



Stratford, Connecticut

ANY INDIVIDUAL WITH A DISABILITY WHO NEEDS SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE ADA COORDINATOR AT 203-385-4020 OR 203-385-4022 (TDD) 5 DAYS BEFORE THE MEETING, IF POSSIBLE.

Town Council Members: District 1 – Beth Daponte (Chair), District 2 – Scott Farrington-Posner, District 3 – Wali Kadeem, District 4 – David Harden, District 5 – Gregory Cann, District 6 – Philip Young, District 7 – Marianne Antezzo, District 8 - J. Vincent Chase (Chair pro tem), District 9 – Alan Llewelyn, District 10 – Tina Manus.

THE STRATFORD TOWN COUNCIL WILL CONDUCT A REGULARLY SCHEDULED MEETING ON MONDAY, JUNE 12, 2017 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT AT 8:00 P.M.

PUBLIC FORUM WILL BEGIN AT 6:45 P.M.

AGENDA

CALL TO ORDER

PRAYER AND PLEDGE OF ALLEGIANCE

1. APPROVAL OF MINUTES — Regularly scheduled/recessed meeting and public forum of May 8, and special meeting of May 22, 2017

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.

2. CEREMONIAL PRESENTATIONS AND AWARDS

3. COUNCIL MEMBERS' RESPONSE TO COMMENTS FROM PUBLIC FORUM

4. COMMUNICATIONS, BILLS, PETITIONS, REMONSTRANCES

4.1 LETTER OF RESIGNATION from Maria Ferrera, Beautification Committee. E-mail dated June 5, 2017

RESOLVED: the resignation of Maria Ferrera from the Beautification Committee be and is hereby accepted. (term concurrent with Town Council Term)

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

5.1 MAYOR'S REPORT — Charter § 1.2.14, report on employment, vacancies, promotions and recently hired employees.

5.1.1 STRATFORD ARMY ENGINE PLANT (SAEP)

5.1.2 APPOINTMENTS

5.2 COMMITTEE REPORTS

5.2.1 ORDINANCE COMMITTEE— During the regularly schedule Ordinance Committee meeting of May 22, 2017 the following was referred to Town Council without recommendation:

A. **AN ORDINANCE APPROPRIATING \$12,510,500 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2017-2018 (#17-05)** (appended as pages 12-13)

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage.

B. **AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$12,510,500 BONDS OF THE TOWN TO MEET THE APPROPRIATION FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2017-2018 AND PENDING ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#17-06)** (appended as pages 14-16)

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage.

C. AN ORDINANCE APPROPRIATING \$3,517.130 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL EQUIPMENT PROGRAM FOR FISCAL YEAR 2017-2018 (#17-07) (appended as page 17)

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage.

D. AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$3,517.130 BONDS OF THE TOWN TO MEET THE APPROPRIATION FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL EQUIPMENT PROGRAM FOR FISCAL YEAR 2017-2018 AND PENDING ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#17-08) (appended as pages 18-20)

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage.

5.2.2 COMMUNITY DEVELOPMENT SUBCOMMITTEE — The Community Development Subcommittee conducted a special meeting on May 2, 2017 at which time the year 43 Action Plan was referred to Council: (*appended as pages 21-23*) *ACTION NOT TAKEN DURING COUNCIL MEETING OF MAY 8, 2017*

5.2.3 BUILDING NEEDS COMMITTEE — The Building Needs Committee conducted a special meeting on June 12 at which time the following item was referred to Town Council:

Hiring of the Stratford High School renovations Project's independent materials testing agent.

5.2.4 SHORT BEACH COMMISSION — The Short Beach Commission conducted a meeting on June 5 at which time the following was referred to Town Council for approval:

- A. Waiver of Pavilion rental and Parking fee for High School Reunion
- B. Waiver of pavilion rental and parking fee for High School Reunion.
- C. Staffing hours at the entrance gate to Short Beach: change from 6:00 p.m. to 8:00 p.m.

- D. Recommendation to Waterfront and Harbor management Commission – make the swimming area at Short Beach smaller.

5.3 TOWN ATTORNEY'S REPORT

5.3.1 Beers Place (lot 26) – 8-24 Review recommended by the Planning Commission to be sold or abandoned to either one or both abutting property owners on Beers Place with the following considerations. *REFERRED TO THE TOWN ATTORNEY'S OFFICE DURING COUNCIL MEETING OF MAY 8, 2017 WITH STIPULATIONS.*

1. The sale price should be sure to cover all costs incurred by the Town (legal fees, engineer costs, etc.) to secure a conservation easement to preserve the wooded lot and prevent any future development. By securing a conservation easement, the town reserves the opportunity to return the channelized stream to its natural state if it so chooses, thus improving stormwater management and town's environmental impact.
2. If the Town Council chooses to sell the lot to the general public, it should be sold at full market value.
3. Should the Town Council decide to keep the lot for conservation purposes, as the lot does hold environmental value, the Council should request a regular maintenance program be developed by Public Works to ensure the lot is properly cared for and that it remains an asset to the neighborhood.

5.3.2 Communication re: N & W island taxes

5.3.3 Housatonic Avenue islands

5.3.4 Pastir v Town of Stratford

5.3.5 Thomas v. Vaughn — Executive Session

5.3.6 QUESTIONS TO THE TOWN ATTORNEY

6. QUESTIONS TO MAYOR OR STAFF

7. UNFINISHED BUSINESS and/or OLD BUSINESS

7.1 TABLED ITEMS

7.1.1 PLANNING COMMISSION Referrals

- A. The Planning Commission met on January 17 at which time the following was referred to Council with Favorable recommendation. *TABLED DURING COUNCIL MEETING OF MAY 8, 2017.*

Preliminary Design Report for Stratford Greenway Extension Project

RESOLVED: that the recommendation of the Planning Commission is accepted and the preliminary design report for Stratford Greenway Extension Project be and is hereby approved. :

- B. During an administrative meeting on April 18, 2017, the Planning Commission voted to favorably recommend approval for the following: *TABLED DURING COUNCIL MEETING OF MAY 8, 2017*

The proposed final design services provided by BSC Group for the extension of the Stratford Greenway system. The project is consistent with The Town's 2013 Plan of Conservation and Development. –

RESOLVED: that the recommendation of the Planning Commission is accepted and the final design report services provided by BSC Group for extension of the Stratford Greenway system be and is hereby approved. :

7.1.2 NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT PROGRAM – PLACED ON THE TABLE DURING COUNCIL MEETING OF MAY 8, 2017

Sponsored by:

WHEREAS: Connecticut General Statutes 12-632 et seq allows any municipality to submit to the State of CT Department of Revenue Services a list of programs eligible for investment, which programs provide neighborhood assistance, job training, education, community services, crime prevention, or energy conservation;

WHEREAS: business firms may engage in any approved program and receive a tax credit from the State of CT after approval from the local municipality and

WHEREAS: CT General Statutes 12-632 et seq. allows business firms to provide valuable public assistance while receiving tax credits and such would greatly benefit the Stratford community as local private concerns have expressed an interest in participating and

WHEREAS: It is in the best interest of the Town of Stratford to approve the projects which were presented at said public hearing and recommend their approval to the CT Department of Revenue Services.

