



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.

MINUTES OF MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON TUESDAY, OCTOBER 9, 2018 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 Jim Connor

COUNCIL MEMBERS IN ATTENDANCE: Mr. Chris Pia, Mr. Ron Tichy, Mr. Dave Harden, Mr. Greg Cann, Mr. Bill Perillo, Mr. Bill O'Brien, Ms. Laura Dancho

COUNCIL MEMBERS ABSENT: Mr. Wali Kadeem, Mr. Ken Poisson

OTHERS IN ATTENDANCE: Town Attorney Chris Hodgson, Asst. Town Attorneys John Florek, Bryan LeClerc, Bruce Jackson, Mayor Laura Hoydick, CAO Chris Tymniak, Director of Economic Development Mary Dean, Health Director Andrea Boissevain

INVOCATION AND PLEDGE OF ALLEGIANCE – Invocation led by Ms. Laura Dancho District 10, followed by the Pledge of Allegiance and a moment of silence for the late Melvin Mason, Editor, Stratford Star.

1. APPROVAL OF MINUTES — Regularly scheduled meeting of September 10, 2018

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.

MR. TICHY MADE A MOTION TO APPROVE THE FOREGOING MINUTES; SECONDED BY MR. PERILLO. THE MOTION PASSED 8-0.

2. CEREMONIAL PRESENTATIONS AND AWARDS

3. COMMUNICATIONS, BILLS, PETITIONS, REMONSTRANCES

3.1 LETTERS OF RESIGNATION (for information only)

- Email dated October 1, 2018 from Walter Stelmack; Parks and Recreation Committee, term expiring December, 2019

THE CHAIR NOTED FOR THE RECORD RECEIPT OF THE FOREGOING RESIGNATION.

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

4.1 MAYOR'S REPORT -- Mayor Hoydick reported on the following:

- VFW Commemoration of 9/11
- All Hazards Training
- Rotary Club Golf Tournament
- Two Roads Octoberfest
- Bonfire on the Beach
- Latin Music Festival
- Fire – Research Drive
- Celebrity Bartending at Beach House Grill – Chris Pia for PAL
- Beautification Committee Awards Ceremony
- Induction of Officers – Baldwin Center Mens Club
- Celebrate Stratford's Forest to Shore Day
- Apple Pie Contest – Lordship Community Church
- Stratford Day at Beardsley Zoo
- Sterling House Golf Tournament
- Stratford School Readiness Event
- Annual Stratford Health Department Assessment
- EMS & Fire Open House Day
- Civil War Day at Boothe Memorial Park
- Dredging Project in New Bedford, MA
- Domestic Violence Vigil
- Ribbon Cuttings: DaVita Dialysis, Beyond Home Care, Paradise Psychics, Dream Kitchens Designs
- Director of Economic Development Mary Dean was invited to the podium to provide updates re: Center school, Route 110, Complete Streets, Stratford Avenue rotary

4.2 QUESTIONS FOR THE MAYOR

4.3 COMMITTEE REPORTS

4.3.1 Building Needs Committee - The Building Needs Committee held a special meeting on September 17, 2018 and referred the following items to the Town Council with favorable recommendations:

- Turner Change Order #89B – cafeteria point of sale - \$25,739.00
- Turner Change Order #89I – RF1 272 – additional smoke and heat detectors - \$27,779.00

MR. TICHY MADE A MOTION THAT IT BE RESOLVED THAT THE FAVORABLE RECOMMENDATIONS OF THE BUILDING NEEDS COMMITTEE ARE ACCEPTED AND TURNER CHANGE ORDERS #89B AND #89I BE AND ARE HERBY APPROVED; SECONDED BY MR. PIA. THE MOTION PASSED 8-0.

SUSPENSION OF COUNCIL RULES OF PROCEDURE

MR. TICHY MADE A MOTION TO SUSPEND THE COUNCIL RULES OF PROCEDURE TO ADD THE FOLLOWING ITEMS TO THE AGENDA; SECONDED BY MR. PIA. THE MOTION PASSED 8-0.

