperture or property. These shall be replaced or repaired in as good a condition as they were before being disturbed.
- (b) The permittee shall be responsible for following additional technical and detailed requirements as enumerated in the street cut permit manual, which shall be provided with the street cut application form.

**Sec. 86-44. - Exceptions.**

- (a) None of the other provisions of this article shall apply to any work performed in connection with the installation, maintenance, repair, replacement or relocation of utility poles owned by any public service company, nor to the erection of any temporary protection warning signs or devices.
- (b) Nothing in this article shall be construed to prevent or unduly delay the making of any necessary excavation of the performance of any work related thereto by any public service company in the event of any emergency; and in such cases such public service company may proceed with such work without regard for the provisions of this article provided that within a reasonable period of time after the cessation of such emergency, and not longer than five days, all provisions of this article shall become effective with respect to such work.

**Sec. 86-45. - Conflicts.**

The permit required by section 86-32 shall not be construed as giving permission to perform any work that conflicts with or is expressly forbidden by any planning and zoning, inland-wetlands agency/conservation commission or water pollution control authority approvals. All such approvals shall govern.

**Sec. 86-46. - Legal obligations.**

Nothing contained in this article shall be construed to relieve any permittee from any obligations or liabilities of the town or to any other parties that may be imposed upon him by law.

**86-47. - Penalty.**

- (a) Violation of this article shall be an infraction as provided for in Connecticut General Statute 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, and each day such violation continues shall be deemed to be a separate offense.

**Secs. 86-48—86-80. - Reserved.**

ORDINANCE ###

ADDITION TO CHAPTER 50 – HEALTH AND SANITATION

ADDITION TO CHAPTER 50 ADDING, ARTICLE V FOOD ESTABLISHMENTS, ARTICLE VI WATER SUPPLY WELLS, AND ARTICLE VII SUBSURFACE SEWAGE DISPOSAL SYSTEMS (SSDS) SECTIONS 50-103 THRU 50-160

**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.

**Sec. 50-104. Definitions.**

*Food service establishment:* establishment 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.

*Not-for-profit organization:* a non profit 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 establishment that operates at a fixed location for a temporary period of time, not to exceed two (2) weeks, in connection with a carnival, circus, public exhibition, festival, celebration, or similar transitory gathering

**Sec. 50-105. Authority.**

This section is enacted pursuant to the provisions of Sections 7-148 & 19a-36 of the Connecticut General Statutes. 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.

**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 establishment in the business of manufacturing for 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.

**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 with commercially prepackaged foods and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included except that commercially packaged pre-cooked foods may be heated and served in the original package within four (4) hours of being heated.

(2) *Class II:* a food establishment using cold or ready to-eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours of being heated.

(3) *Class III:* a food establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation.

(4) *Class IV:* a food establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public.

**Sec. 50-108. Permit Application.**

(a) Every person proposing to operate a food establishment shall make written 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.

**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 50-130 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 (1/4) inch equals one (1) 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 thirty (30) days to complete the plan review process.

(d) Plan review fees for each class shall be established by the Town Council

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

- (a) Any person applying for a temporary food service permit shall make written application to the Town's Health Department. All applicants shall make the required application at least fourteen (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 fourteen (14) days.

**Sec. 50-111. 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.

**Sec. 50-112. 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.

**Sec. 50-113. 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.

**Sec. 50-114. Suspension or revocation; Appeals.**

- (a) The Director of Health may suspend any permit to operate a food establishment if 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 forty-eight (48) hours, file a written appeal with the Director of Health. If no appeal is filed within forty-eight (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 (10) 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 forty-eight (48) hours. If no appeal is filed within forty-eight (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.

**Sec. 50-115. 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 (10) 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 50-131 herein. Upon payment of the annual fee and following a successful re-inspection, the permit shall be reinstated.

**Sec. 50-116. 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.

**Sec. 50-117. Examination and condemnation of food.**

(a) Food 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 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 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 establishment.

(b) The hold order shall state that a request for hearing may be filed with the Director of Health within forty-eight (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 twenty four (24) hours from the issuance of the hold order.

**Sec. 50-118. Penalties.**

- (a) Any person who operates a food and/or beverage 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.

