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JULY 18, 2005 REGULAR MEETING

The Wethersfield Town Council held a meeting on Monday, July 18, 2005 at 7:00 p.m. in the Auditorium of the Silas Deane Middle School.

Present: Councilors Adil, Cascio, Czernicki, Forrest, Fortunato, Hemmann, Montinieri, Deputy Mayor Karangekis and Chairperson Morin.

Also present: Bonnie Therrien, Town Manager, and Dolores G. Sassano, Town Clerk.

All stood for the pledge of allegiance to the flag which was led by Deputy Mayor Karangekis.

Chairperson Morin announced that there will be an Executive Session following the regular meeting to discuss real estate negotiations.

Proclamation - Emily LaSalle - CREC/Social and Youth Services Participant

Chairperson Morin was joined by Town Manager Bonnie Therrien, Director of Social and Youth Services Dr. Nancy Stilwell, and Youth Opportunity Coordinator Jane Johnson to present Emily LaSalle with a Proclamation recognizing her participation in the Summer Youth Employment Program offered by CREC, funded through Capitol Workforce Partners and run in Wethersfield by Jane Johnson of Social and Youth Services. Town Manager Bonnie Therrien said that she and others are very proud of Emily for the efforts she has put forth. Dr. Stilwell said that Emily used every resource available to her and that the Department of Social and Youth Services is very proud of her and wishes her the best in future endeavors. Chairperson Morin read the Proclamation aloud and congratulated Emily on her fine work.

Emily LaSalle thanked all in the program who helped her to get where she is and thanked the Council for their recognition. She said that she is one of many participants who have succeeded in the program.

Deputy Mayor Karangekis moved "**TO TAKE OUT OF ORDER ITEM B.3.a**", seconded by Councilor Adil. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Report on Wethersfield Cove Cleanup/MDC Meeting

Chairperson Morin provided an update of the July 11 meeting of the MDC Board of Commissioners. He said that they voted to basically ban any more sewage from coming into Wethersfield Cove. He said that a lot of work has been put into the effort by the public, State Legislators, and members of the Wethersfield Council. Chairperson Morin introduced MDC Chief Administrative Officer Bob Moore and MDC Chief Executive Officer Chuck Sheehan to explain the next steps to be taken by the Town of Wethersfield and the MDC.

Mr. Sheehan verified that on July 11 the MDC Board approved the steps to be taken to move forward with the elimination of any sewage flows into both Folly Brook and the Wethersfield Cove. He said that the MDC is very engaged in the development of detailed plans of eleven macro-scaled project elements designed to eliminate CSO's and sanitary sewer overflows. Mr. Sheehan said that it is anticipated that the dialogue with the EPA and the Department of Justice will significantly escalate as orders to correct the Clean Water Act violations are issued and negotiations to achieve compliance take place. He said that the major part of the \$671 million project, which will escalate to approximately \$1 billion, is the mitigation of CSO's and sanitary sewer overflows, particularly in the Franklin Avenue drainage basin, which will effectively eliminate any sanitary sewage discharge into Wethersfield Cove and Folly Brook. Mr. Sheehan said that this is a very complicated implementation scheme and the MDC will gain approval to

hire a Program Management Officer who will oversee a focus team of designers, construction administrators, and project coordinators who will continuously oversee budget, schedule, quality control, and all issues relating to the successful, timely implementation of the project. Mr. Sheehan provided an overview of some of the major activities that will take place. These included the hiring of the Program Management Officer and creating a focus team and working with the DEP, EPA, and the Department of Justice to negotiate the final form of the consent agreement to allow moving forward. Mr. Sheehan said that the MDC anticipates success because the plan is very well documented and he gave his colleague, Mr. Moore, who is an international expert in this field, tremendous credit as he has been working on this for two years. Mr. Sheehan said that the MDC will keep the Town of Wethersfield informed every step of the way throughout the process. Mr. Sheehan said that the MDC is not authorized under its Charter to spend more than \$5 million on any infrastructure project and since this project will exceed this amount, referendum approval will be required. A public information program will be held to share many of the details in order to build public support. He said that the MDC approved an additional \$3.5 million to proceed immediately with the elimination of clean water inflow infiltration, which will have an immediate benefit to Folly Brook and Wethersfield Cove. Mr. Sheehan provided for the Council a detailed schedule, subject to change, of how the projects will proceed. He said that everything that is included in the Wethersfield Cove and Folly Brook solution occurs in the first phase of the project which is expected to be complete within six years.

Mr. Moore reviewed a map showing components of the Long-Term Control Plan.

Councilor Cascio asked if all Towns involved in the MDC program are aboard in recognizing the project. Mr. Moore said that none of the projects can begin without a referendum being held first and a majority of electorates in each member Town needs to be reached to approve the referendum. Councilor Cascio asked if the communities are aware of the issues and are willing to step forward with Wethersfield. Mr. Sheehan said that a Citizens Advisory Committee was established with representatives from all member Towns and he cannot say affirmatively at this time that all Towns are on board, although no Town is vehemently opposed. He said that the MDC needs to initiate aggressive public outreach which starts with the political leadership of each Town. Mr. Sheehan said that if the referendum doesn't pass, it then goes on to the Federal Government for forced compliance. He said that although the Plan only shows Hartford, the inflow and infiltration components which contribute to the problem come from many surrounding Towns. Mr. Sheehan said that efficiently and properly collecting and treating sanitary sewage is a front year issue that is not only the law, but is as important as picking up garbage and leaves for any Town's constituents and it is a campaign that needs to be waged. Councilor Cascio thanked Mr. Sheehan and Mr. Moore and said that he hopes to hear of improvement in six years.

Councilor Fortunato thanked the number of people who have been a part of bringing this forward, particularly Chairperson Morin who has committed himself to making this happen in Wethersfield. She asked if the MDC could provide guidance to the Council as to how they can educate the public regarding the issue. Councilor Fortunato asked who writes the bond question and if it will be one question or multiple questions. Mr. Sheehan said that there is a lot to be discussed with the community in many areas, especially economic development which will be highly impacted. He said that the referendum question will be worked on by the legal staff and there could be a variety of different questions put out to the district electorate and the referendum will need to include some way of escalating that figure to index for a twelve-year program.

Councilor Montinieri thanked Mr. Moore and Mr. Sheehan stating that she is grateful for their expertise since the project is overwhelming in its scope. She said that she appreciates the team work that has been put into this issue by the public, the MDC, and Town and State Officials. Councilor Montinieri complimented Chairperson Morin for the time and leadership he has devoted to the issue.

Chairperson Morin thanked Mr. Moore and Mr. Sheehan for attending the meeting to provide an update of the project. He also thanked again all those who have contributed their efforts to the issue.

Economic Development Monthly Report

In Town Planner Peter Gillespie's absence, the Town Manager gave a presentation of the June, 2005 Economic Development Report. The report included the following changes for June:

- 725 Silas Deane Highway, Sherwin Williams Paint - CO issued for grand opening
- 1390 Berlin Turnpike, Friendly Fitness - CO issued
- 1281 Silas Deane Highway, Household Finance Corp. - tenant fit out plan approved
- 1130 Silas Deane Highway, Marshall's - permit issued for interior remodeling
- 632 Silas Deane Highway, International Institute of Cosmetology - façade improvement plan approved
- Puritan Furniture repainting of entire front and blight report improvements worked on
- Folly Brook Boulevard, Age Restricted Housing - application filed
- Old Reservoir Road/Back Lane, Harris Property, Age Restricted Housing - application filed
- Ridge Road, Church Homes - preliminary plans submitted for renovation
- 416 Silas Deane Highway, proposed Dunkin Donuts - plans submitted
- Silas Deane Highway, former Bennigan's Restaurant - plans prepared for renovation
- 1260 Silas Deane Highway, Phoenix Medical LLC, permitting for small addition
- Goff Road, Multi-family housing - possible development
- Dental Laboratory - relocation
- Berlin Turnpike, Car Wash - met with a partnership
- Silas Deane Highway, Delicatessen - working with owners interested in relocating

Town Manager Bonnie Therrien said that a bus tour will be scheduled during the month of July for the Silas Deane Highway Revitalization Committee and EDIC members to observe the conditions and sites along the Silas Deane Highway. She said that the Council will be invited as well as a representative from the Metro Hartford group. She said that a brochure on the loan program was mailed to businesses on the Berlin Turnpike and in Old Wethersfield in early June; seven inquiries have been received and two applications approved by the EDIC. Town Manager Bonnie Therrien reviewed the many activities of the Chamber of Commerce and the Tourism Commission. She said that the Planning and Zoning Commission has a very active agenda for their July 19 meeting at the Police facility.

PUBLIC COMMENTS

HEARING

None.

GENERAL COMMENTS

Dave Longley, 296 Nott Street, distributed to the Council a newsletter that he's written offering his services to the Town in the spirit of volunteerism, and offering commentary on the Town.

Dan DeCoursey, 538 Main Street, commented on the problems with the Wethersfield Cove saying that he feels good about the team representing the Town in this issue. He said that he'd like to see the Council remembered as the Council who cleaned the Cove.

Leigh Standish, 278 Hartford Avenue, thanked the people who have worked so hard to make this happen. He thanked Chairperson Morin for attending so many meetings and for his commitment to the issue. Mr. Standish also thanked Councilor Montinieri and others who were willing to take legal action if necessary. Mr. Standish requested that the Town of Wethersfield consider donating their mobile platform to the Town of Rocky Hill for their celebration of the Glastonbury/Rocky Hill ferry.

Bob Young, 20 Coppermill Road, said that it is great to hear that the Cove project is finally on the way. Mr. Young spoke of his concern that a \$1 billion project will likely raise taxes higher than they already are. He said that the project should have been planned since taxpayers are likely already tapped out. Mr. Young commented on an article in the Hartford Courant stating that Connecticut is last in job growth and indicating that the State is not friendly to businesses.

Jeff Kotkin, 28 Farms Village Road, congratulated the Council on what was just reported by the MDC. He said that hopefully fellow Towns will vote in favor of the referendum and he commended present and past Councilors for their

efforts to make the Town look better. He said that this shows everyone's pride in Wethersfield.

George A. Ruhe, 956 Cloverdale Circle, spoke as Vice-President of the Wethersfield Taxpayers Association, Inc. saying that the group is very happy that the Cove issue is moving along. Mr. Ruhe said that the Association continues to receive calls from Wethersfield citizens regarding the drainage problems on Church Street and on Ridge Road. Mr. Ruhe said that signs on snow shelves continue to be an issue and stated that the Wethersfield Taxpayers Association, Inc. encourages an evenhanded application of the appropriate ordinances that control these kinds of issues. Mr. Ruhe commented positively on the actions taking place to control and minimize the blight conditions in Town. He commented that there continues to be commercial vehicles parked in residential areas throughout Town on the weekends and encouraged the Police to enforce ordinances dealing with this issue. Mr. Ruhe stated that potholes continue to be an ongoing problem and he has received a number of calls relating to the blight issue at Cloverdale Pond and mosquito control. He said that the Wethersfield Taxpayers Association, Inc. supports addressing this issue.

No one else wished to speak and the Chairperson declared the Public Comments segment closed.

COUNCIL REPORTS & COMMENTS

Councilor Adil reported on the recent meeting of the EDIC and commented on the brochure they distributed relating to the current Tax Abatement program.

Councilor Czernicki commented on a letter in a recent Weekly Manager's Report from the interim Director of the Wethersfield Historical Society stating that the Wethersfield Town Council would like to be able to sell the Olsen House. Councilor Czernicki asked if the Council took a vote on this action. Town Manager Bonnie Therrien said that this was discussed during budget deliberations; however, there has not been a formal resolution. Councilor Czernicki asked about the Recreation Account and hourly instructor payments made from that account after the fiscal year. She asked the Town Manager to verify this information.

Councilor Fortunato said that the Infrastructure Committee asked the Town Manager to research whether the Olsen House could be sold and to-date the Council has not taken official action. Councilor Fortunato announced that the Wethersfield Teen Theater Company will be presenting "Once Upon A Mattress" from July 21 to July 23 at Wethersfield High School and she encouraged all to attend.

Councilor Cascio asked how the "Clean up Wethersfield" program is going. Town Manager Bonnie Therrien said that she received a number of emails from staff members regarding the program at first; however all emails are now being sent directly to Physical Services and she can inquire with them. Councilor Cascio asked about a schedule for the State's mowing of State roadsides. Town Manager Bonnie Therrien said that she has not received a definite schedule, but she will try to obtain this information. Councilor Cascio said that he has received phone calls regarding road conditions on the corner of Coppermill Road and Highland Street. He said that there is not a pothole there, but rather a dip in the area where the sewer is located which could result in damage to vehicles. Councilor Cascio asked whose liability any damage would be. Town Manager Bonnie Therrien said that if it is a sewer problem, the liability rests on the MDC. Councilor Cascio commented that there is an abundance of trash in the Cove parking lot and would appreciate any effort to remedy this.

Chairperson Morin announced that a dinner will be held on July 24 to support Donna Willard who has acute leukemia. He said that the informational dinner is being held to enhance awareness of bone marrow transplants and donors. Chairperson Morin discussed the schedule for the repaving of Ridge Road stating that the project is currently at the half-way point. He announced that an event will be held on July 26th at the Legislative Office Building to celebrate the 15th Anniversary of the signing of the Americans with Disabilities Act.

Councilor Hemmann asked when the roadwork will begin on Rosedale Street. Town Engineer Mike Turner said that it was scheduled to begin last Thursday; however because of the rainy weather it has been delayed slightly.

COUNCIL ACTION

Councilor Adil moved **"TO ACCEPT THE RESIGNATION OF JANET D. KLETT FROM THE SENIOR CITIZEN ADVISORY COMMITTEE; AND HEIDI LANE FROM BOTH THE COMMITTEE ON CULTURE AND THE ARTS AND THE HISTORIC DISTRICT COMMISSION"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Councilor Cascio commented that the Town Clerk had reported that there is a hold on the appointment of Joseph J. Koneski to the Ethics Committee until she hears back from Rich Roberts. Chairperson Morin agreed that it would be best to hold off on the appointment.

