



Stratford, Connecticut

MINUTES OF MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON MONDAY, JUNE 12, 2017 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT PURSUANT TO NOTICE DULY POSTED.

CALL TO ORDER: 8:02 p.m.

PRESIDING: Council Chairman Beth Daponte

COUNCIL MEMBERS IN ATTENDANCE: Ms. Beth Daponte, Mr. Scott Farrington-Posner, Mr. Wali Kadeem, Mr. David Harden, Mr. Gregory Cann, Mr. Philip Young, Ms. Marianne Antezzo, Mr. J. Vincent Chase, Mr. Alan Llewelyn, Ms. Tina Manus.

COUNCIL MEMBERS ABSENT: none

OTHERS IN ATTENDANCE: Mayor John Harkins, Assts. to the Town Attorney John Florek, and Bruce Jackson; Attorney Christopher Hodgson, Human Resources Director Ronald Ing, Chief of Staff Marc Dillon, Constituent Service and Outreach Coordinator Chris Bandecchi, CAO Chris Tymniak, Finance director Jay Wahlberg, Public Works Staff Renee Serra

PRAYER AND PLEDGE OF ALLEGIANCE — Led by Eighth District Council member J. Vincent Chase.

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.

A MOTION WAS MADE BY MS. ANTEZZO, SECONDED BY MR. KADEEM TO APPROVE THE FOREGOING MINUTES. THE MOTION PASSED 10 TO 0.

2. CEREMONIAL PRESENTATIONS AND AWARDS — None

3. COUNCIL MEMBERS' RESPONSE TO COMMENTS FROM PUBLIC FORUM

Mr. Farrington-Posner — re: taxes, budget, budget proposal

Mr. Kadeem — re: Budget, Stratford businesses, increased traffic, education issues

Mr. Harden — re: taxes

Mr. Cann — re: taxes, Budget proposal

Mr. Llewelyn — re: Stratford student

Ms. Manus — re: taxes, affordable housing bill

Ms. Daponte — re: Airport Noise in Lordship, taxes, pension obligation bonds

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)

A MOTION WAS MADE BY MR. CHASE, SECONDED BY MS. ANTEZZO TO ACCEPT THE FOREGOING RESIGNATION. THE MOTION PASSED 10 TO 0.

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. Fireworks will be conducted on June 30 with rain date of July 5. Mayor Harkins conveyed appreciation to the Police Department.

5.1.1 STRATFORD ARMY ENGINE PLANT (SAEP) — No report.

5.1.2 APPOINTMENTS — none

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)

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.

THE CHAIR ACCEPTED A MOTION MADE BY MR. CHASE TO PLACE THE FOREGOING ORDINANCE ON THE TABLE. MS. MANUS SECONDED BY MOTION. THE MOTION PASSED 10 TO 0.

- 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)

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.

THE CHAIR ACCEPTED A MOTION MADE BY MS. ANTEZZO TO PLACE THE FOREGOING ORDINANCE ON THE TABLE. MS. MANUS SECONDED BY MOTION. THE MOTION PASSED 10 TO 0.

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

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.

THE CHAIR ACCEPTED A MOTION MADE BY MR. CHASE TO PLACE THE FOREGOING ORDINANCE ON THE TABLE. MR. CANN SECONDED BY MOTION. THE MOTION PASSED 10 TO 0.

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)

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.

THE CHAIR ACCEPTED A MOTION MADE BY MR. CHASE TO PLACE THE FOREGOING ORDINANCE ON THE TABLE. MR. HARDEN SECONDED BY MOTION. THE MOTION PASSED 10 TO 0.

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: (*resolution and itemized list appended as pages 16-18*)

A MOTION WAS MADE BY MS. ANTEZZO, SECONDED BY MR KADEEM TO APPROVE THE FOREGOING ACTION PLAN. Discussion took place. Mr. Bandecchi was called to the podium to clarify a few issues. MR. CHASE MOTIONED, SECONDED BY MR. CANN TO MOVE THE QUESTION. THE MOTION PASSED 10 TO 0. THE MOTION TO APPROVE THE YEAR 43 ACTION PLAN PASSED 10 TO 0.