Now, THEREFORE, LET IT BE RESOLVED BY THE STRATFORD TOWN COUNCIL THAT,

The Stratford Town Council hereby approves the following projects for submittal to the State of CT Department of Revenue Services pursuant to CT General Statutes 12-632 et. seq.
STERLING HOUSE ENERGY EFFICIENCY IMPROVEMENTS: \$35,000.

7.1.3 REDEVELOPMENT AGENCY MEETING REFERRALS — During the Redevelopment Agency meeting of Jan. 19, 2017, the following was referred to Council with favorable recommendation: *Tabled during Council meeting of Feb. 14, 2017.*

- A. Steering Committee — for downtown/Center School Development. The mission is to get the public involved in the process. The following have agreed to serve:
Eric Hampton, Mark Jarvis, Daniel Tito, Edward Goodrich, Christopher Pia,
Harold Watson

7.1.4 PARKS AND RECREATION COMMITTEE REFERRAL — The Parks and Recreation Committee met on February 2, 2017 and referred the following to Council with favorable recommendation: *Tabled during Council meeting of Feb. 14, 2017.*

DeLuca field backdrop — The allocation of 80-100K for renovations needed for the field with it being a top priority because of safety concerns.

7.1.5 SHORT BEACH COMMISSION MEETING REFERRALS — The Short Beach Commission met on December 5, 2016 and made the following referrals to Council: *Placed on table during meeting of Jan. 9, 2017.*

- A. Rent from the Restaurant goes toward a line item attached to the Short Beach Golf Course.
- B. Short Beach Pavilion rental fees — become a line item for Short Beach Complex and not go into general funds.

7.1.6 TRANSIT ORIENTED DISTRICT (TOD) – *TABLED DURING COUNCIL MEETING OF DECEMBER 12, 2016.*

7.1.7 COST OF DOG PARK - \$15,000.00 is set aside from CIP 2017. *TABLED DURING COUNCIL MEETING OF JULY 11, 2016.*

RESOLVED: that the recommendation of the Parks and Recreation Committee is accepted and that setting aside \$15,000.00 from CIP 2017 for the Dog Park be and is hereby approved.

7.2 TABLED ORDINANCES AND RESOLUTIONS

7.2.1 CENTER SCHOOL — RESOLUTION — *(tabled July 11, 2016)*

Sponsored by the Stratford Town Council

Whereas, the Town Council has the power to authorize the demolition of a town building;

Whereas, the demolition of a school has long-lasting implications on educational opportunities for the town's population;

Whereas, the number of building permits has increased in Stratford;

Whereas, the physical use of the center of Stratford has long-lasting implications on the town's reputation;

Now, therefore, be it resolved by the Stratford Town Council: That the path to demolition of 55 Sutton Place ~~1000 East Broadway~~, aka the new Center School, be stopped, stop phase 3 testing, further, a study will be conducted to determine the cost of returning the building to use as a school.

7.3 TABLED APPOINTMENTS

7.3.1 FINANCIAL ADVISORY COMMITTEE — additional appointments. *Placed on table during meeting of Jan.9, 2017.*

7.3.2 STRATFORD HOUSING PARTNERSHIP

- A. 3 members of the local business community (3 vacancies)
- B. 1 member-at-large

7.3.3 SIKORSKY MEMORIAL AIRPORT NOISE ABATEMENT COMMITTEE — § 7-12 of Town Code, one member appointed by Mayor, one member appointed by PYE. *Placed on the Table during Council meeting of March 10, 2014.*

- A. 1 member from District of Town in which Sikorsky Memorial Airport is located — appointed by Town Council.
- B. 2 members from the Stratford Electorate at-large — appointed by Town Council.

7.3.4 BOARD OF ZONING APPEALS, ALTERNATE MEMBER — 3-year term *Placed on the table during Council meeting of Jan. 9, 2017.*

RESOLVED: that _____ of _____ be and is hereby appointed an alternate member of the Board of Zoning Appeals (term of Richard Fredette expired January 1, 2017)

8. ORDINANCES AND RESOLUTIONS

8.1 AN ORDINANCE ADOPTING THE ANNUAL OPERATING BUDGET FOR THE TOWN OF STRATFORD FOR THE FISCAL YEAR COMMENCING JULY 1, 2017, AND ENDING JUNE 30, 2018, AND APPROPRIATING THE SUM OF \$219,482,535 IN ACCORDANCE THEREWITH; (17-02)

Sponsored by:

WHEREAS, the Mayor has prepared and submitted to the Town Council the annual operating budget for the Town of Stratford for the fiscal year commencing July 1, 2017, and ending June 30, 2018, in accordance with the Stratford Town Charter; and

WHEREAS, the Town Council has given consideration thereto and has conducted public hearings in connection therewith; and

WHEREAS, the estimated amount of current expenses, permanent improvements, and other lawful charges of the Town of Stratford for the fiscal year commencing July 1, 2017 and ending June 30, 2018, is **\$219,482,535**

NOW, THEREFORE, BE IT HEREBY ORDERED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

That the budget attached hereto and made a part hereof be and is hereby proposed as the operating budget for the Town of Stratford for the fiscal year commencing July 1, 2017 and ending June 30, 2018; and

That the sum of **\$219,482,535** is hereby appropriated for the current expenses, permanent improvements, and other lawful charges for each department and each division thereof of the Town of Stratford for the fiscal year commencing July 1, 2017, and ending June 30, 2018, all in accordance with the provisions of the budget attached hereto and made a part hereof.

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective July 1, 2017.

