



Stratford, Connecticut

MINUTES OF MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON TUESDAY, OCTOBER 13, 2015 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT PURSUANT TO NOTICE DULY POSTED.

CALL TO ORDER: 8:00 p.m.

PRESIDING: Council Chairman Pro-tem Paul Hoydick

COUNCIL MEMBERS IN ATTENDANCE: Ms. Stephanie Philips, Mr. Matthew Catalano, Mr. Jason Santi, Mr. Brian Dempsey, Mr. Kenneth Poisson, Mr. Gavin Forrester, Mr. James Connor, Mr. Paul Hoydick

COUNCIL MEMBERS ABSENT: Mr. Peter Massey, Mr. Joseph Kubic

OTHERS IN ATTENDANCE: Mayor John Harkins, Town Attorney Timothy Bishop, Asst. Town Attorney John Florek, Special Assistant Attorney Bruce Jackson, Finance Director Susan Collier, CAO Larry Ciccarelli, Chief of Staff Marc Dillon, HR Director Ronald Ing.

INVOCATION PRESENTED BY: Fifth District Council Member Hon. Brian Dempsey followed by the Pledge of Allegiance.

1. APPROVAL OF MINUTES — Public forum and regularly scheduled meeting of September 14, 2015.

RESOLVED: That the reading of the foregoing minutes be dispensed with as copies thereof have been previously provided to each Council Member and the same be and are hereby approved.

A MOTION WAS MADE BY MR. FORRESTER, SECONDED BY MR. DEMPSEY TO APPROVE THE FOREGOING MINUTES. THE MOTION PASSED UNANIMOUSLY.

2. CEREMONIAL PRESENTATIONS AND AWARDS — None.

3. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM

Mr. Catalano — FOI requests.

Ms. Philips — FOI request, owing back taxes, WPC facility sale, Boothe Park Pumpkin Festival.

Mr. Poisson — Members of the Town Council serve as volunteers, WPC facility sale.

4. COMMUNICATIONS, BILLS, REMONSTRANCES — Mr. Hoydick reviewed a communication from the Board of Education re: Council representation for negotiations with Teachers' bargaining unit.

4.1 Section 8-24 – Partial abandonment of Sidney Street

The Planning Commission voted to send the abandonment of a portion of Sidney Street, as consistent with the Town's Plan of Conservation and Development, to the Town Council with favorable recommendation.

Attorney Barry Knott, representing the Dock, was called to the podium to present further explanation and clarification of the abandonment. Document distributed by Mr. Knott: Town of Stratford tax map 60.11, parcel number 3, parcel area 66.35A, subdivision lot number 756, block number 20. Questions were posed to Mr. Knott.

Finding of fact made by the Stratford Town Council regarding the abandonment of a portion of Sidney Street

Whereas, a request has been made of the Stratford Town Council by 27 Sidney Street Inc. and Sidney, LLC both affiliates of the Dock Inc., that the Town of Stratford should abandon that portion of Sidney Street east of 25 and 28 Sidney Street; and,

Whereas said request for abandonment has been referred to the Stratford Planning Commission pursuant to the CGS §8-24; and,

Whereas, the Stratford Planning Commission has been a favorable recommendation to the Town Council with respect to said abandonment request; and,

Whereas, Public Act No. 15-147 requires the Council to provide written notice to each owner of property that bounds such street to be abandoned unless the council makes a finding on the record, supported by articulated fact, and (A) such owner's property does not bond a part of such highway...that is being discontinued, (B) such notice is not necessary, and (C) such property would not lose its full access to a highway...because of such discontinuance;

Now therefore, be it resolved that the facts of the instant partial abandonment of Sidney Street fall within the category of situations where required notice does not have to be provided as set forth in Public Act No. 15-147 for the following reasons:

- a. That portion of Sidney Street which is being abandoned herewith does not bound the two properties not owned by 27 Sidney St. Inc. and Sidney, LLC; and
- b. Those two properties not owned by 27 Sidney St. Inc. and Sidney, LLC would not lose their sole access to East Main Street as a result of this abandonment; and
- c. Such statutory notice is not required.