UNFINISHED BUSINESS

Infrastructure Standards Policy - Technology Committee

Town Manager Bonnie Therrien explained that this item had been tabled and after the Information and Technology Committee met with the Shared Services Committee, they discussed the types of standards appropriate for Wethersfield and it was decided that the standards as prepared by the Building Industry Consulting Service International's manuals describe the best practices and methods to implement communications networking in commercial buildings based on the industry-wide telecommunications standards. The Town Manager said that the Technology Committee also suggested that there be a section providing for a waiver of the standards if necessary. She said that she recommends sending this to the Building Committees for their input. The Town Manager stated that members of the Information and Technology Committee are present to answer any Councilor questions.

Councilor Montinieri moved **"TO REFER THE BICSI NETWORK INFRASTRUCTURE GUIDELINES TO THE TOWN BUILDING COMMITTEES FOR REVIEW AND COMMENT"**, seconded by Councilor Fortunato.

Councilor Adil asked the Town Manager what type of situation would require a waiver. Information and Technology Committee Chairperson Brian Clement explained that there are many situations that could call for a waiver and he cited an example from the Webb Building project. He said that it is necessary to have some type of process in place for the Town to address changes and to allow the Town to be flexible.

Councilor Forrest pointed out that something that was previously discussed by the Council was the difference between "standards" and "guidelines". He said that accepting the manual as "standards" may put a certain inflexibility on them, rather than accepting them as "guidelines". Councilor Forrest questioned what differences there would be in the results between the two. Mr. Clement said that he sees it as three different things; the Building Code, Standards, and Guidelines. He said that guidelines would be at the lowest level as the way things should be done and a vendor could disagree with this. Mr. Clement said that a standard would be more middle of the road as the way a project should be done based on the Town's best practices with the caveat that if there is something that just can't be done a certain way, it can be brought back to the Town to make the decision. He said that Code is law.

Councilor Hemmann said that she agrees that "standards" is the most appropriate term to be used as they provide the recommended guidelines and best practices.

Councilor Fortunato requested that the language be brought back to the Council of examples of when waivers would be made. Mr. Clement said that the Committee can come up with some scenarios; however they would not be all inclusive. Councilor Fortunato said that there has to be language to provide for the application of a waiver and she asked if cost will ever be a factor in the waiver decision. Mr. Clement said that cost is always a factor, depending on the amount of money available for any given project. He said that the Committee's intent is to put the onus on the Town to make decisions rather than the vendor. Councilor Fortunato said that cost could be an example of when a waiver would be necessary. Mr. Clement stressed again that there cannot be an all inclusive list.

Chairperson Morin said that he appreciates the expertise of the members of the Information and Technology Committee.

All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

OTHER BUSINESS

Waiver of Town Fees - Intercommunity Mental Health Group, Inc. - Old Wethersfield 5K Run/Family Walk

Town Manager Bonnie Therrien explained that the Council waived 50% of the fees last year and the Intercommunity Mental Health Group is requesting the same for this year. The waiver will amount to \$845.74 which has been budgeted for.

Deputy Mayor Karangekis moved **"TO WAIVE FIFTY PERCENT OF THE PHYSICAL SERVICES AND POLICE FEES IN THE AMOUNT OF \$845.74 FOR THE INTERCOMMUNITY MENTAL HEALTH 5K ROAD RACE/WALK TO BE HELD ON AUGUST 21, 2005"**, seconded by Councilor Montinieri.

Councilor Fortunato said that she is in favor of the waiver. She asked if the event benefits only Wethersfield or does it benefit other Towns as well. Town Manager Bonnie Therrien said that it benefits other Towns also. Councilor Fortunato asked if similar events are held in other Towns. Town Manager Bonnie Therrien said that she is unsure of this, but she believes that this event was previously held in another Town. Councilor Fortunato suggested that other Towns sponsor similar events or that the event be moved around to different Towns to provide them the opportunity to sponsor it.

Councilor Czernicki said that she remembers Councilor Fortunato bringing up this point last year. Councilor Czernicki said that, at that time, she also endorsed a letter going out to other communities suggesting that they host the event. She said that she is in favor of waiving 50% of the fees; however she suggests that other communities be encouraged to host the event to spread the waiver of fees throughout various communities. Councilor Czernicki questioned the use of the Showmobile brought up by Mr. Standish. Town Manager Bonnie Therrien said that she has only verbally heard about this from the Rocky Hill Town Manager and she has yet to receive something in writing.

Chairperson Morin said that he, too, is in favor of requesting other communities to participate in sponsoring the event with financial donations so as to share the costs. He said that the event is a good way to showcase Wethersfield; therefore he would prefer it stay in Town.

All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Request for Funds - 100 Waterside Drive - Nott Street Project

Town Manager Bonnie Therrien explained that the Adeyemi's are requesting that the island on their front lawn be redone as it was previous to construction, as well as replacing some of the black curbing with Belgium blocks. She said that she attended a meeting with Mike Turner, the Adeyemi's and the State to discuss the issues and, since the State feels it has no jurisdiction over the island since part of it is on the Town right-of-way, it was decided that the Town would develop a plan for reconstruction. The Town Manager said that the State is willing to pay part of the \$2,250 cost of the new pachysandra for the slope; however she does not know how much. She reviewed other concerns also brought up by the Adeyemi's and said that she spoke with a representative from the State Insurance Commission, Raymond Claytor, who is handling the denial of insurance claims by the blaster. She said that there are very technical terms involved in the blasting claims and he is dealing with this and Mr. Claytor has asked a representative from the State DOT to help make the data user-friendly. The Town Manager said that she will be submitting the Town's blasting reports to Mr. Claytor for him to use as reference. She said that another meeting will be held with the insurance company in mid-August and Mr. Claytor will inform her of the date so she can attend.

Councilor Adil moved **"TO UTILIZE \$5,793.50 MINUS ANY STATE FUNDING FOR THE PURCHASE OF PACHYSANDRA FROM THE CONTINGENCY FUND TO PLANT PACHYSANDRA ON THE FRONT SLOPE ONLY OF 100 WOODSIDE DRIVE AND TO RECONSTRUCT THE FRONT YARD ISLAND WITH PLANTINGS AT THE SAME ADDRESS"**, seconded by Deputy Mayor Karangekis.

Councilor Montinieri stated that she appreciates the Town Manager's willingness to attend the meeting with the insurance company. She said that she has no patience with the denial from the insurance company as the Council was

told by the contractor that the blaster had a reputable insurer. Councilor Montinieri said that it appears that the Adeyemi's have not received fair market value from the State for the cost of redoing the island to the condition in which it had been prior to construction. Town Manager Bonnie Therrien said that a part of the discrepancy is due to the fact that part of the island was in the Town right-of-way.

Lorrie Adeyemi, 100 Woodside Drive, stated that she received a letter from the State stating that they would purchase the right-of-way for an easement. She said that she received \$1,050 for the right-of-way and \$500 market value for the removal of trees. She said that she received a second letter from the State saying that if they needed to remove even more trees, the Adeyemi's would be reimbursed. She said that more trees were removed due to the steepness of the slope. Mrs. Adeyemi said that she has cracks in her ceiling from the blasting and is dealing with a nightmare in terms of her landscaping; therefore she and her husband would appreciate the Town helping them with the cost of redoing the island. She said that they realize that 3/4 of the island is in the right-of-way, and they have been very patient, but they would like to see the island put back to the way it was before the construction began.

Councilor Cascio thanked Mrs. Adeyemi for attending tonight's meeting and also for her patience with the Town. He said that he is concerned that the Town is taking on the responsibility for a State project. Town Manager Bonnie Therrien said that the project is still unfinished and the State is saying that they've already paid the value of the island.

Mrs. Adeyemi said that she is hearing conflicting answers from State representatives and she's caught between the Town and the State. She said that she doesn't care who takes care of it, but someone needs to.

Councilor Cascio asked if the Town can submit a claim if the Council votes favorably on the motion. He said that it appears that the Town will now be taking on the responsibility for all projects if they are not completed in the right fashion. Town Manager Bonnie Therrien said that a claim can be submitted to the State; however she thinks that they will deny the claim.

Chairperson Morin said that he is concerned that the physical structure of the island is not even as it was prior to the construction.

Councilor Czernicki asked Mrs. Adeyemi if it was her impression that the island would be of the same structure after the construction. Mr. Adeyemi said that she definitely thought it would be almost the same, as she was told by State employee Amy Martinez that a landscaper from the State would put it back the way it was. Councilor Czernicki said that the Town has cause to request that the State show a greater responsibility than they have thus far. She said that she is surprised to hear that there are currently at least four blasting issues as she was under the impression that there have been no incidents. Councilor Czernicki said that she is terribly sorry that this has had to happen to the Adeyemi's and she feels that the Town should make sure that the Adeyemi's are covered in some way regarding their landscaping issue, but then bring the issue back to the State.

Councilor Adil asked if the Town can initiate something with Senator Ciotto and Representative Guerrera. Town Manager Bonnie Therrien said that she will do this.

Councilor Hemmann said that the Town needs to seek mediation since it is not getting anywhere on its own with the State; perhaps the Town Attorney needs to be involved. She said that not only are the property owners suffering, but also the Town and any relationship it may enter into in the future.

Councilor Forrest agreed that the Town needs to look to the State for reimbursement and he appreciates the patience of the Adeyemi's. He said that the project at Nott Street has impacted the lives of those living in that area and he supports the motion.

Chairperson Morin said that he appreciates the patience of the Adeyemi's and their willingness to work with all parties involved. He said that he and the Council are very unhappy that the Adeyemi's have had to go through this and he'd like to see the island replaced to its original state. He said that it is the Town's problem to seek reimbursement from the State.

Mr. and Mrs. Adeyemi thanked both Town Manager Bonnie Therrien and Town Engineer Mike Turner for their

assistance in this matter.

All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Budget Transfer - \$15,000 - Façade Loan Program

Town Manager Bonnie Therrien explained that this is for last year's funds to be carried over to the current fiscal year.

Councilor Czernicki left the meeting at this time (8:55 p.m.).

Councilor Adil moved **"TO TRANSFER \$15,000 FROM ECONOMIC DEVELOPMENT TO THE FAÇADE LOAN PROGRAM AS FOLLOWS: \$13,615.50 FROM T1181-5001 TO T1955-5805; \$1,384.50 FROM T1181-121-5220 TO T1955-5805"**, seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Transfer from Contingency - Library Computers

Town Manager Bonnie Therrien explained that the Library Board is requesting assistance in the purchase of fourteen new computers to replace the ones that are used by the public and four staff persons. She said that the company that services the current computers has told the Library Director that they are failing rapidly and will soon be irreparable. The Town Manager said that the Library Board suggests the purchase of new computers since there is only a thirty-day warranty on the UTC used computers. She said that the amount requested is \$7,261 of contingency money with the Library making a matching amount from their Library Trust Account.

Councilor Fortunato moved **"TO TRANSFER \$7,261 FROM THE CONTINGENCY ACCOUNT T1910900 5250 TO THE LIBRARY ACCOUNT T1710 5420 FOR THE PURCHASE OF NEW COMPUTERS"**, seconded by Councilor Forrest.

Councilor Czernicki returned to the meeting at this time (8:56 p.m.).

Councilor Adil asked Library Director Laurel Goodgion if there has been discussion on this with the Technology Committee. Ms. Goodgion said that there has not been discussion on this particular project; however they are aware of the age of the computers and the Library's budget proposal to replace twenty-two Library computers as well as add new ones was eliminated. Councilor Adil asked if this has been discussed with Data Services Coordinator Paul Dudley. Ms. Goodgion said that she spoke with Mr. Dudley about the purchase of the UTC computers and brought forward to the Library Board the option to purchase twenty-two used UTC computers. She said that the Library Board was unwilling to go that route since it meant that twenty-two four-year-old computers would be replaced by three-year-old computers and this didn't make sense. Ms. Goodgion then proposed to the Library Board the purchase of fourteen new and eight used computers and the Board approved this proposal. She said that the total cost of fourteen new and eight used computers is \$18,000. Ms. Goodgion said that she had a discussion with Town Manager Bonnie Therrien and Chairperson Morin, and Chairperson Morin suggested cutting back on the amount since it is so early in the fiscal year; therefore Ms. Goodgion cut the request to fourteen new computers and deferred the purchase of the used computers. Councilor Adil asked how long UTC will be offering the used computers. Ms. Goodgion said that she understands that UTC is in a continual process of replacing their computers. Councilor Adil asked if the used computers will need memory add-ons. Ms. Goodgion said that the UTC computers will need memory enhancement.

Councilor Forrest asked Ms. Goodgion to explain Mr. Dudley's and the Technology Committee's comments on how the purchase of the new computers meets their goals. Ms. Goodgion said that the Technology Committee is very aware of the aging of computer equipment in Town, and one of their goals in the Strategic Plan is to upgrade the computer equipment on a regular basis. Ms. Goodgion said that this is the attempt of this proposed purchase. She said that the Library, unlike the Town, qualifies for an educational discount to purchase the operating system to add to the computers. Councilor Forrest asked if there has been any discussion of the Board of Education and Library purchasing computers jointly. Ms. Goodgion said that the Library takes advantage of the Western States Computer Alliance in the purchase of computers and therefore receives a very good price from Dell. Councilor Forrest asked if there will be more computers available to the public with the purchase of these computers. Ms. Goodgion said that these computers

will replace the current aging equipment.

