

TOWN OF CROMWELL
LEGAL NOTICE
SPECIAL TOWN MEETING
APRIL 11, 2018

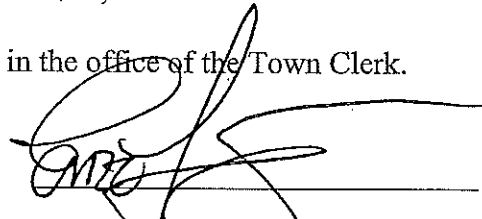
Notice is hereby given to electors and those qualified to vote at Town Meetings in the Town of Cromwell that a Special Town Meeting will be held on April 11, 2018, at 6:45 p.m. at the Cromwell Town Hall, Room 224/5, 41 West Street, Cromwell, CT to act upon the following:

1. Authorize the appropriation within the Special Revenue Funds for the 2018-19

Budgets as follows:


| | |
|--------------------------|-------------|
| a. Dog Fund | \$ 24,024 |
| b. Sidewalk Fund | \$ 7,500 |
| c. Sewer Usage Fund | \$2,034,607 |
| d. Sewer Assessment Fund | \$43,000 |

Copies of these budgets are on file in the office of the Town Clerk.



Enzo Faienza, Mayor
For the Town Council

**TOWN OF CROMWELL
TOWN COUNCIL
REGULAR MEETING
WEDNESDAY APRIL 11, 2018
7:00 PM TOWN HALL ROOM 224/5**

RECEIVED FOR RECORD
APR 05, 2018 03:17P
JOAN AHLQUIST
TOWN CLERK
CROMWELL, CT 

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. COMMISSION CHAIRMAN REPORTS/LIASON REPORT**
 - 1. Mattabassett presentation.
- E. CITIZEN COMMENTS**
- F. MAYOR'S REPORT**
- G. TOWN MANAGER'S REPORT**
- H. CHIEF OF POLICE'S REPORT**
- I. PUBLIC WORK DIRECTOR'S REPORT**
- J. FINANCIAL**
 - 1. Budget Reports
 - 2. Tax Refunds
 - 3. Discussion and action to approve \$153,500 from CNR to rehab former Fire District Building Nooks Hill Road.
- K. FINANCE DIRECTOR'S REPORT**
- L. NEW BUSINESS**
 - 1. Discussion and possible action regarding request from Little League to light Little League Fields near Middle School.
 - 2. Discussion and possible approval of a bid waiver for road reconstruction: specifically full depth reclamation
 - 3. Discussion and action to approve fee changes for food service establishments.
 - a. Authorize Mayor to set the time and date for a public hearing.
 - 4. Discussion and action to approve adding revised Storm Water Ordinance.
 - a. Authorize Mayor to set the time and date for a public hearing.

5. Discussion and action to approve Farmer's Market request to fence the Children's garden and install an open gazebo.

M. APPROVAL OF MINUTES

1. Special Meeting, Budget Workshop, March 8, 2018
2. Regular Meeting, March 14, 2018
3. Special Meeting, March 27, 2018

N. APPOINTMENTS

1. Conservation Commission (re-appointments)
 - a. Scott Lamberson, Term expires 1/2023
 - b. Joseph Cap, Term expires 1/2023
2. Economic Development Commission (reappointments)
 - a. Joseph Fazekas, Term expires 3/2023
 - b. Jay Polke, Term expires 3/2023
 - c. Richard Nobile, Term expires 3/2023
3. Senior Services Commission (reappointments)
 - a. Madeleine Lowry, Term expires 4/2020
 - b. Michael Parent, Term expires 4/2020
 - c. Mertie Terry, Term expires 4/2020
 - d. Patricia Sienna, Term expires 4/2020
 - e. Ann Grasso, Term expires 4/2020
4. Water Pollution Control Authority (reappointment)
 - a. Eric Zeilor, Term expires 1/2022

O. TOWN COUNCIL COMMISSION LIAISON REPORTS

P. ADJOURNMENT

Rules for Citizen Comments

1. Each speaker will have a total of 3 minutes to speak on the issues of their choice;
2. The Mayor shall recognize only one speaker at a time;
3. The purpose of the Citizen Comment period is to give the residents of Cromwell, or others, the opportunity to make comments regarding matters of public concern, town policies or actions of the town, and to ask questions of the Council of Town Staff. All questions and comments will be taken under advisement and questions raised may be answered this evening or addressed at a later date. There will be no open debate with the Council members during the public comment period and all questions and comments shall be directed to the Mayor;
4. The Mayor shall have the right to discontinue recognition of any speaker whom the Mayor believes is not using proper decorum for a public meeting; is verbally abusive of a member, or members of the Council, Town staff, or the public; becomes belligerent; or uses profanity.

Posted Refund Transaction (\$) TOWN OF CROWWELL Int Date: 04/03/2018 Date: 04/03/2018 Page: 1

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| Condition(s) : | Bill : |
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| Dist/Susp/Bank | Address |

Dist/Susp/Bank Address

| | Prop Loc/Vehicle Info. | UniqueID/Reason |
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**Overpaid
Tax**

| 2016-01-0002999 | 4 THISTLE DOWN, Unit 047 | 4 THISTLE DOWN 047 |
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| 2016-01-0005266 | CROWMELL CT 06416 WOODSBORO CIRCLE WOODSBORO CIRCLE 14 | 00630000 Sec. 12-129 Refund of Excess Payments. 7 WOODSBORO CIRCLE 14 10504100 |
| 2016-01-0005403 | CROWMELL CT 06416 TUCKER JERALDINE J ETAL 6 MORNING VIEW DRIVE | 6 MORNING VIEW DRIVE 21C 00173700 Sec. 12-129 Refund of Excess Payments. 2011/3VM1K7AJOBM392246 |
| 2016-03-0051434 | CROWMELL CT 06416 BREED GLENN R 2544 MOONLIGHT CT | 51441 Sec. 12-129 Refund of Excess Payments. 2011/3VM1K7AJOBM392246 |
| 2016-03-0057902 | CHEYENNE WY 82009 MASTROCOLA SETH S 28 NORTH RD | Sec. 12-129 Refund of Excess Payments. 2012/2FMDX4KC5ABB61322 57923 |
| 2016-03-0063034 | CROWMELL CT 06416-1009 VARTELAS JOHN J + VARTELAS HELENE M 7 HIGH RIDGE RD | Sec. 12-129 Refund of Excess Payments. 2002/2HXRUL18932H541511 63073 |
| | CROWMELL CT 06416-2429 | Sec. 12-129 Refund of Excess Payments. |