A MOTION WAS MADE BY MR. SANTI, SECONDED BY MR. FORRESTER TO APPROVE THE ABOVE-CITED FINDING OF FACTS MADE BY THE STRATFORD TOWN COUNCIL. THE MOTION PASSED UNANIMOUSLY.

RESOLVED: that the recommendation of the Planning Commission is accepted and the abandonment of a portion of Sidney Street be and is hereby approved.

A MOTION WAS MADE BY MR. SANTI, SECONDED BY MR. FORRESTER TO APPROVE THE ABANDONMENT OF THE PORTION OF SIDNEY STREET. THE MOTION PASSED UNANIMOUSLY.

5. MAYOR'S REPORT, COMMITTEE REPORTS, TOWN ATTORNEY'S REPORTS

5.1 MAYOR'S REPORT — Mayor Harkins reported:

- Extensive report on various Economic Development achievements.
- Extensive report on the receiving of grant funds for various projects.
- Lower Main Street is opened (near Airport/Short Beach)
- Boothe Park Pumpkin Festival, Light House tour hosted by the US Coast Guard
- Business Recognition Reception at Joey C's (Dock Shopping Center)
- Vicki Soto Race – November 7
- Demolition of Mercer Coal Towers
- Streetscape projects/Exit 33 interchange
- Superfund sites

5.1.1 APPOINTMENTS — No appointments.

5.2 COMMITTEE REPORTS

5.2.1 SHORT BEACH COMMISSION — The Commission met on October 5 at which time the following was referred to Council with favorable recommendation:

- A. Batting Cage for Short Beach complex. Proposed for site #2. Funding is available through the Little League.

RESOLVED: that the recommendation of the Short Beach Commission is accepted and the batting cage for site #2 at Short Beach complex be and is hereby approved.

A MOTION WAS MADE BY MR. SANTI, SECONDED BY MR. CONNOR TO APPROVE THE BATTING CAGE AS STATED ABOVE. THE MOTION PASSED UNANIMOUSLY.

- B. Lower the non-resident golf fees on weekdays to \$16 and on weekends to \$18.

RESOLVED: that the recommendation of the Short Beach Commission is accepted and the non-resident golf fees at Short Beach complex be and are hereby set at weekdays to \$16 and on weekends to \$18.

A MOTION WAS MADE BY MR. SANTI, SECONDED BY MR. CATALANO TO APPROVE THE FOREGOING FEE MODIFICATIONS. THE MOTION PASSED UNANIMOUSLY.

5.3 TOWN ATTORNEY'S REPORT

5.3.1 CLAIMS REPORT — No business furnished.

5.3.2 TOWN OF STRATFORD vs. DALEY DEVELOPMENT, ET. AL. — *Placed on the table during Council meeting of May 11, 2015*— Negotiations and Privileged Communications to settle tax collection and foreclosure action. (Executive Session requested pursuant to CGS 1-200(6) (B) and 1-225(f) to discuss strategy and negotiations with respect to pending claims or pending litigation.) ITEM REMAINED ON THE TABLE.

5.3.3 STRATFORD FESTIVAL THEATER CONTRACT — *Placed on the table during Council meeting of May 11, 2015*— Negotiations and Privileged Communications regarding a proposed contract with Stratford Stage Group to revitalize and operate the former Shakespeare Festival Theatre building and develop a hotel on the property (Executive Session requested pursuant to CGS 1-200(6)(B) and 1-225(f) to discuss the lease, sale or purchase of real estate when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price.) ITEM REMAINED ON THE TABLE.

5.3.4 179 WEST AVE. — *Placed on the table during meeting of July 13.* — Negotiations regarding purchase of drainage easement. Executive Session requested pursuant to CGS 1-200(6) (B) and 1-225(f) to discuss the lease, sale or purchase of real estate when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price.)