Councilor Czernicki asked Ms. Goodgion about her budget proposal for computers. Ms. Goodgion said that her proposal requested funds to replace the twenty-two oldest of the Library's forty-four computers and to add some additional computers. She said that this was the area where she was able to take the biggest chunk of money to cut the Library budget. Councilor Czernicki verified that the Library Board and Ms. Goodgion made the decision to cut the computers, and not the Council. Ms. Goodgion verified that this is correct. Councilor Czernicki verified that there is \$50,000 available in the Trust Fund and Ms. Goodgion said that this has been pledged for the renovation. Councilor Czernicki asked Ms. Goodgion if the computers are being requested as part of the renovation. She said that it is awfully early in the year to be seeking funds from the Contingency Fund. Ms. Goodgion said that the \$50,000 is in the Endowment Fund and the Library Board has pledged that money to be used toward its renovations because the Library Board is aware that there is insufficient funding in the renovation funds to purchase all the needed equipment, including shelving. Councilor Czernicki asked why funding for shelving, furnishing, and equipment was not included in the budget. Ms. Goodgion said that the project has a very long history. Councilor Czernicki asked if the term "Trust Fund" is being used interchangeably with the term "Endowment Fund". Ms. Goodgion said that the terms tend to be used interchangeably and there should probably be separate funds. She said that the approximate \$50,000 is currently in investments and there is a liquid amount of money available as well. Councilor Czernicki asked how much is in the liquid fund and was told approximately \$22,000 which will pay for the copier and the purchase of books. Councilor Czernicki said that she has concerns about going into the Contingency Fund at this time when the Library has monies available in their liquid fund to purchase new computers.

Councilor Fortunato said that during the budget deliberations, she suggested to the Library Board that they take advantage of the opportunity to purchase used computers. Councilor Fortunato suggested to Ms. Goodgion that she take this issue back to the Library Board since there has been a proposal change since the vote they took at their special meeting on June 1 to purchase new computers and used computers. She said that she has not seen a figure of the cost for used computers. Ms. Goodgion said that she could take this back to the Library Board at their July meeting.

Councilor Fortunato moved "**TO REFER THE PURCHASE OF NEW COMPUTERS TO THE LIBRARY BOARD AND THE INFORMATION AND TECHNOLOGY COMMITTEE FOR COMMENT**", seconded by Councilor Adil.

Chairperson Morin commented that he is uncomfortable with taking money from the Contingency Fund this early in the fiscal year and supports sending this proposal back to the Library Board.

Councilor Cascio said that, although he appreciates going back to the Library Board, he questions if the Library will be functioning adequately without the replacement of the computers. He requested a report of the non-repairable computers to make sure that the Library is still functioning.

Councilor Hemmann asked if all the computers looking to be replaced are currently functioning. Ms. Goodgion said that she's been told that several of the computers using by the public, both adults and children, have hard drives that are dying and there have been complaints on a daily basis about their speed.

Councilor Fortunato asked how many computers were purchased in January when the system failed. Ms. Goodgion said that nine computers were purchased at that time and the cost was split 50/50 between the Library Board's Trust Fund and the Town.

Councilor Forrest said that he is concerned about the Library Fund, since he remembers that it is to be used for furniture and other things, and not computers. He said that if fourteen computers are purchased, he'd like to see them delegated more for public use. Councilor Forrest supports the motion to refer to the Library Board and Technology Committee. Ms. Goodgion said that the Library Board just recently approved a Technology Plan for the Library.

Councilor Czernicki asked Ms. Goodgion if she was aware that this replacement of computers would be necessary. Ms. Goodgion said that she did and put the funding in her budget proposal. Councilor Czernicki said that she understands that the computer area was the easiest big area to cut in the proposed Library Budget, however she is concerned as to

why Ms. Goodgion chose to cut this area of her budget when she knew how badly these computers needed replacing. Councilor Czernicki suggested that Ms. Goodgion encourage the Library Board to find monies within their budget for the replacement of the computers.

All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Application for Regional Interoperability Grant - \$72,000 - Computers

Town Manager Bonnie Therrien explained that eight Towns in addition to Wethersfield are submitting a regional grant application for interoperable communications technology including new mobile data terminals for police vehicles and computer equipment that will allow the patching together of radio systems via a specialized computer network. She said that of Wethersfield's cost of \$72,000 the grant will provide \$54,000 and Wethersfield will be responsible for \$18,000 if the grant is awarded. She said that the amount will not need to be budgeted for until the 2006-07 fiscal year.

Deputy Mayor Karangekis moved "**TO AUTHORIZE THE TOWN MANAGER TO PARTICIPATE IN THE REGIONAL COMMUNICATIONS INTEROPERABILITY PROJECT AND TO ACCEPT, IF AWARDED, THE TOWN'S SHARE OF A U.S. DEPARTMENT OF JUSTICE COPS OFFICE GRANT FOR DATA AND RADIO INTEROPERABILITY**", seconded by Councilor Czernicki.

Councilor Adil stated that he wholeheartedly supports this for the Police Department.

Councilor Czernicki said that she is in favor of the motion, but wonders if this is an enhancement of the RAFS system. Town Manager Bonnie Therrien said that it is part of it. Councilor Czernicki asked how this interfaces with the Hartford County hotline that the State Police have. Deputy Mayor Karangekis said that the hotline is for an immediate pursuit and this is connected more with Homeland Security. Councilor Czernicki asked if any of this is a duplication of processes that already exist. Town Manager Bonnie Therrien said that this is an enhancement of what already exists. Councilor Czernicki said that she thought that the 800 Mhz system would allow for communication with other communities, the Hartford County Hotline, and the RAFS system. She said that if this will enhance those and provide police personnel with greater communication, she is in favor of the motion. Councilor Czernicki asked if the communication system will be based in Hartford since they are the lead agency and was told that this is so. Councilor Czernicki asked if it will be operated by police or civilian personnel, because this is very important. Town Manager Bonnie Therrien said that she will find this out and report back.

All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

BIDS

Small Dump Truck - Physical Services

Town Manager Bonnie Therrien explained that the amount of \$40,423 is slightly over what was budgeted, but the difference will be covered by savings from the purchase of the pick up trucks and from the Vehicle Maintenance Department.

Councilor Montinieri moved "**TO AWARD A CONTRACT TO THE STATE OF CONNECTICUT'S LOW BIDDER, BRANFORD FORD FOR THE PURCHASE OF A FORD DUMP TRUCK WITH PLOW PACKAGE IN THE AMOUNT NOT TO EXCEED \$40,423**", seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Pick Up Trucks - Physical Services

Town Manager Bonnie Therrien explained that two pick up trucks were budgeted for and the difference will be used to purchase the dump truck.

Councilor Forrest moved "**TO AWARD A CONTRACT TO THE STATE OF CONNECTICUT'S LOW BIDDER, INTERSTATE FORD TRUCK SALES, INC. FOR THE PURCHASE OF FORD PICK UP TRUCKS**

WITH PLOW PACKAGES IN THE AMOUNT NOT TO EXCEED \$55,584", seconded by Councilor Cascio.

Councilor Cascio asked what color the truck will be and was told that it will be dark green.

All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

ORDINANCE PROPOSING TOWN CODE CHAPTER 64 - TOWN-WIDE RADIO COVERAGE

Be it ordained that Part II General Legislation of the Municipal Code of the Town of Wethersfield, Connecticut is hereby amended as set forth below.

Chapter 64

TOWN-WIDE RADIO COVERAGE.

§ 64-1. Radio Coverage Required

Except as otherwise provided, no person shall erect, construct, maintain or modify any building or structure or any part thereof, including stairwells, or cause the same to be done which fails to support adequate radio coverage for Town public safety services, including but not limited to police, fire, and public works departments. A certificate of occupancy may not be issued for any building or structure which fails to comply with this requirement.

- A. The frequency range which must be supported shall be 806 to 816 MHz and 856 to 866 MHz, or as otherwise established and required in writing by the Town as being necessary for public safety purposes.
- B. For purposes of this ordinance, adequate radio coverage shall include the following:
 1. A minimum signal level of DAQ 3 (Delivered Audio Quality 3) available in 95% of the area as agreed to be in the coverage acceptance test plan by the Town and the radio system manufacturer prior to system testing.

§ 64-2. AMPLIFICATION SYSTEM REQUIRED.

Buildings and structures subject to the requirements of this section which do not provide adequate radio coverage shall be equipped with an internal multiple antenna system with FCC type-accepted bidirectional 800 MHz amplifiers as necessary to achieve adequate radio coverage. The building owner shall be solely responsible for the installation and maintenance of such system if required.

Buildings and structures shall be equipped with any of the following, in order to achieve adequate radio coverage:

1. A radiating cable system or
2. An internal multiple antenna system with FCC Type Accepted Bi-Directional UHF Amplifiers as needed to encompass the frequency range stated above or frequency range subsequently established by the Town.
3. A system that has been approved by the Town Manager as being capable of providing amplification to meet these ordinance requirements.
4. The system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of external power input. There shall be no connectivity between the amplification system and fire alarm system with exception of trouble indication.

§ 64-3. OWNER RESPONSIBILITY.

It shall be the responsibility of any owner of a building or structure which currently holds a certificate of occupancy or allows the building or structure to be used for any purpose other than construction, to be in compliance with this chapter upon its effective date.

§ 64-4. INADEQUATE RADIO COVERAGE.

Any building or structure which fails to support adequate radio coverage must have a plan acceptable to the Town Fire Marshal within 90 days by the owner or his agent to address the inadequate radio coverage. Review of the plan may be extended by the Town Manager as Director of Public Safety. The owner of the building or structure shall have the approved plan enacted within one year after approval of the plan.

§ 64-5. ACCEPTANCE TEST PROCEDURES.

Acceptance testing for an in-building radio amplification system is required, upon completion of installation of the system. It is the building owner's responsibility to have the radio system tested to ensure that two-way coverage on each floor of the building is a minimum of DAQ 3.

Each floor of the building shall be divided into a grid of approximately forty equal areas. A maximum of two nonadjacent areas will be allowed to fail the test. In the event that three of the areas fail the test, in order to be more statistically accurate the floor may be divided into eighty equal areas. In such event, a maximum of four nonadjacent areas will be allowed to fail the test. After the eighty area tests, if the system continues to fail the building owner shall repair, replace, alter or upgrade the system altered to meet the DAQ 3 coverage requirement. Talk back testing from site to Town of Wethersfield Dispatch Center shall use a two watt portable transceiver with speaker/microphone and flexible antenna. A spot located approximately in the center of a grid area will be selected for the test, then the radio will be keyed to verify two-way communication to and from the outside of the building. Once the spot has been selected, use of another spot within the grid area will not be permitted. Field strength testing instruments are to be recently calibrated (within the past 12 months) and of the frequency selective type incorporating a flexible antenna similar to the ones used on the hand held transceivers.

The gain values of all amplifiers shall be measured and the results kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to reestablish the gain values.

§ 64-6. ANNUAL TESTS

When an in-building radio system is installed, the building owner shall test all active components of the system including but not limited to amplifier, the power supplies, and back-up batteries, a minimum of once every 12 months. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance. Back-up batteries and power supplies shall be tested under load for a period of one hour to verify that they will operate during an actual power outage. All other active components shall be checked to determine that they are operating within the manufacturers specifications for the intended purpose.

§ 64-7. FIVE YEAR TEST

In addition to the annual test, the building owner shall perform a radio coverage test a minimum of once every five years to ensure that the radio system continues to meet the requirements of the original acceptance. The procedure set forth above shall apply to such tests.

§ 64-8. QUALIFICATIONS OF TESTING PERSONNEL

All tests shall be conducted, documented, and signed by a person in possession of a current FCC general radiotelephone operator license. All test records shall be retained at the inspected premises by the building owner and a copy submitted to the Town of Wethersfield Town Manager within 30 days of when the test has been conducted. In the event the test shall fail to comply with the minimum requirements of this Town ordinance, appropriate repairs shall be made and additional tests conducted until tests meet the minimum requirements of the Town ordinance.

§ 64-9. INSPECTIONS

Town personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto

the property to conduct field testing to be certain that the require level of radio coverage is present.

§ 64-10. PROPERTY OWNER MAINTENANCE RESPONSIBILITIES

Upon completion of all the tests to the minimum standards of the Town, the property owner shall be responsible for maintenance of the system. A maintenance contract shall be provided to the Town Fire Marshal with name of contractor, who will supply a 24-hour, 7-day emergency response within 2 hours after notification by either the Town or the property owner. The maintenance contract shall also contain information as to contact personnel with phone numbers. Property owners shall also submit information to the Town Fire Marshal as to contact personnel with phone numbers for the property owner.

The property owner shall also be responsible for making any repairs, replacement or upgrades to the systems as directed by the Town Fire Marshal, should the system fail or no longer work in the future.

§ 64-11. EXEMPTIONS

This section shall not apply to buildings less than 5,000 square feet or 2 stories or less, or any 3 family or less multifamily detached residential building or structure less than 5,000 square feet.

§ 64-12. FAILURE TO COMPLY

Failure to comply with this ordinance shall be grounds for the Chief Building Official to revoke any previously issued Certificate of Occupancy for the building or structure. A written appeal may be taken to the Town Manager regarding the revocation of the Certificate of Occupancy within 30 days of the revocation.

ORDINANCE FOR PROPOSED CHAPTER 168 OF WETHERSFIELD TOWN CODE

168-1. Purpose.

The purpose of this chapter is to establish a citation hearing procedure in accordance with C.G.S. §§ 7-148(c)(10)(A), 7-152b and 7-152c to be followed in all instances when citations are issued by Town of Wethersfield municipal officials.

168-2. Hearing Procedure.

- A. Regulations and ordinances of the town may be enforced by citations issued by designated municipal officers or employees, provided that the regulation and ordinances have been designed specifically by the Town for enforcement by citation in the same manner in which they are adopted, and the designated municipal officer or employee issues a written warning providing notice of the specific violation before issuing the citation. Except where some other appeals procedure is specifically provided, any municipal citation issued pursuant to any ordinance of the Town of Wethersfield, other than a license denial or revocation order, may be appealed to a hearing officer as provided in this section.
- B. The Town Manager shall appoint one or more citation hearing officers, who shall be other than police officers or employees or persons who issue citations, to conduct the hearings authorized by this section.
- C. After a citation has been issued and the fine or penalty has not been paid, the Town shall send notice to the alleged violator promptly (and no later than 12 months after the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance of the Town for an alleged violation). Such notice shall inform the violator and any other persons cited of the following:
 1. The allegations against the violator and other persons cited and the amount of the fines, penalties, costs or fees due.
 2. That the alleged violator or other person cited may contest his ability by delivering in person or by mail written notice within 10 days of the date of the original notice to said violator that he desires to contest his liability before a citation hearing officer.
 3. That if the alleged violator does not demand such a hearing, an assessment and judgment shall be entered against him.

