

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

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May 21, 2018

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

1. Call Meeting to Order

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

4. Roll Call

Members Present: Mayor M. Saud Anwar
Deputy Mayor Andy Paterna
Councilor Audrey Delnicki (appointed at 7:05 p.m.)
Councilor Jeffrey Glickman
Councilor Mary Justine Hockenberry
Councilor Lisa Maneeley (left the meeting at 9:45 p.m.)
Councilor Liz Pendleton
Councilor Matthew Riley
Councilor Janice Snyder

Members Absent: Councilor Liz Pendleton

Others Present: Vanessa Perry, Assistant Town Manager
Morris Borea, Town Attorney (arrived at 8:07 p.m.)

After roll call was complete, Mayor Anwar dedicated May as Lyme Disease Awareness Month and recognized Dr. Charles Bizilj for improving awareness of Lyme Disease in the State of Connecticut.

Mayor Anwar then recognized the South Windsor Public Works Department and formally designated May 20-26, 2018 as Public Works Week in the Town of South Windsor and encouraged the residents of South Windsor to support the "Fill A Public Works Truck Food Drive." Mr. Michael Gantick, Director of Public Works, came forward to present individuals with awards. Distinctive Tree Service received the Business Partner Award; Elizabeth Warren received the Citizen Award, and Jacob Plona, received the Richard Boudreault Public Works Award for National Public Works Week.

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5. Communications and Reports from Town Manager

Mrs. Vanessa Perry, Assistant Town Manager, explained that the Town Manager is in Las Vegas at the International Council of Shopping Centers Conference. Mrs. Perry reported on the following:

- Mr. Tony Manfre, Superintendent of Pollution Control, is gathering information regarding food waste recycling. Mr. Galligan will report on that and also on the Anaerobic Digester Facility at the June 4th meeting.
- Proposal about the best way to protect road maintenance funds in future budgets will also be discussed at the next meeting
- Planned timeline for 2019/2020 budget is another item that will be discussed in the future.
- Mr. Galligan does not have a problem with the establishment of a Committee to oversee and strengthen the 4th R Program as long as the Committee focuses on the fact that it is not a 4th R problem, it is a town-wide problem.
- The Council has already received and reviewed information regarding a tax abatement for the Phoenix All Stars Training Center, and Mr. Galligan is hopeful that the Council will approve this abatement as this project will have a positive impact on the community and our local economy.
- The Town Attorney will be at the Council Meeting to discuss 460 Miller Road in Executive Session.

Councilor Delnicki informed the Council that she has House Bill No. 5184, Public Act No. 18-12 – An Act Permitting the Amendment of Municipal Charters for the Purpose of Modifying Budget Adoption Dates which the Clerk of the Council can make copies of and distribute to the Council members for the budget discussion at the June 4th meeting.

Mr. Scott Roberts, Assistant Town Manager, came before the Council and explained that the Capital Projects Committee met on May 16th and reviewed the list of projects that they have. They would like to move forward with the projects. Mr. Roberts explained that he has spoken to Attorney Panico who would like to find out if the Council would like the referendum question to be one question or multiple questions.

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5. Communications and Reports from Town Manager (Continued)

Deputy Mayor Paterna questioned if there would be some flexibility to add additional projects that may come up, such as the \$800,000 upgrade to the sewer plant? Mr. Roberts explained that the Capital Projects Committee had discussed other parking lots and projects which could be included. Mr. Roberts explained further that the Town has a proforma from IBIC and feels comfortable that this can work. There is a chance that it could affect the Town's bond rating, however the Town has been forthcoming with the bond rating agencies and they are well aware of the Town's debt that is coming off and on.

Councilor Riley stated that the impact on the community is between \$200,000 to \$300,000 per year.

6. Public Input (Items Not on the Agenda)

Mrs. Nancy Yario, 20 Andreis Trail came forward and explained how the Bark Park was built which is an on-going problem with the noise from the dogs barking and the cars going through the neighborhood. After winning the 8-24 referral, this issue went to the Planning & Zoning Commission where no public input was allowed. Mrs. Yario invited the Council members to her home so they could understand her issue.

Mr. Craig Zimmerman, 5A Amato Drive and Chairman of the Board of Education came forward and thanked the Town Council for their support of the Board of Education budget.

Mrs. Mary Etter, Director of the South Windsor Public Library, thanked the Council for supporting the Library budget. The Friends of the South Windsor Public Library will be holding their annual meeting "Salad Luncheon on June 5, 2018, at 12:00 p.m. at the Wapping Community Church. Mrs. Madelaine Blais will talk about her latest book "To the New Owners." Mrs. Etter also announced that South Windsor Voices would be compiling their 3rd volume of work by South Windsor residents. This edition will be about South Windsor Trails. There will be one year to do this.

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ITEM:

7. Adoption of Minutes of Previous Meetings

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meeting: Special Meeting of May 2, 2018.

Was made by Councilor Hockenberry
Seconded by Mayor Anwar

Councilor Riley requested that it be noted that he recused himself from 4A.

Mayor Anwar called for a vote on the amended minutes; the motion passed on a roll call vote of 7 to 0 with Councilor Delnicki abstaining.

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meeting: Regular Meeting of May 7, 2018.

Was made by Councilor Hockenberry
Seconded by Councilor Snyder
The motion was approved, unanimously

8. Public Petitions

Mr. Anthony Leone, 57 Beelzebub Road came before the Town Council to present a petition which is asking for the program to be expanded.