TOWN OF CROMWELL, CT

YEAR-TO-DATE BUDGET REPORT

FOR 2018 09

| | ORIGINAL APPROP | TRANSFERS/ ADJUSTMTS | REVISED BUDGET | YTD EXPENDED | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|---------------------------------|--------------------|-------------------------|-------------------|---------------|--------------|---------------------|-------------|
| 001 TOWN MANAGER'S OFFICE | 355,302 | 0 | 355,302 | 225,391.96 | 2,009.76 | 127,900.28 | 64.0% |
| 002 TOWN CLERK'S OFFICE | 208,223 | 0 | 208,223 | 142,228.68 | 16,467.94 | 49,526.38 | 76.2% |
| 003 REGISTRAR OF VOTERS | 75,477 | 0 | 75,477 | 41,962.31 | 6,579.54 | 26,935.15 | 64.3% |
| 004 PLANNING COMMISSION | 3,225 | 0 | 3,225 | 1,543.26 | 159.18 | 1,522.56 | 52.8% |
| 005 ECONOMIC DEVELOPMENT | 13,336 | 0 | 13,336 | 5,037.82 | 192.16 | 8,106.02 | 39.2% |
| 006 BOARD OF FINANCE | 1,350 | 0 | 1,350 | 315.00 | .00 | 1,035.00 | 23.3% |
| 007 CHARTER REVISION COMM | 1,501 | 0 | 1,501 | .00 | .00 | 1,501.00 | .0% |
| 008 BOARD OF ASSESSMENT APPEALS | 3,200 | 0 | 3,200 | 404.94 | .00 | 2,795.06 | 12.7% |
| 010 ZONING BOARD OF APPEALS | 1,535 | 0 | 1,535 | 649.23 | 48.74 | 837.03 | 45.5% |
| 011 INLAND WETLANDS | 2,200 | 0 | 2,200 | 894.60 | 50.00 | 1,255.40 | 42.9% |
| 012 COMM. FOR DISABLED PEOPLE | 100 | 0 | 100 | .00 | .00 | 100.00 | .0% |
| 013 DONATIONS AND DUES | 46,042 | 0 | 46,042 | 42,041.30 | 4,000.00 | .70 | 100.0% |
| 014 TOWN COUNCIL | 36,730 | 0 | 36,730 | 35,567.88 | .00 | 1,162.12 | 96.8% |
| 015 LEGAL EXPENSE | 222,764 | 0 | 222,764 | 92,648.54 | 115,602.50 | 14,512.96 | 93.5% |
| 016 CENTRAL SERVICES | 140,300 | 0 | 140,300 | 90,180.38 | 37,012.03 | 13,107.59 | 90.7% |
| 017 INSURANCE EXPENSE | 595,400 | 0 | 595,400 | 540,733.14 | 1,485.00 | 53,181.86 | 91.1% |
| 018 GENERAL EXPENSE | 761,002 | 0 | 761,002 | 752,049.83 | 3,305.00 | 5,647.17 | 99.3% |
| 019 DEVELOPER/PLANNER | 142,781 | 0 | 142,781 | 104,358.65 | .00 | 38,422.35 | 73.1% |
| 020 FINANCE DEPARTMENT | 387,996 | 0 | 387,996 | 280,514.33 | 4,690.44 | 102,791.23 | 73.5% |
| 021 TAX COLLECTOR | 144,537 | 0 | 144,537 | 95,947.01 | 20.00 | 48,569.99 | 66.4% |
| 022 ASSESSOR'S OFFICE | 231,901 | 0 | 231,901 | 157,410.86 | 1,076.83 | 73,413.31 | 68.3% |
| 030 PUBLIC WORKS ADMIN. | 270,884 | 0 | 270,884 | 185,126.97 | 8,465.83 | 77,291.20 | 71.5% |
| 031 ENGINEERING | 230,480 | 0 | 230,480 | 158,266.50 | 8,198.74 | 64,014.76 | 72.2% |
| 032 SOLID WASTE REMOVAL | 648,334 | 0 | 648,334 | 368,908.08 | 157,865.30 | 121,560.62 | 81.3% |
| 033 BUILDING INSPECTION | 193,277 | 0 | 193,277 | 138,756.80 | 1,201.64 | 53,318.56 | 72.4% |
| 034 HIGHWAY DEPT. | 1,352,627 | 0 | 1,352,627 | 790,059.50 | 141,534.17 | 421,033.33 | 68.9% |
| 035 BUILDING MAINTENANCE | 591,585 | 0 | 591,585 | 387,250.99 | 40,214.07 | 164,119.94 | 72.3% |
| 036 PARKS & GROUNDS | 397,055 | 0 | 397,055 | 256,431.71 | 15,354.00 | 125,269.29 | 68.5% |
| 037 PUBLIC WORKS-OTHER | 400,795 | 0 | 400,795 | 230,504.90 | 45,468.35 | 41,724.34 | 89.6% |
| 038 VEHICLE MAINTENANCE | 336,888 | 0 | 336,888 | 230,504.90 | 32,115.05 | 60,854.75 | 81.9% |
| 040 POLICE DEPARTMENT | 3,360,449 | 14,302 | 3,374,751 | 2,238,909.23 | 3,310.50 | 1,103,726.72 | 67.3% |
| 041 EMERGENCY MANAGEMENT | 79,658 | 0 | 79,658 | 10,886.12 | .00 | 5,753.38 | 71.2% |
| 042 ANIMAL CONTROL | 185,277 | 0 | 185,277 | 59,268.87 | .00 | 20,389.13 | 74.4% |
| 050 HEALTH DEPARTMENT | 118,139 | 0 | 118,139 | 128,103.95 | 22,071.96 | 35,101.09 | 81.1% |
| 051 HUMAN SERVICES | 95,862 | 0 | 95,862 | 85,199.99 | 340.00 | 32,599.01 | 72.4% |
| 053 SENIOR SERVICES | 110,364 | 0 | 110,364 | 69,554.69 | 5,067.62 | 21,239.69 | 77.8% |
| 054 YOUTH SERVICES | 118,427 | 0 | 118,427 | 47,692.07 | 4,175.37 | 58,496.56 | 47.0% |
| 055 TRANSPORTATION SERVICES | 259,076 | 0 | 259,076 | 91,211.82 | 3,205.97 | 24,009.21 | 79.7% |
| 060 RECREATION DEPARTMENT | 590,579 | 0 | 590,579 | 166,955.41 | 8,179.19 | 83,941.40 | 67.6% |
| 061 LIBRARY | 3,687,524 | 0 | 3,687,524 | 406,372.90 | 12,932.47 | 171,273.63 | 71.0% |
| 070 BONDED DEBT | 3,381,867 | -14,302 | 3,374,751 | 549,991.46 | .00 | 3,137,532.54 | 14.9% |
| 080 EMPLOYEE BENEFITS | 29,343,702 | 0 | 29,343,702 | 2,113,108.67 | 754,021.15 | 500,435.18 | 85.1% |
| 090 BOARD OF EDUCATION | 103,117 | 0 | 103,117 | 16,799,585.46 | .00 | 12,544,116.54 | 57.3% |
| 119 DEVELOPMENT COMPLIANCE | | 0 | | 74,227.19 | 468.01 | 28,421.80 | 72.4% |

04/03/2018 16:14
msylvest

TOWN OF CROMWELL, CT
YEAR-TO-DATE BUDGET REPORT

P
glytdbud

FOR 2018 09

| | ORIGINAL ESTIM REV | ESTIM REV ADJUSTMTS | REVISED EST REV | ACTUAL YTD REVENUE | REMAINING REVENUE | PCT COLL |
|---------------------------|-----------------------|------------------------|--------------------|-----------------------|----------------------|-------------|
| 002 TOWN CLERK'S OFFICE | -287,600 | 0 | -287,600 | -225,366.79 | -62,233.21 | 78.4% |
| 021 TAX COLLECTOR | -42,803,034 | 0 | -42,803,034 | -42,959,358.96 | 156,324.96 | 100.4% |
| 022 ASSESSOR'S OFFICE | -500 | 0 | -500 | -355.00 | -145.00 | 71.0% |
| 030 PUBLIC WORKS ADMIN. | -40,300 | 0 | -40,300 | -33,722.82 | -6,577.18 | 83.7% |
| 033 BUILDING INSPECTION | -150,100 | 0 | -150,100 | -161,887.61 | 11,787.61 | 107.9% |
| 040 POLICE DEPARTMENT | -84,450 | 0 | -84,450 | -39,512.53 | -44,937.47 | 46.8% |
| 042 ANIMAL CONTROL | -750 | 0 | -750 | -150.00 | -600.00 | 20.0% |
| 050 HEALTH DEPARTMENT | -25,100 | 0 | -25,100 | -5,480.00 | -19,620.00 | 21.8% |
| 053 SENIOR SERVICES | -1,500 | 0 | -1,500 | -2,885.00 | 1,385.00 | 192.3% |
| 054 YOUTH SERVICES | -4,000 | 0 | -4,000 | -360.00 | -3,640.00 | 9.0% |
| 061 LIBRARY | -9,000 | 0 | -9,000 | -6,062.26 | -2,937.74 | 67.4% |
| 206 BOARDS & COMMISSIONS | -5,750 | 0 | -5,750 | -16,368.00 | 10,618.00 | 284.7% |
| 207 STATE OF CONNECTICUT | -4,720,905 | 0 | -4,720,905 | -2,296,115.62 | -2,424,789.38 | 48.6% |
| 208 MISCELLANEOUS SOURCES | -429,339 | 0 | -429,339 | -552,665.32 | 123,326.32 | 128.7% |
| 999 FUND BALANCE | -690,000 | 0 | -690,000 | .00 | -690,000.00 | .0% |
| GRAND TOTAL | -49,252,328 | 0 | -49,252,328 | -46,300,289.91 | -2,952,038.09 | 94.0% |