4. That such judgment may issue without further notice.
- D. If the alleged violator or other person to whom notice has been sent pursuant to Subsection C above wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees in person or by mail to the official designated by the Town. Any alleged violator or other person who does not deliver or mail a written demand for a hearing within 10 days of the date of the first notice provided in Subsection C above shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by law and shall follow the procedures set forth in Subsection E below.
 - E. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of such notice, provided that the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by a police officer or other issuing officer shall be filed and retained by the Town, shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. The presence of the police officer or issuing officer shall be required at the hearing if such person so requests. The alleged violator or other person wishing to contest liability shall appear at the hearing and may present evidence in his behalf. A designated Town official, other than the hearing officer, may present evidence on behalf of the Town. If the alleged violator fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable ordinance. The hearing officer may accept from such alleged violator copies of police reports, motor vehicle department documents and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. If the offense consists of a motor vehicle parking violation, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings that the owner of such vehicle was the operator thereof, provided that in the case of a leased or rented motor vehicle, such proof shall be prima facie evidence in any proceeding that the lessee was the operator thereof. The hearing officer shall announce his decision at the end of the hearing. If he determines that the alleged violator or other person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the ordinance.
 - F. If such assessment is not paid on the date of its entry, the hearing officer shall send by first-class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the superior court for the geographical area in which the Town is located, together with an entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk of the Court shall enter judgment in the amount of such record of assessment and court costs of \$8 against such person in favor of the Town. Notwithstanding any other provision of the General Statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.
 - G. The person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. § 52-259, in the superior court for the geographical area in which the Town is located, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.

168-3. Issuance of written warning.

In those instances where there is time to do so and where a continuing violation is not causing immediate or significant harm, a written warning providing notice of the specific violation shall be sent prior to issuing the citation.

168-4. Amount of fine, penalty, cost of fee.

The fine, penalty, cost or fee imposed under this Chapter for any single violation shall not exceed the amount of \$100, unless otherwise specifically provided by the General Statutes.

168-5. Disposition of money received.

All moneys received pursuant to the procedure set forth above shall be remitted to the office of the Town Treasurer.

168-6. Applicability; amended chapters.

Each of the following chapters is amended to add the following section:

§ ___ - ___. Enforcement.

"This chapter has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the Code of the Town of Wethersfield shall be followed."

ORDINANCE AMENDING CHAPTER 53 - AMUSEMENT DEVICES

Chapter 53, AMUSEMENT DEVICES

[HISTORY: Adopted by the Town Board of the Town of Wethersfield as Secs. 6-3-1 through 6-3-9 of the Code of 1972. Amendments noted where applicable.]

§ 53-1. Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

DISTRIBUTOR -- Any person who owns or distributes any such machine.

MECHANICAL AMUSEMENT DEVICE -- Any machine which, upon the insertion of a coin, slug or token or upon payment of a charge, releases balls which are propelled by a plunger across a board and which registers scores by striking pins, levers or bumpers or by falling into holes or slots or which, upon insertion of a coin or slug or the payment of a charge, is operated to register a score or tally of any kind. It shall include such devices as pinball or pin-game machines.

OPERATOR -- Any person in whose place of business any such machine is placed for use by the public.

§ 53-2. License required; application.

- A. Every distributor shall obtain a license from the Chief of Police for each mechanical amusement device placed in operation by him.
- B. Every operator shall obtain a license from the Chief of Police for each mechanical amusement device in operation in his place of business.
- C. Applications for such licenses shall be made to the Chief of Police upon forms to be supplied by him for that purpose.
- D. The application for such a license shall contain the following information, under oath:
 1. The name of the applicant; if a partnership, the names of all partners; if a corporation, club or association, the names of the officers.
 2. The residence of the applicant.
 3. The age of the applicant; if a corporation, club or association, the date organized and under the laws of what state.
 4. The type of business or activity.
 5. Whether the applicant or, if a corporation, club or association, the officers have ever been convicted of a

crime.

6. The place where the machine or device is to be displayed or operated and the business or activity conducted at that place. This shall apply only to the operator.
7. The description of the type of machine to be covered by the license.

§ 53-3. Investigation of applicant.

The Chief of Police shall investigate the character and record of the applicant and the location wherein it is proposed to operate the machines described in the application and shall not approve said application or issue a license unless he finds that the applicant is over twenty-one (21) years of age and is a person of good moral character and that the business or activity in such location is a bona fide and lawful one. In any case of the denial or refusal to grant or renew a license, the Chief of Police shall notify the applicant of his proposed action and set a day and place for a hearing thereon, giving the applicant reasonable notice in advance thereof and an opportunity to be represented by counsel at such hearing.

§ 53-4. License fees.

- A. [Amended 6-18-1990] A license shall be issued by the Chief of Police in the name of each applicant. Annual license fees shall be paid for each machine licensed under this chapter as follows:
 1. Distributor: mechanical amusement devices, twenty-four dollars (\$24.) per machine.
 2. Operator: mechanical amusement devices, twenty-four dollars (\$24.) per machine.
- B. The license fees shall become due on the first day of July in each year or on the date on which each machine is first placed in operation. In the former case, the license fee shall be reckoned for the year; in the latter case, proportionately from the first day of the month in which the machine is placed in operation to and including the 30th day of June following.

§ 53-5. Display of license.

The licenses herein provided for shall be posted permanently and conspicuously at the location of the machine or device in the premises wherein the machine or device is to be operated or maintained.

§ 53-6. Change of address.

- A. Such license may be transferred from one machine or device to another similar machine or device without the necessity of making application therefor. Not more than one (1) machine or device shall be distributed, displayed or operated under one (1) license, and a separate license shall be required for each machine or device so displayed, distributed or operated; provided, however, that the maximum fee for all such machines or devices placed in any one (1) establishment or place of business for the use of the public shall be one hundred dollars (\$100.) per annum, irrespective of the number of such machines or devices so placed and operated therein.
- B. Each applicant shall notify the Chief of Police promptly of any change in the ownership of his place of business or any other change in the information set forth in the original application. In the event of a sale or transfer of the business of the operator, a new license must be obtained. Any distributor may be permitted, at the discretion of the Chief of Police, to file with him the information required under § 53-2D and may thereafter not be required to furnish such information upon the signing of each separate application, but such distributor shall notify the Chief of Police promptly of any change in such information.

§ 53-7. Revocation of license.

The Chief of Police shall have the power to revoke any license issued hereunder for cause, after due notice, in writing, to the licensee and a hearing to be held not less than ten (10) days after the date of such notice. Cause shall be deemed to include, but shall not be limited to, conviction of a crime involving moral turpitude subsequent to the issuance of the license, false information in the application for a license knowingly given or any violation of this chapter.

§ 53-8. Gambling not permitted.

Nothing in this chapter shall in any way be construed to authorize or permit any gambling device whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law.

§ 53-9. Good order; parental accompaniment. [Amended 3-20-1995]

Each operator and each servant, agent and employee of each operator shall maintain good order in his place of business and not permit any such mechanical amusement device to be used for gambling. No operator of any mechanical amusement device and no servant, agent or employee of any such operator shall harbor in his place of business persons under eighteen (18) years of age or allow them to congregate therein or play any such machines or devices unless accompanied by their parents or guardians. The provision herein stated related to parental accompaniment may be waived for any operator having been granted a special permit as defined under Article XXXII of the Zoning Ordinance of the Town of Wethersfield.

§ 53-10. Enforcement.

This chapter has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the Code of the Town of Wethersfield shall be followed.

ORDINANCE AMENDING CHAPTER 90 - GAMES OF CHANCE

Chapter 90, GAMES OF CHANCE

[HISTORY: Adopted by the Town Council of the Town of Wethersfield: Art. I, as Secs. 6-1-2 through 6-1-4 of the Code of 1972; Art. II, as Secs. 6-5-1 through 6-5-3 of the Code of 1972. Amendments noted where applicable.]

GENERAL REFERENCES

Dogs and other animals -- See Ch. 70.

ARTICLE I, Bingo and Raffles [Adopted as Secs. 6-1-2 through 6-1-4 of the Code of 1972]

§ 90-1. Bingo.

- A. The playing of bingo as defined in Section 7-169(a) of the Connecticut General Statutes is hereby permitted within the Town of Wethersfield subject to the statutory provisions relating to bingo as set forth in Chapter 98 of the Connecticut General Statutes.
- B. The provisions of Subsection A shall be effective for the period beginning September 16, 1974, to September 15, 1975. This ratification shall operate as the second successive renewal of said section under the terms of Section 7-169(b) of the Connecticut General Statutes, and further renewals shall not be necessary.

§ 90-2. Raffles.

The Town of Wethersfield hereby authorizes the holding of raffles in said town and adopts the provisions of Sections 7-170 to 7-186, inclusive, of the Connecticut General Statutes; provided, however, that this section and the adoption by reference of the above general statutes shall not be construed as an authorization for the holding of bazaars in the Town of Wethersfield as the same are defined in said statutes.

ARTICLE II, Dog, Horse and Motor Vehicle Racing; Jai Alai [Adopted as Secs. 6-5-1 through 6-5-3 of the Code of 1972]

§ 90-3. Prohibitions.

No person, firm, partnership, association or corporation shall conduct horse racing, dog racing or racing of any motor operated vehicles or operate a jai alai fronton or concessions allied thereto within the Town of Wethersfield.

§ 90-4. Restraining actions.

Actions to restrain violations of this Article may be brought in the name of the town in courts of competent jurisdiction.

§ 90-5. Penalties for offenses.

Any person, firm, partnership, association or corporation found guilty of violating the provisions of this Article shall be fined an amount not to exceed one hundred dollars (\$100.) per day.

§ 90-6. Enforcement.

This chapter has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the Code of the Town of Wethersfield shall be followed.

ORDINANCE AMENDING CHAPTER 99 - JUNK DEALERS

Chapter 99, JUNK DEALERS

[HISTORY: Adopted by the Town Council of the Town of Wethersfield as Secs. 6-2-1 through 6-2-5 of the Code of 1972. Section 99-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]

§ 99-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

JUNK DEALER -- Any person, except those exempted by the statutes of the state, who shall engage in business as a dealer and trader in junk, old metal, scrap, rags, wastepaper or other secondhand articles. Nothing herein shall be construed to apply to any charitable organization dealing in such articles or to any dealer in antique household furniture, china or glassware.

§ 99-2. License required.

Before engaging in the business of junk dealer in the town, a license shall be obtained from the town. The fee for such license shall be ten dollars (\$10.) a year or any portion thereof, and, unless sooner revoked, such license shall expire on the last day of June succeeding the date of issuance thereof for each team or vehicle used in connection with such business. Such dealer shall display on both sides of such team or vehicle a sign designed and furnished by the Chief of Police bearing the number of his license, the year in which such license is in force (in numerals) and the words "Licensed Junk Dealer" in Roman letters, each numeral and letter to be at least three (3) inches in height; such sign to be furnished by the Chief of Police without expense to such person so licensed.

§ 99-3. State certification required.

Any person who shall engage in business as a junk dealer shall exhibit to the Chief of Police a certified registration issued by the State Motor Vehicle Department at the time of making application for a license to carry on such business.

§ 99-4. Weekly reports; holding period.

Each junk dealer shall make weekly, sworn statements of all his transactions under such license, describing the goods received and setting forth the name and residence and a description of the person from whom such goods were received, to the Town Clerk, and shall keep all goods at least five (5) days after the filing of such statement.

~~§ 99-5. Penalties for offenses.~~

~~In addition to any revocation or suspension of the license, any person who shall engage in the business of junk dealer without complying with the provisions of this chapter relating to such business shall be fined not more than fifty dollars (\$50.) and imprisoned not more than three (3) months, or both.~~

§ 99-5. Enforcement.

This chapter has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the Code of the Town of Wethersfield shall be followed.

ORDINANCE AMENDING CHAPTER 105 - NOISE CONTROL

Chapter 105, NOISE CONTROL

[HISTORY: Adopted by the Town Council of the Town of Wethersfield as Secs. 3-4-1 through 3-4-12 of the Code of 1972. Section 105-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art II. Other amendments noted where applicable.]

GENERAL REFERENCES

Noise to attract sales -- See Ch. 116.

§ 105-1. Title.

The short title of this chapter shall be the "Town of Wethersfield Noise Control Ordinance."

§ 105-2. Purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare or degrade the quality of their lives. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of Wethersfield through the reduction, control and prevention of noise.

§ 105-3. Definitions.

BACKGROUND NOISE -- Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable. In statistical terms, it is the level which is exceeded ninety percent (90%) of the time (L90) in which the measurement is taken.

BUSINESS ZONE -- Those areas so designated under Business Zone No. 1 (B-1), Business Zone No. 2 (B-2), Planned Development - Office Zone (PD-O) and Planned Development - Business Zone (PD-B) of the Zoning Regulations of the Town of Wethersfield.

CHIEF OF POLICE -- The Chief of Police of the Town of Wethersfield or a duly authorized officer subject to his order.

CONSTRUCTION -- The assembly, erection, substantial repair, alteration, demolition or site preparation for or of public or private rights-of-way, buildings or other structures, utilities or property.

CONSTRUCTION EQUIPMENT -- Any equipment or device operated by fuel or electric power used in construction or demolition work.

DAYTIME HOURS -- The hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 10:00 p.m. on Sunday.

DECIBEL -- A unit of measurement of the sound level, the symbol for which is "db."

DEMOLITION -- Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

DOMESTIC POWER EQUIPMENT -- Includes but is not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

EMERGENCY VEHICLE -- Any motor vehicle authorized by any local authority to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

EMERGENCY WORK -- Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent changes.

EXCESSIVE NOISE -- Any sound, the intensity of which exceeds the standards set forth in § 105-5.

IMPULSE NOISE -- Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid delay.