A MOTION WAS MADE BY MR. SANTI, SECONDED BY MR. DEMPSEY TO TAKE THE FOREGOING ITEM OFF THE TABLE. THE MOTION PASSED FAVORABLY VIA ROLL CALL VOTE AS FOLLOWS: MR. MASSEY — ABSENT, MS. PHILIPS — NO, MR. CATALANO — NO, MR. SANTI — YES, MR. DEMPSEY — YES, MR. POISSON — NO, MR. FORRESTER — NO, MR. CONNOR — YES, MR. KUBIC — ABSENT, MR. HOYDICK — YES. MAYOR HARKINS CASTS A “YES” TIE-BREAKING VOTE. A MOTION WAS MADE BY MR. SANTI, SECONDED BY MR. DEMPSEY TO ENTER INTO EXECUTIVE SESSION VIA ROLL CALL VOTE AS FOLLOWS: MR. MASSEY — ABSENT, MS. PHILIPS — NO, MR. CATALANO — NO, MR. SANTI — YES, MR. DEMPSEY — YES, MR. POISSON — NO, MR. FORRESTER — NO, MR. CONNOR — YES, MR. KUBIC — ABSENT, MR. HOYDICK — YES. MAYOR HARKINS CASTS A “YES” TIE-BREAKING VOTE. Mr. Bishop researches text relating specifically to tie-breaking authority.

5.3.5 RENEWAL OF LICENSE AGREEMENT FOR RED DEVIL BOOSTER CLUB

RESOLVED: that the Longbrook Park Concession License Agreement between the Town of Stratford and the Red Devil Booster Club be and is hereby approved.

A MOTION WAS MADE BY MR. CATALANO, SECONDED BY MR. FORRESTER TO APPROVE THE RENEWAL OF LICENSE AGREEMENT. THE MOTION PASSED UNANIMOUSLY.

5.3.6 TURNER CONTRACT WITH STRATFORD

Project Manager Construction Services Agreement for Stratford High School with Turner Construction Company.

Resolved, the foregoing Project Manager Construction Services Agreement is hereby approved and the Mayor or his designee is hereby authorized to sign any and all documents to finalize the agreement.

Mr. Alan Llewelyn, Chairman of the Stratford High School Renovations Subcommittee, was called to the podium to further clarify the Turner Contract. Mr. Llewelyn answered questions that were posed to him.

A MOTION WAS MADE BY MS. PHILIPS, SECONDED BY MR. DEMPSEY TO APPROVE THE FOREGOING CONTRACT. THE MOTION PASSED 7 TO 0 WITH MR. CATALANO ABSENT.

5.3.7 Longbrook Park Rink / Wilcoxson School Father's Club

Mr. Virgil Watson, member of Wilcoxson School Fathers' Club, was called to the podium to answer questions in order to clarify specific issues.

RESOLVED: that the proposal of the Wilcoxson School Fathers' Club for an Ice Skating Rink at Longbrook Park is accepted pending approval by the Parks and Recreation Committee.

A MOTION WAS MADE BY MS. PHILIPS, SECONDED BY MR. FORRESTER TO ACCEPT THE PROPOSAL FOR THE ICE SKATING RINK PENDING APPROVAL BY THE PARKS AND RECREATION COMMITTEE. THE MOTION PASSED 8 TO 0.

Stratford Town Council meeting recessed: 9:17 p.m.

Stratford Town Council meeting reconvened: 9:34 p.m.

5.3.4 179 WEST AVE — continued

Mr. Bishop shared the results of his research into tie-breaking authority matter stating that the motion to enter into executive session failed. The Mayor's vote to break the tie for executive session is void.