8.2 AN ORDINANCE LEVYING A TAX RATE OF 39.70 MILLS ON THE DOLLAR ON THE GRAND LIST OF TAXABLE PROPERTY IN THE TOWN OF STRATFORD, CONNECTICUT, ON THE FIRST DAY OF OCTOBER, 2016. (#17-03)

Sponsored by:

WHEREAS, the Mayor has prepared and submitted to the Town Council the annual operating budget for the Town of Stratford for the fiscal year commencing July 1, 2017, and ending June 30, 2018, according to law; and

WHEREAS, the Town Council has given consideration thereto and has conducted public hearings in connection therewith; and

WHEREAS, the estimated revenues of the Town of Stratford other than by taxation for the fiscal year commencing July 1, 2017, and ending June 30, 2018, are \$ 46,461,279; and

WHEREAS, the Town Council has proposed an operating budget for the fiscal year commencing July 1, 2017, and ending June 30, 2018; and

WHEREAS, a tax levy at the rate of 39.70 mills on the dollar on the Grand List of taxable property in the Town of Stratford on October 1, 2016, is necessary to meet the appropriations, less the estimated amount of revenue from other sources as permitted by law to be raised;

NOW, THEREFORE, BE IT HEREBY ORDERED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

That a tax rate of 39.70 mills on the dollar on the Grand List be and is hereby levied against all taxable property in the Town of Stratford on the Grand List of October 1, 2016;

That said tax shall be due and payable in two equal installments, one half thereof on July 1, 2017, and the second half thereof on January 1, 2018, provided, however, that any tax, the aggregate amount of which shall not exceed \$100.00 shall be due and payable in one payment on July 1, 2017.

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective July 1, 2017.

8.3 GROUNDWATER AND VAPOR INTRUSION ZONES ORDINANCE (17-09)

sponsored by:

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. (appended as pages 24-28)

9. NEW BUSINESS

9.1 Council Chambers Sound/Video upgrade by HB communications – approval sought.
ACTION NOT TAKEN DURING COUNCIL MEETING OF MAY 8, 2017

9.2 Intercom expansion for Bunnell High School— change orders from Geddis Architects

- A. #02 — \$6,741/55 — Provide and install new sound system (PA) in Gymnasium
- B. #03 — \$8,369.00 — provide and install new sound system (PA) in Café

9.3 PUBLIC WORKS DRAINAGE IMPROVEMENT PROJECTS

A. BID #2017-023 – Widening of Tanners Brook, Bids submitted June 1, 2017

<u>Contractor</u>	<u>Base Bid</u>
Dayton Construction	\$980,778.00
Nagy Brothers	\$1,170,572.50
The Grasso Company	\$1,309,101.25

Therefore, in accordance with the recommendation of the STV Inc. and the Town Engineer, it is recommended that the above contract be awarded to Dayton Construction on the basis of their bid estimate submitted, to be funded by existing Town bond funds.

RESOLVED: That the bid of Dayton Construction of Watertown, CT be accepted and the Mayor be and is hereby authorized to execute a contract with Dayton Construction on the basis of their lowest bid submitted in the amount of \$980,778.00 for the performance of said work in accordance with the plans and specifications prepared by the STV Inc. and subject to the inspection and approval of STV and the Town Engineer.

B. BID #2017-018--Bruce Brook West Ave Storm Drain Improvements, Bids submitted May 23, 2017

<u>Contractor</u>	<u>Base Bid</u>
Grasso Companies	\$375,662.50
True Blue Environmental	\$376,492.50
Mark IV Construction	\$425,008.00
Dalling Construction	\$451,403.00

Therefore, in accordance with the recommendation of the STV Inc. and the Town Engineer, it is recommended that the above contract be awarded to Grasso Company on the basis of their bid estimate submitted, to be funded by existing Town bond funds.

RESOLVED: That the bid of Grasso Companies, LLC of Norwalk, CT be accepted and the Mayor be and is hereby authorized to execute a contract with Grasso Companies on the basis of their lowest bid submitted in the amount of \$375,662.50 for the performance of said work in accordance with the plans and specifications prepared by the Weston & Sampson and subject to the inspection and approval of Weston & Sampson and the Town Engineer.

9.4 APPOINTMENTS

9.4.1 INLAND WETLANDS AND WATERCOURSES COMMISSION, Representative-at-large. 4-year term appointed by Council Chairman. *ACTION NOT TAKEN DURING COUNCIL MEETING OF MAY 8, 2017*

RESOLVED: that _____ of _____ - be and is hereby appointed an at-large Representative to the Inland Wetlands and Watercourses Commission. [term of Ariana Rawls (resigned) Fine expires May 31, 2018]

9.4.2 ARTS COMMISSION – 3-year terms, appointed by Council

A. Regular member - term of Richard Fredette expired March 10, 2017

RESOLVED: that _____ of _____ - be and is hereby appointed a regular member of the Arts Commission.

B. Alternate member – term of Louis DeCilio expired March 10, 2017

RESOLVED: that _____ of _____ - be and is hereby appointed an alternate member of the Arts Commission.

9.4.3 WATERFRONT & HARBOR MANAGEMENT COMMISSION, regular members — § 210-3 of Town Code, 5-year term

A. RESOLVED: that _____ of _____ - be and is hereby appointed a regular member of the Waterfront Harbor Management Commission. (term of Thomas Logan expired May 31, 2017)

B. RESOLVED: that _____ of _____ - be and is hereby appointed a regular member of the Waterfront Harbor Management Commission. (term of Brian Yarmush expired May 31, 2017)

10. ADJOURNMENT

AN ORDINANCE APPROPRIATING \$12,510,500 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2017-2018 (#17-05)

Sponsored by:

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

Section 1. The sum of \$12,510,500 is hereby appropriated to meet the estimated costs of the public improvements set forth below, as more fully described in the narrative description of such public improvements in the capital improvement program of the Town for the fiscal year ending June 30, 2018, said appropriation to be inclusive of administrative, financing, legal and costs of issuance related thereto:

CAPITAL IMPROVEMENT PROGRAM

PARKS & RECREATION	BREATIFICATION	60,000
	WOOD WASTE DISPOSAL	50,000
	TREE REMOVAL	100,000
	RACQUET BALL/PADDLE BALL COURT	255,000
	DELUCIA FIELD	100,000
	SHORT BEACH TENNIS/BASKETBALL	50,000
	SHORT BEACH COMPLEX IRRIGATION	600,000
	PUBLIC WORKS	BALL FIELD REPAIR PROGRAM
FENCING REPLACEMENT		100,000
VARIOUS TOWN PARKS		150,000
ROADS & SEWERS	WEST BROAD IMPROVEMENTS	200,000
	SIDEWALK IMPROVEMENTS	250,000
	SEYMOUR STREET	100,000
	CULVERT CLEANING	200,000
	SURF AVENUE	100,000
	STREETSCAPE IMPROVEMENTS	350,000
	BARNUM AVENUE CULVERT	150,000
	ROAD RESURFACING	1,500,000
	BEAVER DAM ROAD BRIDGE	25,000
	STORMWATER PERMIT	40,000
	SECOND HILL LANE	300,000
	FERRY CREEK PUMP STATION	250,000
	COASTAL RESILIENCY	100,000
	TOWN BRIDGES REHABILITATION	300,000
	ROAD RECONSTRUCTION	500,000
SCHOOL IMPROVEMENTS	BOE BATHROOM PARTITIONS	20,000
	SECOND HILL SCHOOL	115,000