**Sec 50-119 – 50-121 Reserved.**

**ARTICLE VI. WATER SUPPLY WELLS**

**Sec. 50-122. Purpose.**

This article is enacted pursuant to the powers and duties set forth in the Connecticut Public Health Code Section 19-13-B51a through 19-13-B51m.

**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.

**Sec. 50-124 Authority**

This section is enacted pursuant to the provisions of Sections 7-148 & 19a-36 of the Connecticut General Statutes. 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.

**Sec. 50-125 Well Permit.**

No person shall commence excavation without obtaining a permit from the Director of Health.

**Sec. 50-126 Fee**

A fee established by the Town Council shall be collected for each permit to construct and/or repair a water supply well.

**Sec. 50-127 Penalties**

Any person violating Sec. 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.

**Sec. 50-128 – 50-131 Reserved.**



## **ARTICLE VII. SUBSURFACE SEWAGE DISPOSAL SYSTEMS (SSDS)**

### **Sec 50-132. Purpose.**

This code is enacted pursuant to the powers and duties set forth in Connecticut 19-13-B103 of the Public Health Code, as they are amended from time to time, and are hereby adopted as a part of this code.

### **Sec 50-133. Definitions**

*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.

*Approved:* an SSDS 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.

*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.

### **Sec 50-134. 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 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.

### **Sec 50-135. 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.

### **Sec 50-136. Application Process for SSDS Plan Approval**

(a) Applications to approve a plan to alter, repair, 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) To construct a new SSDS, 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. 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.

(c) The Director of Health may require that plans for the alteration, repair 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 (10) 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, enlarge or modify an existing SSDS shall not constitute a permit to construct or install and shall expire twelve (12) months from the date of issuance. Plan approvals may be renewed for an additional twelve (12) month period by the Director of Health upon a showing of good cause.

#### **Sec 50-137 Permit to Construct or Install SSDS.**

(a) No person shall construct or install, alter, repair, 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 Section 20-341 of the General Statutes of the State of Connecticut.

(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. 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.

(d) 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.

(e) 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.

#### **Sec 50-138. 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.

**Sec 50-139. 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 facilities or measures as he/she shall deem necessary to provide the required waste disposal.

**Sec 50-140. 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.

**Sec. 50-141. 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:

(b) 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.

(c) Location of storm drainage system/easements, if any.

(d) Location of water courses or intermittent streams, if any.

- (e) Location of any wetlands as defined by Section 22a45 of the Connecticut General Statutes, as amended.
- (f) Site plan design scale shall be a minimum of 1" = 40'
- (g) Existing and proposed site contours of the subdivision.
- (h) The accurate location of all test pits as they relate to a possible house or building location, the well, septic system and reserve areas.
- (i) 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.
- (j) 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.

**Sec. 50-142. SSDS and Subdivision Fee Schedule**

The fee schedule for SSDS and subdivision shall be established by the Town Council

**Sec 50-143. Penalties**

- (a) Violation of this article shall be an infraction as provided for in Connecticut General Statute 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, and each day such violation continues shall be deemed to be a separate offense.
- (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.

**Secs. 50-144 - 50-160. Reserved**

ORDINANCE ###

AMENDMENT TO ORDINANCE #157 AND THE CODE OF ORDINANCES CHAPTER 2, ARTICLE III, DIVISION 14, SECTION 2-422

CHAPTER 2, ARTICLE III, DIVISION 14, SECTION 2-422 SHALL BE AMENDED AND RESTATED AS FOLLOWS:

**Sec. 2-422. Fee structure.**

- (a) The inland-wetlands agency fee structure shall be established by the Town Council.
- (b) These fees, with the exception of the additional fee for significant activity account, do not include any fee surcharge statutorily assessed by the State of Connecticut.



# *Town of South Windsor*

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

**TO:** MATTHEW B. GALLIGAN, TOWN MANAGER  
MEMBERS OF THE TOWN COUNCIL  
**FROM:** JENNIFER R. HILINSKI-SHIRLEY, CCMC, COLLECTOR OR REVENUE  
**SUBJECT:** 2016-2017 SUSPENSE TAX LIST  
**DATE:** 21 JUNE 2017  
**CC:** PATTY PERRY, DIRECTOR OF FINANCE

I respectfully request approval to transfer **\$229,769.46** to a Suspense Collection as they have been deemed uncollectable.