5.3.8 QUESTIONS TO THE TOWN ATTORNEY — No questions.

6. QUESTIONS TO MAYOR OR STAFF — No questions.

7. UNFINISHED BUSINESS and/or OLD BUSINESS

7.1 SAEP (continuing item) — Previously reported.

7.2 TABLED ITEMS — None

7.3 TABLED ORDINANCES AND RESOLUTIONS

7.3.1 AN ORDINANCE AMENDING CHAPTER 172 – Sewers - ARTICLE XI, FATS, OILS AND GREASE PRETREATMENT (#14-26) — *(placed on the table during meeting of Dec. 8, 2014)* — REMAINED ON THE TABLE.

7.4 TABLED APPOINTMENTS — ALL TABLED APPOINTMENTS REMAINED ON THE TABLE.

8. ORDINANCES AND RESOLUTIONS

8.1 ORDINANCE AMENDING § 88-5 — EMS COMMITTEE. (#15-14)

sponsored by: Hon. Gavin Forrester, Seventh district Council member

RESOLVED: that the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing. (ordinance appended as pages 10-12)

A MOTION WAS MADE BY MR. FORRESTER, SECONDED BY MR. CATALANO TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED 7 TO 0 WITH MR. SANTI ABSENT.

8.2 ORDINANCE – Article XV – Miscellaneous Abatements — 191-36 – Abatement for Class I Renewable Energy Source (#15-15)

sponsored by: Hon. Joseph Kubic, Ninth district Council member

[NEW] For assessment years commencing on and after October 1, 2014, the town of Stratford shall abate one hundred percent of property tax for any Class I renewable energy source, as defined in Connecticut State Statutes Section 16-1, or solar thermal or geothermal renewable energy source, installed for generation or displacement of energy (herein the “Energy Equipment”), provided (i) such installation occurred between January 1, 2013 and December 31, 2013, (ii) such installation is for commercial or industrial purposes, (iii) the nameplate capacity of such source of facility does not exceed the load for the location where such generation or displacement is located, (iv) the owner of the building or property where such Energy Equipment is installed is also the owner of the Energy Equipment, and (v) the owner of the building or property where such Energy Equipment is installed is the sole end user of all energy produced by the Energy Equipment and does not resell or distribute any portion of such energy.

RESOLVED: that the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and

that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.

A MOTION WAS MADE BY MR. CATALANO, SECONDED BY MR. FORRESTER TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED 8 TO 0.

8.3 ORDINANCE re: Regular meetings; adjournment § 33-1 (#15-16)

sponsored by: Hon. Joseph Kubic, Ninth district Council member

The Town Council shall review the forthcoming Town Council meeting schedule each November. Unless otherwise specified by the Stratford Town Council at its regular November meeting. The Town Council shall meet monthly, on the second Monday evening of each month, at 8:00 p.m. in the Town council chamber, except during the month of November in odd-numbered years, when the meeting will be held at the same time and place on the second Tuesday after the first Monday of the month, each such meeting being known as a regular meeting of the Town Council. Whenever such second Monday of the month shall fall upon a legal holiday or school closing, such meeting shall be held on the next succeeding day at the time and place provided in this section. Such regular meetings may be adjourned upon a vote of a majority of the members present, provided that such adjournment is not less than two calendar days thereafter, and notice in writing of such adjourned meeting shall be given by the Town Clerk to all members of the Town Council not present at the time of adjournment.

RESOLVED: that the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.

A MOTION WAS MADE BY MR. CATALANO, SECONDED BY MR. FORRESTER TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED 8 TO 0.

8.4 RESOLUTION re: PORT SECURITY GRANT PROGRAM

sponsored by: Hon. Joseph Kubic, Ninth district Council member

WHEREAS, the *Town of Stratford* has applied for funding from *the U.S. Department of Homeland Security* through the 2015 *Port Security Grant Program*; and

WHEREAS, grant funding will be used to support the Stratford Police Department and Fire Department's port security activities and shall not exceed the amount of \$37,500; and

WHEREAS, the Town will be responsible for providing matching funds in the amount of 25% of the total project budget (\$12,500); and,

WHEREAS, it is desirable and in the public interest that the *Town of Stratford* to enter into a grant agreement with *the U.S. Department of Homeland Security*.