	BOE BOILER REPLACEMENT	325,000
	BOE SAFETY IMPROVEMENTS	100,000
	BOE ELEVATORS	200,000
	BUNNELL HIGH SCHOOL	340,000
	BOE LIBRARIES	30,000
	BOE AUDITORIUMS	50,000
	JOHNSON HOUSE	75,000
	FRANKLIN SCHOOL	200,000
	BOE WATER TREATMENT	50,000
	WOOSTER MIDDLE SCHOOL	130,000
	BOE WINDOW FILM	20,000
	ELI WHITNEY SCHOOL	620,000
	CHAPEL SCHOOL	45,000
	BOE TECHNOLOGY	500,000
	FLOOD SCHOOL	35,000
	BOE PAINTING	75,000
	BOE GENERL REPAIRS	135,000
	BOE SIDEWALKS	50,000
TOWN FACILITIES	TOWN MASONRY	25,000
	OPEN SPACE ACQUISITION	50,000
	LIBRARY	517,000
	BOOTHE PARK	50,000
	FIREHOUSES	130,000
	PARK OUTSIDE BENCHES, TABLES, ETC	20,000
	PUBLIC WORKS COMPLEX	40,000
STATE REIMBURSEMENTS	BOE SCHOOLS	450,000
LoCIP STATE FUNDING	PUBLIC WORKS	478,500
WPCA FUNDING	WPCA PROJECTS	1,575,000
GENERAL FUND FUNDING	VARIOUS	180,000

12,510,500

Section 2. Any of the estimated amounts for the public improvements set forth in Section 1 not required to meet the actual cost of such public improvements shall be allocated by the Mayor and Director of Finance as they deem necessary or advisable and in the best interests of the Town to other public improvements previously authorized by the Town Council for bonding, so long as such allocation is consistent with applicable tax and other laws.

Section 3. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$12,510,500 BONDS OF THE TOWN TO MEET THE APPROPRIATION FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2017-2018 AND PENDING ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#17-06)

Sponsored by:

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

Section 1. To meet the appropriation of \$12,510,500 made in the ordinance enacted together herewith for various public improvements in the capital improvement program for fiscal year ending June 30, 2018 (the "Project"), \$12,510,500 bonds of the Town may be issued maturing not later than the twentieth year after their date (the "Bonds").

Section 2. The Bonds may be issued in one or more series as determined by the Mayor and the Director of Finance. The amount of Bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amounts and timing of State and Federal grants-in-aid for the Project, provided that the total amount of Bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of the Bonds outstanding at the time of the issuance thereof, and to pay for costs of issuance of the Bonds. The Bonds shall be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor and the Director of Finance, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Pullman & Comley, LLC, Attorneys-at-Law. The Bonds shall be general obligations of the Town and each of the Bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such Bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The Town shall levy taxes in each year to meet principal and interest due and payable on the Bonds issued pursuant to this ordinance.

Section 3. The Mayor and Director of Finance are hereby authorized to determine the aggregate principal amount of the Bonds of each series to be issued, the annual installments of principal, date, maturity, prices, interest rates whether fixed or floating, form, redemption provisions, if any, the certifying registrar and transfer agent, the manner of sale or other terms and conditions of the Bonds, including the terms of any reserve that might be established as authorized herein, and whether any of the Bonds issued will be issued as taxable bonds, all in such a manner as the Mayor and Director of Finance shall determine to be in the best interests of the Town and in accordance with the General Statutes of Connecticut, Revision of 1958, as amended (the "Connecticut General Statutes"), and to take such actions and to execute such

documents, or designate other officials or employees of the Town to take such actions and to execute such documents, as deemed to be necessary or advisable and in the best interests of the Town by the Mayor and Director of Finance in order to issue, sell and deliver the Bonds.

Section 4. The Bonds shall be sold by the Mayor and the Director of Finance in a competitive offering or by negotiation in their discretion. If sold in a competitive offering, the Bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. If the Bonds are sold by negotiation, the provisions of the bond purchase agreement shall be approved by the Mayor and Director of Finance.

Section 5. The Mayor and the Director of Finance are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of the Bonds. Notes evidencing such borrowings shall be signed by the Mayor and the Director of Finance, have the seal of the Town affixed, be payable at a bank or trust company designated by the Mayor and the Director of Finance, be approved as to their legality by Pullman & Comley, LLC, Attorneys-at-Law, and be certified by a bank or trust company designated by the Mayor and the Director of Finance pursuant to Section 7-373 of the Connecticut General Statutes. The Notes shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing, to the extent paid from the proceeds of such renewals or the Bonds, may be included as a cost of the Project. Upon the sale of the Bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 6. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid prior to and any time after the date of passage of this ordinance in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or her designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 7. The Mayor and Director of Finance are hereby authorized, if they determine it is in the Town's best interests, to acquire, on behalf of the Town, bond insurance or other forms of credit enhancement guaranteeing the Bonds on such terms as the Mayor and Director of Finance determine to be appropriate, such terms to include, but not be limited to, those relating to fees, premiums and other costs and expenses incurred in connection with such credit enhancement, the terms of payment of such expenses and costs and such other

undertakings as the issuer of the credit enhancement shall require; and the Mayor and Director of Finance, if they determine that it is appropriate, are authorized, on the Town's behalf, to grant security to the issuer of the credit enhancement to secure the Town's obligations arising under the credit enhancement, including the establishment of a reserve from proceeds of the Bonds.

Section 8. The Mayor and the Director of Finance are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board ("MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the Bonds and notes authorized by this ordinance. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 9. The Mayor and Director of Finance are hereby authorized to apply for and accept any available State or Federal grant in aid of the financing of the Projects, and to take all action necessary or proper in connection therewith.

Section 10. The Mayor and Director of Finance in connection with the issuance of the Bonds, are hereby authorized to allocate any unused bond proceeds to public improvements previously authorized by the Town Council for bonding, consistent with the applicable tax and other laws, as deemed necessary or advisable and in the best interests of the Town by the Mayor and Director of Finance.