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 Tri State Materials Testing Lab, LLC of Wallingford, CT, to be the independent materials testing agent for the Stratford High School Renovation Project, OSCG #138-0101. This is a “Not to Exceed” contract in the amount of \$255,960.00.

BE IT RESOLVED, that the Stratford Town Council accept the recommendation of the Stratford High School Renovations Subcommittee and the Stratford Building Needs Committee, and formally approves the hiring of Tri State Materials Testing Lab, LLC of Wallingford, CT to be the independent materials testing agent for the Stratford High School Renovation Project, OSCG #138-0101, whose contract shall not exceed the amount of \$255,960.00.

A MOTION WAS MADE BY MR. LLEWELYN, SECONDED BY MS. MANUS TO APPROVE THE ABOVE-CITED LLC FOR THE AMOUNT STATED ABOVE. THE MOTION PASSED UNANIMOUSLY.

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 Bunnell High School Class Reunion — Class of 1968

RESOLVED: that the recommendation of the Short Beach Commission is accepted and the pavilion rental and parking fees at Short Beach for the Bunnell High School class of 1968 reunion be and are hereby waived.

A MOTION WAS MADE BY MR. LLEWELYN, SECONDED BY MR. CHASE TO APPROVE THE FOREGOING FEE WAIVERS. THE MOTION PASSED 10 TO 0.

- B. Waiver of pavilion rental and parking fee for Bunnell High School Reunion. — Class of 1972

RESOLVED: that the recommendation of the Short Beach Commission is accepted and the pavilion rental and parking fees at Short Beach for the Bunnell High School class of 1972 reunion be and are hereby waived.

A MOTION WAS MADE BY MR. LLEWELYN, SECONDED BY MR. FARRINGTON-POSNER TO APPROVE THE FOREGOING FEE WAIVERS. THE MOTION PASSED 10 TO 0.

- C. Staffing hours at the entrance gate to Short Beach: change from 6:00 p.m. to 8:00 p.m.

A MOTION WAS MADE BY MR. LLEWELYN, SECONDED BY MS. MANUS TO REFER THE STAFFING HOURS AMENDMENT REQUEST TO THE PUBLIC WORKS COMMITTEE. THE MOTION PASSED 10 TO 0.

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

A MOTION WAS MADE BY MR. LLEWELYN, SECONDED BY MR. CHASE TO REFER THE FOREGOING SWIMMING AREA REQUEST ALTERATION TO THE WATERFRONT AND HARBOR MANAGEMENT COMMISSION. THE MOTION PASSED 10 TO 0.

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.

ATTORNEY BRUCE JACKSON FORWARDED THE ITEM TO THE PARTIES INVOLVED ON MAY 10.

5.3.2 Communication re: N & W island taxes. 5.3.3 Housatonic Avenue islands
Mr. Florek reported on the above items (the same island) that was quit-claim deeded in 2002 by two families. The duck hunting that took place on the islands was fearful and disturbing to their families. The owners then received tax bills. One family moved out of the area and is no longer paying the taxes. The remaining family wants to quit-claim the island to the town. The question exists of who owns the island and what responsibilities does the town have.

RESOLVED: that the recommendation of the Town Attorney be and is hereby approved.

A MOTION WAS MADE BY MR. CHASE, SECONDED BY MS. MANUS TO APPROVE THE RECOMMENDATION OF THE TOWN ATTORNEY. THE MOTION PASSED 10 - 0.

5.3.4 Pastir v Town of Stratford — Mr. Florek reported. The town prevailed in the Water Assessment Claim.

5.3.5 Thomas v. Vaughn — Executive Session

A MOTION WAS MADE BY MR. CHASE, SECONDED BY MR. YOUNG TO ENTER INTO EXECUTIVE SESSION RE: Thomas v. Vaughn FOR THE PURPOSE OF DISCUSSION OF

STRATEGY AND NEGOTIATIONS WITH RESPECT TO PENDING CLAIM AND/OR LITIGATION TOWARD THE TOWN OR A MEMBER THEREOF AS A PARTY WITH EXECUTIVE SESSION TO INCLUDE ALL TOWN COUNCIL MEMBERS, ATTORNEYS HODGSON, FLOREK AND SMITH. THE MOTION PASSED 10 TO 0.