INDUSTRIAL ZONE -- Those areas so designated under the Industrial Zone (I) and Industrial Park Zone (IP) of the Zoning Regulations of the Town of Wethersfield.

INTRUSION ALARM -- A device with an audible signal and which, when activated, indicates an intrusion by an unauthorized person.

MOTOR VEHICLE -- A vehicle as defined in Subdivisions (30) and (31) of Section 14-1, Connecticut General Statutes, Revision of 1958, as amended. EN

MUFFLER -- A device for abating sound such as escaping gases.

NIGHTTIME HOURS -- The hours between 10:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning and between 10:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

NOISE LEVEL -- The sound-pressure level as measured with a sound-level meter using the A-weighting network. The sound level is designated "db(A)" or "db(a)."

PERSON -- Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES -- Any building, structure, land or portion thereof, including all appurtenances, owned or controlled by a person. A noise emitter's premises includes contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the state.

PROPERTY LINE -- That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned and controlled by another person and which separates real property from the public right-of-way.

PUBLIC RIGHT-OF-WAY -- Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a government entity.

RECREATIONAL VEHICLE -- Any internal-combustion-engine-powered vehicle which is being used for recreational purposes.

RESIDENTIAL ZONE -- Those areas so designated under Special Residence Zone (SR), AA Residence Zone, A-1 Residence Zone, A Residence Zone, B Residence Zone, C Residence Zone, Planned Development - Medium Density Residence Zone (PD - MDR), Planned Development - High Density Residence Zone (PD - HDR) and Planned Development - Elderly Housing Zone (PD - EH) of the Zoning Regulations of the Town of Wethersfield.

SOUND -- A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including but not limited to an auditory response when impinging on the ear.

SOUND-LEVEL METER -- An instrument used to measure sound levels. A "sound-level meter" shall conform, as a minimum, to the American National Standards Institute operational specifications for sound level meters S1.4-1971 (Type S2A).

SOUND-PRESSURE LEVEL -- Twenty (20) times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^{-6} newtons/meter²) or two ten-thousandths (0.0002) dyne per square centimeter, and is expressed in decibels (db).

§ 105-4. Noise measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall be applicable:

- A. A person conducting sound measurements shall have been trained in the techniques and principles of sound-measuring equipment and instrumentation.
- B. Instruments used to determine sound-level measurement shall be sound-level meters as defined by this chapter.
- C. The following steps should be taken when preparing to take sound-level measurements:
 - 1. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - 2. Measurements to determine compliance with § 105-5 shall be taken at a point that is located more or less one (1) foot beyond the property line of the noise emitter's premises and within the noise receptor's premises.
 - 3. The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled "Connecticut Noise Survey Data Form No. 101."

§ 105-5. Noise levels.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises in excess of the following noise levels:

Zone in Which Noise Emitted is Located	Zone in Which Noise Receptor is Located			
	Industrial [db(A)]	Business [db(A)]	Residential (Daytime Hours) [db(A)]	Residential (Nighttime Hours) [db(A)]
Industrial	70	66	61	51
Business	62	62	55	45
Residential	62	55	55	45

§ 105-6. Background and impulse noise.

- A. In those individual cases where the background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) db(A), provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) db(A) at any time and provided that this section does not decrease the permissible levels of other sections of this chapter.
- B. No person shall cause or allow the emission of impulse noise in excess of eighty (80) db peak sound-pressure level during nighttime hours to any residential zone.
- C. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) db peak sound-pressure level at any time to any zone.

§ 105-7. Exceptions.

- A. This chapter shall not apply to noise emitted by or related to:
1. Natural phenomena.
 2. Any bell or chime from any building clock, school or church.
 3. Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation.
 4. A public emergency sound signal.
 5. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
 6. Farming equipment or farming activity.
 7. An emergency.
 8. Snow removal equipment.
- B. The following shall be exempt from this chapter, subject to special conditions as specified:
1. Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in § 105-5.
 2. Noise from domestic power equipment operated during daytime hours.
 3. Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this chapter.
 4. Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
 5. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including but not limited to parades, sporting events, concerts and fireworks displays.
 6. Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public and provided that a permit for such blasting has been obtained from local authorities.
 7. Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during the hours specified in this Code or, if no hours are specified or are specifically prohibited, then during daytime hours. [Amended 9-7-1993]
 8. Noise created by fire or intrusion alarm shall, from time of activation of the audible signal, emit noise for a period of time not exceeding ten (10) minutes when such alarm is attached to a vehicle or thirty (30) minutes when attached to any building or structure.
 9. Public-address systems used in election campaign activities during daylight hours only.

§ 105-8. Vehicle noise restrictions.

The following activities are prohibited:

- A. Motor vehicle noise. All motor vehicles operated within the limits of the Town of Wethersfield shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.
- B. Motor vehicle sound-amplifying devices. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in § 105-5.
- C. Recreational vehicle noise. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards set forth in § 105-5.

~~§ 105-9. Penalties for offenses.~~

~~Any person in violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed fifty dollars (\$50.). Each day that such violation~~

~~continues after the time for correction of the violation given in an order shall constitute a continuing violation, and the amount of the fine shall be doubled for each day said violation continues, said fine not to exceed four hundred dollars (\$400.) per day.~~

§ 105-9. Enforcement

This chapter has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the Code of the Town of Wethersfield shall be followed.

§ 105-10. Variances.

- A. Any person living or doing business in Wethersfield may apply to the Chief of Police for a variance from one (1) or more of the provisions of this chapter which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all of the following information to the Chief of Police at least twenty (20) days prior to the start of the activity for which the variance is sought:
 1. The location and nature of the activity.
 2. The time period and hours of operation of said activity.
 3. The nature and intensity of the noise that will be generated.
- B. No variance from this chapter shall be granted unless it has been demonstrated that:
 1. The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations;
 2. The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 3. Compliance with this chapter constitutes an unreasonable hardship on the applicant.
- C. The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.
- D. Failure to rule on an application within the designated time shall constitute approval of the variance.

§ 105-11. More stringent provisions to apply.

All provisions of the Zoning Regulations of the Town of Wethersfield which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph or section of this chapter shall be held to make the same unconstitutional or be superseded by any law or regulations, this chapter shall not thereby be invalidated, and the remainder of the chapter shall continue in effect.

ORDINANCE AMENDING CHAPTER 108 - NUISANCES

Chapter 108, NUISANCES

[HISTORY: Adopted by the Town Council of the Town of Wethersfield as Secs. 5-2-6 through 5-2-8 of the Code of 1972. Amendments noted where applicable.]

§ 108-1. Removal of weeds and similar vegetation.

In May and August of each year, every owner, lessor, lessee or other person in possession of land shall cut to a height of not more than eight (8) inches all weeds and similar vegetation not planted as a crop to be harvested or for ornamental purposes within twenty-five (25) feet of the street line of any paved public highway.

§ 108-2. Removal of vegetation injurious to health.

Every owner, lessor, lessee or other person in possession of land shall keep it free from vegetation of any type which, in the opinion of the Health Director, is injurious to public health. Such vegetation shall be removed within ten (10) days of receipt of notice from the Health Director.

§ 108-3. Abatement; expenses.

Any violation of § 108-1 or 108-2 shall constitute a nuisance which may be abated by the town at the expense of the owner, lessor, lessee or any other person in possession or any one (1) or more of them to whom the Town Manager or his representative has given not less than ten (10) days' written notice of intention to abate such nuisance. Such expense may be collected by the town in a civil action against any one (1) or more of the above-named persons responsible therefor.

§ 108-4. Enforcement

This chapter has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the Code of the Town of Wethersfield shall be followed.

ORDINANCE AMENDING CHAPTER 116 - PEDDLING AND SOLICITING

Chapter 116, PEDDLING AND SOLICITING

[HISTORY: Adopted by the Town Council of the Town of Wethersfield as Secs. 6-4-1 through 6-4-12 of the Code of 1972. Amendments noted where applicable.]

ARTICLE I, License

§ 116-1. License required.

No person, except as hereinafter stated, shall sell, offer for sale or solicit orders for any goods, wares or merchandise within the town without a license issued by the Chief of Police upon the filing of an application as provided herein.

§ 116-2. Expiration.

All licenses issued under the provisions of this Article shall expire on the 30th day of June after the date of issue.

§ 116-3. Application; fees.

- A. Application. The application for such a license shall be made to the Chief of Police, in writing, and shall contain the following information:
1. The name and description of the applicant; if a partnership, the names of all partners; if a corporation, club or association, the names of officers.
 2. The permanent home address and full local address of the applicant.
 3. A brief description of the nature of the business and the goods to be sold.
 4. If employed, the name and address of the employer.
 5. If a vehicle is to be used, a description of the same, together with the license number or other means of identification.
- B. Fees. The license fees shall be as follows: twenty-five dollars (\$25.) per year for each person licensed, provided that he uses a vehicle; otherwise ten dollars (\$10.) per year. Each helper or assistant to the person licensed must himself procure a license. "Year" means the fiscal year ending June 30 of each year or any part thereof.
[Amended 6-18-1990]
- C. Waiver of fees. The payment of a fee by any applicant who has not attained eighteen (18) years of age at the time the license is issued shall be waived, provided that the license is used for some charitable, nonprofit or educational purpose or primarily for some purpose other than income or profit.

§ 116-4. Use by licensee only.

No license, license plate or lapel button issued under the provisions of this Article shall be used at any time by any person other than the one to whom issued.

§ 116-5. Identifying plate and button; exhibition.

- A. Plate and button. Each vehicle used by the licensee shall display on both sides a plate designed and furnished by the Chief of Police bearing the number of the license, the expiration date of the license and the words "Licensed Vendor." Each licensee shall wear a lapel button designed and furnished by the Chief of Police.
- B. Exhibit of license. Peddlers and solicitors are required to exhibit their licenses at the request of any citizen.

§ 116-6. Suspension; revocation.

- A. Causes. Any license may be suspended by the Chief of Police without hearing and revoked by him after notice and hearing for any of the following causes:
 - 1. Fraud, misrepresentation or false statement contained in the application for license.
 - 2. Fraud, misrepresentation or false statement made in the course of carrying on the business.
 - 3. Any violation of this chapter.
 - 4. Conviction of any crime or misdemeanor involving moral turpitude subsequent to the issuance of the license.
 - 5. Conducting the business in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of suspension and hearing. Notice of such suspension and of the hearing on the revocation of the license shall be given together, in writing, setting forth specifically the grounds for suspension and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at the time the license is suspended, and the date fixed for the hearing shall not be less than five (5) days nor more than ten (10) days after the mailing of the notice.

§ 116-7. Recordkeeping.

It shall be the duty of the Chief of Police to keep a record of all licenses issued under the provisions of this Article and a detailed account of all receipts for such licenses, which receipts shall be turned over monthly to the Town Treasurer.

ARTICLE II, General Selling Provisions

§ 116-8. Presumption of intrastate commerce.

The selling or offering for sale of any goods, wares or merchandise by any peddler within the town shall raise a presumption that said goods, wares or merchandise are subjects of intrastate commerce.

§ 116-9. Exemptions.

This chapter shall not apply to the following:

- A. Sales by farmers and gardeners of the produce of their farms and gardens or the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, newspapers, sales on approval, conditional sales of merchandise and any other persons or sales which may be exempt from such regulation by the General Statutes.
- B. Sales by persons having an established place of business in the town.
- C. Sales to dealers and business establishments.
- D. Sales for the benefit of a charitable organization located in the town.
- E. Sales by persons for their own account who are residents of the town and who have not attained sixteen (16) years of age.
- F. Sales by persons pursuant to a permit authorized by the proper town authority.

§ 116-10. Noisemaking.

No licensee shall shout, blow a horn, ring a bell or use any sound device for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

§ 116-11. Restrictions on street usage.

A peddler or solicitor using a vehicle shall have no exclusive right to any location on public streets or public property, shall not be permitted any stationary location therein and shall not be permitted to operate in any congested area or any area where his operation might impede or inconvenience the public. For the purpose of this Article the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

§ 116-12. House calls at night.

Calls at the dwelling of any person for sale or solicitation by any licensee between the hours of 6:00 p.m. and 8:00 a.m. are prohibited except by appointment.

~~§ 116-13. Enforcement.~~

~~It shall be the duty of any police officer of the town to require any peddler or solicitor who is not known by such officer to be duly licensed to produce his license and to enforce the provisions of this chapter against any person found to be violating the same.~~

§ 116-13. Enforcement.

This chapter has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the code of the Town of Wethersfield shall be followed.

ORDINANCE AMENDING CHAPTER 134 - SNOWMOBILES

Chapter 134, SNOWMOBILES

[HISTORY: Adopted by the Town Council of the Town of Wethersfield as Secs. 2-6-78 through 2-6-82 of the Code of 1972. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks -- See Ch. 139.

Vehicles and traffic -- See Ch. 157.

Inoperable or abandoned vehicles -- See Ch. 160.

§ 134-1. Use on private lands.

No snowmobile may be operated in the Town of Wethersfield on land other than that of the owner or operator of the snowmobile unless such owner or operator has the written permission of the owner or owners of such land. In the event that such written permission is given to operate the snowmobile, said written permission shall be carried by the operator at all times while operating the snowmobile and shall be produced for any police officer, upon request. Such written permission shall be considered void unless it includes the signature of the owner of the land, the effective dates and times of such permission, the address or other location of the land concerning which permission is granted, the registration number of the snowmobile for which permission is granted and the name or names of persons to whom permission is granted.

§ 134-2. Use on town property.

No snowmobile shall be operated on land owned by the town without permission, in writing, by the Town Manager or his authorized agent. Such written permission by the Town Manager or his authorized agent shall be confined to those

properties that have been designated by rules established by the Director of Recreation and Parks with the approval of the Advisory Recreation and Park Board for use for snowmobiling and only upon such terms and conditions as are specified in said rules.

§ 134-3. Investigation by police.

Any police officer of the Town of Wethersfield shall be authorized to request the operator of any snowmobile being operated within the limits of the town to stop in order to permit such officer to determine whether the operator has written permission to operate upon the land upon which the officer observes such snowmobile being operated.