NOW THEREFORE, BE IT RESOLVED BY THE Town Council:

1. That it is cognizant of the Town's application and grant award from the *U.S. Department of Homeland Security-Port Security Grant Program* in an amount not to exceed \$37,500; and
2. That it hereby authorizes, directs and empowers the Mayor, John A. Harkins, or his designee to execute such contract with the *U.S. Department of Homeland Security*, to provide such additional information, to implement the program once the award is secured, and to execute such other contracts and documents as maybe necessary under this program.

A MOTION WAS MADE BY MR. SANTI, SECONDED BY MR. FORRESTER TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

8.5 RESOLUTION re: ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

sponsored by: Hon. Joseph Kubic, Ninth district Council member

WHEREAS, the *Town of Stratford* has applied for funding from *the U.S. Department of Homeland Security* through the 2014 *Assistance to Firefighters Grant Program*; and

WHEREAS, grant funding will be used to support the Stratford Fire Department's firefighting and rescue functions through the purchase of equipment that shall not exceed the amount of \$44,588; and

WHEREAS, the Town will be responsible for providing matching funds in the amount of 10% of the total project budget (\$4,458); and,

WHEREAS, it is desirable and in the public interest that the *Town of Stratford* to enter into a grant agreement with *the U.S. Department of Homeland Security*.

NOW THEREFORE, BE IT RESOLVED BY THE Town Council:

1. That it is cognizant of the Town's application and grant award from the *U.S. Department of Homeland Security-Port Security Grant Program* in an amount not to exceed \$44,588; and
2. That it hereby authorizes, directs and empowers the Mayor, John A. Harkins, or his designee to execute such contract with the *U.S. Department of Homeland Security*, to provide such additional information to implement the program once the award is secured, and to execute such other contracts and documents as maybe necessary under this program.

A MOTION WAS MADE BY MR. SANTI, SECONDED BY MR. FORRESTER TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

8.6 RESOLUTION re: MASTER MUNICIPAL AGREEMENT FOR RIGHTS OF WAY PROJECTS

sponsored by: Hon. Joseph Kubic, Ninth district Council member

RESOLUTION

RESOLVED: That John A. Harkins, Mayor, is hereby authorized to sign the Agreement entitled “Master Municipal Agreement for Rights of Way Projects”.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD, CONNECTICUT, THIS 13th DAY OF October, 2015.

A MOTION WAS MADE BY MR. SANTI, SECONDED BY MR. FORRESTER TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

9. NEW BUSINESS

9.1 **APPOINTMENTS** — None

10. ADJOURNMENT — Hearing no further discussion in connection with the above agenda items or further business, the Chairman called for a motion to adjourn. ON A MOTION MADE BY MR. SANTI, SECONDED BY MR. DEMPSEY, IT WAS VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:45 p.m.

ATTEST:

Carol Cabral

Carol Cabral, Council Clerk

ORDINANCE AMENDING § 88-5 — EMS COMMITTEE. (#15-14)

Chapter 88: — Ems Funding

§ 88-1 — Statement of purpose; intent.

A. The Town is committed to meeting its responsibility for providing the best in emergency medical services to its citizens and visitors 24 hours a day, 365 days a year. The Town intends to provide this service at the lowest possible cost to our taxpayers. That goal may only be realized by the implementation of a billing policy and procedure that will result in charging a fee for emergency medical services provided through Stratford Emergency Medical Service (EMS) or any other provider used under a mutual aid agreement. The purpose underlying this chapter is to relieve the annual budget of the cost associated with the delivery of emergency medical services and to provide emergency medical services as required while continuing to preserve, support, and enhance the volunteer EMS system.

B. It is the intent of the Town Council that the costs (expenses, including depreciation) of providing EMS services to the Town of Stratford users shall be recovered primarily through user charges.