The Building Needs Committee held a special meeting on October 9, 2018 and referred the following items to the Town Council with favorable recommendations:

- Turner Change Order #093 – Cafeteria Condiment Stations \$31,577.00
- Turner Change Order #102 – Phase 1A – Turnover Allowance - \$282,288.00
- Turner Change Order #103 – West Parcel Contaminated Soil - Final Change Order for disposal - \$201,255.00

MR. TICHY MADE A MOTION THAT IT BE RESOLVED THAT THE FAVORABLE RECOMMENDATIONS OF THE BUILDING NEEDS COMMITTEE ARE ACCEPTED AND TURNER CHANGE ORDERS #093, #102, AND #103 BE AND ARE HERBY APPROVED; SECONDED BY MR. HARDEN. It was noted that funds are still available. Mr. Alan Llewellyn was called to the podium for questions. THE MOTION PASSED 8-0.

4.3.2 Planning Commission - The Planning Commission held a regular meeting on September 18, 2018 and referred the following item to the Town Council with a favorable recommendation:

Abandonment of Tavern Rock Road

RESOLVED: that the adoption of the 60' wide ROW for the realigned Tavern Rock Rd, from Huntington Road east to the existing ROW, which is parallel to the Merritt Parkway ROW and/or centered on the existing roadway pavement, 60' in width, as shown on Town Engineering map "Property Survey for the Town of Stratford, Tavern Rock Road/Huntington Road, to be sold to Thomas Dugas", prepared by Scott Mundy, rev. date Mar. 2018, a copy of which has been previously provided to all Council members, be and is hereby approved.

RESOLVED: that the abandonment of the former Tavern Rock Rd from the part previously abandoned by the Town Council in March 2018 starting at a former Travelway, east to the new Streetline of the realigned Tavern Rock Rd be and is hereby approved.

RESOLVED: that the abandonment of the former Travelway from the former Tavern Rock Rd north to the Merritt Parkway ROW be and is hereby approved.

RESOLVED: that the Town Attorney draft an easement to provide for an existing driveway for the property owned N/F by Dugas to the Realigned Tavern Rock Rd.

MR. PIA MADE A MOTION THAT ITEM 4.3.2 IN ITS ENTIRETY BE AND IS HEREBY APPROVED; SECONDED BY MR. O'BRIEN. Assistant Town Attorney Bruce Jackson was called to the podium for questions. THE MOTION PASSED 8-0.

4.3.3 Stratford Redevelopment Agency - The Stratford Redevelopment Agency held a regular meeting on September 20, 2018 and referred the following item to the Town Council with no objection:

UI Easements - two corner lots on Hollister Street

RESOLVED: that the UI Easements on two corner lots on Hollister Street be and are hereby approved.

MR. PIA MADE A MOTION THAT ITEM 4.3.3 BE AND IS HEREBY APPROVED; SECONDED BY MR. HARDEN. THE MOTION PASSED 8-0.

4.4 TOWN ATTORNEY'S REPORT

4.4.1 Possible acquisition of 972 East Broadway. (Executive Session requested)

MR. PIA MADE A MOTION TO ENTER INTO EXECUTIVE SESSION FOR ITEM 4.1.1 TO DISCUSS POSSIBLE ACQUISITION OF 972 EAST BROADWAY. EXECUTIVE SESSION TO INCLUDE MEMBERS OF THE COUNCIL, ATTORNEYS HODGSON, FLOREK, LECLERC, AND JACKSON, THE MAYOR, AND CAO CHRIS TYMNIAK; SECONDED BY MS. DANCHO. THE MOTION PASSED 8-0.

Executive Session convened at 8:26 pm.

MR. PIA MADE A MOTION TO COME OUT OF EXECUTIVE SESSION FOR ITEM 4.4.1; SECONDED BY MR. O'BRIEN. THE MOTION PASSED 8-0.