§ 134-4. Proof of registration to be prima facie evidence.

Whenever there is a violation of the chapter, proof of the registration number of any snowmobile therein concerned shall be prima facie evidence in any criminal action that the owner was the operator thereof.

~~§ 134-5. Penalties for offenses.~~

~~Any person violating the provisions of this chapter shall be fined not more than twenty-five dollars (\$25.).~~

§ 134-5. Enforcement.

This chapter has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the Code of the Town of Wethersfield shall be followed.

ORDINANCE AMENDING CHAPTER 136 - SOLID WASTE

Chapter 136, SOLID WASTE

[HISTORY: Adopted by the Town Council of the Town of Wethersfield 12-17-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Animal waste -- See Ch. 70.

Environmental Code -- See Ch. 75.

§ 136-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTHORITY -- The Connecticut Resources Recovery Authority established pursuant to Chapter 446e of the Connecticut General Statutes, as amended.

BULKY WASTE -- Landclearing debris and waste resulting directly from demolition activities other than clean fill.

CLEAN FILL -- Natural soil, rock, brick, concrete, ceramics and asphalt paving fragments which are virtually inert and pose neither a pollution threat to ground- or surface waters nor a fire hazard.

CORRUGATED CARDBOARD -- Corrugated containers having liners of kraft (brown) paper that are in clean condition (not soiled by any garbage or other material) and which are not coated with any wax material.

DESIGNATED RECYCLABLE -- Newspaper, corrugated cardboard, office paper, glass food and beverage containers, metal food and beverage containers, waste oil, scrap metal, storage batteries (lead acid batteries) and leaves.

DIRECTOR OF HEALTH -- The Director of Health for the Central Connecticut Health District. [Amended 12-20-1999]

DIRECTOR OF PHYSICAL SERVICES -- The Director of Physical Services for the Town of Wethersfield. [Added 12-20-1999]

DWELLING -- Any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING OCCUPANT -- The owner, renter or other occupant of each separate dwelling unit, whether or not in the same building with other dwelling units.

DWELLING UNIT -- Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

GARBAGE -- Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GLASS FOOD AND BEVERAGE CONTAINERS -- Clear, brown and green glass food and beverage containers up to one gallon in size, washed clean of their contents with their caps and lids removed, and which do not contain any other materials except paper labels.

HAZARDOUS WASTE -- Dangerous materials or substances which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, including but not limited to cleaning fluids, paints, explosives, acids, caustics, poisons, drugs, radioactive materials, infectious materials and asbestos-containing material.

HDPE (HIGH-DENSITY POLYETHYLENE) BOTTLES -- Plastic bottles up to one gallon in size, washed clean of their contents, and which do not contain any other materials except paper labels.

INDUSTRY -- The manufacture, milling, assembly or warehousing of a product and the maintenance and/or storage of commercial vehicles or construction equipment.

METAL CANS -- Metal containers up to one gallon in size, washed clean of their contents, and which do not contain any other materials except paper labels.

MID-CONNECTICUT SYSTEM -- The system for the processing of solid waste and the recovery of energy therefrom constructed by the Authority pursuant to the Municipal Services Agreement.

MULTIPLE DWELLING [Repealed 6-7-1993]

MUNICIPAL SERVICES AGREEMENT -- The municipal solid waste management services contract between the Town of Wethersfield and the Authority dated June 30, 1982.

NEWSPAPERS -- Fresh dry newspapers, not sunburned, free from paper other than newsprint, containing not more than the normal percentage of rotogravure and colored sections (magazines and advertising materials), which can be either tied in bundles with string or placed in brown kraft paper grocery bags.

NONRESIDENTIAL PREMISES -- Premises used for wholesale or retail trade business and professional offices, industry, churches, schools, nonprofit organizations, farms operated as a business, government buildings, hospitals and other humane institutions, orders of fraternal organizations, clubs and places of amusement, entertainment and recreation.

PET (POLYETHYLENE TEREPHTHALATE) BOTTLES -- Plastic bottles up to three liters in size, washed clean of their contents, and which do not contain any other materials except paper labels and HDPE base cups.

PREMISES -- A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structures thereon.

RECYCLABLES -- Corrugated cardboard, glass food and beverage containers, metal food and beverage containers, newspapers and plastic HDPE and PET bottles.

RESIDENTIAL PREMISES -- Premises containing one or more dwelling units but not including hotels or motels or apartments with four or more dwelling units (e.g., single-family and two-family dwellings, apartments with three or fewer dwelling units, exempt apartments, condominiums and town houses, planned unit developments and congregate housing). [Amended 6-7-1993]

RUBBISH -- Cold ashes, junk, discarded containers, dust, sweepings, waste paper, boxes, crates, rags, clothing, textiles, glass (other than food and beverage containers), crockery and similar waste materials, excluding body wastes, hazardous wastes, bulky wastes and clean fill.

SOLID WASTE -- Garbage, rubbish and bulky wastes, excluding body wastes, hazardous waste, clean fill, material designated recyclable and recyclables.

WHITE GOODS -- Major appliances, fluorescent light ballasts (bulbs removed), microwave ovens, submersible pumps, mercury vapor lamps, fans and hot-water heaters. [Added 5-6-1991]

§ 136-2. General provisions.

- A. Solid waste. All solid waste accumulated in the town shall be collected, conveyed and disposed of by the town or by persons licensed by the town to perform such work. No other person shall collect, convey over any street or dispose of any solid waste.
- B. Designated recyclables. Each person who generates solid waste from residential premises within the town shall keep materials designated recyclable separated from other solid waste. Each person who generates solid waste from nonresidential premises within the town shall keep materials designated recyclable separated from other solid waste or shall make provision for the separation of materials designated recyclable from other solid waste, either on or off the premises.
- C. Recyclables generated from premises which are provided solid waste collection and disposal services by the town, including all residential premises, churches, fraternal, social and patriotic associations or clubs, schools and all other town-owned premises or facilities, shall be collected, conveyed and disposed of by the town or by persons approved by the town to perform such work. All such recyclables shall be prepared for collection and disposal in conformance with regulations established pursuant to this chapter.
- D. Materials designated recyclable which are generated from premises other than those listed in Subsection C (e.g., nonresidential and commercial premises) shall be collected and disposed of by individual arrangements with persons licensed by the town to perform such work.

§ 136-3. Collection.

- A. The town shall, by means of its own staff or by contract or other agreement, collect solid waste and recyclables from all residential premises, churches, fraternal, social and patriotic associations or clubs, schools and all other town-owned premises or facilities in a manner and frequency as determined by the town. It shall be a violation of this chapter for any person not authorized by the town to collect or pick up or cause to be collected or picked up any solid waste or recyclables from such premises.
- B. Occupants of premises receiving curbside collection of solid waste and recyclables shall place solid waste and recyclables for collection at the curb no later than 7:00 a.m. on the day of the week on which collection at the premises is scheduled to take place. No solid waste or recyclables shall be placed or stored at the curb or within the town right-of-way preceding the designated collection time by more than 48 hours.
- C. Occupants, owners, proprietors or other responsible person(s) of premises receiving bulk container collection of solid waste and/or recyclables from the town shall place solid waste and/or recyclables in the proper container provided.

- D. Suspension. The Director of Health may suspend collection of solid waste or recyclables from any premises whereof the owner, the dwelling occupant, the proprietor or other responsible person(s) does(do) not comply with the terms of this chapter or regulations made hereunder after a written warning has been sent to the address of noncompliance by certified mail.
- E. Material uncollectible. The town or its agent shall at no time collect body wastes, hazardous wastes or other wastes which have not been prepared for collection in conformity with the provisions of this chapter and the rules and regulations issued by the Director of Health relating hereto.

§ 136-4. Containers.

- A. Solid waste. The owner of each premises where solid waste is created or generated shall provide, at a suitable place upon such premises, sufficient receptacles for receiving and holding such solid waste during the intervals between collections. Solid waste containers shall be maintained in a good condition, free of holes and fissures large enough to permit the infiltration of vermin, and shall be equipped with securely fitting covers.
- B. Recyclables. The town shall supply each dwelling unit and each facility or premises receiving curbside collection of recyclables with a container for the storage of their recyclables. Initial containers shall be provided at no cost; replacements will be made available at a cost as determined by the town. Such containers shall remain the property of the town and shall be used for the storage of recyclables only. Premises receiving bulk container collection of recyclables shall be provided bulk containers by the town.

§ 136-5. Storage; littering.

- A. Accumulation restricted. It shall be unlawful for any person to allow solid waste to accumulate on premises under his/her control in the town in such a manner as to create an offensive, unsightly or unsanitary condition.
- B. Throwing or depositing in town. It shall be unlawful for any person to throw or deposit solid waste, material designated recyclable or recyclables in any part of the town in such a manner as to create an offensive, unsightly or unsanitary condition.
- C. Throwing or depositing on streets and public grounds. It shall be unlawful for any person to throw or deposit solid waste, material designated recyclable or recyclables upon streets or sidewalks, in any catch basin, drain or watercourse or in parks or any public grounds in the town, except that solid waste, material designated recyclable and recyclables may be deposited in proper containers.

§ 136-6. Collection license required; fee; responsibilities of collectors.

- A. It shall be unlawful for any person to engage in the business of collecting or disposing of solid waste in the Town without first obtaining a commercial hauler license from the Director of Physical Services. Application for such license and holders of such license shall place on file with the Director of Physical Services an up-to-date schedule of collections, and such shall be kept up-to-date. [Amended 12-20-1999; 8-19-2002]
- B. Term; fees. [Amended 5-6-1991; 6-15-1992; 10-3-1994; 6-5-1995; 9-3-1996; 6-16-1997; 7-6-1998; 10-1-2001; 8-19-2002]
 - 1. Each commercial hauler license shall be for a period of one year beginning July 1, and the fee thereof may not exceed \$100 per vehicle per year.
 - 2. Commercial users of the transfer station shall be charged \$305 for an annual permit, which shall include the disposal of 1/2 cubic yard of waste. A fee of \$115 shall be charged for each additional 1/2 cubic yard of waste disposed of throughout the year.
 - 3. A fee of \$25 shall be charged for the first white good, \$15 for the second white good and \$10 for the third white good collected at each stop by the Town. A fee of \$50 shall be charged for four or more white goods collected at each stop by the Town. Residents aged 65 years and older or who are totally disabled as determined by social security shall be charged \$10 for each white good collected by the Town. A fee of \$10 shall be charged for each white good containing chlorofluorocarbon (CFC) delivered to the transfer station at 100 Marsh Street. No fee shall be charged for white goods which do not contain chlorofluorocarbon (CFC) delivered to the transfer station.
 - 4. Wethersfield residents shall be charged \$30 for an annual permit to use the transfer station, which shall include the disposal of 1/2 cubic yard of waste. A fee of \$15 shall be charged for each additional 1/2 cubic

yard of residential bulky waste disposed of throughout the year.

- C. Rules and regulations may be prescribed by the Director of Health to preserve and advance public health and sanitation in the operation of any such business. Any such license may be suspended or revoked by the Director of Health for any violation of this chapter or any regulations made pursuant hereto. The Director of Health may refuse to issue or reissue a license to persons who have committed repeated violations.
- D. Any person licensed under this chapter who has reason to believe that a person from whom he collects solid waste has violated § 136-2B of this chapter shall issue a written warning notice to such person and shall promptly notify the Director of Health, in writing, of the alleged violation.
- E. Any person licensed under this chapter shall assist the Town in identifying any person(s) responsible for creating loads containing significant quantities of materials designated recyclable mixed with solid waste which are delivered to a resource recovery facility or solid waste facility by the collector and detected by the Town or owner/operator of such facility.
- F. No solid waste or recyclables shall be collected from any premises in the Town of Wethersfield between the hours of 9:00 p.m. and 7:00 a.m. [Added 9-7-1993]

§ 136-7. Disposal.

- A. Solid waste. The town shall make available facilities for the disposal of solid waste, provided that such facilities may be located outside the boundaries of the town. On and after the effective date of this chapter, all solid waste generated and/or collected within the boundaries of the town, with the exception of material designated recyclable and recyclables, shall be disposed of at the Mid-Connecticut System as outlined in the Municipal Services Agreement. Presenting solid waste collected from outside the town to any facility so as to cause the town to pay for its disposal shall be considered fraud against the town.
- B. Materials designated recyclable or recyclables collected by the town or its authorized agent or from any residential premises shall be disposed of at a site designated by the Director of Health. Materials designated recyclable or recyclables collected by the other conveyers or from nonresidential premises shall be disposed of in accordance with applicable state law or regulations.

§ 136-8. Penalties for offenses.

Any person, partnership or corporation who or which fails to comply with any provision of this chapter or with any regulations of the Director of Health as provided for in this chapter shall be subject to the following penalties, in those cases where no other penalty is cited in this chapter:

- A. Residents who fail to separate materials designated recyclable from other solid waste:
 - 1. First violation: a written warning.
 - 2. Subsequent violations: a fine not to exceed \$100 for each such violation.
- B. Nonresidential premises or institutions that fail to provide for separation of materials designated recyclable from other solid waste:
 - 1. First violation: a written warning.
 - 2. Subsequent violations: a fine not to exceed \$500 for each such violation.
- C. A collector who dumps more than one cubic foot in volume of solid waste at one time in an area not designated for such disposal by the town or who knowingly mixes other solid waste with materials designated recyclable:
 - 1. First violation: \$1,000.
 - 2. Subsequent violations: \$5,000.

§ 136-9. Enforcement.

This chapter has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the Code of the Town of Wethersfield shall be followed.

ORDINANCE AMENDING CHAPTER 139, ARTICLES I AND III - STREETS AND SIDEWALKS

Chapter 139, STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town Council of the Town of Wethersfield as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse placement -- See Ch. 93.

Peddling and soliciting -- See Ch. 116.

Vehicles and traffic -- See Ch. 157.

Abandoned or inoperable vehicles -- See Ch. 160.

ARTICLE I, Removal of Obstructions [Adopted as Secs. 7-1-4 through 7-1-7 of the Code of 1972]

§ 139-1. Removal of dangerous obstructions.