Stratford Town Council meeting recessed: 9:27 p.m.

Executive Session took place in room 213 of Stratford Town Hall, 2725 Main Street, Stratford, CT. The following persons entered into executive Session: Council members Beth Daponte, Scott Farrington-Posner, Wali Kadeem, David Harden, Gregory Cann, Philip Young, J. Vincent Chase, Alan Llewelyn and Tina Manus; Attorneys Hodgson, Florek, and Smith. The above-cited item, Thomas v. Vaughn, was the subject of discussion. Executive Session ended at 9:57 p.m.

Stratford Town Council meeting reconvened: 10:00 p.m.

A MOTION WAS MADE BY MR. CHASE SECONDED BY MR. HARDEN TO COME OUT OF EXECUTIVE SESSION. THE MOTION PASSED 10 TO 0.

5.3.6 QUESTIONS TO THE TOWN ATTORNEY — A MOTION WAS MADE BY MS. MANUS, SECONDED BY MR. CANN TO PLACE THE FOREGOING ITEM ON THE TABLE. THE MOTION PASSED 10 TO 0.

6. QUESTIONS TO MAYOR OR STAFF — None

7. UNFINISHED BUSINESS and/or OLD BUSINESS

7.1 TABLED ITEMS

7.1.1 PLANNING COMMISSION Referrals

A MOTION WAS MADE BY MR. CHASE, SECONDED BY MR. FARRINGTON-POSNER TO TAKE THE ITEMS BELOW (A. AND B.) OFF THE TABLE. THE MOTION PASSED 10 TO 0.

- 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.

A MOTION WAS MADE BY MR. CHASE, SECONDED BY MR. HARDEN TO APPROVE THE PRELIMINARY DESIGN REPORT FOR GREENWAY EXTENSION PROJECT. Discussion took place. MR. CHASE MOTIONED TO MOVE THE QUESTION. THE

MOTION DIED FOR LACK OF A SECOND. Discussion continued. THE MOTION TO APPROVE PASSED 10 TO 0.

- 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.

A MOTION WAS MADE BY MR. CHASE, SECONDED BY MS. MANUS TO APPROVE THE FINAL DESIGN REPORT SERVICES FOR GREENWAY SYSTEM. Discussion took place. THE MOTION TO APPROVE PASSED WITH 9 IN FAVOR AND 1 (MS. DAPONTE) OPPOSED.

WAIVER OF COUNCIL RULES OF PROCEDURE

A MOTION WAS MADE BY MR. CHASE SECONDED BY MR. CANN TO WAIVE THE COUNCIL RULES OF PROCEDURE TO TAKE ITEMS OUT OF ORDER; ITEMS 8.3, 9.1, 9.3, 9.4.1, AND 9.4.3. THE MOTION PASSED 10 TO 0.

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 18-23)

A MOTION WAS MADE BY MR. CHASE, SECONDED BY MR. FARRINGTON-POSNER TO REFER THE FOREGOING ORDINANCE TO THE ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED 10 TO 0.

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

RESOLVED: THAT approval is hereby given to HB Communications for the upgrade of the sound/video system in Town Council Chambers.

A MOTION WAS MADE BY MR. KADEEM SECONDED BY MR. FARRINGTON-POSNER TO APPROVE THE FOREGOING UPGRADE. THE MOTION PASSED 10 TO 0.

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

RESOLVED: THAT the change order #02 to Geddis Architects in the amount of \$6,741.55 to provide and install new sound system in the Bunnell High School gymnasium be and is hereby approved.

A MOTION WAS MADE BY MR. CHASE, SECONDED BY MR. HARDEN TO APPROVE THE FOREGOING CHANGE ORDER. During Discussion, MS. ANTEZZO MOTIONED, SECONDED BY MR. CHASE TO MOVE THE QUESTION. THE MOTION PASSED 10 TO 0. THE MOTION TO APPROVE THE CHANGE ORDER PASSED 10 TO 0.

B. #03 — \$8,369.00 — provide and install new sound system (PA) in Café

RESOLVED: THAT the change order #03 to Geddis Architects in the amount of \$8,369.00 to provide and install new sound system in the Bunnell High School cafeteria be and is hereby approved.