Executive Session concluded at 8:43 pm.

MR. PIA MADE A MOTION TO AUTHORIZE THE TOWN ATTORNEY TO PROCEED AS DISCUSSED IN EXECUTIVE SESSION FOR ITEM 4.4.1; SECONDED BY MR. HARDEN. THE MOTION PASSED 8-0.

4.4.2 Pending property tax appeals of solar panel leasing companies. (Executive Session requested)

MR. PIA MADE A MOTION TO ENTER INTO EXECUTIVE SESSION FOR ITEM 4.4.2 TO DISCUSS PENDING LITIGATION INVOLVING PROPERTY TAX APPEALS OF SUNNOVA ASSET PORTFOLIO 4 AND THE OTHER PLAINTIFF SOLAR PANEL LEASING COMPANIES. EXECUTIVE SESSION TO INCLUDE MEMBERS OF THE COUNCIL, ATTORNEYS HODGSON, FLOREK, LECLERC, THE MAYOR, AND CAO CHRIS TYMNIAK; SECONDED BY MS. DANCHO. THE MOTION PASSED 8-0.

Executive Session convened at 8:44 pm.

MR. PIA MADE A MOTION TO COME OUT OF EXECUTIVE SESSION FOR ITEM 4.4.2; SECONDED BY MR. PERILLO. THE MOTION PASSED 8-0.

Executive Session concluded at 9:00 pm.

MR. PIA MADE A MOTION TO AUTHORIZE THE TOWN ATTORNEY TO PROCEED AS DISCUSSED IN EXECUTIVE SESSION FOR ITEM 4.4.2; SECONDED BY MR. HARDEN. THE MOTION PASSED 8-0.

~~4.4.3 Kalafatis v. Town of Stratford. (Executive Session requested)~~

MS. DANCHO MADE A MOTION TO STRIKE ITEM 4.4.3 FROM THE AGENDA; SECONDED BY MR. O'BRIEN. THE MOTION PASSED 8-0.

5. UNFINISHED BUSINESS and/or OLD BUSINESS

5.1 TABLED ITEMS

5.2 TABLED ORDINANCES AND RESOLUTIONS

5.3 TABLED APPOINTMENTS

6. ORDINANCES AND RESOLUTIONS

6.1 ORDINANCES

6.1.1 AN ORDINANCE REGARDING ILLICIT DISCHARGE AND CONNECTION STORMWATER (#18-13) *Appended as pages 11-15*

Sponsored by: Stratford Town Council

MS. DANCHO MADE A MOTION THAT IT BE RESOLVED THAT THE FIRST READING OF THE ABOVE 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; SECONDED BY MR. TICHY. THE MOTION PASSED 8-0.

6.2 RESOLUTIONS

6.2.1 Resolutions re: Eli Whitney Elementary School Roof Replacement

Sponsored by: Stratford Town Council

MR. O'BRIEN MADE A MOTION THAT IT BE RESOLVED THAT THE STRATFORD TOWN COUNCIL AUTHORIZES THE BOARD OF EDUCATION TO APPLY TO THE COMMISSIONER OF EDUCATION AND TO ACCEPT OR REJECT A GRANT FOR ROOF REPLACEMENT AT ELI WHITNEY ELEMENTARY SCHOOL and THAT THE TOWN BUILDING NEEDS COMMITTEE IS HEREBY ESTABLISHED AS THE BUILDING COMMITTEE WITH REGARD TO THE ROOF REPLACEMENT PROJECT AT ELI WHITNEY ELEMENTARY SCHOOL and THAT THE STRATFORD TOWN COUNCIL HEREBY AUTHORIZES AT LEAST THE PREPARATION OF SCHEMATIC DRAWINGS AND OUTLINE SPECIFICATIONS FOR THE ROOF REPLACEMENT PROJECT AT ELI WHITNEY ELEMENTARY SCHOOL; SECONDED BY MS. DANCHO. THE MOTION PASSED 8-0.