** END OF REPORT - Generated by marianne sylvester **

TOWN OF CROMWELL
2017-2018 QUARTERLY BUDGET VARIANCE REPORT

3RD QUARTER
March-18

MILLRATE: 31.68

GRAND LIST: \$1,353,600,000

| EXPENDITURES | PRO-RATED | | | DIFFERENCE | | REVENUES | | | % ACTUAL TO BUDGET |
|-----------------------------|---------------|------------------|------------------------|-----------------------|--|---|---------------|---------------|--------------------|
| | BUDGET | PRO-RATED BUDGET | 3RD QUARTER YTD ACTUAL | FROM PRO-RATED BUDGET | | BUDGET | YTD ACTUAL | | |
| 1. TOWN MANAGER/MAYOR | \$ 355,302 | \$ 266,477 | \$ 225,392 | \$ 41,085 | | TAX DEPARTMENT | | | |
| 2. TOWN CLERK | 208,223 | 156,167 | 142,229 | 13,939 | | CURRENT TAX @ 98.75% (above includes reduction for senior tax abatement) | \$ 42,227,534 | 42,134,832 | 99.78% |
| 3. REGISTRAR OF VOTERS | 75,477 | 56,608 | 41,962 | 14,645 | | INTEREST & LIENS | 125,000 | 140,000 | 112.00% |
| 4. PLANNING & ZONING | 3,225 | 2,419 | 1,543 | 875 | | SUPPLEMENTAL M.V. | 290,000 | 444,245 | 153.19% |
| 5. ECONOMIC DEVELOPMENT | 13,336 | 10,002 | 5,038 | 4,964 | | PRIOR YEARS' TAXES | 160,000 | 240,235 | 150.15% |
| 6. BOARD OF FINANCE | 1,350 | 1,013 | 315 | 688 | | MISCELLANEOUS | 500 | 48 | 9.60% |
| 8. CHARTER REVIS. COMM. | 1,501 | 1,126 | - | 1,126 | | TOTAL TAXES | \$ 42,803,034 | \$ 42,959,359 | 100.37% |
| 9. BOARD OF ASSES. APPEALS | 3,200 | 2,400 | 405 | 1,995 | | DEPARTMENTAL REVENUE | | | |
| 10. ZONING BOARD OF APPEALS | 1,535 | 1,151 | 649 | 502 | | BUILDING DEPARTMENT | \$ 150,100 | 161,888 | 108% |
| 11. INLAND WETLANDS | 2,200 | 1,650 | 895 | 755 | | POLICE DEPARTMENT | 144,865 | 69,891 | 48% |
| 12. HANDICAPPED COMM. | 100 | 75 | - | 75 | | PUBLIC WORKS | 40,300 | 33,723 | 84% |
| 13. DONATIONS AND DUES | 46,042 | 34,532 | 42,041 | (7,510) | | TOWN CLERK | 287,600 | 225,367 | 78% |
| 14. TOWN COUNCIL | 36,730 | 27,548 | 35,568 | (8,020) | | HEALTH DEPARTMENT | 25,100 | 5,480 | 22% |
| 15. LEGAL EXPENSE | 222,764 | 167,073 | 92,649 | 74,424 | | LIBRARY | 9,000 | 6,062 | 67% |
| 16. CENTRAL SERVICES | 140,300 | 105,225 | 90,180 | 15,045 | | RECREATION | - | - | - |
| 17. INSURANCE EXPENSE | 595,400 | 446,550 | 540,733 | (94,183) | | SENIOR SERVICES | 1,500 | 2,885 | 192% |
| 18. GENERAL EXPENSE | 761,002 | 570,752 | 752,050 | (181,298) | | YOUTH SERVICES | 4,000 | 360 | 9% |
| 19. DEVELOPER/PLANNER | 142,781 | 107,088 | 104,359 | 2,727 | | ASSESSOR | 500 | 355 | 71% |
| 20. DEVELOPMENT COMPLIANCE | 103,117 | 77,338 | 74,227 | 3,111 | | TOTAL DEPARTMENTS | \$ 662,965 | 506,011 | 76% |
| 21. CONSERVATION COMM. | 1,510 | 1,133 | 215 | 918 | | COMMISSIONS & BOARDS | 5,750 | 16,368 | 285% |
| 22. FINANCE DEPT. | 387,996 | 290,997 | 280,514 | 10,483 | | INCOME FROM MISC. SOURCES | 369,674 | 522,437 | 141% |
| 23. TAX COLLECTOR | 144,537 | 108,403 | 95,947 | 12,456 | | STATE OF CONNECTICUT | 4,720,905 | 2,296,116 | 49% |
| 24. ASSESSOR'S OFFICE | 231,901 | 173,926 | 157,411 | 16,515 | | FUND BALANCE | 5,786,329 | 2,834,920 | 49% |
| 26. PUBLIC WORKS | 4,228,648 | 3,171,486 | 2,627,114 | 544,372 | | TOTAL REVENUE | \$ 49,252,328 | \$ 46,300,290 | 94% |
| 29. BUILDING INSPECTION | 193,277 | 144,958 | 138,757 | 6,201 | | Expenditures: | | | |
| 34. CIVIL PREPAREDNESS | 19,950 | 14,963 | 10,886 | 4,076 | | Budget variances from targeted levels are due to the timing of actual expenditures or payments. For example, the Public Works-Other budget (utility expenses) experiences heavier expenditures during the winter months. Donations and Dues and certain fees are generally paid at the outset of the fiscal year. There are no budget areas of concern at this time and budgets are anticipated to be expended as approved. | | | |
| 35. POLICE DEPT. | 3,360,449 | 2,520,337 | 2,238,909 | 281,428 | | The Board of Education expenditures are lower in the beginning of the fiscal year since teacher salaries are paid on a school-year cycle, with balloon payments made in June. | | | |
| 36. ANIMAL CONTROL | 79,658 | 59,744 | 59,269 | 475 | | Bond payments have a semi-annual schedule, with interest-only payment in the fall and interest-plus-principal payment in the spring. | | | |
| 37. HEALTH DEPT. | 185,277 | 138,958 | 128,104 | 10,854 | | Revenues: | | | |
| 38. HUMAN SERVICE ADMIN. | 118,139 | 88,604 | 85,200 | 3,404 | | Tax collection is approximately at the same level of collection as in previous years. State municipal aid remains uncertain, with the 2nd half of the Town Aid-Roads grant deferred (\$138,000). | | | |
| 39. SENIOR SERVICES | 95,862 | 71,897 | 69,555 | 2,342 | | | | | |
| 40. TRANSPORTATION SVC. | 118,427 | 88,820 | 91,212 | (2,392) | | | | | |
| 41. YOUTH SERVICES | 110,364 | 82,773 | 47,692 | 35,081 | | | | | |
| 42. RECREATION DEPT. | 259,076 | 194,307 | 166,955 | 27,352 | | | | | |
| 43. LIBRARY | 590,579 | 442,934 | 406,373 | 36,561 | | | | | |
| 44. EMPLOYEE BENEFITS | 3,381,887 | 2,536,400 | 2,113,109 | 423,292 | | | | | |
| TOTAL GENERAL GOVERNMENT | \$ 16,221,102 | \$ 12,165,827 | \$ 10,867,456 | \$ 1,298,370 | | | | | |
| 45. BONDED DEBT | 3,687,524 | 2,765,643 | 549,391 | 2,215,652 | | | | | |
| 46. BOARD OF EDUCATION | 29,343,702 | 22,007,777 | 16,799,585 | 5,208,191 | | | | | |
| TOTAL GENERAL FUND | \$ 49,252,328 | \$ 36,939,246 | \$ 28,217,033 | \$ 8,722,213 | | | | | |

Memo

To: Mayor Enzo Faienza & Town Council Members

From: Louis J. Spina, Jr., Director of Public Works

Date: April 4, 2018

Re: Road Construction, Bid Waiver

I respectfully request your consideration for a bid waiver for certain types of road reconstruction, specifically, full depth reclamation, for the upcoming construction season.

Over the past few years we have made significant improvements to our road network. We have been able to do so while working within the confines of the town's procurement policy. However, the contractor awarded road resurfacing in our region this season does not provide pavement reclaiming and grading services. This would mean that we would have to schedule this type of work with multiple contractors. This could present scheduling conflicts, but more importantly can result in added costs and liability should we incur heavy rain during the course of the project. Conversely, if we work with one contractor, they are responsible from start to finish.

The waiver that I'm requesting is solely for roads that we plan to reclaim, which represents one of three forms of pavement management we have adopted of the past few years.

I will be present at your meeting to answer any question you may have.

CC: Anthony J. Salvatore, Town Manager

*Approved & Support
Anthony J. Salvatore
4/4/18*

Memo

April 2, 2018

To: Anthony Salvatore, Town Manager

From: Wesley Bell, Director of Health



RE: Fee changes for food service establishments

I am requesting approval to change the Cromwell Food Service fees due to changes to the Connecticut Food Code Regulations.

The new food code regulations will be the FDA Recommended Food Code.

The FDA Code revision changes the classifications for food service establishments.

The fee revisions will prevent the loss of revenue due to classification changes that would impact the town.

Attached:

Requested fees

Current Food Code Classifications VS New Food Code Classifications

Current copy of Cromwell Chapter 137. Food Establishments

REVISED CLASSIFICATION OF CONNECTICUT FOOD ESTABLISHMENTS

CURRENT CLASSIFICATIONS UNDER 19-13-B42

CT. HEALTH CODE

CLASS 1:

- Commercially prepackaged food
- Hot and cold beverages
- Hot holding of commercially pre-cooked PHFs that are heated and served in the original package within 4 hours
- No preparation or cooking

CLASS 2:

- Preparation of cold or RTE^{*} commercially processed food that does not require heat treatment
- Hot and cold beverages
- Hot holding of commercially pre-cooked PHFs that are heated and served in the original package within 4 hours
- Reheat and hot holding of commercially precooked hot dogs, kielbasa, and soup taken directly from the package and served within 4 hours

CLASS 3:

- Preparation, cooking, hot/cold holding of PHF that are consumed within 4 hours of preparation

CLASS 4:

- Preparation, cooking, hot holding greater than 4 hours after preparation and prior to consumption, and cooling of PHF

NEW CLASSIFICATIONS UNDER PA 17-93

FDA FOOD CODE

CLASS 1:

- Prepackaged food that is not TCS
- Commercially prepackaged, processed (fully cooked) food that is TCS and either cold-held or heated for hot holding, but not cooled *
- Preparation of non-TCS foods

CLASS 2:

- Preparation of limited menu TCS food that is served immediately, cold-held or hot-held for an unspecified length of time
- No cooling of TCS foods allowed
- Does not include facilities that provide foodservice specifically to a highly-susceptible population

CLASS 3:

- Preparation of an extensive menu of TCS food involving complex processes including cooking, cooling, reheating for hot-holding, and handling of raw ingredients
- Does not include facilities that provide foodservice specifically to a highly-susceptible population

CLASS 4:

- On-site preparations of foods by special processes, such as sous vide, acidification, ROP, etc.
- Preparation of an extensive menu of TCS food involving complex processes including cooking, cooling, reheating for hot-holding, and handling of raw ingredients that is served in an establishment which serves a highly-susceptible population

** Time/Temp Control for Safety*

- A. Class I is a food service establishment with commercially packaged foods and/or hot or cold beverages only. No preparation, cooking 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 hours.
- B. Class II is a food service 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 hours, and commercially precooked hot dogs, kielbasa and soup may be heated if transferred directly out of the original package and served within four hours.
- C. Class III is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four hours of preparation.
- D. Class IV is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four hours prior to consumption by the public.