The owner, agent of the owner or occupant of any building or land bordering upon any street, square or public place within the town where there is a sidewalk graded, paved or planked shall cause to be removed therefrom and keep the sidewalks of said property free from all obstructions such as mud, bushes, vines, plants and other obstructions which would endanger the safety, health or well-being of pedestrians; provided, however, that no such owner or agent of the owner or occupant having or occupying a residential lot with frontage on two (2) nonintersecting streets shall be subject to the requirements of this section with regard to the sidewalks along the rear frontage.

§ 139-2. Removal of snow and ice. [Amended 10-28-1996]

- A. Sidewalks. The owner, agent of the owner or occupant of any building or land bordering upon any street, square or public place within the town where there is a sidewalk graded, paved or planked shall not collect and direct the flow of any water over said sidewalk and shall cause to be removed therefrom all snow, sleet and ice within a period of 24 hours after the cessation of the snow, sleet or rainfall, and, whenever any such sidewalk or any part thereof shall be covered with ice, the owner, agent of the owner or the occupant of the building or the lot adjacent thereto shall, within the space of 10 hours thereafter during the daytime, cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same by sand or other suitable substances; provided, however, that no such owner or agent of the owner or occupant having or occupying a residential lot with frontage on two nonintersecting streets shall be subject to the requirements of this section with regards to the sidewalks along the rear frontage relative to snow and ice removal and sanding.
- B. Fire hydrants. All snow and ice accumulating in the street higher than a point four inches below the bottom of the lowest outlet on any fire hydrant, and within a radius of three feet from the center of such hydrant, shall be removed by the owner, agent of the owner or occupant of the premises adjoining that portion of the street within 24 hours after such snow and ice has ceased to fall, be deposited or accumulate. Said owner, agent of owner or occupant shall also clear a path having a minimum width of three feet between any fire hydrant and the edge of the traveled portion of the abutting street, highway, private road or drive.

§ 139-3. Removal by town; costs.

Should any owner, agent of the owner or occupant of any building or land adjacent to a public sidewalk fail to remove therefrom any obstruction or snow or ice or cover the ice with sand or some other suitable substance within the periods prescribed by §§ 139-1 and 139-2, the town may proceed to have the required work completed, and the expense of such work shall be assessed against the owner of the premises adjacent to the sidewalk where such work is performed, and such expense shall be a lien against such adjacent premises, provided that the Director of Finance causes to be filed a certificate of lien in the Town Clerk's office within sixty (60) days from the completion of such work. The provisions of this section shall be in addition to fines for violations.

§ 139-4. Placement of removed obstructions into public ways.

- A. No person shall lay, throw, blow, place or plow or cause to be laid, thrown, blown, placed or plowed on or into any public street or way any snow or ice from any private property, public or private sidewalk or public right-of-way. If, in the removal of snow or ice from any such property, sidewalk or way, it is necessary to temporarily place snow or ice on any public street or way, such snow or ice shall immediately be removed from the public street or way by and at the expense of the person causing such deposit.
- B. No person in the process of clearing any property, sidewalk or way as defined above shall:
 - 1. Leave the surface of adjoining public ways any less clear of snow and ice than such person found the public way just previous to commencement of clearance.
 - 2. Plow or deposit snow or ice on the side of embankments to public ways so as to narrow or decrease the width of the traveled portion of the public way as it existed just previous to such person's clearance.
 - 3. Plow or deposit snow or ice on that portion of the public right-of-way that adjoins another person's property without the consent of that person.
- C. The provisions of this section shall not apply to the official snow removal operations of the Town of Wethersfield and the State of Connecticut.
- D. The penalty for each violation or offense shall be fifty dollars (\$50.), and each and every twenty-four hour period of failure or neglect to comply with the provisions of this section shall be deemed a separate offense or violation.

ARTICLE II, Construction and Repair [Adopted as Secs. 7-2-1 through 7-2-11 of the Code of 1972]

§ 139-5. Council vote to install sidewalks; specifications.

The Council may vote to make and lay sidewalks on any public way at the expense of the owners of lands abutting on that public way. Such sidewalk shall be of such material, width, thickness and at such grade as the Department of Public Works may prescribe.

§ 139-6. Conduct of work.

Subject to the approval of the Council, the Department of Public Works shall adopt, from time to time, such regulations and specifications for the conduct of the work provided for by this chapter as it may deem for the best interests of the town. It shall be unlawful for any person to violate any such regulation or specification.

§ 139-7. Notice of hearing on project.

At least five (5) days' notice shall be given by publication in a newspaper having a circulation in the town and by delivery through first-class mail to the last known addresses of the owners of record before a hearing shall be held on each sidewalk installation project. The notice shall include a description of the project, an estimate of all costs of the project and an estimate of the cost of the project to be assessed against each property owner.

§ 139-8. Installation orders.

Within five (5) days of the passage of an order to install by the Council, a true and attested copy of such order shall be delivered through certified mail, return receipt requested, to the last known addresses of the owners of record.

§ 139-9. Compliance with order; costs.

Every such owner shall comply with such order within thirty (30) days after receipt of such notice unless the Council determines that an emergency exists, in which case ten (10) calendar days shall be allowed to effect such work. Whenever the owner of any premises abutting upon any public way in the town neglects or fails to install new sidewalks ordered by the Council, it shall be the duty of the Public Works Director to install the same. At the conclusion of such installation, the Public Works Director shall calculate the total cost of the installation and the cost to be assessed against each property owner, provided that no assessment against any owner shall exceed one-half (1/2) of the linear-foot cost times the number of linear feet of walk being assessed. The Council shall establish and order the final assessment against each property owner based upon the calculation made by the Public Works Director.

§ 139-10. Replacement and repair.

Owners of land fronting upon any street or highway, unless exempted by ordinance of the Council, may be ordered by the Public Works Director to replace, repair or otherwise correct defects in any sidewalk adjacent to his land. Notice of the work required shall be delivered in the same manner as notice provided for in § 139-7. Every such owner shall comply with the order of the Public Works Director within thirty (30) days after receipt of such notice, unless the Public Works Director shall determine that an emergency exists, in which case five (5) calendar days shall be allowed to effect the work.

§ 139-11. Appeals from orders.

Any owner of land who is aggrieved by any order made in accordance with § 139-10 may petition the Council for a rescission or modification of the aforesaid order. Such appeal shall be in writing and must be received by the Council within five (5) calendar days after notice has been received by said owner. If such appeal shall be denied, such owner shall have fifteen (15) days from the date of such rejection to effect such work.

§ 139-12. Correction by town; costs.

Whenever the owner of any premises fronting on any public way in the town fails, neglects or refuses to repair, replace or otherwise correct defects in an adjacent sidewalk and where no appeal has been taken from the order of the Public Works Director, the Public Works Director shall have the defect corrected and calculate the cost to be assessed against the owner.

§ 139-13. Calculation of assessments.

- A. The unit cost for sidewalk construction shall be calculated as the total project cost of paving and grading, divided by the total length of the project.
- B. The unit cost of each foot of length for sidewalk construction shall be assessed, in accordance with § 139-9, upon the adjoining property, except as follows:
 1. A residential lot with frontage upon more than one (1) street shall be assessed for the first sidewalk construction along any one (1) side.
 2. The length of the assessment against any residential lot shall not exceed the length of the shortest side along an approved street.
 3. A residential lot with frontage on two (2) nonintersecting streets shall not be assessed for the rear frontage.
- C. A lot shall be considered to be a parcel of land that could not be subdivided into additional residential lots under the applicable dimension and area regulations of the town.

§ 139-14. Assessment payments.

Upon delivery to the Finance Director by the Public Works Director of any calculation of cost for replacing or repairing a sidewalk or of a final assessment order by Council for construction of a sidewalk, the Finance Director is authorized to collect from the adjacent property owners the total amount of such bill; provided, however, that the maximum assessment shall be set at the actual unit of cost incurred by the town in the last annual sidewalk installation contract.

§ 139-15. Liens on property.

The cost of any work done or any final assessment levied under this chapter shall be the subject of a lien in favor of the town upon the premises liable therefor. Such lien shall be filed within sixty (60) calendar days from the date of completion of such installation, replacement or repair. Date of completion shall be considered to be the date of the billing sent to the adjacent owners.

ARTICLE III, Excavations [Adopted as Secs. 7-3-1 through 7-3-9 of the Code of 1972]

§ 139-16. Definitions.

The following words, when used in this Article, shall have the meaning ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

PERSON -- Includes any natural person, partnership, firm, association, corporation or organization of any kind.

STREET -- Any public street, avenue, road, square, alley, highway or other public place located in the Town of Wethersfield, and shall include sidewalks and driveway aprons.

§ 139-17. Permit and license required.

It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets in the Town of Wethersfield without first securing a license and a permit therefor, as hereinafter provided.

§ 139-18. Licensing and insurance provisions.

- A. All contractors excavating within town streets shall be licensed. The contractor applying for license shall furnish the town with a valid insurance certificate completed by his agent or insurer for the minimum amount described as follows:
 1. Liability:
 - a. Bodily injury limits of five hundred thousand dollars (\$500,000.) each person/five hundred thousand dollars (\$500,000.) each accident.
 - b. Property damage limits of five hundred thousand dollars (\$500,000.) each accident.
- B. The insurance shall cover the entire contract period as well as the maintenance period, and in the event that the insurance expires during this time, the contractor shall furnish the town with a renewal certificate at least ten (10) days prior to expiration.
- C. The property damage insurance shall specifically cover damage to underground pipes and conduits damaged while using powered or mechanized equipment to excavate in the public right-of-way.
- D. Before a license is granted, the applicant must file with the Engineering Division a surety bond in the sum of not less than \$10,000 made on a form provided for that purpose. Said surety bond may be cash or written by an indemnity or surety company authorized to transact business in Connecticut and approved by the Town Manager or his agent. Excavator's licenses are not transferable. Before any permit shall be issued to open or excavate any street in the Town, the applicant shall pay to the Town Engineer a permit fee in the amount of \$35 to cover the cost of inspection and other incidental services in connection therewith. Any work performed without obtaining the necessary permits and licenses as prescribed in this article shall result in a doubling of the fees as contained in this section. Permits shall be valid for a period of 30 days. If the estimated value of the work exceeds \$10,000 in the opinion of the Town Engineer, he may require the contractor make application for multiple permits for the various components of the work. The Town Engineer or his designated representative may at any time cancel or suspend permits for just cause. [Amended 6-18-1990; 10-15-2001]

§ 139-19. Permits.

Any person who desires to make any opening or excavation in any of the streets in the Town of Wethersfield shall make application to the Engineering Division, in writing, for that purpose. Such an application shall be made upon blanks to be furnished by the town and shall contain the name of the applicant, the exact location of the proposed opening or excavation, the approximate size or depth thereof, the "CALL BEFORE YOU DIG" permit number and an agreement on the part of the applicant that the work shall be done in full compliance with all related ordinances of the town and the laws of the State of Connecticut and that the applicant shall hold the town harmless from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening or excavation and all damages to persons or property resulting in any manner therefrom or occurring in the prosecution of corrected work or from any other related matter.

§ 139-20. Construction procedures.

- A. Any person who opens or excavates any street in the town shall thoroughly and completely refill the opening or

excavation, puddling and ramming so as to prevent any settling thereafter; and shall restore the surface to the same condition as it was before the opening or excavation, and such restoration shall be in accordance with the specifications of the Engineering Division of the Town of Wethersfield for roadway standards of streets in the town. The surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If, within five (5) years after the restoration of the surface, defects appear, the contractor shall repair the defect within twelve (12) hours. If the Town Engineer or his representative deems that an emergency exists, repairs will be completed by the most expeditious means possible. All repair costs shall be reimbursed to the town or charged to the excavator's surety bond.

- B. The backfill of trenches within the roadway limits and paved areas shall be placed in layers not more than twelve (12) inches thick and shall be thoroughly compacted by tamping or other approved means to the satisfaction of the Town Engineer or his designated agent. The materials used for backfill shall be subject to the inspection and approval of the Town Engineer or his agent, and if, in his opinion, the excavated material is unsuitable for backfill, the contractor shall dispose of this unsuitable material and substitute approved bank run gravel or other material in the amounts and proportions specified by the Town Engineer. When the backfill has been completed within twelve (12) inches of the finished pavement on the surface grade, the first eight (8) inches shall be filled and compacted using an approved grade of processed stone and then covered with four (4) inches of bituminous concrete placed in two (2) lifts, as shown on the standard drawings of the Engineering Division. All trenches shall be covered with a suitable bituminous patching material at the end of every workday.
- C. Final patching shall be completed within six (6) months and shall conform to the Town of Wethersfield Standard Roadway Construction Drawings and Specifications.
- D. All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by the applicant at his expense, and all such work shall be subject to the provisions of this Article and to the supervision and approval of the Town Engineer.

§ 139-21. Notification of Police and Fire Departments.

The contractor shall notify the Police Department and the Fire Department twenty-four (24) hours in advance of making any excavation which requires blocking more than fifty percent (50%) of the width of the street. Police protection, if required, shall be at the expense of the contractor.

§ 139-22. Restrictions.

- A. No opening or excavation in any street shall extend from the curblin into the highway a distance greater than one (1) foot beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel to the satisfaction of the Town Engineer.
- B. No more than five hundred (500) feet longitudinally shall be opened in any street at any one (1) time.
- C. The work of excavation shall be so conducted as not to interfere with the water mains, sewers or their lateral connections or any other subsurface utility until permission of the proper authorities has been obtained.
- D. The contractor shall at all times at his own expense preserve and protect from injury all adjoining property by providing proper foundations and taking other measures suitable for the purpose. The contractor shall, at his own expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from his operations.
- E. No tunneling to include pipe jacking and pneumatic or vibratory boring or piercing tools shall be allowed without the express approval of the Town Engineer and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Town Engineer or an inspector designated by him and shall be done only in a method approved by him.
- F. No contractor shall make a trench cut of over forty-eight (48) inches in width without first obtaining special permission from the Town Engineer or his designated agent.
- G. On all streets, a temporary paving satisfactory to the Town Engineer, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving at the end of each work day.
- H. As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris. The contractor shall take necessary precautions to prevent and avoid dust and to keep the streets clean each day. All cleanup operations shall be accomplished at the expense of the contractor and shall be

carried out to the satisfaction of the Town Engineer.