6.2.2 Resolutions re: Eli Whitney Elementary School Flooring Replacement

Sponsored by: Stratford Town Council

MR. O'BRIEN MADE A MOTION THAT IT BE RESOLVED THAT THE STRATFORD TOWN COUNCIL AUTHORIZES THE BOARD OF EDUCATION TO APPLY TO THE COMMISSIONER OF EDUCATION AND TO ACCEPT OR REJECT A GRANT FOR FLOORING REPLACEMENT AT ELI WHITNEY ELEMENTARY SCHOOL and THAT THE TOWN BUILDING NEEDS COMMITTEE IS HEREBY ESTABLISHED AS THE BUILDING COMMITTEE WITH REGARD TO THE FLOORING REPLACEMENT PROJECT AT ELI WHITNEY ELEMENTARY SCHOOL and

THAT THE STRATFORD TOWN COUNCIL HEREBY AUTHORIZES AT LEAST THE PREPARATION OF SCHEMATIC DRAWINGS AND OUTLINE SPECIFICATIONS FOR THE FLOORING REPLACEMENT PROJECT AT ELI WHITNEY ELEMENTARY SCHOOL; SECONDED BY MS. DANCHO. THE MOTION PASSED 8-0.

6.2.3 Resolutions re: Franklin Elementary School Flooring Replacement

Sponsored by: Stratford Town Council

MR. O'BRIEN MADE A MOTION THAT IT BE RESOLVED THAT THE STRATFORD TOWN COUNCIL AUTHORIZES THE BOARD OF EDUCATION TO APPLY TO THE COMMISSIONER OF EDUCATION AND TO ACCEPT OR REJECT A GRANT FOR FLOORING REPLACEMENT AT FRANKLIN ELEMENTARY SCHOOL and THAT THE TOWN BUILDING NEEDS COMMITTEE IS HEREBY ESTABLISHED AS THE BUILDING COMMITTEE WITH REGARD TO THE FLOORING REPLACEMENT PROJECT AT FRANKLIN ELEMENTARY SCHOOL and THAT THE STRATFORD TOWN COUNCIL HEREBY AUTHORIZES AT LEAST THE PREPARATION OF SCHEMATIC DRAWINGS AND OUTLINE SPECIFICATIONS FOR THE FLOORING REPLACEMENT PROJECT AT FRANKLIN ELEMENTARY SCHOOL; SECONDED BY MR. PERILLO. THE MOTION PASSED 8-0.

6.2.4 Resolution regarding Sterling House Grant

Sponsored by: Stratford Town Council

WHEREAS, pursuant to Connecticut General Statutes 4-66c, the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest that the Town of Stratford make an application to the State for \$510,000 in order to undertake improvements to Sterling House, including installation of upgraded water and gas lines, installation of a fire sprinkler system and replacement of the heating and cooling system, and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE STRATFORD TOWN COUNCIL:

1. That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by Connecticut General Statutes Section 4-66c; and,
2. That the filing of an application for State financial assistance by the Town of Stratford in an amount not exceed \$510,000 is hereby approved and that the Mayor, Laura R. Hoydick, is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of Town of Stratford.

MR. PIA MADE A MOTION THAT ITEM 6.2.4, RESOLUTION REGARDING STERLING HOUSE GRANT BE APPROVED; SECONDED BY MR. O'BRIEN. THE MOTION PASSED 8-0.

6.2.5 Resolution authorizing the transfer of arrears tax accounts to the Tax Suspense Account pending further action

Sponsored by: Stratford Town Council

WHEREAS; The Code of the Town of Stratford, Chapter 14, Article VI specifies the tax collection policy of the Town for the collection of arrears taxes; and

WHEREAS; The Tax Collector has followed the policy by providing required notices of taxes due and made several attempts to contact arrears taxpayers as required by local and state law; and

WHEREAS; Certain accounts have been in arrears since the years set forth below, and all efforts to date to collect on these accounts have produced no response for at least the past two years; and

WHEREAS; Continued expenditure of public funds to collect these accounts is not a cost effective use of public funds and, therefore, the Tax Collector recommends that Town Council approve the transfer of the accounts to suspense pending further collection of said accounts.