Section 11. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

AN ORDINANCE APPROPRIATING \$3,517.130 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL EQUIPMENT PROGRAM FOR FISCAL YEAR 2017-2018 (#17-07)

Sponsored by:

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

Section 1. The sum of \$3,517.130 is hereby appropriated to meet the estimated costs of the public improvements set forth below, as more fully described in the narrative description of such public improvements in the capital equipment program of the Town for the fiscal year ending June 30, 2018, said appropriation to be inclusive of administrative, financing, legal and costs of issuance related thereto:

CAPITAL EQUIPMENT PROGRAM		
PUBLIC SAFETY	POLICE VEHICLES	150,000
	POLICE/FIRE EQUIPMENT	967,134
	FIRE VEHICLE	625,000
ADMINISTRATIVE	TOWN VEHICLE	39,500
PUBLIC WORKS	PUBLIC WORKS EQUIPMENT	525,000
	PUBLIC BUILDINGS	25,000
PUBLIC SCHOOLS	BOE EQUIPMENT	450,000
WPCA FUNDING	WPCA EQUIPMENT	530,000
EMS FUNDING	EMS EQUIPMENT	205,496
		<u><u>3,517,130</u></u>

Section 2. Any of the estimated amounts for the public improvements set forth in Section 1 not required to meet the actual cost of such public improvements shall be allocated by the Mayor and Director of Finance as they deem necessary or advisable and in the best interests of the Town to other public improvements previously authorized by the Town Council for bonding, so long as such allocation is consistent with applicable tax and other laws.

Section 3. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$ **\$3,517.130** BONDS OF THE TOWN TO MEET THE APPROPRIATION FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL EQUIPMENT PROGRAM FOR FISCAL YEAR 2017-2018 AND PENDING ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#17-08)

Sponsored by:

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

Section 1. To meet the appropriation of **\$3,517.130** made in the ordinance enacted together herewith for various public improvements in the capital equipment program for fiscal year ending June 30, 2018 (the "Project"), **\$3,517.130** bonds of the Town may be issued maturing not later than the twentieth year after their date (the "Bonds").

Section 2. The Bonds may be issued in one or more series as determined by the Mayor and the Director of Finance. The amount of Bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amounts and timing of State and Federal grants-in-aid for the Project, provided that the total amount of Bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of the Bonds outstanding at the time of the issuance thereof, and to pay for costs of issuance of the Bonds. The Bonds shall be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor and the Director of Finance, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Pullman & Comley, LLC, Attorneys-at-Law. The Bonds shall be general obligations of the Town and each of the Bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such Bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The Town shall levy taxes in each year to meet principal and interest due and payable on the Bonds issued pursuant to this ordinance.

Section 3. The Mayor and Director of Finance are hereby authorized to determine the aggregate principal amount of the Bonds of each series to be issued, the annual installments of principal, date, maturity, prices, interest rates whether fixed or floating, form, redemption provisions, if any, the certifying registrar and transfer agent, the manner of sale or other terms and conditions of the Bonds, including the terms of any reserve that might be established as authorized herein, and whether any of the Bonds issued will be issued as taxable bonds, all in such a manner as the Mayor and Director of Finance shall determine to be in the best interests of the Town and in accordance with the General Statutes of Connecticut, Revision of 1958, as amended (the "Connecticut General Statutes"), and to take such actions and to execute such

documents, or designate other officials or employees of the Town to take such actions and to execute such documents, as deemed to be necessary or advisable and in the best interests of the Town by the Mayor and Director of Finance in order to issue, sell and deliver the Bonds.

Section 4. The Bonds shall be sold by the Mayor and the Director of Finance in a competitive offering or by negotiation in their discretion. If sold in a competitive offering, the Bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. If the Bonds are sold by negotiation, the provisions of the bond purchase agreement shall be approved by the Mayor and Director of Finance.

Section 5. The Mayor and the Director of Finance are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of the Bonds. Notes evidencing such borrowings shall be signed by the Mayor and the Director of Finance, have the seal of the Town affixed, be payable at a bank or trust company designated by the Mayor and the Director of Finance, be approved as to their legality by Pullman & Comley, LLC, Attorneys-at-Law, and be certified by a bank or trust company designated by the Mayor and the Director of Finance pursuant to Section 7-373 of the Connecticut General Statutes. The Notes shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing, to the extent paid from the proceeds of such renewals or the Bonds, may be included as a cost of the Project. Upon the sale of the Bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 6. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid prior to and any time after the date of passage of this ordinance in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or her designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 7. The Mayor and Director of Finance are hereby authorized, if they determine it is in the Town's best interests, to acquire, on behalf of the Town, bond insurance or other forms of credit enhancement guaranteeing the Bonds on such terms as the Mayor and Director of Finance determine to be appropriate, such terms to include, but not be limited to, those relating to fees, premiums and other costs and expenses incurred in connection with such credit enhancement, the terms of payment of such expenses and costs and such other

undertakings as the issuer of the credit enhancement shall require; and the Mayor and Director of Finance, if they determine that it is appropriate, are authorized, on the Town's behalf, to grant security to the issuer of the credit enhancement to secure the Town's obligations arising under the credit enhancement, including the establishment of a reserve from proceeds of the Bonds.

Section 8. The Mayor and the Director of Finance are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board ("MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the Bonds and notes authorized by this ordinance. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 9. The Mayor and Director of Finance are hereby authorized to apply for and accept any available State or Federal grant in aid of the financing of the Projects, and to take all action necessary or proper in connection therewith.

Section 10. The Mayor and Director of Finance in connection with the issuance of the Bonds, are hereby authorized to allocate any unused bond proceeds to public improvements previously authorized by the Town Council for bonding, consistent with the applicable tax and other laws, as deemed necessary or advisable and in the best interests of the Town by the Mayor and Director of Finance.

Section 11. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

RESOLUTION APPROVING AND AUTHORIZING THE SUBMISSION OF THE

Annual Action Plan for Program Year 43, Community Development Block Grant Funding

SPONSOR: Stratford Town Council

WHEREAS, the Town Council held a public hearing on April 10, 2017, for the purpose of receiving comments on the Town's Proposed Action Plan for Program Year 43; and

WHEREAS, the Community Development Subcommittee of the Economic and Community Development Commission has reviewed the comments received during the thirty (30) day public comment period (March 24, 2017 to April 24, 2017) on the Town's Proposed Action Plan for Program Year 43; and

WHEREAS, the U. S. Department of Housing and Urban Development (HUD) has not yet informed the Town of its CDBG allocation amount for the 2017 Program Year; and, as such, the Town's Proposed Action Plan is based upon an estimated allocation of \$523,850 that was released in December 2016 and has been used for planning purposes; and

WHEREAS, the Town, in accordance with HUD guidance, may not submit its Action Plan until actual funding allocation amounts for Federal Fiscal Year (FFY) 2017 have been incorporated into the Plan; and, as such, the Plan includes necessary contingency provisions to allow for adjustments to be made to match its actual allocation amounts once known; and

WHEREAS, based upon the comments received and other considerations, the Community Development Subcommittee of the Economic and Community Development Commission has made changes to the Proposed Action Plan for Program Year 43 and has forwarded a Final Action Plan for Program Year 43 to Town Council with a favorable recommendation for approval.