- I. Each contractor shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property and in strict compliance with the provisions of the Town of Wethersfield Noise Ordinance.

§ 139-23. Safeguards.

During the making of any street excavation, every reasonable precaution shall be taken by the applicant to keep the street in a safe and passable condition both day and night. Unless emergency conditions exist, construction or maintenance operations which will result in the narrowing or closing of the travel portion of any arterial street will not be permitted prior to start of peak hour traffic. Traffic-control devices must be set up prior to the start of construction or maintenance operations and shall be properly maintained during the time such special conditions exist. They shall remain in place only as long as they are needed and shall be immediately removed thereafter. Where operations are performed in stages, there shall be in place only those devices that apply to the conditions present during the stage in progress, and such devices shall be covered or out of the view of traffic at times when they do not apply. Payments to traffic flagmen or police where required by the Chief of Police or the Town Engineer shall be the responsibility of the contractor.

§ 139-24. Penalties for offenses.

The penalty for each violation or offense shall be one hundred dollars (\$100.) and each and every twenty-four-hour period of failure or neglect to comply with the provisions of this Article shall be deemed a separate offense or violations. Licensed contractors failing to obtain the required permit shall also be subject to license suspension for a period of not more than ninety (90) days.

§ 139-25. Enforcement.

This chapter, pertaining to Chapter 139, Articles I and III, has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the Code of the Town of Wethersfield shall be followed.

ORDINANCE AMENDING CHAPTER 160, VEHICLES, INOPERABLE OR ABANDONED

Chapter 160, VEHICLES, INOPERABLE OR ABANDONED

[HISTORY: Adopted by the Town Council of the Town of Wethersfield as Secs. 2-6-101 through 2-6-109 of the Code of 1972. Sections 160-8 and 160-9 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic -- See Ch. 157.

§ 160-1. Declared nuisance.

The parking, indefinitely, of inoperable vehicles, as defined in this chapter, is declared to constitute a nuisance detrimental to the community.

§ 160-2. Definitions.

For the purpose of this chapter:

INOPERABLE VEHICLE -- Any motor vehicle which is currently not capable of being started and safely and properly operated on the highway or which does not bear a valid and current license plate.

§ 160-3. Permit required; application; contents.

- A. It shall be unlawful for any person, tenant, occupant or the owner of property to park or permit to be parked any inoperable vehicle on any unenclosed property within any residential zone and within two hundred (200) feet of any street line or property line in the Town of Wethersfield without a permit as provided in this chapter.
- B. Application shall be made to the Chief Building Official of the Town of Wethersfield within forty-eight (48) hours after any inoperable vehicle has been parked on any unenclosed property within the town by filing on a form furnished by the Chief Building Official a statement of the following:
 1. The address of the premises where the vehicle is to be parked.
 2. The name and address of the owner or person in control of the premises and a statement attesting to his permission for such vehicle to be parked and the date of such permission.
 3. The name and address of the registered owner of the inoperable vehicle for which the permit is sought; the registration or title shall be presented to the officer issuing the permit.
 4. A description of the inoperable vehicle for which a permit is sought as to make, model, year of manufacture, last license issued and condition which rendered it inoperable.
 5. The estimated length of time, not to exceed sixty (60) days, for which the permit is being requested in order to restore the vehicle to operating condition.
 6. The signature of the applicant.

§ 160-4. Permit issuance; posting.

The Chief Building Official may issue a permit based on a proper application. Such permit shall be valid for a period not to exceed sixty (60) days from the date of application. A copy of such permit shall be posted inside the vehicle for which it was issued by affixing to the windshield or window so as to be readily visible at all times. Any permit may be renewed at the discretion of the Chief Building Official for a period not to exceed sixty (60) days by filing a new application. No permit shall be transferable to any other person.

§ 160-5. Conditions of permit.

Every permit for storage of an inoperable vehicle on private property shall be subject to the conditions that:

- A. No safety hazard shall be created or maintained.
- B. All broken glass or partially detached parts shall be either removed and disposed of as rubbish or secured in a manner to prevent hazard.
- C. The trunk or storage compartment shall be kept locked or otherwise secured adequately to prevent possible entrapment of a child.
- D. The wheels or tires shall not be removed from the vehicle except for repairs.
- E. The last issued license plates, if any, shall be kept on the vehicle.
- F. The vehicle shall not be elevated or blocked in any unsafe manner.
- G. All parts or components removed from the vehicle shall not be stored in the open.
- H. No waste oil or other fluid shall be allowed to flow on the ground or pavement.
- I. The vehicle may be parked only in the rear yard of residential property.
- J. No violation of the zoning ordinance or any other applicable ordinance or statute shall be created.
- K. All information furnished by the applicant as required by § 160-3 is essentially correct, and any false statement will be a violation of this chapter.
- L. The repair of vehicles of others is prohibited.
- M. No more than one (1) inoperable vehicle shall be permitted on any premises.

§ 160-6. Permit revocation; notice.

Any permit issued under authority of this chapter may be revoked at the discretion of the Chief Building Official when, in his opinion, a violation of this chapter exists. Notice of such revocation shall be delivered to the permittee or posted conspicuously on the vehicle, along with a notice to cease storing said vehicle and to remove it to a proper storage or disposal location. The permittee shall remove the vehicle within ten (10) days after receiving said notice or after the notice is posted.

§ 160-7. Permit fees.

The Chief Building Official shall collect a fee of five dollars (\$5.) at the time of issuance of such permit for storage of an inoperable vehicle or renewal thereof.

§ 160-8. Procedures for removal of vehicles.

- A. Any inspector of the Motor Vehicle Department, any law enforcement officer or any state police officer, upon discovery of any motor vehicle apparently abandoned or a motor vehicle without proper registration, whether situated within or without any highway of this state, shall affix to such motor vehicle a notification sticker in a manner so as to be readily visible. This notification sticker shall contain the following information:
1. The date and time the notification sticker was affixed to the motor vehicle;
 2. A statement that pursuant to this section, if the motor vehicle is not removed within twenty-four (24) hours of the time the sticker was affixed, it shall be taken into custody and stored at the owner's expense;
 3. The location and telephone number where additional information may be obtained; and
 4. The identity of the affixing officer.
- B. If the motor vehicle is not removed within such twenty-four-hour period, the affixing department shall take such motor vehicle into its custody and cause the same to be stored in a suitable place.
- C. If the motor vehicle has no registration marker plates or invalid registration marker plates and if such inspector or officer makes a determination in good faith that the motor vehicle is apparently abandoned, the market value of such motor vehicle in its current condition is one hundred dollars (\$100.) or less and the motor vehicle is so vandalized, damaged or in disrepair as to be unusable as a motor vehicle, title to such motor vehicle shall, upon taking custody of such motor vehicle, immediately vest in the Town of Wethersfield. Within forty-eight (48) hours of the time that such motor vehicle is taken into custody, the affixing department shall notify the Commissioner of Motor Vehicles, in writing, of the vehicle identification number and a description of the motor vehicle. Upon sale or other disposition of the motor vehicle, the affixing department shall give written notice by certified mail to the person who was the owner of such motor vehicle at the time of abandonment, if known, which notice shall state that the motor vehicle has been sold or otherwise disposed of. The proceeds of the sale or disposition or the fair market value of the motor vehicle in its current condition, whichever is greater, less the towing and sale or disposal expenses and the amount of any fines due, shall be paid to such person or his representatives, if claimed by him or them within one (1) year from the date of sale. If such balance is not claimed within such period, it shall escheat to the town. If the expenses incurred by the municipality for towing and the sale or disposition of such motor vehicle and any such fines exceed the proceeds of such sale or disposition, such person shall be liable to the town for such excess amount.

~~§ 160-9. Penalties for offenses.~~

~~Any violation of this chapter shall be punishable by a minimum fine of thirty-five dollars (\$35.) and a maximum fine of ninety dollars (\$90.), and each day that a violation of this chapter occurs or shall be permitted to exist shall constitute a separate and distinct offense.~~

§ 160-9. Enforcement.

This chapter has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the Code of the Town of Wethersfield shall be followed.

ORDINANCE AMENDING CHAPTER 79 - FIRE ALARMS

Chapter 79, FIRE ALARMS

[HISTORY: Adopted by the Town Council of the Town of Wethersfield 9-4-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention -- See Ch. 83.

Noise -- See Ch. 105.

§ 79-1. Purpose.

The purpose of this chapter is to reduce needless alarms to which the Wethersfield Volunteer Fire Department responds and to provide standards and regulations for the installation of fire alarm systems that automatically summon the Fire Department either via a central station, the Wethersfield Police Department or automatic dialers.

§ 79-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FIRE ALARM SYSTEM -- A system of electrical devices and circuits installed, arranged and maintained to form, transmit and send signals indicating an emergency requiring immediate action to safeguard life and property from fire, whether or not required by town ordinance or by the State of Connecticut Fire Safety Code.

§ 79-3. Permit required; application.

- A. Before any new alarm system or system modification shall be installed or performed in any commercial or residential building or structure, a permit shall be obtained from the Building Department.
- B. Upon application for a permit, the following information shall be supplied:
 1. Complete information regarding the system, including specifications, wiring diagrams and floor plans, shall be submitted for review and approval by the Fire Marshal of the Town of Wethersfield prior to the installation of the equipment and wiring. Such plans shall be stamped with the approval of the Fire Marshal and such approval shall be valid for one (1) year from the date of approval, after which time said plans shall be subject to an additional review. The Fire Marshal shall approve only one (1) fire alarm system design per building.
 2. All devices, combination of devices and equipment constructed and installed in conformity with the standard shall be approved for the purpose for which they are to be used and shall be shown on appropriate drawings. The submitted drawing shall show all detector placement on dedicated fire alarm system drawings (No other system shall be shown).
 3. All components shall be listed for fire alarm use by a testing organization acceptable to the Fire Marshal of the Town of Wethersfield.
 4. All central station equipment connections shall comply with NFPA 71.
 5. All wiring and devices shall meet the requirement of the NFPA 70, NFPA 71, NFPA 72, NFPA 72E and NFPA 74.
 6. Systems shall be under the supervision of a responsible qualified person or organization satisfactory to the Fire Marshal, who shall, under contractual agreement, make all inspections, tests and repairs within seven (7) working days. Qualified persons shall be licensed by the State of Connecticut and shall hold a minimum L-5 license.
 7. Prior to the Fire Marshal's and Building Inspector's making the final inspection, a contract must be in evidence between the building owner and an approved fire alarm testing company for the testing and maintenance (in accordance with NFPA 72H) of the building alarm system.

§ 79-4. Administration and enforcement.

The administration of this chapter shall be by the Division of Fire, and the enforcement shall be by the Fire Marshal of the Town of Wethersfield.

§ 79-5. Penalties for offenses; effect on existing systems.

- A. Any fire alarm system installed after the effective date of this chapter shall conform to the requirements of this

chapter. If such fire alarm system does not so conform, then the property owner shall have a thirty-day period from receipt of notice that the fire alarm system is nonconforming to bring the system into conformance. Failure to do so shall result in the imposition of a fine of one hundred dollars (\$100.).

- B. Any fire alarm system installed prior to the effective date of this chapter shall be registered with the Fire Marshal of the Town of Wethersfield within sixty (60) days of the effective date of this chapter. If any property owner fails to register a fire alarm system within the registration period and within thirty (30) days after receipt of notice that he has failed to register such system, then the property owner shall be fined the sum of ~~one hundred dollars (\$100.)~~ **two hundred and fifty dollars (\$250.00)**.
- C. The registration or approval of a fire alarm system pursuant to the provisions of any prior ordinance shall constitute compliance with the approval and registration requirements of this chapter.

MINUTES

Councilor Montinieri moved **"TO ACCEPT THE MINUTES OF THE JOINT COUNCIL AND BOARD OF EDUCATION MEETING OF JUNE 13, 2005"**, seconded by Councilor Fortunato. All Councilors present, including the Chairperson, voted AYE. Councilor Forrest ABSTAINED. The motion passed 8-0-1.

Councilor Adil moved **"TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF JUNE 20, 2005"**, seconded by Councilor Forrest.

Councilor Montinieri corrected her comment on page 17194 to read "or" instead of "of".

All Councilors present, including the Chairperson, voted AYE. Councilor Fortunato ABSTAINED. The motion passed 8-0-1.

Councilor Adil moved **"TO RECONSIDER THE MINUTES OF THE JOINT COUNCIL AND BOARD OF EDUCATION MEETING OF JUNE 13, 2005 TO CHANGES THE WORDING ON PAGE 17186 TO READ 'A CONTINUED VISION' RATHER THAN 'ANOTHER VISION' PER COUNCILOR HEMMANN"**, seconded by Councilor Czernicki. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Councilor Adil moved **"TO ACCEPT THE MINUTES OF THE SPECIAL MEETING OF JULY 6, 2005"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. Councilor Cascio ABSTAINED. The motion passed 8-0-1.

ADJOURNMENT

At 9:36 p.m., Councilor Adil moved **"TO ENTER INTO EXECUTIVE SESSION"** seconded by Councilor Forrest. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

At 9:40 p.m., Councilor Hemmann moved **"TO ENTER BACK INTO THE REGULAR MEETING"** seconded by Councilor Adil. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Councilor Adil moved **"TO AUTHORIZE THE PURCHASE OF 15 REAR HEATHER DRIVE OWNED BY DINA P. CAMILLIERI IN THE AMOUNT OF \$30,000 TO BE PAID FOR BY THE LAND PRESERVATION TRUST FUND"**, seconded by Councilor Forrest.

At 9:41p.m., Councilor Adil moved **"TO ADJOURN THE MEETING"** seconded by Councilor Montinieri. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Dolores G. Sassano
Town Clerk