RESOLVED: Town Council of the Town of Stratford authorizes the Tax Collector to transfer to the Tax Suspense Account accounts totaling \$170,901.91 for the Grand List amounts shown below:

Grand List	Type	Amount
2007	RE	13,672.76
2008	RE	14,671.12
2008	CSU	250.00
2009	RE	16,691.60
2009	CSU	280.00
2010	RE	17,107.38
2010	CSU	280.00
2011	RE	17,272.69
2011	CSU	375.00
2012	RE	17,352.84
2012	CSU	375.00
2013	RE	17,848.80
2013	CSU	400.00
2014	RE	17,232.32
2014	CSU	450.00
2015	RE	18,168.96
2015	SU	396.00
2015	CSU	396.00
2016	RE	17,285.44
2016	CSU	396.00
Grand Total		\$170,901.91

MS. DANCHO MADE A MOTION TO APPROVE ITEM 6.2.5; SECONDED BY MR. HARDEN. THE MOTION PASSED 8-0.

6.2.6 Resolution regarding Public Health Emergency Preparedness/MRC Grant

Sponsored by: Stratford Town Council

WHEREAS, the YALE NEW HAVEN HEALTH SYSTEM CORP. is authorized and has made funds available in the amount of \$ 90,891.00 to extend financial assistance to municipalities in the form of grants; and,

WHEREAS, funds under this grant will be used to implement a Town of Stratford Public Health Emergency Preparedness Plan, the continuous development of regional emergency preparedness plans, and the continued development of the MRC team for Mass Dispensing Area 12 (Stratford, Trumbull, and Monroe). The Stratford Health Department will also be responsible for leading the region in MRC capacity building and plan development.

WHEREAS, it is both desirable and in the public interest that the Town of Stratford execute a grant agreement with YALE NEW HAVEN HEALTH SYSTEM CORP. to accept funding in connection with this project.

NOW THEREFORE, BE IT RESOLVED BY THE Town Council:

1. That it is cognizant of the Town of Stratford grant application and contract with YALE NEW HAVEN HEALTH SYSTEM CORP. for funds in the amount of \$ 90,891.00 to implement a community level Public Health Emergency Preparedness Plan and for the continuous development of regional emergency preparedness plans.
2. That it hereby authorizes, directs and empowers the mayor or his/her designee to execute and deliver such application (including amendments to, or rescission of such agreement), and any and all related documents necessary to apply for and obtain funding from the YALE NEW HAVEN HEALTH SYSTEM CORP. in the name of and on behalf of the Town of Stratford, for the continuous development of regional emergency preparedness plans, as well as regional MRC capacity building, and to provide such additional information to execute all other contracts and documents as maybe necessary under this program.

MR. PERILLO MADE A MOTION TO APPROVE ITEM 6.2.6, RESOLUTION REGARDING PUBLIC HEALTH EMERGENCY PREPAREDNESS/MRC GRANT; SECONDED BY MR. TICHY. Health Director Andrea Boissevain was called to the podium to explain the grant. THE MOTION PASSED 8-0.

7. NEW BUSINESS

7.1 Playscape at the South End Community Center

MR. HARDEN MADE A MOTION THAT IT BE RESOLVED THAT THE MAYOR IS AUTHORIZED TO EXECUTE A PERSONAL SERVICE AGREEMENT/GRANT FROM DEEP IN THE AMOUNT OF \$52,746 TO CONSTRUCT A PLAYSCAPE AT THE SOUTH END COMMUNITY CENTER; SECONDED BY MR. PERILLO. THE MOTION PASSED 8-0

7.2 APPOINTMENTS

7.2.1 Longbrook Park Commission – 3 year term

MR. TICHY MADE A MOTION THAT IT BE RESOLVED: THAT MARTHA BODINGTON OF 69 STILES ST. BE AND IS HEREBY APPOINTED A MEMBER OF THE LONGBROOK PARK COMMISSION TO THE SEAT OF KALYN BARD (RESIGNED) EXPIRING NOVEMBER 6, 2020; SECONDED BY MR. PERILLO. THE MOTION PASSED 8-0.