Answering questions from the Council, Mr. Leone explained that his intention with this petition is to have the program expanded without incremental costs or transportation. There are individuals who are on the petition that have said they would be willing to be part of the solution.

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

Deputy Mayor Paterna stated that the Council had received a copy of the updated South Windsor Agricultural Land Preservation Advisory Commission Master Plan. The South Windsor Agricultural Land Preservation Advisory Commission has sent a letter to every farmer who owns land to let them know who to contact regarding farmland preservation.

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10. Reports from Standing Committees

Deputy Mayor Paterna reported that the South Windsor Agriculture, Arts, and Nature Center Sub-Committee had a tree and brush clearing at the Priest property by Distinctive Tree. An architect has been hired to design plans how to renovate the farmhouse. Deputy Mayor Paterna will be meeting with the Director of Auer Farm from Bloomfield to get more ideas.

At 8:00 p.m. the Regular Meeting was recessed in order to hold a public hearing. The Regular Meeting reconvened at 8:04 p.m.

10. Reports from Standing Committees (Continued)

Councilor Hockenberry reported that the South Windsor Alliance for Families met and has used all of their grant money towards various programs. In September there will be a program where people can sit down and meet with police officers.

11. Reports of Temporary Committees

Deputy Mayor Paterna stated that the Sustainability CT Committee had an open house on April 30, 2018, with approximately 30 to 35 people who attended. There was a Committee meeting on Friday, May 11, 2018, and at that meeting, the Committee assigned boards and commissions to different actions from the list.

12. Public Participation (Items on the Agenda)

Councilor Riley read a letter into the record that spoke in opposition to the expansion of the 4th R Program which was anonymous.

Councilor Glickman called for a point of order stating that no letter can be read unless it is approved by the Council. Mayor Anwar added that the Council does not even know if this person lives in South Windsor.

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ITEM:

13. Consent Agenda

Motion to approve Agenda Items 14. A. (*) through 14. C. (*) as the Consent Agenda.

Was made by Councilor Delnicki
Seconded by Mayor Anwar
The motion was approved, unanimously.

14. Unfinished Business

***A. Resolution Appointing Michael LeBlanc (R) an Alternate to the Park and Recreation Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Michael LeBlanc (R) an Alternate to the Park and Recreation Commission for a term ending December 31, 2021, to fill the expired term of Daniel Van Horn.

(Approved by Consent Agenda)

***B. Resolution Appointing Christine Shafer (R) to the Human Relations Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Christine Shafer (R) to the Human Relations Commission for a term ending November 30, 2018, to fill the expired term of Richard Stahr.

(Approved by Consent Agenda)

***C. Resolution Appointing Carolyn Mirek (R) to the Mass Transit and Highway Advisory Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Carolyn Mirek (R) to the Mass Transit and Highway Advisory Commission for a term ending November 30, 2019, to fill the unexpired term of Mark Peterson.

(Approved by Consent Agenda)

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ITEM:

14. Unfinished Business

D. Resolution Appointing a Rate Maker for Fiscal Year 2018/2019

BE IT RESOLVED that the South Windsor Town Council hereby appoints Matthew B. Galligan, Town Manager, as Rate Maker for Fiscal Year 2018/2019.

Was made by Deputy Mayor Paterna
Seconded by Mayor Anwar
The motion was approved, unanimously.

15. New Business

A. Resolution Accepting the Resignation of Audrey Delnicki (R) from the Inland Wetlands Agency/Conservation Commission

BE IT RESOLVED that the South Windsor Town Council hereby accepts with regret, the resignation of Audrey Delnicki (R) from the Inland Wetlands Agency/Conservation Commission, said resignation to be effective immediately; and

BE IT FURTHER RESOLVED that the South Windsor Town Council extends its thanks to Audrey Delnicki for the time she has dedicated to serving her community by her membership on the Inland Wetlands Agency/Conservation Commission.

Was made by Councilor Snyder
Seconded by Councilor Riley

Deputy Mayor Paterna thanked Councilor Delnicki for her service.

Councilor Snyder also thanked Councilor Delnicki for her service and explained that Councilor Delnicki had to resign this position because she became a Council member.

Mayor Anwar called for a vote on the motion; and the motion passed by a roll call vote of 7 to 0 with Councilor Delnicki abstaining.

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ITEM:

15. New Business (*Continued*)

Councilor Glickman recused himself from Item 14. B.

B. Resolution Creating a Committee to Oversee and Strengthen South Windsor's Before and After School Care Programs

WHEREAS, the South Windsor Parks and Recreation Department operates the 4th "R" Program which provides recreation experiences for South Windsor students; and

WHEREAS, the popularity of the program has resulted in an increased demand and insufficient space to meet said demand; and

WHEREAS, the Town of South Windsor recognizes the benefits and needs of this type of program; and

WHEREAS, the Parks and Recreation Department has determined that a town-wide solution is necessary including potential opportunities for new business startup (s) to provide these services; and

WHEREAS, the Town Council wishes to create a committee to study and make recommendations regarding the operation and expansion of this type of service

NOW, THEREFORE, BE IT RESOLVED that a committee be appointed by the Town Council to conduct said study and make said recommendations. The members of the committee will include to the maximum extent possible, if people are willing to serve, the following:

- The Town Manager or his designee, and one Assistant Town Manager;
- The Park and Recreation Director and another member of the department;
- Two parents with children currently enrolled in the 4th "R" Program;
- Two members of the Park and Recreation Commission (preferably one from each party);

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ITEM:

15. B. (Continued)

- Two parents who have been on the waiting list for the 4th "R" Program for two years in a row;
- Two Board of Education administrative representatives;
- Two members of the Board of Education (one from each party);
- Two members of the Town Council (one from each party); and
- Two representatives from the South Windsor Day Care Business Community.