FOOD ESTABLISHMENT

Any vehicle or place where food or beverage intended for human consumption is manufactured, prepared, stored, offered for sale, sold, served or given to the public or nonmembers, including farmers' markets. For purposes of clarification, nothing in this chapter shall include any religious ceremony, functions at private homes or affairs in establishments which cater exclusively to members and their guests.

FOOD VENDING MACHINE

A device automatically operated to supply food without the direct supervision of a human being.

ITINERANT FOOD ESTABLISHMENTS

Commercial food vendors preparing and selling food from a truck, trailer, tent or other movable venue.

§ 137-2. License required; conditions of license; posting required.

It shall be unlawful for any person to operate a food establishment within the Town of Cromwell without possessing a valid license or a written determination from the Director of Health that no license is required. Only a person who complies with the requirements of the Public Health Code of the State of Connecticut shall be entitled to receive and retain such a license. Licenses shall not be transferred from one person to another person or from one location to another. Unless a different timeline is provided for in the license, all licenses shall expire on June 30 of each year. The owner or proprietor of a food establishment or a food vending machine shall keep a valid license posted in a conspicuous public location visible to the patrons of the establishment, protected against defacement or damage at all times.

§ 137-3. Exemptions.

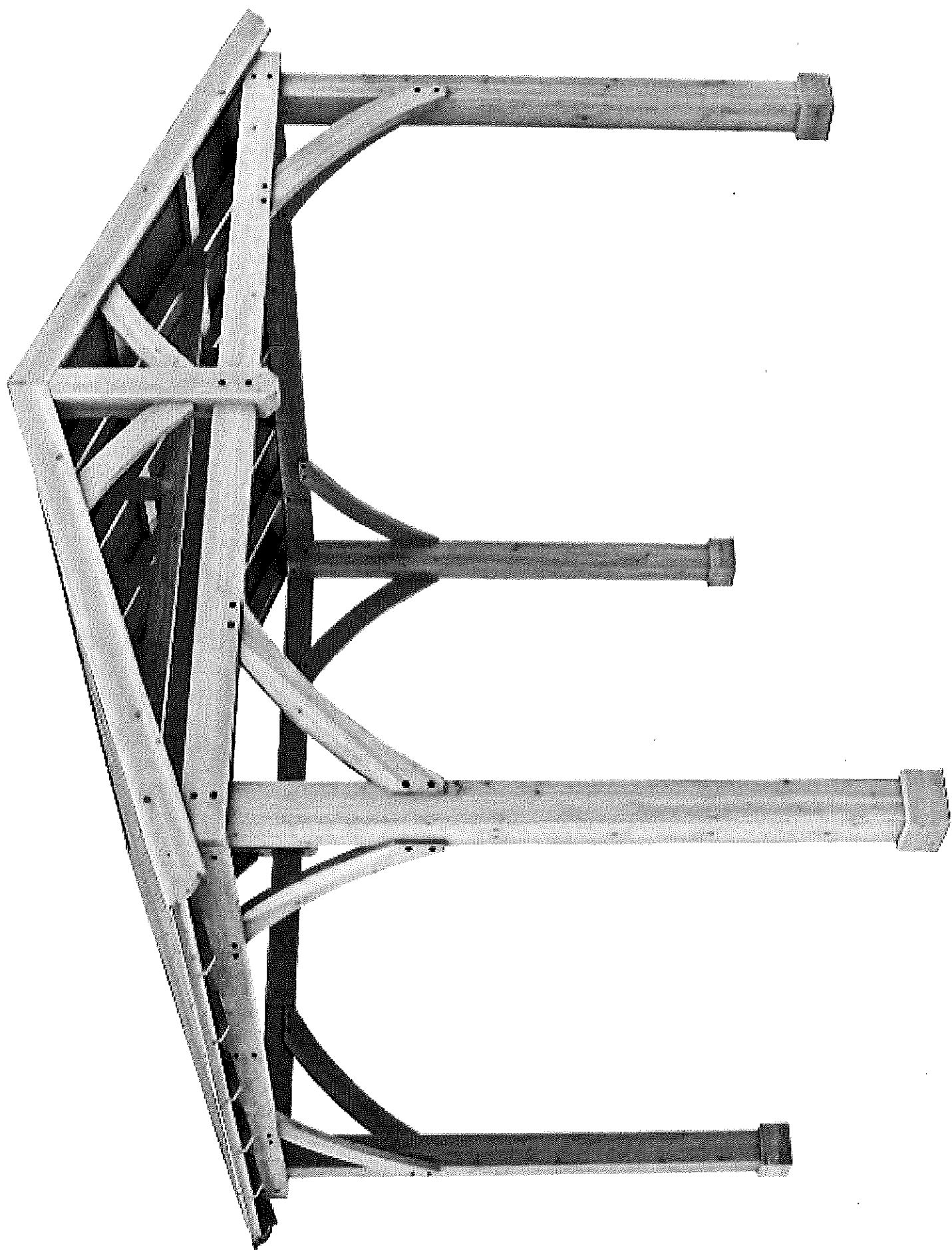
Residents of the Town of Cromwell offering fresh fruits and vegetables grown on and sold from their own property shall be exempt from this chapter.



- (g) Food service plan review for extensive remodeling: \$50.
 - (h) Public schools, nonprofit charitable and religious organizations and civic groups: no fee.
 - (i) Local produce sold directly from a commercial garden or farm: no fee
 - (j) Farms with a valid food establishment license issued by another health district or municipality: no fee.
 - (k) Food establishments already holding a valid food establishment license from the Town of Cromwell: no fee.
 - (l) Itinerant food establishments: an amount equal to the fee for that food establishment class.
- (2) Where there has been a failure to file the required application within the five-day period specified and the establishment has commenced and/or continued to operate without the required approval or license, there shall be a penalty which shall be added to and collected with all the other fees required. The penalty shall be 50% of the fees required, if any, or \$10, whichever is greater, for every seven calendar days or part thereof during which the establishment shall have operated without an appropriate approval or license from the Director of Health. This penalty shall be doubled for every additional week or part thereof during which operation of the establishment unlawfully continues. The imposition or payment of this penalty shall not be deemed to excuse the operation of a food establishment without the required approval or license or to prevent the imposition of any other penalty prescribed by this chapter or other provision of law.
 - (3) Renewal of license. The holder of a valid food establishment license may submit an application, amended with the current date, if necessary, 30 days prior to the expiration of the current license. The license holder has the obligation to initiate the renewal request.
 - (4) Duties of Director of Health in issuing license. After submission of a completed application and after investigation, the Director of Health shall determine whether a license is required and issue that license if the food establishment conforms to the requirements of this chapter and the regulations of the appropriate state agencies that are incorporated into this chapter. If the Director of Health finds that the establishment is incomplete or fails to meet these requirements or if the establishment does not comply with other municipal codes or regulations, the license may, at the discretion of the Director of Health, be either denied without prejudice, or action may be suspended for a stated period not to exceed 30 days for such compliance to be accomplished.

§ 137-6. Inspection; procedure upon discovery of violations.

- A. The Director of Health or his certified agent shall inspect and reinspect each food establishment within the Town of Cromwell as is necessary for the enforcement of this chapter.
- B. After proper identification, the Director of Health or his certified agent shall be permitted to enter at any reasonable time any food establishment, licensed or not, for the purpose of determining compliance with this chapter. Inspections necessary after business hours shall be allowed upon reasonable notice to the license holder or manager.
- C. The Director of Health or his certified agent shall be permitted to examine all areas of the food establishment and its surroundings and all employment and business records of the



Chapter 200: STORMWATER DISCHARGE

General References

Sewers – See Ch. 193

Aquifer Protection – See Ch. 231

§ 200-1. Purpose and Intent.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Cromwell through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the Town's storm drainage system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the storm drainage system through stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the storm drainage system.
- (3) To establish legal authority to carry out all inspections, surveillance, enforcement and monitoring procedures necessary to ensure compliance with this ordinance.

§ 200-2. - Definitions.

For the purposes of this ordinance, the terms below shall have the following meaning:

1. **"Authorized Enforcement Agency"**. Shall mean the Town of Cromwell Town Manager and/or his or her designee.
2. **"Best Management Practices (BMPs)"**. Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
3. **"Clean Water Act"**. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

4. **"Construction Activity"**. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading excavating, and demolition.
5. **"Facility"**. Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.
6. **"Hazardous Materials"**. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
7. **"Hearing Officer"**. The person designated from time to time by the Town Manager to hear appeals in accordance with section 15 herein.
8. **"Illegal Discharge"**. Any direct or indirect non-stormwater discharge to the storm drain system unless exempt pursuant to Section 200-7 of this ordinance.
9. **"Illicit Connections"**. An illicit connection includes the following.
 - a) Any drain or conveyance, whether on the surface or subsurface which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency and/or,
 - b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
10. **"Industrial Activity"**. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).
11. **"National Pollutant Discharge Elimination System (NPDES)"**. A provision of the Clean Water Act that prohibits discharge of pollutants into waters of the U.S. unless a Stormwater Discharge Permit.
12. **"Non-Stormwater Discharge"**. Any discharge to the storm drain system that is not composed entirely of stormwater.

13. **"Person"**. Any individual, association, organization partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.
14. **"Pollutant"**. Anything that causes or contributes to pollution of the environment. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
15. **"Premises"**. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
16. **"PZC"**. The Planning & Zoning Commission of the Town of Cromwell, Connecticut, including its Enforcement Officer, its agents and the Town Engineer.
17. **"Storm Drainage System"**. Publicly-owned premises by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping premises, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures and includes the Municipal Separate Storm Sewer System (MS4).
18. **"Stormwater"**. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
19. **"Stormwater Discharge Permit"**. Means a permit issued by EPA (or by a State under authority delegated Pursuant to 33 USC §1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.
20. **"Stormwater Pollution Prevention Plan"**. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
21. **"Town Manager"**. The Cromwell Town Manager or his/her authorized designee.

22. **"Wastewater"**. Any water or other liquid, other than uncontaminated stormwater, discharged from premises. As used in this chapter, the following terms shall have the meanings indicated:
23. **"Watercourse"**. A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water. This includes but is not limited to lakes, ponds, rivers, streams and any other surface water defined as a watercourse by the town's inland wetland regulations.

§ 200-3. - Applicability.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Town Manager.

§ 200-4. - Responsibility for administration.

The Town Manager shall, in consultation with the town engineer, administer, implement, and enforce the provisions of this ordinance. The Town Manager may delegate his/her powers and duties under this ordinance to an authorized designee.

§ 200-5. - Severability.

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

§ 200-6. - Ultimate responsibility.

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

§ 200-7. – Discharge and Connection Prohibitions.

- (1) *Illegal discharges prohibited.* No person shall discharge or cause to be discharged into the storm drainage system any materials, including but not limited to, pollutants or waters containing any pollutants that cause or

contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one (1) PPM chlorine), firefighting activities, and any other water source not containing pollutants.
- (b) Discharges specified in writing by the Town Manager as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a written notification to the Town Manager prior to the time of the test. Said written notification may be in the form of electronic mail, facsimile transmission or hard copy letter format.
- (d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(2) *Illicit Connections Prohibited.*

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the storm drainage system, or allows such a connection to continue.

§ 200-8. - Suspension of (MS4) storm drainage system access.

Suspension due to illicit discharges in emergency situations. The Town Manager may, without prior notice, suspend storm drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drainage system or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Town Manager may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system or Waters of the United States, or to minimize danger to persons.

Suspension due to the detection of illicit discharge. Any person discharging to the storm drainage system in violation of this ordinance may have their storm drainage system access terminated if such termination would abate or reduce an illicit discharge. The Town Manager will notify a violator of the proposed termination of its storm drainage system access. The violator may petition the Town Manager for reconsideration and hearing.

A person commits an offense if the person reinstates storm drainage system access to premises terminated pursuant to this section, without the prior approval of the Town Manager.

§ 200-9. - Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town Manager prior to the allowing of discharges to the storm drainage system.

§ 200-10. - Right of entry, evaluation, and monitoring of damages.

- (a) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial or construction activity, and any other commercial or residential facilities that discharge stormwater to the storm drainage system.
- (b) *Access to facilities.*

- (1) The Town Manager shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives or designees of the Town Manager.
- (2) Facility operators shall allow the Town Manager ready access to all parts of the facility for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a town, state or federal NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (3) The Town Manager shall have the right to install on any NPDES permitted facilities such devices as are necessary in the opinion of the Town Manager to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The Town Manager has the right to require the installation of sampling and monitoring equipment on any NPDES permitted facility by the discharger at its own expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Town Manager and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the Town Manager access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Town Manager reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (7) If the Town Manager has been refused access to any part of the facility from which stormwater is discharged, and he/she is able to

demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Town Manager may seek issuance of a search warrant from any court of competent jurisdiction.

- (8) While performing the necessary work on private properties referred to in subsections (b) (1) through (5) of this section, the Town Manager shall observe all safety rules applicable to the premises established by the facility.

§ 200-11. - Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The Town Manager will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or facility, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm drainage system as directed by the Town Manager. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial or construction activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

§ 200-12. - Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§ 200-13. - Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drainage system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Town Manager in person or by phone, electronic mail or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Town Manager within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

§ 200-14. - Enforcement.

- (a) *Notice of violation.* Whenever the Town Manager finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, he/she shall order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
- (1) The performance of monitoring, analyses, and reporting;
 - (2) The elimination of illicit discharges or connections;
 - (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
 - (5) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the Town Manager may order the work be done by a designated governmental agency or a contractor and the violator fined an amount equal to the expense thereof in addition to any fines imposed in subsections (b) or (c) of this section.

(b) *Procedure for issuance of citations.*

- (1) The Town Manager shall issue a written notice to any person who violates any provision of this ordinance. No written notice may be issued against the state or any state official or state employee acting within the scope of his employment. Such written notice shall explain the nature of the violation and the steps required for compliance, and shall allow a seventy-two-hour period within which to correct the violation or within which a written plan for correction shall be submitted to the Town Manager, setting forth a reasonable time period for correction of the violation as agreed upon by the Town Manager. A written notice issued pursuant to this subsection shall be served: 1) by hand delivery, at which time the seventy-two-hour period shall begin; or 2) by certified mail return receipt requested and by regular first class mail. Three (3) business days shall be allowed for mail delivery of the notice prior to the commencement of the seventy-two-hour period.
- (2) Within two (2) business days after the period for correction established in subsection (a) expires, the Town Manager shall reinspect the subject property to determine compliance.
- (3) If the violations set forth in the written notice have not been corrected at the time of reinspection, the Town Manager, in his/her capacity as chief executive officer, may issue a citation and fine of up to one hundred dollars (\$100.00) for each violation by hand, by certified return receipt requested, by leaving a true and attested copy of the citation at the usual place of abode or residence of the person in violation, or in the case of a corporate or business entity, delivery to the business address or the address of the statutory agent of said entity. No such fine shall be levied against the state or any state official or state employee acting within the scope of his employment. All citations issued pursuant to this section shall state the violation for which the citation is being issued, the fine imposed for the violation, the time period within which the fine must be paid, and an address for remittance of the fine.

(c) *Compliance periods after citation.*

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

noncompliance after the time period specified in section 14(b) shall constitute a new violation and a new fine of up to one hundred dollars (\$100.00).

- (2) The Town Manager shall not be responsible for a daily reinspection. Rather, the person to whom the citation has been issued shall be responsible for reporting subsequent compliance by way of written report to the Town Manager. The Town Manager shall reinspect to confirm compliance within one (1) business day of receipt of such report.

(d) *Payment of fines.*

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

§ 200-15. - Appeals.

- (a) If the Town Manager issues a notice of violation, the Town Manager shall send written notice of action and a statement of the right to an appeal to the facility operator or facility owner.
- (b) The facility operator or facility owner may appeal a notice of violation to the Town Manager by setting forth in writing the reasons for the appeal within ten (10) calendar days after date of the notice of violation.
- (c) The facility operator or facility owner may appeal the decision of the Town Manager to the hearing officer as follows:
 - (1) The facility operator or facility owner may file a written request for a review by paying an appeal fee of twenty-five dollars (\$25.00) and setting forth the reasons for the appeal within ten (10) calendar days after the date of notification of the decision from the Town Manager. Appeal fees shall be returned to the appealing facility operator or facility owner if the appeal is upheld.
 - (2) The hearing officer shall conduct a hearing not less than fifteen (15) or more than thirty (30) calendar days after the receipt of the request. The hearing shall be informal in nature. The person requesting the hearing may testify concerning the facts,

circumstances and nature of his/her appeal and may present supporting documentation.

The hearing officer shall render a written decision within fifteen (15) calendar days of the hearing. The decision will affirm or reverse the decision of the Town Manager.

- (d) Filing of a request for appeal shall stay the action by the Town Manager requiring payment of a surcharge until the hearing officer has completed his review. However, an appeal shall not stay any action by the Town Manager to halt an illegal discharge that is ongoing. If a request for appeal is not made within the ten (10) calendar day period, the action of the Town Manager is final.

§ 200-16. - Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Town Manager may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 200-17. - Compensatory action.

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

§ 200-18. - Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 200-19. - Criminal prosecution of violations.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law.

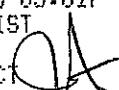
§ 200-20. - Remedies not exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Town Manager to seek cumulative remedies. Moreover, the Town Manager may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

§ 200-21. - Adoption of ordinance.

This ordinance shall be in full force and effect fifteen (15) days after publication. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**TOWN OF CROMWELL
TOWN COUNCIL
SPECIAL MEETING
BUDGET WORKSHOP
THURSDAY, MARCH 8, 2018
TOWN HALL ROOM 224/5 6:30 P.M**

RECEIVED FOR RECORD
Mar 09, 2018 03:01P
JOAN AHLQUIST
TOWN CLERK
CROMWELL, CT 

MINUTES

Present: Mayor Faienza, Deputy Mayor R. Newton, Councilor's F. Emanuele, S. Slade,
A. Waters, M. Johnson

Absent: J. Demetriades

Also Present: Town Manager A. Salvatore, Director of Finance M. Sylvester, Chief of
Police D. Lamontagne, Press

A. CALL TO ORDER

Mayor Faienza called the Special Meeting to order at 6:30 p.m.

B. BUDGET WORKSHOP

a. Discussion and Action on General Fund Budget Requests:

1. Any unfinished business from March 5, 2018 Budget Workshop.

b. Discussion and Action on General Fund Budget Requests:

Chief Lamontagne presented items 35, 36 and 37.

35. Emergency Management -\$19,950

Motion made by S. Slade seconded by F. Emanuele and *unanimously carried* to approve \$19,950.

36. Police- \$3,399,842

Motion made by F. Emanuele seconded by R. Newton and *unanimously carried* to approve \$3,399,842.

37. Animal Control -\$87,237

Motion made by F. Emanuele seconded by R. Newton and *unanimously carried* to approve \$87,237.

*****Capital Plan – Police Vehicle -\$35,000**

Chief Lamontagne presented the request.

A. Waters spoke in length about why he is opposed to this request.

A. Salvatore stated that he approved this CNR request. The vehicle is a 2008 Crown Victoria and has 93,000 miles currently and Chief Lamontagne estimates that by the time the new vehicle is received it will have approximately 98,000 miles. It will be offered to the Public Works Director as an addition to the Town

Pool cars. Town Manager Salvatore stated it will most likely replace the Engineers vehicle.
Additional information was provided by A. Waters comparing the usage of State Police vehicles versus the Cromwell Police vehicles.

Motion made by R. Newton seconded by S. Slade and *carried* to approve **\$35,000.**

Aye: S. Slade, E. Faienza, R. Newton, F. Emanuele

Nay: A. Waters, M. Johnson

Motion carries

38. Health Department -\$188,362

Motion made by S. Slade seconded by R. Newton and *unanimously carried* to approve **\$188,362.**

43. Recreation -\$232,062

Motion made by A. Waters seconded by R. Newton to approve **\$232,062.**

S. Slade recommended adding \$5,000 to the Therapeutic Recreation Line to provide additional programming. After a short discussion the consensus of the Council was to add additional funding in the amount of \$5,000.

Motion made by S. Slade seconded by R. Newton and *unanimously carried* to add **\$5,000** to the Therapeutic Recreation line item.

Main Motion *unanimously carried* to approve **\$237,062.**

22. Committee to Support People with Disabilities -\$100

Motion made by S. Slade seconded by R. Newton and *unanimously carried* to approve **\$100.**

44. Library -\$574,539

Motion made by F. Emanuele seconded by A. Waters and *unanimously carried* to approve **\$574,539.**

10. Assessor's Office -\$232,032

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to approve **\$232,032.**

21. Board of Assessment - \$1,700

Motion made by R. Newton seconded by S. Slade and *unanimously carried* to approve **\$1,700.**

1. Town Manager's Office \$365,585

Motion made by R. Newton seconded by A. Waters and *carried* to approve **\$365,585.**

Aye: S. Slade, E. Faienza, R. Newton, F. Emanuele

Nay: A. Waters, M. Johnson

Motion carried

A five minute recess was held at 8:00 p.m.

4. Economic Development -\$23,861

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to approve \$23,861.

4a. Redevelopment Agency -\$900.00

Motion made by A. Waters seconded by S. Slade to approve \$900.00

Discussion followed; M. Johnson stated that the Agency should have money added to their budget in case they need it.

Motion made by M. Johnson seconded by A. Waters to add \$2,000 to Department Expense.

Further discussion followed; Town Manager Salvatore stated that once the Redevelopment Agency forms a plan of action they will come to him and request the funds.

Motion and second rescinded

Main Motion *unanimously carried* to approve \$900.00.

5. Town Planner -\$127,220

R. Newton requested that the Town Planner's (&Economic Developer) salary should clearly show as combined total of \$118,265 before it reaches the Board of Finance level.

Motion made by R. Newton seconded by S. Slade and *unanimously carried* to approve \$127,220.

6. Development Compliance -\$95,333

Motion made by A. Waters seconded by S. Slade and *unanimously carried* to approve \$95,333.

23. Planning Commission -\$3,525

Motion made by F. Emanuele seconded by R. Newton and *unanimously carried* to approve \$3,525.

24. Zoning Board of Appeals -\$1,235

Motion made by A. Waters seconded by S. Slade and *unanimously carried* to approve \$1,235.

25. Inland Wetlands -\$2,300

Motion made by A. Waters seconded by F. Emanuele and *unanimously carried* to approve \$2,300.

26. Conservation Commission -\$1,210

Motion made by A. Waters seconded by S. Slade and *unanimously carried* to approve \$1,210.

16. General Expense -\$746,502

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to approve \$746,502.

45. Employee Benefits -\$3,603,379

Motion made by F. Emanuele seconded by F. Emanuele and *unanimously carried* to approve \$3,603,379.

46. Debt Service -\$3,687,300

Motion made by A. Waters seconded by F. Emanuele and *unanimously carried* to approve \$3,687,300.

c. Any other Budget matter.

None

d. Approve Grand Total of General Fund Budget

Motion made by F. Emanuele seconded by S. Slade and *unanimously carried* to approve the Grand Total of the General Fund Budget \$16,520,305.

C. ADJOURN

Motion made by F. Emanuele seconded by S. Slade and *unanimously carried* to adjourn the Special Meeting at 9:00 p.m.

Respectfully submitted,

Re Matus

Re Matus
Secretary

TOWN OF CROMWELL
TOWN COUNCIL
REGULAR MEETING
WEDNESDAY MARCH 14, 2018
7:00 PM TOWN HALL ROOM 224/5

RECEIVED FOR RECORD
Mar 20, 2018 01:22P
JOAN AHLQUIST
TOWN CLERK
CROMWELL, CT

MINUTES

Present: Mayor E. Faienza, Deputy Mayor R. Newton, Councilors S. Slade,
F. Emanuele, J. Demetriades, A. Waters, M. Johnson

Absent:

Also Present: Town Manager A. Salvatore, Director of Finance M. Sylvester,
Chief of Police D. Lamontagne, Director of Public Works L. Spina

A. CALL TO ORDER

Mayor Faienza called the meeting to order at 7:01p.m.

B. PLEDGE OF ALLEGIANCE

J. Demetriades led the Pledge of Allegiance.

C. APPROVAL OF AGENDA

Mayor Faienza added J. 7; Discussion and action to approve applying for Police Grant. Item O. 1. BOAA, a. Jay Polke, Alternate.

Motion made by A. Waters seconded by S. Slade and *unanimously carried* to amend the agenda.

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to approve the agenda as amended.

D. COMMISSION CHAIRMAN REPORTS/LIASON REPORT

Board of Education liaison P. Sousa presented an update of Board of Education activities.

E. CITIZEN COMMENTS

1. Billy Prevatte, Middletown- Spoke regarding school safety.

2. Ann Grasso, Sr. Srvs Commission - read a letter into the record (attached).

F. MAYOR'S REPORT

Mayor Faienza reported:

- Spoke regarding the Senior Services Sub-Committee Letter
- The Lion's Club is starting a branch in Cromwell. Mayor Faienza is the first member to sign up in Cromwell.
- Friday he is attending the Mid State Mayors meeting.

- Mayor Faienza turned the meeting over to S. Slade, who read a letter into the record.

A lengthy conversation followed regarding the letter. For the most part the Council agreed that H/R Coordinator B. Price and Town Manager Salvatore draft a policy; something similar to the harassment and discrimination policy that the Town Employees sign. The Council as well as members of other Boards and Commission would be given an opportunity to sign.

M. Johnson stated that an Ethics Committee should be formed.

G. TOWN MANAGER'S REPORT

Town Manager Salvatore reported:

- Budget is in good shape; they are watching the Public Works Overtime Account.
- Councilor Slade brought attention to the need for a Lyme Disease Awareness Program. Health Director Bell made arrangements for a program on May 24th.
- Senior/Human Services Director A. Saada is setting up a Community Service Day to benefit the seniors in town.
- The brush clean up was extended because of the inclement weather.
- The Fuel Bank received a \$3,000 donation from Padre Pio Foundation.
- Conversations continue with Portland regarding Fireworks and the Raft Race.
- Statistics for Park usage were presented.

M. Johnson requested a sketch of the final concept for Frisbee Park.

H. CHIEF OF POLICE'S REPORT

Chief Lamontagne reported:

- The Monthly Statistic Reports were distributed for the month of February.
- Officer Mark Gary passed away on February 18th. He was a valuable member of the Department and will be greatly missed.
- They are in the hiring process and will hopefully have a spot in the July Academy.
- Officer Carlson and Bane are attending Narcotics Training
- Was invited to speak at Covenant Village on March 1st. Plans are being made for members of the Department to stop by occasionally and have a cup of coffee at the Café and meet the residents and learn more about Covenant Village.
- Sgt. Young is attending Supervisor training.
- Chief Lamontagne and Sgts. Penn and Bengtson are attending the FBI/Leeda Trilogy Course. Additional Sgts. will attend the next training course.

I. PUBLIC WORK DIRECTOR'S REPORT

Public Works Director Spina reported:

- The Highway Crew starting the road sweeping project and then the 3 Northeaster's came.
- Met with the contractor and Highway Foreman N. Swanson regarding the upcoming year's road projects.
- Met with the Little League and Parks Foreman M. Conant regarding the fields.

J. FINANCIAL

1. Budget Reports

Finance Director Sylvester reported:

- We received an unexpected check for \$50,000 from MIRA because they are a non-profit group so the excess funds are distributed to the members. The funds will be distributed into the General Fund.
- Revenue is tight because of the Highway Overtime. Most of it can be recouped with transfers from other areas
- Expenditures are on target.

2. Tax Refunds

Motion made by A. Waters seconded by S. Slade and *unanimously carried* to approve tax refunds 1 -22.

3. Discussion and action to approve Educational Assistance Request.

Chief Lamontagne presented the request. Officer Zak Augenstein was introduced to the Council and presented an overview of his request.

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to approve Educational Assistance of \$1,000 for each of the next five semesters.

4. Discussion and action to approve Other Fund Budgets for FY 2018-19:

a. Dog Fund: \$24,024

Motion made by A. Waters seconded by R. Newton and *unanimously carried* to approve \$24,024.

B. Sidewalk Fund: \$7,500

Motion made by A. Waters seconded by J. Demetriades and *unanimously carried* to approve \$7,500.

Finance Director Sylvester stated that there is approximately a balance of \$30,000 in the account; \$24,000 is reserved for specific areas.

5. Authorize Mayor to set the date/time for a special town meeting for all four special revenue funds (Dog License Fund, Sidewalk Fund, Sewer Usage Fund, and Sewer Assessment Fund).

Motion made by A. Waters seconded by R. Newton and *unanimously carried* to authorize the Mayor to set the date/time for a special town meeting for all four special revenue funds.

6. Discussion and action on any Budget workshop unfinished business.

None

7. Discussion and action to authorize Cromwell Police Department to apply for Grant.

Motion made by R. Newton seconded by S. Slade and *unanimously carried* to authorize Cromwell Police Department to apply for the High Visibility Performance Grant.

Motion made by R. Newton seconded by A. Waters and *unanimously carried* to appropriate the funds within CNR.

K. FINANCE DIRECTOR'S REPORT
Report included under Financial.

L. STAFF REPORTS
None

A short recess was held from 8:50 p.m. until 8:56 p.m.

M. NEW BUSINESS

1. Union Grievance - UE Local #222
 - a. Joe Grassi
 - b. action.

Union Representative Sherry Bryant presented the grievance for the union, with input from Joe Grassi.

Public Works Director L. Spina presented the grievance for the town with the assistance of H/R Coordinator B. Price.

After a lengthy discussion and question and answer session;

Motion made by A. Waters seconded by J. Demetriades and failed to uphold grievance @ 3 hours for December 9, 2017.

Aye: J. Demetriades, A. Waters, M. Johnson

Nay: F. Emanuele, R. Newton, E. Faienza, S. Slade

Motion failed.

Lengthy discussion followed; Union Representative S. Bryant was asked exactly they are looking for. Ms. Bryant said that they are looking for 14 hours; the hours that the Highway Crew worked. She also stated that the Mechanics should be called in the same time that the Highway Crew is called in for snow storms.

A short discussion followed regarding the remedy that the union was looking for.

Motion made by R. Newton seconded by S. Slade and *carried* to deny the grievance.

Aye: M. Johnson, S. Slade, E. Faienza, R. Newton, F. Emanuele

Nay: J. Demetriades, A. Waters

Motion carries

2. Discussion and possible action regarding Community Garden Plots.

Town Manager Salvatore presented the item on behalf of Director of Planning and Development Director S. Popper.

Motion made by A. Waters seconded by F. Emanuele and *unanimously carried* to deny.

3. Discussion and action to approve use of Frisbee Park by the Cromwell Farmer's Market for the 2018 season from June 1st through September 28th, 2018.

Motion made by A. Waters seconded by S. Slade and *unanimously carried* to approve use of Frisbee Park by the Cromwell Farmer's Market every Friday for the 2018 season from June 1st through September 28th, 2018.

4. Discussion and action to use Parking area along the South End of River Road pending COA approval.

Approval was received by Commodore Bonacquisto. A. Waters stated that the Cromwell Outboard Association would need to vote on this request.

Motion made by S. Slade seconded by R. Newton and *unanimously carried* to approve use of the Parking area along the South End of River Road pending COA approval.

N. APPROVAL OF MINUTES

1. Regular Meeting February 14, 2018

Motion made by J. Demetriades seconded by S. Slade and *unanimously carried* to approve the minutes of February 14, 2018.

2. Special Meeting, Budget Workshop, March 5, 2018

Motion made by R. Newton seconded by S. Slade and *unanimously carried* to approve the Special Meeting, Budget Workshop minutes of March 5, 2018 with the correction of donations; should state the Hillside Cemetery not the Cemetery Fund.

O. APPOINTMENTS

1. Board of Assessment Appeals

a. J. Polke, Alternate, Term expires November 2019.

Motion made by S. Slade seconded by R. Newton and *unanimously carried* to approve Mr. Polke's appointment as an Alternate to the BOAA.

P. TOWN COUNCIL COMMISSION LIAISON REPORTS

J. Demetriades -Committee to Support People w/Disabilities - P&Z

R. Newton -CWPCA

S. Slade -Fire Commission

A. Waters -Historical Society

Q. ADJOURNMENT

Motion made by S. Slade seconded by A. Waters and *unanimously carried* to adjourn the meeting at 10:30 p.m.

Respectfully submitted,

Re-matus

Re Matus
Secretary

TO: Cromwell Mayor, Town Manager, Town Council
FROM: Senior Services Commission
RE: Amended request to letter from Senior Facility Feasibility Subcommittee
DATE: March 14, 2018

Greetings from the Commission charged with the oversight of Senior Services.

We recognize the importance of the message in the letter offered to you from the subcommittee and praise them for their concerns and statistics.

We also recognize the need for sharing spaces in the Arch Room, gym, and dining hall until a Community Center can be built.

We recognize and understand budget constraints. However, we need your focus on the growing deficiencies regarding the capabilities of the Senior Center.

We recognize that most on the Town Council hardly see the future years when Senior Services might be important to them and request you look at your parents and grandparents for awareness and insight although the coming Baby Boomers are not like my parents and grandparents!

If we wish Cromwell to be a destination locale for the burgeoning demographic of Baby Boomers, we need to be proactive in considering their needs. Cromwell is well-positioned to attract Boomers due its proximity to universities, airports and train travel while providing a calmer, countryside living environment.

In order to serve current and future recipients we would like to be able to share our thoughts and ideas with the Facility Planning Group. We believe that our input will bring balance and vital perspectives to any future facility plans.

Therefore, the Senior Services Commission requests that we be a part of the feasibility study and larger Facility Planning group, which we understand is already funded through the Town Council.

Thank you for your time and consideration.