7.2.2 Arts Commission – 3 year term

- A. RESOLVED: that _____ of _____ be and is hereby appointed a member of the Arts Commission to the seat of Lenny Kovalik expired April 9, 2018
- B. RESOLVED: that _____ of _____ be and is hereby appointed a member of the Arts Commission to the seat of Debra Gilbert Taylor (resigned) term expiring April 9, 2019.

7.2.3 Library Association Board – 3 year term

RESOLVED: that _____ of _____ be and is hereby appointed a member of the Library Association Board to the seat of Margaret M. Sheahan (resigned) expiring January, 2019

7.2.4 Inland Wetlands and Watercourses – 4 year term. (Council Chair appoints)

- A. RESOLVED: that _____ of _____ be and is hereby appointed a member of the Inland Wetlands and Watercourses Commission to the seat of Albert Schlager expired September 9, 2017
- B. RESOLVED: that _____ of _____ be and is hereby appointed a member of the Inland Wetlands and Watercourses Commission to the seat of James Tucciarone (deceased) expiring January 13, 2019

7.2.5 Planning Commission – Alternate Member – 3 year term

RESOLVED: that _____ of _____ be and is hereby appointed an alternate member of the Planning Commission to the vacant seat expiring January, 2019

7.2.6 Waterfront and Harbor Management Commission – 5 year term

RESOLVED: that _____ of _____ be and is hereby appointed a member of the Waterfront and Harbor Management Commission to the unexpired seat of James Tucciarone (deceased) expiring May 31, 2021

7.2.7 Waterfront and Harbor Management Commission – Alternate Member – 2 year term

RESOLVED: that _____ of _____ be and is hereby appointed an alternate member of the Waterfront and Harbor Management Commission to the unexpired seat of Reese Mitchell expiring May 31, 2021

8. ADJOURNMENT

MR. HARDEN MADE A MOTION TO ADJOURN; SECONDED BY MR. O'BRIEN. THE MOTION PASSED 8-0. THE MEETING ADJOURNED AT 9:10 P.M.

ATTEST: Margo Paquette
Margo Paquette, Council Clerk

AN ORDINANCE REGARDING ILLICIT DISCHARGE AND CONNECTION STORMWATER (#18-13)

Sponsored by:

SECTION 1. PURPOSE/INTENT.

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

- (1) To prohibit and eliminate illicit connections and discharges to the municipal separate storm sewer system
- (2) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

SECTION 2. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater. Waters consisting of rainfall runoff, including snow or ice melt, during a rain event.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 3. APPLICABILITY.

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

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.

The [REDACTED] [authorized enforcement agency] shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

SECTION 5. SEVERABILITY.

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

SECTION 6. COMPATIBILITY WITH OTHER REGULATIONS

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

SECTION 7. ULTIMATE RESPONSIBILITY.

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

SECTION 8. DISCHARGE PROHIBITIONS.

Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

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

(a) The following discharges are exempt from discharge prohibitions established by this ordinance: uncontaminated ground water discharges including, but not limited to, pumped ground water, foundation drains, water from crawl space pumps and footing drains; irrigation water including, but not limited to, landscape irrigation and lawn watering runoff; residual street wash water associated with sweeping; discharges or flows from firefighting activities (except training); and naturally occurring discharges such as rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), springs, diverted stream flows and flows from riparian habitats and wetlands.

(b) Any non-stormwater discharge to the MS4 authorized by a permit issued pursuant to Section 22a-430 or 22a-430b of the Connecticut General Statutes is also authorized under this ordinance.