NOW THEREFORE BE IT RESOLVED, that the proposed Action Plan for Program Year 43, as summarized in the attachment hereto, be adopted by the Town Council as the Town's Action Plan for Community Development Year 43; and

BE IT FURTHER RESOLVED, that John A. Harkins, Mayor, Town Hall, 2725 Main Street, Stratford, CT, is authorized as the official representative of the Town of Stratford to submit the Action Plan for Program Year 43 and revisions, amendments thereto, and all understandings, certifications, and assurances contained therein, and to provide any additional information which may be required by HUD so that the Town may receive its Community Development Block Grant Year 43 funds.

YEAR 43 FINAL PLAN SUMMARY

<u>Activity</u>	<u>¢</u> <u>a</u>	<u>Description</u>
<u>Public Services</u>		
South End Community Center (SECC)	\$50,000	Location: 19 Bates Street – Funds for Operation of Center
Stratford Community Services Center for Family Justice, Inc.	\$18,000	Location: 468 Birdseye Street – Funds for Youth and Family Counseling
Center for Family Justice, Inc.	\$3,850	Location: 753 Fairfield Avenue, Bridgeport – Funds for Advocacy, Case Management, and MDT Services
Bridgeport Neighborhood Trust, Inc.	\$3,727	Location: 570 State Street, Bridgeport – Funds for Homeownership Academy/Counseling Program
Literacy Volunteers of Southern Connecticut, Inc.	\$3,000	Location: 2203 Main Street – Funds for Strengthening English in Adults Program
Total Public Services:	\$78,577	
<u>Housing</u>		
Catholic Charities – Bethlehem House	\$35,000	Location: 379/389 Jackson Ave – Supplemental Funds for Bethlehem House I and II Rehabilitation
Emerge, Inc. – Emerge 1	\$28,773	Funds for Rehabilitation of Emerge 1
Stratford Housing Authority	\$20,000	Location: SHA Units – Funds for Continuation of Vacant Unit Repair Program
Stonybrook Gardens Cooperative, Inc.	\$20,000	Location: 55 Singer Court – Funds for Chimney and Roof Rehab of Duplex Units in LMI Areas of Stonybrook Co-op Complex
The Kennedy Center, Inc.	\$5,000	Location: 40 Connors Lane – Funds for ADA Compliant Ramp for Group Home
Total Housing:	\$108,773	
<u>Public Improvements</u>		
Sidewalk Improvements Project	\$115,000	Supplemental Funds for Continuation of Sidewalk Improvements in LMI Areas
Johnson Academy Splash Pad	\$100,000	Location: 719 Birdseye Street – Funds for Splash Pad
Sterling House Community Center	\$15,000	Location: 2283 Main Street – Funds for Outdoor Pool Renovation
Connecticut Air and Space Center	\$10,000	Location: Sikorsky Memorial Airport – Funds for Historic Restoration of Curtiss Hangar
Short Beach Park Commission	\$6,500	Location: 1 Dorne Drive (Short Beach) - Funds for Handicap Accessible Wheelchair Swing
Total Public Improvements:	\$246,500	
<u>Planning and Administration</u>		
Management/Oversight of Program	\$90,000	General Administration of Program and Activities
Total Planning and Administration:	\$90,000	
Program Total:	\$523,850	

The CD Year 43 Program will cover the period from July 1, 2017 to June 30, 2018. The U. S. Department of Housing and Urban Development (HUD) has not yet informed the Town of its entitlement amount for CD Year 43. As such, the Town of Stratford’s Proposed Action Plan is based upon an estimated allocation used for planning purposes that was released in December 2016. Specifically, the Town anticipates receiving approximately \$523,850 as its entitlement for Federal Fiscal Year (FFY) 2017 from HUD.

In accordance with HUD guidance, the Town of Stratford may not submit its Action Plan until actual funding allocation amounts have been incorporated into the Plan. The Proposed Action Plan reflects an estimated funding level, not actual allocation amounts. As such, the Plan includes the following contingency provisions to allow for adjustments to be made to match its actual allocation amounts once known:

1. **Public Services Provision:** In the event that the Town of Stratford realizes a decrease relative to the estimated allocation amount, budgets for public service projects shall be reduced only by an amount necessary to ensure compliance with federal regulations. Such decrease shall first be applied to the Bridgeport Neighborhood Trust Program; second, such decrease shall be applied by equal percentage to the Center for Family Justice Program and the Literacy Volunteers of Southern Connecticut Program. In the event that an increase relative to the estimated allocation amount is realized, such increase shall be applied by equal percentage to the Bridgeport Neighborhood Trust Program, the Center for Family Justice Program, and the Literacy Volunteers of Southern Connecticut Program.
2. **Housing and Public Improvements Provision:** In the event that the Town of Stratford realizes a decrease relative to the estimated allocation amount, such decrease shall first be applied to the Connecticut Air and Space Center; second, to the Sterling House Community Center Project; third, to the Sidewalk Improvements Program. In the event that an increase relative to the estimated amount is realized, such increase shall be applied by equal percentage to all proposed activities' budgets.
3. **Planning and Administration Provision:** In the event that the Town of Stratford realizes a decrease relative to the estimated allocation amount, such decrease shall be applied to the Planning and Administration/ Management and Oversight of the Program only in the event that the cap is exceeded; and only by an amount necessary to ensure compliance with federal regulations. Planning and Administration funding will not receive an increase in the event of a greater allocation from HUD.

The Proposed Plan presents a program that anticipates providing benefits to low- and moderate-income persons of 100% of the allocated expenditures for the 2017 Program Year. Notwithstanding the Town's estimate, the Town must provide funds at least 70% of which will benefit low- and moderate-income (LMI) persons in accordance with HUD regulations for the term of this plan.

**TOWN OF STRATFORD, CONNECTICUT
GROUNDWATER AND VAPOR INTRUSION ZONES ORDINANCE (17-09)**

I. Title

This Ordinance shall be known and be cited as the “**Groundwater and Vapor Intrusion Zones Ordinance**” of the Town of Stratford, Connecticut.

II. Purpose

The purpose of this Ordinance is to protect the health, safety, and general welfare of the residents of the Town of Stratford living within a portion of the USEPA Groundwater Study Area (Operable Unit 2) of the Raymark Industries, Inc. Superfund Site. This Ordinance identifies a “**Groundwater Zone**” where controls are needed to prevent human exposure to contaminated groundwater and to prevent changes in groundwater flow patterns that may result from the pumping or extraction of groundwater. This Ordinance also identifies a “**Vapor Intrusion Zone**,” which is a sub-area within the **Groundwater Zone**, where controls are also needed to prevent human exposure to contaminated vapors that may move or migrate from contaminated groundwater into living or occupied areas of buildings or where an evaluation is needed to determine if controls are not necessary.