A MOTION WAS MADE BY MR. CHASE, SECONDED BY MR. HARDEN TO APPROVE THE FOREGOING CHANGE ORDER. During Discussion, MS. ANTEZZO MOTIONED, SECONDED BY MR. CHASE TO MOVE THE QUESTION. THE MOTION PASSED 10 TO 0. THE MOTION TO APPROVE THE CHANGE ORDER PASSED 10 TO 0.

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.

A MOTION WAS MADE BY MR. YOUNG, SECONDED BY MR. LLEWELYN TO APPROVE THE FOREGOING LOW BIDDER OF DAYTON CONSTRUCTION AS STATED

ABOVE. Mr. Cann requested from Mr. Wahlberg the bonding year and the amount of the bonding for this item. THE MOTION TO APPROVE PASSED WITH 9 IN FAVOR AND 1, MR. KADEEM, OPPOSED.

- 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.

A MOTION WAS MADE BY MR. YOUNG, SECONDED BY MS. ANTEZZO TO APPROVE THE FOREGOING LOW BIDDER OF GRASSO COMPANIES AS STATED ABOVE. Mr. Cann requested the bonding year and the amount of the bonding from Mr. Wahlberg for this item. THE MOTION TO APPROVE PASSED WITH 9 IN FAVOR AND 1, MR. KADEEM, OPPOSED.

9.4.1 APPOINTMENT TO 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 DENNIS BLAKE of 20 RIPTON PARRISH LANE- 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]

A MOTION WAS MADE BY MR. CHASE, SECONDED BY MS. ANTEZZO TO APPOINT DENNIS BLAKE TO THE FOREGOING INLAND WETLANDS AND WATERCOURSES COMMISSION POSITION. THE MOTION PASSED 10 TO 0.

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

- A. RESOLVED: that REESE MITCHELL of 127 MARGHERITA LAWN- be and is hereby appointed a regular member of the Waterfront Harbor Management Commission. (term of Thomas Logan expired May 31, 2017)

A MOTION WAS MADE BY MR. CHASE SECONDED BY MR. HARDEN TO APPOINT REESE MITCHELL TO THE WATERFRONT & HARBOR MANAGEMENT COMMISSION. THE MOTION PASSED 10 TO 0.

- B. RESOLVED: that BRIAN YARMUSH of 110 HOUSATONIC AVE.- be and is hereby appointed a regular member of the Waterfront Harbor Management Commission. (term of Brian Yarmush expired May 31, 2017)

A MOTION WAS MADE BY MR. CHASE SECONDED BY MR. KADEEM TO REAPPOINT BRIAN YARMUSH TO THE WATERFRONT & HARBOR MANAGEMENT COMMISSION. THE MOTION PASSED 10 TO 0.

WAIVER OF COUNCIL RULES OF PROCEDURE

A MOTION WAS MADE BY MR. CHASE SECONDED BY MR. CANN TO WAIVE THE COUNCIL RULES OF PROCEDURE TO TAKE ITEM 9.4.2 OUT OF ORDER. THE MOTION PASSED 9 TO 1 VIA ROLL CALL VOTE AS FOLLOWS: MR. FARRINGTON-POSNER — YES, MR. KADEEM — YES, MR. HARDEN — YES, MR. CANN — YES, MR. YOUNG — YES, MS. ANTEZZO — YES, MR. CHASE — YES, MR. LLEWELYN — YES, MS. MANUS — YES, MS. DAPONTE — NO.

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

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

RESOLVED: that RICHARD FREDETTE of 73 FERRY COURT- be and is hereby appointed a regular member of the Arts Commission.

A MOTION WAS MADE BY MR. FARRINGTON-POSNER SECONDED BY MR. HARDEN TO REAPPOINT RECHARD FREDETTE TO THE ARTS COMMISSION. THE MOTION PASSED 10 TO 0.