Prohibition of Illicit Connections.

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 9. SUSPENSION OF MS4 ACCESS.

(a) Suspension due to Illicit Discharges in Emergency Situations

The [REDACTED] [authorized enforcement agency] may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States.

(b) Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing in accordance with this ordinance. In the event the violator is aggrieved by the decision of the authorized enforcement agency, the violator may exercise such remedies as they may have in equity or at law.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

SECTION 10. ACCESS TO FACILITIES

(a) This section shall not apply to private residences

(b) (1) The authorized enforcement agency shall be permitted to enter and inspect facilities subject to regulation under this ordinance, with consent or upon judicial order as applicable, as often as may be necessary to determine compliance with this ordinance. Facility operators shall allow the [REDACTED] [authorized enforcement agency] ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(1) The [REDACTED] [authorized enforcement agency] shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(2) Unreasonable delays in allowing the [REDACTED] [authorized enforcement agency] access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

- (3) If the [REDACTED] [authorized enforcement agency] has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, then the authorized enforcement agency may seek issuance of a search warrant or injunctive relief from any court of competent jurisdiction.

SECTION 11. WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

SECTION 12. ENFORCEMENT.

A. Notice of Violation.

Whenever the [REDACTED] [authorized enforcement agency] finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine or penalty to recoup costs incurred by the [REDACTED] [authorized enforcement agency], and/or any additional fines or penalties authorized under the Connecticut General Statutes.
- (f) Suspension of any discharge to the MS4 system consistent with Section 9 of this ordinance; and

B. Abatement of Violation.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Where elimination is not possible within 60 days of source confirmation, a schedule for its elimination will be set for no more than 180 days.

Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

B. Contents of Notice of Violation.

Each Notice of Violation shall contain:

- (1) The name or entity of the person responsible for the violation;
- (2) The address of the person responsible for the violation and a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation and what section of this ordinance was violated;
- (4) The date of the violation or if the violation is continuous, then the range of dates;
- (5) A narrative statement of the facts constituting the alleged violation;
- (6) That the person responsible for the violation has a right to appeal within the time specified and in the manner provided in Section 13 of this ordinance.

SECTION 13. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal

before the [] [appropriate authority] or his/her designee shall take place within 10 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

SECTION 14. ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or if any time limitation set forth in the Notice of Violation has not been met, then the [authorized enforcement agency] may seek injunctive relief from the Superior Court set forth in Section 16 of this ordinance to enforce the orders specified in the Notice of Violation, including the assessment of penalties, fines, and administrative costs.

SECTION 15. COST OF ABATEMENT OF THE VIOLATION.

Within 30 days after abatement of the violation, the owner of the property, or lessee or other violator, will be notified of the cost of abatement, including administrative and legal costs. The owner of the property, or lessee or other violator, shall be responsible for any costs incurred by the the Town in abating the violation, including all court costs and reasonable legal fees. The property owner ,lessee or other violator may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the Town by reason of such violation.

SECTION 16. INJUNCTIVE RELIEF.

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

SECTION 17. FINES AND PENALTIES.

The owner or agent of any premises where a violation of any provision of this ordinance has been committed or exists, or the lessee or tenant of an premises where such violation has been committed or exists, or the owner, agent , lessee or tenant of any part of the premises in which such violation has been committed or exists, or any other person who commits, takes part or assists in any such violation or who maintains any premises in which any such violation exists shall be fined \$_____ for each day that such violation continues; but, if the offense is willful, the person who commits such violation shall be fined \$_____ for each day that such violation continues. Such fines or penalties may be enforced or collected in any manner applicable under federal, state or local law.

SECTION 18. VIOLATIONS DEEMED A PUBLIC NUISANCE.

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

SECTION 19. REMEDIES NOT EXCLUSIVE.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 20. ADOPTION OF ORDINANCE.

This ordinance shall be in full force and effect 30 days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this [] day of [], 20[], by the following vote: