

TOWN OF CROMWELL
TOWN COUNCIL
SPECIAL MEETING
WEDNESDAY MARCH 16, 2016
6:45 PM TOWN HALL GYM

(Following 6:30 Public Hearing)

RECEIVED FOR FILING
3-18-2016 at 2:51 M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.


TOWN CLERK

MINUTES

Present: Mayor E. Faienza, Deputy Mayor R. Newton, F. Emanuele, A. Waters,
T. Tokarz, E. Widders

Absent: S. Slade

Also Present: Captain K. VanderSloot, Health Director W. Bell, Animal Control Officer
C. Gagnon, Town Attorney K. Olson, members of the Public and Press

A. CALL TO ORDER

Mayor Faienza called the Special Meeting to order at 9:10 p.m.

B. APPROVAL OF AGENDA

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

C. FINANCIAL

1. Tax Refund

No action taken (withdrawn)

D. UNFINISHED BUSINESS

1. Discussion and action to approve Job Descriptions -tabled

Motion made by R. Newton seconded by E. Widders and *unanimously carried* to remove from the table.

a. Accounting Clerk for Tax and Sewer

Motion made by R. Newton seconded by E. Widders to approve the Accounting Clerk for Tax and Sewer job description.

Town Manager Salvatore presented the request.

F. Emanuele stated that this item should be tabled so the Council can review the letter that Ms. Kelly, CWPCA Chairman distributed to them this evening.

T. Tokarz inquired why the financial requirements are on the Office Assistants' Job Description and not on the Accounting Clerks'. Town Manager Salvatore stated that Finance Director Sylvester added the financial description to the Office Assistant's description as a plus for any projects that are done by that position when working in the Finance Department. Mr. Salvatore stated that of course the financial requirements could be added to the Accounting Clerk's job description as well.

Motion made by T. Tokarz seconded by R. Newton and *unanimously carried* to amend the Accounting Clerk for Tax and Sewer's job description by adding the

Financial Requirements as stated in the Office Assistant's description;
Bookkeeping, accounting, or finance experience a plus.

Aye: T. Tokarz, A. Waters, E. Faienza, R. Newton, E. Wengers

Nay: F. Emanuele

Main Motion carried as amended

b. Office Assistant/Floater

Town Manager Salvatore informed the Council that this position replaces the full time position that was previously shared by the Town Clerk and Tax Office. The position will be housed in the Manager's Office and assist other departments with projects and provide office coverage as needed. Three part-time positions were cut from the budget as well (from the Town Clerk's Office, the Finance Department and the Building Department).

Motion made by F. Emanuele seconded by A. Waters and *unanimously carried* to approve the Office Assistant job description.

E. NEW BUSINESS

1. Discussion and action to approve applying for 2016 Distracted Driving High Visibility Grant.

Motion made by A. Waters seconded by F. Emanuele and *unanimously carried* to approve applying for 2016 Distracted Driving High Visibility Grant and appropriate \$17,300 from Capital Non-Recurring of which 75% will be reimbursed to the Town.

- a. Authorize Town Manager to sign grant.

Motion made by E. Wengers seconded by R. Newton and *unanimously carried* to authorize the Town Manager to sign the grant.

2. Discussion and action to amend Ordinances. (Town Attorney's explanation of changes attached to minutes)

- a. Chapter 60, Sewer

Motion made by R. Newton seconded by T. Tokarz to amend Chapter 60, Sewer Commission.

The consensus of the Council was to add a filing deadline of June 30th or TBD to the Ordinance. Town Attorney Olson felt that this is a small change to the proposed ordinance and will not have to be re-advertised.

Motion amended by E. Wengers seconded by R. Newton and *unanimously carried* to add a filing deadline June 30th or TBD to the Ordinance.

Main Motion unanimously carried as amended.

- b. Chapter 82, Animals

Motion made by F. Emanuele seconded by A. Waters and *unanimously carried* to Amend Chapter 82, Animals.

- c. Chapter 137, Food Establishments

Motion made by A. Waters seconded by E. Wengers to amend Chapter 82, Animals.

The consensus of the Council was to table and take action along with Chapter 178, Peddling and Soliciting Ordinance when it is discussed.

Motion and second withdrawn

Motion made by R. Newton seconded by A. Waters and *unanimously carried to table.*

d. Chapter 178, Peddling and Soliciting

Motion made by A. Waters seconded by E. Wenners to amend Chapter 178, Peddling and Soliciting.

After a lengthy discussion the consensus of the Council was to exempt Farmer's Market vendors.

Town Attorney Olson was charged to review Chapter 178 and Chapter 137 and make the necessary revisions to exempt Farmer's Market vendors.

Attorney Olson advised the Council that this action may be the cause of law suits from other organizations within the town.

Motion made by R. Newton seconded by A. Waters and *unanimously carried to table.*

3. Authorize Mayor to set time and date for Special Town Meeting to sell 1.90 acre parcel of land at the south end of Main Street identified as Parcel ID 00480800.

No action taken (withdrawn)

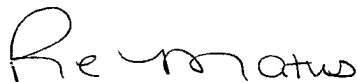
4. Discussion and approval to authorize payment of an attorney's bill for the CWPCA.

Town Manager Salvatore presented the request. He recommended that the bill of approximately \$2400 that was incurred by the CWPCA for legal services is approved for payment. He and Mayor Faienza met with Chairman A. Kelly and she now understands that they need the Council's approval to hire an attorney.

F. ADJOURN

Motion made by F. Emanuele seconded by R. Newton and *unanimously carried to adjourn the Special Meeting at 10:30 p.m.*

Respectfully submitted,



Re Matus
Secretary



M E M O R A N D U M

TO: Anthony Salvatore, Town Manager
FROM: Kari L. Olson
DATE: March 15, 2016
RE: Summary of Proposed Ordinance Changes

The following summary is intended to give a "nutshell" explanation of the substantive changes to each ordinance as proposed. Other less substantial changes in format and style are not addressed herein.

A. CHAPTER 82 - ANIMALS

The proposed amendments to this ordinance clarify and expand the definition of livestock and create a new category by definition for cats. It further clarifies that "Animals" under the ordinance includes only dogs and livestock and thereby broadens the types of animals that are subject to penalties for roaming and nuisance as has been experienced by the Animal Control Officer to date, but purposefully excludes cats from that definition.

B. CHAPTER 60 - SEWER COMMISSION

The purpose of the revisions to Chapter 60 is to clarify various issues and/or ambiguities that have been brought to light over the past several years. These changes are to avoid future confusion and should not be interpreted as suggesting any wrongdoing on the part of the CWPCA or its members. To the contrary, their willingness to volunteer for this important post is commended.

The proposed changes are listed below:

1. 60-1: Clarifies that the terms of the ordinance must be read in concert with, and not to the exclusion of, the Town Charter and its provisions.
2. 60-2: Unchanged
3. 60-3: Clarifies that the clerk of the CWPCA is to be assigned by the Director of the Department of Public Works.

4. 60-4: Rewrites this section to clearly include that the CWPCA is subject to the requirements of the Freedom of Information Act.
5. 60-5: Rewrites this section to confirm that all Town employees of the CWPCA shall be under the supervision of the Director of Public Works or his or her designee and shall be approved by the Town Manager.
6. 60-6: Rewrites this section to clarify that the CWPCA, as a Town agency, is subject to the purchasing policies and procedures of the Town and that any decisions to purchase items or services or to sell or transfer real property shall be subject to Town Council approve and the possibility of a public hearing.
7. 60-7: Rewrites this section to confirm that the CWPCA shall appropriate and reimburse the Town from the Sewer Usage Fund for costs the Town incurs in assisting the CWPCA, including but not limited to, providing space and/or employees to the CWPCA.
8. 60-8: Rewrites this section to make sure that the CWPCA provides a fiscal report to the Town for purposes of its annual audit and financial report. Also confirms that the CWPCA creates its own budget which shall now be reviewed by the Director of Finance. The requirement that the budget for the CWPCA go to a special town meeting remains unchanged.
9. 60-9: Clarifies that violating the Town's Sewer Ordinance is grounds for removal of any member of the agency.

C. CHAPTER 178: PEDDLING AND SOLICITING

The changes to this ordinance are intended to accommodate the desire in the Town to accommodate and foster the development of a certified Farmer's Market while protecting the interests of businesses and already licensed venders within the Town.

The proposed changes are outlined below.

1. 178-1: Creates a new subsection that sets forth those persons or businesses that are excepted from this Chapter. In general, those excepted include store patrons, businesses already licensed in the Town and those participating in a certified Farmer's Market provided they are already exempt under Section 178-12.
2. 178-2: Creates new definitions for a Farmer's Market and for a Market Manager.

3. 178-3: Modifies the application procedures to make sure that all peddlers make application to the Chief of Police prior to peddling. This includes those who may ultimately be exempt under Section 178-12.

The new provisions also provide for a special application procedure for those managing a Farmer' Market to ensure that all proposed peddlers are in compliance with this ordinance. It further confirms that such peddlers must comply with any and all other regulations of the Chief of Police and/or the Health Director.

Note: The Chief of Police is working with counsel to streamline this application process.

4. 178-4: Gives clear discretion to the Chief of Police to determine applicability and compliance with the ordinance.
5. 178-5: Unchanged
6. 178-6: Unchanged
7. 178-7: Unchanged
8. 178-8: Clarifies the license fees for those peddling and those who are peddling at a Farmer's Market as well as the items being peddled with obvious consideration being given to those who are actually selling local farm products and those businesses already licensed in Town. Such peddlers will pay no fee. Those peddling crafts or non-edible items will pay \$25 per season. All others peddling edible items shall pay \$50 per month or \$200 per season.
9. 178-9: No significant substantive changes
10. 178-10: Unchanged
11. 178-11: Revised to make clear that the Market Manager takes full responsibility for all vendors complying with the ordinance and imposes sanctions for non-compliance.
12. 178-12: Clarifies the exemption of charitable organizations and local farm stands from the provision of the Chapter with prior registration and/or approval. The section expressly excludes Farmer's Markets from a whole hoc exemption as they are required to make application and pay fees in accordance with Sections 178-3 and 178-8.
13. Clarifies that applications also must be retained records.

D. CHAPTER 137 – FOOD ESTABLISHMENTS

The provisions of this ordinance have been changed to accommodate the proposed Farmer's Markets governed also by Chapter 178.

1. 137-1: Definitions revised to include a definition of a Farmer's Market as well as to clearly outline the current regulatory Food Classes. Also revised the definition of "Itinerant Food Establishments."
2. 137-2: No real substantive changes
3. 137-3: No substantive changes
4. 137-4: Establishes an application procedure for Food Establishment Licenses and clarifies that there may be a plan review fee required and exempts certain establishments from that fee such as Farms and Food Establishments already licensed in Cromwell that intend to peddle at a Farmer's Market.
5. 137-5: Gives discretion to the Director of Health to determine if a license is required for the proposed use and sets the license fees for same. Also sets forth the penalties for operating without a license.
6. 137-6 through 137-14: No substantive changes