§ 88-2 — Authorization to charge fee; approvals; policies. — [Amended 3-12-2007 by Ord. No. 07-03]

The Town will charge a fee, as set by the State of Connecticut Office of E.M.S., for providing emergency medical transportation of patients to area hospitals in accordance with all applicable state and federal laws and regulations. The Mayor is authorized to secure all appropriate approvals from the State of Connecticut Office of E.M.S. The Mayor is also authorized to implement the billing policies described herein as efficiently as possible. The Mayor shall be required to issue a request for proposals to solicit bids from appropriate billing service providers. Those proposals must be presented to the Town Council for selection of a firm and separate authorization to enter into a contract.

§ 88-3 — Billing policy; collection.

A. The Town is authorized to render a bill to the patient's private insurance provider, Medicare, Medicaid, any supplemental policies held by the patient, and any other private or government assistance program that the patient may be eligible for.

B. Payments received from the above sources to the extent of their insurance coverage, on behalf of Town residents or employees of taxpaying businesses who need emergency ambulance transportation while working on the business premises (collectively referred to as "residents"), shall be considered payment-in-full and the Town will treat appropriations made to EMS from local tax revenue as payment of any otherwise applicable copayments and deductible due from the residents. Residents or taxpayers shall not be held liable for copays or any charges not covered by the above sources.

C. An industry-accepted collection procedure shall be utilized to collect all amounts due from patients who fail to meet the resident criteria of the Town.

D. Decisions regarding residency or taxpayer status shall be made by the Finance and Claims Committee upon receipt of a claim for payment of invoices received or reimbursement of charges paid.

§ 88-4 — EMS Enterprise Fund. [Amended 3-12-2007 by Ord. No. 07-03]

An E.M.S. Enterprise Fund is hereby created to receive all revenue derived under this chapter. The Mayor shall issue a monthly report to the Town Council and to the EMS Committee established herein detailing the amount of funds on deposit, rate of return on investments, monthly billing, year-to-date billing, monthly revenue, year-to-date revenue, and all expenditures from the Fund. Said Fund shall be held, managed and administered under the supervision of the Finance Director.

§ 88-5 — EMS Committee.

A. Establishment. A nine-member committee is hereby established and authorized to recommend, to the Town Council for approval and adoption specific expenditures from the EMS Enterprise Fund. Member's terms shall be concurrent with the Town Council and shall conduct all meetings in accordance with state law, and Robert's Rules of Order.

B. — Responsibilities.

- (1) To develop and activate a long-range capital improvement/capital equipment plan that will satisfy the needs of providing emergency medical services for the Town.
- (2) To develop, in conjunction with the Town administration, an EMS department operating budget for recommendation to the Town Council.
- (3) To annually review the emergency medical transport fee structure in conjunction with the State of Connecticut statutes pertaining to ambulance fees, for recommending changes to the fee structure to the Town Council.
- (4) To review requests for funding that were not included in the adopted budget and refer requests to the Town Council with a recommended action.

C. — Membership.

- (1) Two Council members appointed by the Town Council which cannot be from the same political party, one of whom shall be designated as the Committee Chairman.
- (2) ~~Five active volunteer members of Stratford EMS to be appointed by the Town Council upon recommendation by the majority vote of all active volunteer members of Stratford EMS, such a vote to be conducted by the Board of Directors of the Stratford Volunteer EMS Association Incorporated. [Amended 11-10-2008 by Ord. No. 08-10]~~

No less than Three Stratford residents all of whom shall be appointed by the Town Council for a term concurrent with the appointing council.

(3) ~~Two members of the Stratford Fire Department, to be appointed by the Town Council upon recommendation of the President of the IAFF Local 998.~~

(4)(3) The Mayor, or his/her designee, shall be a nonvoting member. [Amended 3-12-2007 by Ord. No. 07-03]

§ 88-6 — Restriction on use of Fund

§ 88-7 — Annual budget.

§ 88-8 — Repealer; funding requests.