Was made by Deputy Mayor Paterna
Seconded by Mayor Anwar

Deputy Mayor Paterna felt this would be a chance for available options to be reviewed to see what could be done to help the number of families whose children are on the waiting list.

Councilor Maneeley questioned if the Council can appoint members of the Board of Education? Mayor Anwar stated that they could decline, but the purpose of this Committee is to get all of the stakeholders to address this issue that is impacting our community.

Councilor Hockenberry stated that the Town has grown and it would be a good idea to have this Committee established to come up with a solution.

Councilor Snyder remembered the Town Manager saying he would hold a meeting to work on this issue. The Committee being proposed is too large and should consist of a core group of critical people that can reach out to others and come up with an idea to bring back to the Council. The Council has no jurisdiction over the Board of Education. The before school and after school care of children is the responsibility of the parents. Mr. Favreau reported at the last meeting that the Parks & Recreation Department is not ready to expand the program at this time.

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ITEM:

15. B. (Continued)

Mayor Anwar clarified that the Town Manager stated that he is aware of this Committee and is in agreement with the establishment of this Committee. The Committee would be an independent Committee to look at all aspects of this issue to address this problem.

Deputy Mayor Paterna stated that the 4th R Programs inability to accommodate enough children was brought to the Town Council attention. As representatives, the Council has the responsibility to come up with a plan of action. Deputy Mayor Paterna said he is in support of the establishment of a Committee.

Councilor Riley stated that he would like to see the program expanded in its current form without any incremental costs to the taxpayer. It is a recreation program and is not an after-school daycare program. The program needs appropriate space within the schools, and should not involve busing the children to different locations. The Park & Recreation Department has done research and has explored all options. They are the experts, and the Council should not be undermining their opinion.

At 8:30 p.m. the Regular Meeting was recessed in order to hold a Public Hearing. The Regular Meeting reconvened at 8:33 p.m.

Mayor Anwar explained that the title of the resolution is to create a Committee to oversee and strengthen South Windsor's Before and After School Programs. It is not talking about the 4th R Program. This is a town-wide issue and should be addressed by a town-wide committee.

Deputy Mayor Paterna felt that this is the Town Council's responsibility to address this problem.

Answering questions from Councilor Maneeley, Mayor Anwar explained that the Committee would study and make recommendations regarding the operation and expansion of this type of service.

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ITEM:

15. B. (Continued)

Councilor Hockenberry stated she does not feel the establishment of this Committee would undermine anyone but would help to find a solution for this town-wide problem. It is the Town Council's responsibility to help find a solution.

Councilor Riley said that everyone would all like to find a solution. The Director of Parks and Recreation have stated that at this time, the 4th R Program could not be expanded. The Town Manager said he does not have a problem with the Committee, as long as the Committee focuses on the fact that this is not a 4th R problem. Parents are looking for after-school daycare, and the 4th R Program is not a daycare. The Town is not responsible for solving the issue of daycare needs. There is an opportunity for a business to be started to help provide the service of before and after school daycare. There are organizations in Town that are trying to be part of the solution. Councilor Riley stated he would not support the Town providing daycare because it is not the Town's responsibility. Mayor Anwar noted that in the resolution there is no mention of the Town providing daycare. This Committee would be established to study and make recommendations regarding the before and after care of children.

Councilor Hockenberry stated that parents like the idea of the 4th R for recreational purposes and their children would not be on the bus being transported to another location. The 4th R Program provides recreational activities for children and is not daycare.

Mayor Anwar called for a vote on the motion; it failed on a roll call vote of 3 to 4 with Mayor Anwar, Deputy Mayor Paterna, and Councilor Hockenberry voting in favor of the approval; and Councilor Delnicki, Councilor Maneeley, Councilor Snyder, and Councilor Riley voting in opposition of approval.

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ITEM:

15. New Business (*Continued*)

C. Resolution Approving Offer of a Tax Assessment Agreement with Phoenix All Stars Training Facility S.T.A.R. Center

WHEREAS, a Request for Tax Abatement has been received from Phoenix All Stars Training Facility S.T.A.R. Center, the owner of property at 2075 John Fitch Boulevard, South Windsor, CT; and

WHEREAS, the Town of South Windsor's Tax Partnership Program established pursuant to Connecticut General Statutes Section 12-65b, is intended to encourage the development and expansion of quality businesses in Town through tax and other economic incentives, and is designed to retain and attract businesses that will generate substantial additional tax revenues and employment opportunities for the Town while providing quality goods and services; and

WHEREAS, the Town Manager recommends, pursuant to said program, that a tax assessment agreement be offered to Phoenix All Stars Training Facility S.T.A.R. Center as an incentive to invest an estimated \$2,100,000 in total costs, including construction of a new building in South Windsor (the land and building improvements collectively referred to as the "Real Property")

NOW THEREFORE, BE IT RESOLVED that the South Windsor Town Council is pleased to offer a tax assessment agreement between the Town and Phoenix All Stars Training Facility S.T.A.R. Center reducing the amount of the estimated real property assessment of the Real Property by 50% for a period of five (5) years with an estimated tax benefit reduction of \$27,871 annually, commencing with the Grand List following the date of the Certificate of Occupancy is issued; provided, however, that if such assessment is changed by any future Town revaluation, the new assessment value of the Real Property shall be reduced by the percentage applicable to the year within the five (5) year period such assessment is changed; and