The primary intent of this Ordinance is to:

- a) prevent the use of and public exposure to contaminated groundwater in the **Groundwater Zone** and to prevent the further migration of contaminated groundwater;
- b) prevent soil gas potentially contaminated with volatile organic compounds (VOCs) from migrating into homes and commercial buildings within the **Vapor Intrusion Zone**; and to
- c) protect the integrity of the groundwater remedy for the Raymark Industries, Inc. Superfund Site, as established by the USEPA.

III. Scope and Authority

As authorized by Connecticut General Statutes Section 7-148, once this Ordinance is applicable to property located within the boundaries of the **Groundwater Zone**, the Use Restrictions of Section VI shall apply; no groundwater shall be extracted, consumed, or utilized at any property within the **Groundwater Zone**; and for the properties also located within the boundaries of the **Vapor Intrusion Zone**, Soil Vapor Mitigation Systems shall be installed in all homes and commercial buildings, except as otherwise provided within this Ordinance.

This Ordinance shall apply to the **Groundwater Zone** and **Vapor Intrusion Zone** notwithstanding the provisions of any other Town ordinance adopted. This Ordinance concerns contaminated groundwater and does not affect or supersede any restrictions applicable to any property that EPA has determined to contain soil contaminated by waste originating from the former Raymark Industries, Inc. facility.

IV. Definitions

CTDEEP: CTDEEP shall mean the Connecticut Department of Energy and Environmental Protection. The address to contact CTDEEP regarding matters related to this Ordinance is CT Department of Energy and Environmental Protection, WPLR/Remediation, 79 Elm Street, Hartford, CT 06106. CTDEEP’s phone number for such matters is 860-424-3705.

Groundwater: All water found beneath the surface of the ground including all subsurface water stored in bedrock and overburden aquifers and recharge areas within the **Groundwater Zone**. Groundwater does not include surface water bodies within the **Groundwater Zone**.

Groundwater Zone: The properties within the Town of Stratford as described in Section V and as depicted in Exhibit A, as may be amended by USEPA, with a reasonable opportunity to comment by CTDEEP.

Soil Vapor Mitigation System: A passive or active system that prevents or inhibits the movement or migration of soil vapor (gas) into indoor living or occupied spaces. Such active systems are similar to typical residential radon reduction systems.

USEPA: USEPA shall mean the United States Environmental Protection Agency.

Vapor Intrusion: Vapor Intrusion is the movement or migration of vapor-forming chemicals from a subsurface source, such as groundwater or soil gas, into an overlying building or structure.

Vapor Intrusion Zone: The properties within the Town of Stratford as described in Section V and as depicted in Exhibit B, as may be amended by USEPA, with a reasonable opportunity to comment by CTDEEP.

Volatile Organic Compounds (VOCs): VOCs are chemicals that contain carbon and easily become or turn into vapors or gasses. VOCs in the **Groundwater Zone** and **Vapor Intrusion Zone** include benzene, chlorobenzene, ethylbenzene, chloroform, trichloroethene (TCE), 1,1 dichloroethylene (1,1 DCE), 1,1 dichloroethane, and vinyl chloride.

V. Groundwater Zone and Vapor Intrusion Zone

There is hereby established within the Town of Stratford a **Groundwater Zone**, as depicted in Exhibit A, and a sub-area of that Zone referred to as the **Vapor Intrusion Zone**, as depicted in Exhibit B. The **Groundwater Zone** is an area impacted by a plume of contaminated groundwater emanating from the former Raymark facility where controls are needed to prevent the use or consumption of groundwater and to prevent the further migration of groundwater or a change in groundwater hydrology (flows) due to the use, extraction, or pumping of groundwater. The **Vapor Intrusion Zone** is a sub-area within the **Groundwater Zone** where controls are also needed (in addition to the groundwater controls) to mitigate the potential migration of contaminated vapors into indoor living or occupied spaces or where evaluation has been conducted or is needed to determine if such controls are not necessary.

The particular properties contained within each Zone are generally located in the area of Barnum Avenue Cutoff, Ferry Boulevard, and Housatonic Avenue as depicted in Exhibit A (**Groundwater Zone**) and Exhibit B (**Vapor Intrusion Zone**) and can be identified using assessor's maps that are on file at the Town of Stratford Office of Assessor and can be viewed online at the Town of Stratford's website. As shown on Exhibit B, the **Vapor Intrusion Zone** includes as of the date of enactment all properties located on Housatonic Avenue with an address of 231 or higher (excluding Housatonic Avenue Extension), 400 to 570 Ferry Boulevard, 100 Veterans Way, and all properties located on Burr Avenue, Homestead Avenue, Minor Avenue, Riverview Place, and Willow Avenue. The boundaries of each Zone have been set based on the available data and known facts in consultation with the USEPA and CTDEEP

The Zones depicted in Exhibit A and Exhibit B are subject to future revision by USEPA, with a reasonable opportunity to comment by CTDEEP. Any revision to the Zones as shown on Exhibit A or B will be maintained in the files of the Town of Stratford Health Department, the Office of the Town Clerk, and the Office of the Assessor.

VI. Use Restrictions

Within the **Groundwater Zone**, which encompasses and includes the **Vapor Intrusion Zone**, the following restrictions shall apply, except as specifically provided in Section VII (Exceptions and Permitted Uses):

A. The extraction, consumption, or utilization of groundwater for any purpose, including without limitation, irrigation and residential wells, is strictly prohibited. No well shall be dug, reactivated, used, or created in any way.

B. Any existing groundwater well must be abandoned in accordance with the provisions of the Connecticut Well Drilling Code and Rules, Sections 25-126 through 25-137 of the General Statutes and Regulations of the State of Connecticut, and all applicable regulations of the Town of Stratford Health Department. Such a well shall be legally abandoned in conformance with state and Town regulations within 90 days of the effective date of this Ordinance.

Within the **Vapor Intrusion Zone**, which is a sub-area located within the **Groundwater Zone**, the following restrictions shall apply in addition to the Use Restrictions A and B above, except as specifically provided in Section VII (Exceptions and Permitted Uses). The following restrictions do not apply outside of the **Vapor Intrusion Zone**:

C. Each building in residential use containing an indoor (interior) living space or containing an indoor living space connected to an enclosed non-living space (such as an enclosed garage) shall have a functioning Soil Vapor Mitigation System. Each building in commercial, industrial, and/or other non-residential use shall have a functioning Soil Vapor Mitigation System. A list of buildings that have Soil Vapor Mitigation Systems is on file at the Town of Stratford Health Department and such properties are identified on the Office of the Assessor's property cards.