<b>Grand List of October 1, 2009</b>	Personal Property	\$ 44,555.96
	Motor Vehicle	\$ 36,867.24
	Supplemental MV	\$ 40,109.79
	<b>Total</b>	<b>\$121,532.99</b>

<b>Grand List of October 1, 2010</b>	Personal Property	\$ 24,750.65
	Motor Vehicle	\$ 38,223.95
	Supplemental MV	\$ 45,261.87
	<b>Total</b>	<b>\$108,236.47</b>

While the aforementioned accounts will be transferred to suspense per State of Connecticut §12-165 the accounts remain collectable in our tax software system for fifteen years from the due date. The transfer to suspense is an efficiency measure and serves to relieve the Town from having to continue to attempt to bill. We will continue to utilize our outside collection agencies.

## TAX REFUNDS

Archambeault, John Paul & Susan A. 91 Bella Vita Drive Clayton, NC 27527-9094 2001/FORD/1FTRX18L21NA38079 Reason: Sold 7/16	\$ (29.23)	Enterprise F. M. Trust 600 Corporate Park Drive Saint Louis, MO 63105-4204 2012/CHEVR/1GNSKJE79CR302165 Reason: Sold 6/16	\$ (218.67)
Archambeault, John Paul & Susan A. 91 Bella Vita Drive Clayton, NC 27527-9094 2012/hyund/kmhfh4jg1ca143815 Reason: Sold 7/16	\$ (83.99)	Enterprise F. M. Trust 600 Corporate Park Drive Saint Louis, MO 63105-4204 2006/toyot/jtlkt324164068511 Reason: Sold 2/16	\$ (93.61)
Beebe, Paul W. 57 Edgewood Drive South Windsor, CT 06074-3408 2008/SUBAR/JF1GH61628H806924 Reason: Traded in 12/15	\$ (164.28)	Enterprise F. M. Trust 600 Corporate Park Drive Saint Louis, MO 63105-4204 2011/CHEVR/1GCWGFC1B1126863 Reason: Sold 7/15	\$ (387.80)
Brodeur, Gerald Lionel & Wirth, Paula A. 72 Riverside Drive South Windsor, CT 06074-1567 2005/TOYOT/2T1BR32E65C379916 Reason: Sold 6/16	\$ (38.85)	Enterprise F. M. Trust 600 Corporate Park Drive Saint Louis, MO 63105-4204 2011/CHEVR/1GCWGFC9B1136900 Reason: Out of state registration IL 3/15	\$ (422.91)
Buonanducci, Melissa M. 1340 Main Street South Windsor, CT 06074-2451 2002/HONDA/2HGES26702H530548 Reason: Sold 7/16	\$ (19.24)	Enterprise F. M. Trust 600 Corporate Park Drive Saint Louis, MO 63105-4204 2015/CHRYSL/1C3CCAB7FN638509 Reason: Out of state registration NJ 4/15	\$ (468.79)
Cook, Daniel Proctor 107 Canal Road Granby, CT 06035-1143 1997/FORD/1FTCR14A6VPA13099 Reason: Sold 7/14	\$ (17.04)	Grammys Garden Learning Center 935 Sullivan Avenue South Windsor, CT 06074 Personal Property Reason: Overpayment	\$ (20.10)
Dawi, Hussein H. 4701 Kenmore Avenue Apt. 321 Alexandria, VA 22304-1208 2003/TOYT/JTDBE32K730178387 Reason: Out of state registration VA 8/14	\$ (210.23)	Johnson, Nicole M. 53 Imlay Street Unit 3-A Hartford, CT 06105-1652 2005/LEXUS/JTHBA30G755104272 Reason: Total loss 8/15	\$ (19.50)
Donohue, Debra Lynn & Tilghman, Jeffrey J. 6482 Park Forest Circle Elkridge, MA 21075-3124 2009/TOYOT/5RDZK23C49S245140 Reason: Out of state registration MD 7/16	\$ (48.10)	Kisselburgh, Clifford or Nancy A. 64 Marilyn Road South Windsor, CT 06074-3463 2004/FORD/1FTPF12534NB84760 Reason: Sold 7/15	\$ (32.52)
Donohue, Debra Lynn & Tilghman, Jeffrey J. 6482 Park Forest Circle Elkridge, MA 21075-3124 2006/VOLVO/YV1MC68296J003784 Reason: Out of state registration MD 7/16	\$ (40.33)	Kodali, Anuraag K. 57 Austin Circle South Windsor, CT 06074-6909 2008/Toy/STDBK22CX8S011473 Reason: Traded in 9/13	\$ (566.37)
Dunn, James W. & Julie V. 212 Kent Lane South Windsor, CT 06074-2246 2011/AUDI/WA1LFAFP1BA066022 Reason: Sold 3/15	\$ (356.27)	Krudysz, Agnes 21 Copper Ridge South Windsor, CT 06074-4278 2008/ACUR/19UUA66248A005459 Reason: Total loss 3/15	\$ (181.61)
Enterprise F. M. Trust 600 Corporate Park Drive Saint Louis, MO 63105-4204 2014/TOYOT/4T1BF1FK8EU436984 Reason: Sold 11/15	\$ (369.56)	Lion, Jerald D. & Donna R. 408 Hengan Place The Villages, FL 32162-6020 2007/TOYOT/451BE46K170728712 Reason: Out of state registration FL 8/16	\$ (19.28)
Enterprise F. M. Trust 600 Corporate Park Drive Saint Louis, MO 63105-4204 2014/TOYOT/2T3BFREV1EW191673 Reason: Out of state registration MA 4/16	\$ (233.58)	MacPherson, Elise T. 220 Beelzebub Road South Windsor, CT 06074-2225 2008/HONDA/5J6RE48558L029188 Reason: Overpayment	\$ (31.36)

## Exhibit I

Thomas, Elizabeth P. 39 Rustic Lane South Windsor, CT 06074-1548 2012/NISSA/1N4AL2AP6CN531994 Reason: Total loss 7/16	\$ (56.24)	USB Leasing LT 1850 Osaborn Avenue Oshkosh, WI 54902 2012/VOLVO/YV1622FSXC2128404 Reason: New owner 7/15	\$ (82.94)
Tokgoz, Cagatay 3695 Canyon Lane Beaumont, TX 77713 2010/AUDI/WAUKGAFBXAN065345 Reason: Out of state registration TX 8/16	\$ (45.14)	VCFS Auto Leasing Co. 6150 Omni Park Drive Mobile, AL 36609 2013/CHEVR/YV1612FH8D1217841 Reason: New owner 7/15	\$ (52.98)
Urick, Carol A. 1102 Millpond Drive South Windsor, CT 06074-4326 2014/AUDI/WAUFFAFLXEN005777 Reason: Sold 8/15	\$ (76.73)	VCFS Auto Leasing Co. 6150 Omni Park Drive Mobile, AL 36609 2013/VOLVO/YV4940DZ3D2440418 Reason: Bought out lease 7/16	\$ (111.00)
USB Leasing LT 1850 Osaborn Avenue Oshkosh, WI 54902 2011/VOLVO/YV1902AH3B1148772 Reason: New owner 5/15	\$ (187.82)	Waldo, Robert I. & Laurie J. 24 victor Lane South Windsor, CT 06074-3568 2011/TOYT/454BF3EF8BR189707 Reason: Replaced 4/15	\$ (148.35)
USB Leasing LT 1850 Osaborn Avenue Oshkosh, WI 54902 2011/BUIC/W04GR5EC5B1019736 Reason: New plates 8/15	\$ (29.23)	Zamore, Denise 180 Felt Road South Windsor, CT 06074 Real estate Reason: Overpayment.	\$ (76.40)
USB Leasing LT 1850 Osaborn Avenue Oshkosh, WI 54902 2012/VOLV/YV1622FSXC2082136 Reason: Replaced 4/15	\$ (207.18)		

Jennifer Hilinski-Shirley CCMC, Collector of Revenue

**TOTAL****-5147.23**