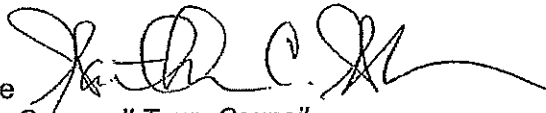
14 March 2018

Mayor and fellow members of the Cromwell Town Council,

At our last regular Town Council meeting on February 14th, just prior to the gaveling in, one of the members of this Council made remarks to another Council member that were discriminatory and derogatory in nature. The Council member who those remarks were directed at was offended. I, as one of the other Council members who heard this conversation transpire and tried to diffuse it, was also taken aback and offended. Speech such as what was uttered at our last meeting is unacceptable and has no place in our Council Chambers – or anywhere else for that matter. We live in an age where we seek a greater level of understanding, diversity, and inclusion of others. As members of this Council we are the standard bearers for this town. We were voted into these seats to make decisions on behalf of all of the residents of Cromwell – a very large and diverse group of individuals – who expect us to lead their town with dignity and respect. I am honored to be an elected member of this Council and take my role very seriously. I feel I would be doing a disservice to the residents of this town if I did not address this issue and seek out a solution.

The Town of Cromwell has each of its employees sign an anti-discrimination and harassment policy that outlines what is expected of them as employees of the Town of Cromwell and procedures should discrimination or harassment occur. I ask each member of this Council to sign the same document we ask our employees to sign and formally commit ourselves to promoting a welcoming, inclusive, and diverse community and safe work environment. In the words of the late great Maya Angelou "We all should know that diversity makes for a rich tapestry, and we must understand that all the threads of the tapestry are equal in value no matter what their color."

Sincerely,
Samantha Slade
Majority Leader, Cromwell Town Council

A handwritten signature in black ink, appearing to read 'S. Slade', with a long horizontal flourish extending to the right.

Incident Statistics Report

01/01/2018 00:00 Thru 01/31/2018 23:59


| Call Type Description | Total for Period |
|-------------------------------|------------------|
| 911 Hang Up Call | 7 |
| Administrative Matter | 19 |
| Alarm - All types | 17 |
| ALARM-FALSE BILLABLE | 39 |
| Animal Complaint | 19 |
| Assault, Simple | 1 |
| Assist Motorist | 31 |
| Assist Other Agency | 42 |
| Car Seat Installation | 2 |
| Civil Matter | 5 |
| Credit Card/ATM Fraud | 3 |
| Criminal Mischief / Vandalism | 2 |
| Domestic Incident | 3 |
| DUI | 3 |
| Escort | 4 |
| False Pretenses/Swindling | 1 |
| Fight/Disturbance | 1 |
| Fingerprinting | 26 |
| FV Protocol / P.A. | 6 |
| Harrassing Phone Calls | 1 |
| Identity Theft | 5 |
| Impaired / Intox Person | 1 |
| Juvenile Incident | 6 |
| Larceny - From Building | 2 |
| Larceny - From MV | 1 |
| Larceny -Shoplifting | 4 |
| Larceny- Other | 2 |
| Medical Emergency | 45 |
| MV Accident | 32 |
| MV Abandoned | 1 |
| MV Parking Violation | 8 |
| MV Theft | 1 |
| MV Violation | 167 |
| MVA NR PRIV PROP | 13 |
| Neighbor Dispute | 1 |
| Noise Complaint | 5 |
| Nursing Home Fax Report | 6 |
| Property Check | 311 |
| Property Lost/Found | 11 |

Incident Statistics Report

01/01/2018 00:00 Thru 01/31/2018 23:59

| Call Type Description | Total for Period |
|------------------------------|------------------|
| Record Only Call | 5 |
| Road Cond/TCS Out | 23 |
| Runaway | 1 |
| See Complainant | 26 |
| Serve Warrant INFO | 2 |
| Suspicious Activity | 44 |
| TEST CALL | 4 |
| Threaten/Harass/Intimidation | 1 |
| Town Ordinance | 11 |
| Traffic Assignment | 9 |
| Unfounded Complaint | 13 |
| Untimely Death | 2 |
| Unwanted Person | 2 |
| Well Being Check | 10 |
| Total: | 1007 |

TOWN OF CROMWELL
TOWN COUNCIL
SPECIAL MEETING
TUESDAY MARCH 27, 2018
4:15 PM TOWN HALL ROOM 224/5

RECEIVED FOR RECORD
Mar 29, 2018 09:06A
JOAN AHLQUIST
TOWN CLERK
CROMWELL, CT 

MINUTES

Present: Mayor E. Faienza, Deputy Mayor R. Newton, F. Emanuele, S. Slade,
J. Demetriades, A. Waters, M. Johnson

Absent: None

Also Present: Town Manager A. Salvatore, Human Resources Coordinator B. Price

A. CALL TO ORDER

Mayor Faienza called the Special Meeting to order at 4:15 p.m.

B. APPROVAL OF AGENDA

Motion made by A. Waters seconded by R. Newton and *unanimously carried* to approve the agenda.

C. NEW BUSINESS

1. Discussion and action to use Parking area along the South End of River Road for Sunrise Service Parking.

A. Waters requested that a portion of the COA Lease pertaining to Indemnity be read into the record. (Attached to minutes)

Motion made by A. Waters seconded by F. Emanuele and *unanimously carried* to approve use of parking area along the South End of River Road for Sunrise Service Parking.

2. Authorize Town Manager to approve Cromwell Outboard Association request to assign Parking lot to others.

Requests to use the parking lot would be approved by the Town Manager; all other requests would come before the Town Council.

Town Manager Salvatore will contact our insurance carrier and obtain proof of insurance that the Town of Cromwell (landlord) is insured to use town property leased by the COA.

Motion made by A. Waters seconded by J. Demetriades and *unanimously carried* to approve the Cromwell Outboard Association request to assign Parking lot to others.

D. EXECUTIVE SESSION

1. Town Manager Personnel Matter/Councilor M. Johnson's letter
 - a. Action if necessary.

Motion made by A. Waters seconded by F. Emanuele *and unanimously carried* to adjourn to Executive Session at 4:33 p.m.

Town Manager Salvatore and Human Resources Coordinator B. Price were invited into Executive Session.

Motion made by A. Waters seconded by S. Slade *and unanimously carried* to come out of Executive Session at 5:22 p.m.

Motion made by R. Newton seconded by F. Emanuele *and carried* that we did meet in Executive Session regarding this matter and this Council finds no evidence that this item is appropriate.

Aye: A. Waters, S. Slade, E. Faienza, R. Newton, F. Emanuele, J. Demetriades
Abstained: M. Johnson

E. ADJOURNMENT

Motion made by S. Slade seconded by F. Emanuele *and unanimously carried* to adjourn the Special Meeting at 5:24 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Re Matus". The signature is written in dark ink and is positioned above a horizontal line.

Re Matus
Secretary

Board of Selectmen, in their sole discretion, may determine provided, however, that Landlord will observe all applicable rules and regulations of the Cromwell Outboard Boat Association Inc.

7. Dangerous Materials. Tenant shall not keep or store any dangerous, inflammable or explosive materials on the Leased Premises.

8. Insurance. The Tenant shall at his expense obtain Public Liability Insurance covering the interest of the Landlord and the Tenant in the Leased Premises, public liability insurance to be in the amount of ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00) per occurrence, combined single limits. Tenant and all parties claiming under Tenant hereby release and discharge the amount of ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00) per occurrence, combined single limits. Tenant and all parties claiming under Tenant hereby release and discharge Landlord from all claims and liabilities arising from or caused by any hazard covered by insurance on the Leased Premises or covered by insurance in connection with property on or activities conducted on the Leased Premises regardless of the cause of the damage or loss. The Tenant shall provide a certificate of insurance, and, if requested, copies of the insurance policies, to the Landlord certifying that the insurance is in force and describing the coverage and expiration date and stating that the insurance company shall notify the Landlord in writing not less than sixty (60) days in advance of the expiration, termination restrictive amendment reduction or other change in coverage. Such insurance shall remain in force during the term of this Lease or any extension thereof. Tenant agrees that if such insurance policies are not kept in force during the entire term of this Lease or any extension thereof, Landlord may procure the necessary insurance, pay the premium therefor, and charge such premiums as additional rent or, at its option, Landlord may terminate this Lease.

9. Indemnity. The Tenant shall defend, indemnify and save harmless the Landlord, its officers, agents, servants and employees, on account of any and all claims, damages, losses, litigation, expenses, counsel fees, and compensation, arising out of injuries (including death) sustained by or alleged to have been sustained by the Tenant's officers, agents, servants, employees, invitees, guests or others using the Leased Premises and from injuries (including death) sustained by or alleged to have been sustained by the public or by any other person or property, real or personal (including property of the Landlord) caused in whole or in part by the acts, omissions, or neglect of the Tenant, its officers, agents, servants, employees, invitees, guests or others using the Leased Premises.

10. Assignment and Subletting. Tenant shall not assign or sublet this Lease without the prior written consent of the Landlord.

11. Eminent Domain. If all of the Leased Premises, or any part thereof, as will make the Leased Premises unsuitable for occupancy, is condemned for any public use or purpose by any legally constituted authority, then this Lease shall cease from the time when possession is taken by such public authority.