D. For property in residential use, the installation of a Soil Vapor Mitigation System shall be required for any building constructed or expanded after the effective date of this Ordinance containing an indoor (interior) living space or containing an indoor living space connected to an enclosed non-living space (such as an enclosed garage).

E. For property in commercial, industrial, and/or other non-residential use, the installation of a Soil Vapor Mitigation System shall be required for any building constructed or expanded after the effective date of this Ordinance containing an indoor (interior) space.

F. Any person proposing development, demolition, excavation, grading, or construction activities and seeking a building permit shall submit their plans and receive written approval from the following Town of Stratford Departments: Health, Engineering, and Building.

G. The design and installation of all Soil Vapor Mitigation Systems shall be approved in advance in writing by the CTDEEP and the USEPA. A licensed contractor listed on the Connecticut Department of Public Health's List of Qualified Radon Mitigation Professionals shall be used to design and install an approved Soil Vapor Mitigation System.

H. Except as approved pursuant to this Subparagraph, no party shall modify, alter, or destroy any Soil Vapor Mitigation System, interfere with the continued operation of the System, discontinue the use of any System, or compromise the integrity of any slab or basement foundation so as to create or potentially create a pathway for the migration of soil vapor into a building. The alteration or modification of any Soil Vapor Mitigation System or the compromising of any slab or basement foundation shall be approved in advance in writing by CTDEEP. If any party manipulates a Soil Vapor Mitigation System so as to cause the decreased function of the system, if any party is responsible in any manner for a System's decreased function, or if any party compromises the integrity of a slab or basement foundation, the obligation and cost of repair shall be the responsibility of that party.

I. CTDEEP shall be contacted as soon as possible, but in no event more than five (5) days from the date of detection, regarding any Soil Vapor Mitigation System where a party or entity has knowledge that such System is not functioning or is functioning on a decreased capacity. CTDEEP's phone number contact is 860-424-3705.

VII. Exceptions and Permitted Uses

A. Groundwater in the **Groundwater Zone** may be used for the purpose of evaluating and/or sampling groundwater quality for environmental investigation.

B. This Ordinance shall not apply to any environmental investigation or monitoring wells installed, or required to be installed, by any federal, state, or local government authority.

C. Nothing in this Ordinance shall prohibit any party from developing property within the **Groundwater Zone** provided that any development proposal requiring the use of water shall demonstrate the ability to connect to public water at such party's expense.

D. Notwithstanding the restriction against the extraction, consumption, or utilization of groundwater contained in Section VI(A), any person that owns or controls a property within the **Groundwater Zone** may use and/or install a groundwater well, upon the advanced written approval of the Stratford Health Department, the CTDEEP, and the USEPA. Any party seeking such an exception shall provide any information requested by any of the approving agencies, including, without limitation, data showing that a proposed well will not result in potential human health risks, interfere with the remedy for the Raymark Site, or adversely modify groundwater hydrology (flows).

E. Notwithstanding the requirement that buildings in the **Vapor Intrusion Zone** have Soil Vapor Mitigation Systems contained in Section VI, USEPA and CTDEEP may approve in writing an exception from that requirement, upon receipt of sufficient data showing that a Soil Vapor Mitigation System is not needed to reduce actual or potential risks from vapor intrusion. USEPA and CTDEEP shall approve in advance in writing any testing designed to determine if a Soil Vapor Mitigation System is not necessary. The Town of Stratford Health Department shall maintain a list of properties where USEPA has approved an exception from the requirement to install a Soil Vapor Mitigation System. Such a list shall include properties where USEPA has determined that a Soil Vapor Mitigation System is not necessary prior to the effective date of this Ordinance. An exception to the requirement to install a Soil Vapor Mitigation system based upon exposure assumptions consistent with the commercial or industrial use of a building may not continue to apply if the use of such building changes to residential use or a use with exposures similar to residential use.

F. The operation of any Soil Vapor Mitigation System may be temporarily suspended for minor building repairs, minor building modifications, or minor building improvements for less than thirty (30) days, provided that the operation of such System shall be restarted upon the completion of such work and in no event shall the suspension of the operation of such system continue beyond thirty (30) days.

G. Nothing in this Ordinance shall prohibit the use of a closed-loop system for geothermal heating purposes, provided that penetrations of any foundation or slab are properly sealed and no component of the system creates a potential pathway for vapor intrusion. This exception only applies to closed-loop systems that do not pump or extract groundwater.

H. This Ordinance shall not apply to the management, treatment, and/or disposal of groundwater exposed during the open excavation of the ground surface. Such groundwater shall

be managed, treated, and/or disposed of according to all applicable ordinances, rules, regulations, or laws.

VIII. Institutional Controls

A. USEPA may review and revise the **Groundwater Zone** and the **Vapor Intrusion Zone** and reserves the right to expand or contract either Zone. Any future revisions to Exhibit A and/or Exhibit B of this Ordinance, however, will be maintained in the files of the Town of Stratford Health Department, the Office of the Assessor, and the Office of the Town Clerk.

B. For every property located within the **Vapor Intrusion Zone**, a notation shall be included on the Assessor's property card indicating that the Property is located within the **Vapor Intrusion Zone**, that the property is subject to this Ordinance, whether there is a Soil Vapor Mitigation System currently installed at the respective property, or if a Soil Vapor Mitigation System has been determined to not be required.

C. USEPA, CTDEEP, and the Town of Stratford, acting through its Health Department, have the right to monitor the **Groundwater Zone** and the **Vapor Intrusion Zone**, as needed. If USEPA, CTDEEP, or the Town of Stratford have reason to believe that a Soil Vapor Mitigation System is not functioning or is functioning at a decreased capacity, they may inspect the system and require compliance with this Ordinance.

D. The Town of Stratford shall give immediate written notice to CTDEEP and to the USEPA upon the repeal or modification of this Ordinance or any judicial decision that repeals or modifies this Ordinance.

IX. Violations

A. The Town of Stratford may institute or cause to be instituted, in the name of the Town, any and all actions, legal and equitable, that shall be appropriate or necessary for the enforcement of the provisions of this Ordinance.

B. Any person or entity, being the owner or occupant of, or having control or the use of land or property within the **Groundwater Zone** who is found to violate any provision of this Ordinance, may be fined in the amount not to exceed \$250 per day in accordance with the Town of Stratford's citation ordinance (that is, Town Code Section 6) adopted in accordance with Connecticut General Statutes Section 7-152c. Each day such violation is permitted to exist shall constitute a separate offense.

C. Failure to comply with the conditions of any exception or approval granted under this Section or this Ordinance shall constitute a violation of this Ordinance and may subject the property owner or any other responsible party to penalties as identified in this Section IX(B).

X. Effective Date

This Ordinance shall take effect on _____ . Approved at Special Town Meeting held on _____

Legal Notice published _____ in _____ .