7.1.2 NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT PROGRAM – *PLACED ON THE TABLE DURING COUNCIL MEETING OF MAY 8, 2017. ACTION NOT TAKEN.*

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. 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 *ACTION NOT TAKEN.*

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. *ACTION NOT TAKEN.*

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. ACTION NOT TAKEN.*

- 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. ACTION NOT TAKEN.*

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. *ACTION NOT TAKEN.*

7.2 TABLED ORDINANCES AND RESOLUTIONS

7.2.1 CENTER SCHOOL — RESOLUTION — *(tabled July 11, 2016) ACTION NOT TAKEN.*

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. ACTION NOT TAKEN.*

7.3.2 STRATFORD HOUSING PARTNERSHIP ACTION NOT TAKEN.

- 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. ACTION NOT TAKEN.*

- 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. ACTION NOT TAKEN.*

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)

9. NEW BUSINESS

9.4 APPOINTMENTS

9.4.2 B. ARTS COMMISSION, 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. *ACTION NOT TAKEN.*

Stratford Town Council meeting recessed: 10:33 p.m.

Stratford Town Council meeting reconvened: 10:49 p.m.

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) amended

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.

A MOTION WAS MADE BY MR. CHASE, SECONDED BY MS. ANTEZZO TO WAIVE THE READING AND PRECLUDE SENDING THE ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED 10 TO 0.

A MOTION WAS MADE BY MR. CHASE, SECONDED BY MR. HARDEN TO APPROVE THE FOREGOING BUDGET ORDINANCE. THE MOTION FAILED WITH 4 IN FAVOR AND 6 OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. FARRINGTON-POSNER — NO, MR. KADEEM — NO, MR. HARDEN — YES, MR. CANN — NO, MR. YOUNG — NO, MS. ANTEZZO — NO, MR. CHASE — YES, MR. LLEWELYN — YES, MS. MANUS — NO, MS. DAPONTE — YES.

A MOTION WAS MADE BY MR. CANN, SECONDED BY MR. FARRINGTON-POSNER TO INTRODUCE AN AMENDED BUDGET ORDINANCE AS FOLLOWS:

- A. 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 **\$216,344,301** 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 **\$216,344,301**

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 **\$216,344,301** 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.

- B. AN ORDINANCE LEVYING A TAX RATE OF 38.99 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) ACTION NOT TAKEN.

MR. FARRINGTON-POSNER MOTIONS TO PLACE THE FOREGOING ITEMS ON THE TABLE. THE MOTION DIED FOR LACK OF A SECOND. A MOTION WAS MADE BY MR. FARRINGTON-POSNER SECONDED BY MS. MANUS TO AMEND THE FOREGOING BUDGET ORDINANCE WITH THE FOLLOWING DEPARTMENTAL REDUCTIONS:

- Registrars of Voters Office - \$ 95,442
- Economic Development - \$106,741
- Planning and Zoning — \$ 76,000 (outside services)
- Mayor — \$291,838

Total to be added to the board of Education Budget — \$291,983

THE FOREGOING AMENDMENTS FAILED WITH 4 IN FAVOR AND 6 OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. FARRINGTON-POSNER — YES, MR. KADEEM — YES, MR. HARDEN — NO, MR. CANN — YES, MR. YOUNG — NO, MS. ANTEZZO — NO, MR. CHASE — NO, MR. LLEWELYN — NO, MS. MANUS — YES, MS. DAPONTE — NO.

MR. KADEEM MOTIONS, SECONDED BY MS. ANTEZZO TO CALL THE QUESTION. THE MOTION PASSED WITH 6 IN FAVOR AND 4 OPPOSED.

THE MAIN MOTION TO APPROVE THE BUDGET ORDINANCE (ITEM A. ABOVE) PASSED WITH 6 IN FAVOR AND 4 OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. FARRINGTON-POSNER — YES, MR. KADEEM — YES, MR. HARDEN — NO, MR. CANN — YES, MR. YOUNG — NO, MS. ANTEZZO — YES, MR. CHASE — NO, MR. LLEWELYN — NO, MS. MANUS — YES, MS. DAPONTE — NO.

10. ADJOURNMENT — Hearing no further discussion in connection with the above agenda items or further business, MR. KADEEM MOTIONS TO ADJOURN THE MEETING SECONDED BY MS. MANUS AND PASSED UNANIMOUSLY AT 11:32 P.M.

ATTEST: *Carol Cabral*
Carol Cabral, Council Clerk

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>Amount</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	\$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 _____ .