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ITEM:

15. C. (Continued)

BE IT FURTHER RESOVED that the South Windsor Town Council's offer to Phoenix all Stars Training Facility S.T.A.R. Center is conditioned upon Phoenix All Stars Training Facility S.T.A.R. Center (1) meeting the estimated \$2,100,000 construction cost figure and agreeing to the estimated assessment figure; and (2) continuing to pay the real estate taxes on the Facility for a minimum of ten (10) years from the date the Certificate of Occupancy is issued; if Phoenix All Stars Training Facility S.T.A.R. Center fails to meet either of these conditions, Phoenix All Stars Training Facility S.T.A.R. Center shall refund the Town of South Windsor all of the tax benefit reductions it has received; and

BE IT FURTHER RESOLVED that the South Windsor Town council's offer is contingent upon Phoenix All Stars Training Facility S.T.A.R. Center execution of a written agreement reflecting the terms set forth in the resolution and such other terms as the Town may require.

Was made by Councilor Riley
Seconded by Mayor Anwar

Councilor Riley stated that he would be supporting this resolution because as the Town Manager has stated, a business like this can provide incremental tax revenue to our Town as it grows and expands, but also incremental business to other businesses in Town. This type of business will bring people into Town that will be spending money at local businesses.

Councilor Glickman said he is also supportive of this motion but questioned if Phoenix All Stars Training Facility is unable to stay in business, would it be possible for the Town to require them to take out insurance to prevent the contingency of default? Town Attorney Borea stated that the resolution does not have that provision in it. That would be something that would have to be agreed to through a contract. This would be a specialty policy and would be very difficult to do. The Town has never done that before. The security would be that they are going to spend \$2,100,000 so if they don't honor the agreement, the Town does have security.

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ITEM:

15. C. (Continued)

Councilor Glickman asked if there would be a lien on the building. Town Attorney Borea explained that is not the typical way the Town does this type of agreement and does not know if the taxpayer would accept that.

Councilor Glickman stated he is looking to reduce risk to the Town. Town Attorney Borea stated that there is a contract with provisions. If they default, the Town has the right to bring a lawsuit forward to enforce the Town's rights.

Mayor Anwar said that this resolution has standard language in it. The company is a taxpayer to the Town and if they don't pay their taxes, there are repercussions. If they don't fill their obligations, they will have to pay the full tax benefit given to them.

Councilor Snyder explained that typically when the Town does this type of tax abatement, in the contract there is a provision that says they have to stay open for a minimum of ten (10) years and if they are not, then all of the money that was reduced would need to be paid back to the Town.

Councilor Riley stated that a Standby Letter of Credit could be done through the institution where they have received their mortgage which would cost about 2% to 3%. This would protect the failure of the business.

At 9:00 p.m., the Regular Meeting was recessed in order to hold a Public Hearing. The Regular Meeting reconvened at 9:06 p.m.

Councilor Riley continued that he feels there is a way for a company, through this standby letter of credit, to provide support to the Town in case their business goes out of business during this period of time. It would be an incremental cost to them of about 2% to 3% of what is borrowed. The Council has not done this in the past but could keep this in mind. Councilor Riley questioned if that would become a tax lien that in essence has a first priority lien in front of any mortgager and if so we don't need it.

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ITEM:

15. C. (Continued)

Town Attorney Borea stated that he would look into this and gave some examples of what could happen.

Councilor Riley felt that the Town should look into something as discussed for future abatements.

Mayor Anwar explained to the Council that the Town Attorney has listened to this discussion and will be looking into more securities to put into the contract. Town Attorney Borea stated that if there is going to be an additional cost, the taxpayer will need to know this. Town Attorney said he would look into tax liens.

Councilor Glickman stated he would support this as is with the understanding that the Town Attorney may not be able to achieve what has been discussed.

Councilor Snyder explained that the Town Manager has standard language that is put into these agreements to be able to get the money back if the company goes out of business. To ask a business owner to do a lien on their property or have an additional cost associated with this is not fair. No additional burdens should be put on a new business in Town.

Mayor Anwar called for a vote on the motion; it was approved, unanimously.

**D. Discussion Item: Stop the Use of Plastic Bags in South Windsor
(requested by Mayor Anwar)**

Mayor Anwar explained that plastic is one of the top sources that is polluting our earth. Many other communities have started to address this issue. Of the waste in Connecticut, approximately 15% of that is plastic which equates to about 11,000 tons. Mayor Anwar reviewed the areas that are banning the use of plastic bags and felt if there was consensus by the Council, South Windsor could begin this endeavor using April 22, 2019, as the date to begin the ban because it is Earth Day.

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ITEM:

15. D. (Continued)

Councilor Glickman stated there are three areas that should be discussed if the Council is in favor of banning the use of plastic bags, which are the science, economy, and public relations. Councilor Glickman reviewed the process for the creation of a paper bags which also affects the environment. It was his recommendation to reduce the use of plastic bags, because the Town may also want to reduce the use of paper bags as well. Councilor Glickman felt it would be reasonable to hear input from different companies on this subject.

Councilor Maneeley agreed that the Town should reduce the use of the plastic bags and not eliminate them completely. It would be good to hear from the business community.

Councilor Hockenberry spoke in favor of stopping the use of plastic bags in South Windsor and reviewed Bill No. 6316.

Councilor Riley stated that he is not in favor of creating an ordinance to stop the use of plastic bags in South Windsor, but would be in favor of continuing to heighten people's awareness around recyclables and re-useable bags to try to minimize the dangers to the environment.

Deputy Mayor Paterna explained that Ireland charges thirty-four cents per plastic bag at the checkout line and there has been a 97% reduction in the use of plastic bags in Ireland. Plastic is getting into our oceans and causing litter and is harmful to the environment. The bigger companies are already on board with this, and Deputy Mayor Paterna felt that this is something the Council should continue to explore.

Councilor Delnicki stated that there are many uses for the plastic bags and putting a cost on the plastic is not good, especially for seniors.

Mayor Anwar questioned the Council if it would be worth continuing conversations regarding this issue. Council members agreed to continue conversations.

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ITEM:

15. New Business (Continued)

E. Discussion Item: South Windsor to Consider Food Waste Recycling (required by Mayor Anwar)

Mayor Anwar felt that South Windsor should begin to explore options for the recycling of food waste. There are brown boxes used for the food waste which schools, businesses, and residents could use. The food waste could be turned into energy which would save the Town money.

Deputy Mayor Paterna explained that 22% of all of the waste in Connecticut is food waste. That is a lot of waste generated by our food in homes, schools, and restaurants. The anaerobic digester is a great program, but it may be two to three years away. There is a company called Blue Earth Compost that is a delivery company. The company would deliver containers to homes or schools and schedule a pick-up service and ship it to the Southington. Deputy Mayor Paterna felt that discussions regarding this issue should be continued.

F. Discussion Item: Protected Road Maintenance Fund in the Yearly Budget (requested by Mayor Anwar)

Mayor Anwar explained that he would like to see approximately \$850,000 each budget year put into the road maintenance account. The more preventative work done on the roads and sidewalks, the less the Town will have to spend in the future.

Councilor Hockenberry questioned if the funds would come from another line item or would this be an addition to the budget? Mayor Anwar explained that this would be part of the budget and if anyone is going to take money from that fund, a public hearing would have to be held. There will be discussions in the future regarding the next budget cycle, and more conversations can be held regarding this item.

Councilor Riley stated that he feels it is appropriate to have a line item in the budget for maintenance and looks forward to having continued discussions on this item.

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ITEM:

15. New Business (*Continued*)

G. Resolution Approving a Refund of Property Taxes to Fifty-Seven (57) South Windsor Taxpayers

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to fifty-seven (57) South Windsor Taxpayers, the total of said refunds being \$22,553.09.

Was made by Councilor Glickman
Seconded by Councilor Riley
The motion was approved, unanimously

H. Resolution Approving the Transfer of \$385,000 from the Capital and Non-Recurring Expenditure Account to the General Fund Transfer In Revenue Account

BE IT RESOLVED that the South Windsor Town Council having conducted the required Public Hearing at 9:00 p.m. on May 21, 2018, hereby approves the transfer of \$385,000 from the Capital and Non-Recurring Expenditure Account to the General Fund Transfer In Revenue Account to cover the costs associated with the installation of four (4) portable classrooms at Pleasant Valley Elementary School.

Was made by Councilor Hockenberry
Seconded by Mayor Anwar

Councilor Riley stated that although he does not like the use of this account as he has stated in the past, he feels this is an appropriate use of these funds.

Mayor Anwar called for a vote on the motion; it was approved, unanimously.

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ITEM:

16. Passage of Ordinance

A. Resolution Adopting an Amendment to Ordinance #218 – Health and Sanitation

BE IT RESOLVED that the South Windsor Town Council hereby adopts an Amendment to Ordinance #218 – Health and Sanitation, as shown in attached **Exhibit A**.

Was made by Councilor Riley
Seconded by Councilor Snyder
The motion was approved, unanimously

Councilor Glickman recused himself Agenda Item 14. B.

B. Resolution Adopting the Establishment of a South Windsor Volunteer Fire Tax Abatement Ordinance

BE IT RESOLVED that the South Windsor Town Council hereby adopts the Establishment of a South Windsor Volunteer Fire Tax Abatement Ordinance, as shown in attached **Exhibit B**.

Was made by Deputy Mayor Paterna
Seconded by Mayor Anwar

Councilor Paterna, Mayor Anwar, and Councilor Hockenberry all voiced their support for this ordinance.

Mayor Anwar called for a vote on the motion, it was approved, unanimously.

17. Public Input/Participation (Any Matter)

Chief Cooney came forward and thanked the Council for their support for the Ordinance and for the Volunteer Fire Departments budget.

Mrs. Nancy Yario, 20 Andreis Trail, stated that she feels a Committee should be established to review after school care for children.

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ITEM:

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

Mr. Anthony Leone, 57 Beelzebub Road came forward and urged the Council to reconsider the establishment of a Committee to get input regarding the expansion of the 4th R Program.

Mr. Kumar, St. Marc Circle, stated he came tonight and would have liked to see the Council recommend the establishment of a Committee to get input from others regarding the 4th R Program. Mr. Kuman said he would like to see if there are other options because he would like a safe place for his children.

18. Communications and Petitions from Council

Mayor Anwar stated that Deputy Mayor Paterna, Councilor Delnicki, and himself attended a Gold Award Ceremony. Mayor Anwar congratulated Emma Scimone on her achievement and thanked her for her hard work for the Town of South Windsor.

Councilor Delnicki requested that Mr. Galligan call Mr. Krawski regarding two lots that he owns on Felt Road.

19. Executive Session

At 10:05 p.m. Deputy Mayor Paterna made a motion to go into Executive Session to discuss pending claims and litigation. Mayor Anwar seconded the motion; and it was approved, unanimously.

The following individuals went into Executive Session: Mayor Anwar, Deputy Mayor Paterna, Councilor Delnicki, Councilor Glickman, Councilor Hockenberry, Councilor Riley, Councilor Snyder, Assistant Town Manager's Vanessa Perry and Scott Roberts, and Town Attorney Morris Borea.

At 10:30 p.m. Deputy Mayor Paterna made a motion to adjourn the Executive Session. Mayor Anwar seconded the motion; and it was approved, unanimously.

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

Minutes

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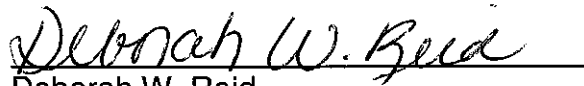
May 21, 2018

ITEM:

20. Adjournment

At 10:31 p.m. Deputy Mayor Paterna made a motion to adjourn the Regular Meeting. Mayor Anwar seconded the motion; and it was approved, unanimously.

Respectfully submitted,



Deborah W. Reid
Clerk of the Council

AMENDMENT TO ORDINANCE #218

ADDITION TO CHAPTER 50 – HEALTH AND SANITATION

UPDATE AND ADDITION TO CHAPTER 50 - UPDATE TO INCLUDE FDA CLASSIFICATIONS OF FOOD SERVICE ESTABLISHMENTS; ADDING, ARTICLE VIII-XI COSMETOLOGY, TATTOO, DAYCARE AND PUBLIC POOLS

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

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 50-107 or,
 - (4) Takes over ownership of an existing food establishment or,
 - (5) Proposes to operate as an itinerant vendor,shall prior to the start of such remodeling, construction, change in ownership (including the transfer of a majority interest in any corporation, limited liability company or limited liability partnership) and/or making sales as an itinerant vendor, submit an application,

draft menu, Qualified Food Operator certificates (if applicable), plans, and applicable fees, to the Director of Health for approval.

(b) Such plans shall be drawn to a scale of no less than one-fourth (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 50-108 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 authorizes and provides provisions for municipal enforcement of Sections 19-13-B51a through 19-13-B51m, inclusive of the Public Health Code of the State of Connecticut (the "Public Health Code") and of any amendments thereof hereafter adopted.

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.

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

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 article authorizes and provides provisions for municipal enforcement of Sections 19-13-B103 of the Public Health Code of the State of Connecticut (the "Public Health Code") and of any amendments thereof, hereafter adopted.

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. Authority.

This section is enacted pursuant to the provisions of Section 7-148 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 50-135. Actions Requiring Approval of Director of Health.

(a) No person shall construct, alter, repair, enlarge or modify a SSDS that serves any existing building or structure without first having obtained a permit from of the Director of Health.

(b) No person shall enlarge, remodel or change the present use of any existing building or structure served by a SSDS without first having obtained the written approval of the Director of Health.

Sec 50-136. Soil Testing Requirements

(a) Applications for soil testing and site evaluation shall be made on forms provided by the Director of Health, signed by the property owner or his duly authorized agent and shall be accompanied by the appropriate fee.

(b) All soil testing shall be performed in the manner prescribed by the Public Health Code and Technical Standards.

Sec 50-137. 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 50-138. 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 50-139. SSDS Final Approval / Permit to Discharge.

- (a) No SSDS shall be placed into use until it has been inspected and approved by the Director of Health. The licensed installer shall submit to the Director of Health an "as-built" plan of the SSDS after the final inspection has been completed and the installation has been approved by the inspector. Upon completion and passing of the final inspection and receipt of all required documentation, the Director of Health shall issue a permit to discharge for the system as specified in the Public Health Code.
- (b) A final permit to discharge for an individual SSDS system shall not be issued until the installation is completed and an approved as-built drawing is submitted to the satisfaction of the sanitarian.
- (c) Any Exceptions to the Code must be noted on the Permit to Discharge.
- (d) Where the Soil Air process has been utilized, the Permit to Discharge shall note any Code exceptions and will require that monitoring data on system performance is submitted on an annual basis by the licensed installer. The Director of Health shall be notified in writing in the event the Soil Air System is no longer in use. Orders to install a Code complying system may be issued by the Director of Health if a surface failure occurs while the Soil Air System is in use or if its use is discontinued.

Sec 50-140. Determination of Adequacy of SSDS by Sanitarian.

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

Sec 50-141. Subdivision Reviews.

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

Sec. 50-142. Subdivision Plan Requirements.

- (a) At least two weeks prior to issuance of the report to the planning and zoning commission, the following information shall be submitted to the Director of Health with the appropriate subdivision plan review fee:
- (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. 50-143. SSDS and Subdivision Fee Schedule

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

Sec 50-144. 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 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.

Secs. 50-145 - 50-160. Reserved.

ARTICLE VIII. COSMETOLOGY

Sec. 50-161. Purpose.

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

Sec. 50-162. Definitions

Cosmetology Establishment – For the purpose of this regulation, all Barbershops, Hairdressing, Cosmetology shops, Nails Salons, and other service providers as described in this Regulation are considered “Cosmetology Establishments”.

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

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

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

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

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

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

Sec. 50-163. Authority

This section is enacted pursuant to the provisions of Section 7-148 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. 50-164. Cosmetology Permit.

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

Sec. 50-165. 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. 50-166. Fee.

A fee established by the Town Council shall be collected for each permit to operate a Cosmetology Establishment.

Sec. 50-167. Annual Inspection.

On an annual basis, the Director of Health, or authorized agent, shall inspect each Cosmetology Establishment and shall make as many additional inspections as are necessary for the enforcement of this regulation and the applicable sections of the Connecticut Public Health Code and Connecticut General Statutes.

Sec. 50-168. Penalties.

Any person violating Sec. 50-163 and/or Sec. 50-164 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.

Sec. 50-169 – 50-175. Reserved.

ARTICLE IX. TATTOO

Sec. 50-176. Purpose.

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

Sec. 50-177. Definitions

Bloodborne pathogens – pathogenic microorganisms that are present in human blood and can cause disease in humans; these pathogens include, but are not limited to Hepatitis B virus (HBV), Hepatitis C virus (HCV), and Human Immunodeficiency Virus (HIV).

Regulated waste – liquid or semiliquid or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

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

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

Universal precautions – an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), Human Immunodeficiency Virus (HIV), and other bloodborne pathogens.

Sec. 50-178. Authority.

This section is enacted pursuant to the provisions of Section 7-148 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. 50-179. Tattoo Permit.

No person shall commence tattooing without obtaining a permit from the Director of Health. The tattoo establishment permit shall be issued by the department prior to opening of the establishment and thereafter on an annual basis. Each applicant shall provide the department with the following information: name(s) of owner(s),

establishment names, proposed hours of operation, names of all employees and their exact duties, a copy of the written aftercare instructions given to each client and a copy of the informed consent that each client must sign.

Sec. 50-180. 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. 50-181. Fee.

A fee established by the Town Council shall be collected for each permit to operate a Tattoo Establishment.

Sec. 50-182. Annual Filing.

On an annual basis, applications to operate shall be made on forms provided by the Director of Health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the Connecticut General Statutes. Applications must be signed by the tattoo establishment owner or his duly authorized agent.

Sec. 50-183. Penalties.

Any person violating Sec. 50-179 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.

Sec. 50-184. Establishment Requirements.

(a) Equipment – The chair, seat, or table to be utilized by the person receiving the tattoo or piercing shall be smooth, easily cleanable, and nonabsorbent. All chairs, seats, or tables must be cleansed prior to use by the next client.

(b) Handwashing – Each workstation in the tattoo/piercing establishment shall have access to a handwashing sink for the exclusive use of the tattoo artist for the purpose of washing his or her hands and prepping clients. At each handwashing sink, liquid antibacterial soap and single-use disposable towels shall be provided at all times. Common towels are prohibited.

(c) Regulated and infectious waste – All infectious and regulated waste must be disposed of by means of medical regulated waste containers and licensed medical waste disposal methods. All needles and attached equipment shall be disposed of in sharps containers. The needles shall not be broken prior to disposing in the sharps container. A written plan of disposal for regulated and infectious waste must be submitted to the department for approval prior to issuance of the tattoo establishment license.

Sec. 50-185. Certification and licensure.

(a) Bloodborne pathogen certification – In accordance with Connecticut General Statutes Section 20-266o (b)(1), no person shall engage in tattooing except a physician, an osteopathic physician, an advanced practice registered nurse rendering service under the direction of a physician or osteopathic physician, a registered nurse rendering service under the supervision, control and responsibility of a physician or osteopathic physician, a physician assistant rendering service under the supervision, control, and responsibility of a physician, or a technician rendering service under the supervision of a

physician or osteopathic physician in accordance with regulations adopted by the department of public health.

(b) The bloodborne pathogen certificate shall be posted in a prominent area where it can be observed by patrons. The bloodborne pathogen certificate is not transferable between persons.

(c) Physician duties shall include one inspection every three (3) months with or without notice. During inspection the physician shall review records and operating procedures, ensure that appropriate sterile techniques are utilized and patient safety is in compliance.

Sec. 50-186. Client Records.

(a) Each tattoo artist shall keep permanent records for a minimum of two (2) years for each client which shall consist of the following: the name, address, and telephone number of the client, the time and date the tattoo and/or the body piercing was applied, a photocopy that certifies the person is at least eighteen (18) years of age, a description of the tattoo and/or body piercing, the area of the body tattooed and/or pierced, a photocopy of the written aftercare instructions of the tattoo and/or body piercing, and a release form signed by the client that these records are accurate. Records shall be available to the department upon request.

(b) No person shall tattoo the body of an unemancipated minor under eighteen (18) years of age without parental or guardian presence and consent, i.e. signature. This permission shall be signed by either parent or guardian. Photographic identification of the parent or guardian must be obtained by the tattoo artist. A photocopy of the photographic identification shall be included in the client's permanent records.

Sec. 50-187 – 50-195. Reserved.

ARTICLE X. DAYCARE

Sec. 50-196. Purpose.

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

Sec. 50-197. Definitions.

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

Sec. 50-198. Daycare Center Permit.

No person shall operate a Daycare Center without obtaining a permit from the Director of Health. The daycare center permit shall be issued by the department prior to opening of the establishment and thereafter on an annual basis. Each applicant shall provide the department with the following information: name(s) of owner(s), establishment names, proposed hours of operation, owner(s) contact information, names of all employees, and their exact duties.

Sec. 50-199. Authority.

This section is enacted pursuant to the provisions of Section 7-148 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. 50-200. 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. 50-201. Fee.

A fee established by the Town Council shall be collected for each permit to operate a Daycare Center.

Sec. 50-202. Annual Filing.

On an annual basis, applications to operate shall be made on forms provided by the Director of Health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the Public Health Code. Applications must be signed by the daycare center owner or his duly authorized agent.

Sec. 50-203. Penalties.

Any person violating Section 50-201 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.

Sec. 50-204 – 50-210. Reserved.

ARTICLE XI. PUBLIC POOLS

Sec. 50-211. Purpose.

This article authorizes and provides provisions for municipal enforcement of Section 19a-36 of the Connecticut Public Health Code and any amendments thereof, hereafter adopted.

Sec. 50-212. Definitions.

Public pool means an artificial basin constructed of concrete, steel, fiberglass or other impervious material and equipped with a controlled water supply that is intended for recreational bathing, swimming, diving or therapeutic purposes and includes, but is not limited to, any related equipment, structure, area or enclosure intended for the use of any person using or staffing such pool. *Public pool* does not include an artificial basin provided with a controlled water supply that is intended for use at a single-family residence, except when such basin is used for commercial or business purposes at such residence.

Sec. 50-213. Authority.

This section is enacted pursuant to the provisions of Section 7-148 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. 50-214. Public Pool Permit.

No person shall operate a public pool without obtaining a permit from the Director of Health. The public pool permit shall be issued by the department annually prior to opening for the season. Each applicant shall provide the department with the following information: name(s) of owner(s), establishment names, proposed hours of operation, owner(s) contact information.

Sec. 50-215. 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. 50-216. Fee.

A fee established by the Town Council shall be collected for each permit to operate a Public Pool.

Sec. 50-217. Annual Filing.

On an annual basis, applications to operate shall be made on forms provided by the Director of Health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the Public Health Code. Applications must be signed by the public pool operator or his duly authorized agent.

Sec. 50-218. Penalties.

Any person violating Section 50-214 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.

Sec. 50-219 – 50-225. Reserved.

South Windsor Volunteer Fire Tax Abatement Ordinance

Sec. 1 Purpose: In recognition of the benefits provided to the Town of South Windsor by the dedicated service of the Town's Volunteer Fire personnel, the South Windsor Town Council hereby establishes a tax abatement program pursuant to the authority granted by Connecticut General Statutes 12-81w for Volunteer Fire personnel on the conditions outlined below.

Sec. 2 Eligibility: Members of the South Windsor Volunteer Fire Department and who reside and pay property tax in the Town of South Windsor shall be eligible when meeting the following criteria:

- 1) Member must have achieved two years of service by July 1 of the current year to be eligible for a tax abatement on July 1 of the following year; and
- 2) Member must have achieved a "good year" as defined by the Service Award Program. Any amendment to this definition must be approved by the Town Council in the same manner as an amendment to an ordinance.

Sec. 3 Certification: Annually, on or before May 15th of each year, the Chief of the South Windsor Volunteer Fire Department shall certify and submit to the Town Manager and Finance Director, a list of the members of their organization who are eligible as defined in Section 2. This list shall contain addresses and the amount of which each member is eligible. For the year 2018 only, the list shall be submitted on or before June 1st in order to timely apply tax benefit to current bills.

Sec. 4 Abatement Schedule: Abatement of property taxes shall be granted the following July 1st to eligible members as follows:

- 1) If a member has completed two years of service as of the July 1st preceding the date of abatement, the member shall be entitled to a \$250 annual abatement of property taxes.
- 2) If a member has completed five years of service as of July 1st preceding the date of abatement, the member shall be entitled to a \$500 annual abatement of property taxes.
- 3) If a member has completed seven years of service as of the July 1st preceding the date of abatement, the member shall be entitled to a \$750 annual abatement of property taxes.
- 4) If a member has completed ten years of service or more as of the July 1st preceding the date of abatement, the member shall be entitled to a \$1,000, or the maximum amount allowed by Connecticut General Statutes, as an annual abatement of property taxes.

Sec. 5 Retirement Benefit: Members who have served a minimum of twenty years and who have reached the mandatory retirement age of their organization shall continue to receive an abatement of \$1,000 annually for as long as they continue to reside and own property in South Windsor. Members who retire prior to the mandatory age and have over 25 years of credited "Good Years" in the Department's Service Award program shall continue to receive an abatement of \$1,000 annually for as long as they continue to reside and own property in South Windsor.

Sec. 6 Disability Benefit: If for any reason, a member should become disabled due to an injury sustained in the performance of their duties within the Department, they shall be entitled to receive an abatement of \$1,000 annually for as long as they continue to reside and own property in South Windsor and continue to be so disabled..

Sec. 7 Construction of Ordinance: Taxes to be abated must be those taxes imposed on real property or personal property assessed in the name of the eligible individual, either as a sole owner or a joint owner, but not by a corporation, LLC or partnership. In the case of abating taxes on real property, the real property must serve as the eligible individual's primary residence.

- 1) The abatement amount shall be applied first to the taxes for real property, then to personal property which shall include motor vehicles leased to an eligible individual as of October 1 of any given year. In the event that the tax to which the abatement is applied is paid in installments, then the exemption shall be applied 50% to each installment.
- 2) This ordinance shall not be construed to imply that if an eligible member has less tax liability than their permitted amount of tax abatement that they are entitled to receive any additional funds from the Town of South Windsor under this ordinance. In no event will this ordinance authorize a tax refund for taxes that have already been paid.
- 3) No individual shall be eligible for participation in this property tax relief program if the individual has any tax delinquency, including taxes, interest, fees and any other charges, to the Town of South Windsor on the date of certification set forth above.

This Ordinance shall become effective in accordance with the Town Charter. A prior Ordinance #158 was originally adopted at a Regular Meeting of the South Windsor Town Council on September 21, 1999.