

**WEST HARTFORD TOWN COUNCIL MEETING  
JULY 26, 2016  
LEGISLATIVE CHAMBER**

**ITEM #1 - MEETING CALLED TO ORDER AT 7:35 P.M.**

President Cantor: Bring the Council meeting to order, 6:30 Council meeting to order. We are going to start with the Pledge of Allegiance.

**ITEM #2 - PLEDGE OF ALLEGIANCE**

President Cantor: Okay. Roll call, Ms. Labrot.

**ITEM #3 - ROLL CALL: ALL COUNCILORS PRESENT. ALTERNATE JOE STAFFORD WAS PRESENT FOR ZONING APPLICATION**

President Cantor: We, actually before, we're going to suspend the rules for a Proclamation in a minute but I just wanted to say that this has been an incredibly difficult month and world for our country and our world. The tragic national events of attacks and murders on police officers are profoundly shocking and disturbing. They threaten our security and all of our communities. We are so proud of our Police Chief and the West Hartford Police Department. They continuously work hard to treat everyone with respect. We value their commitment to our community, their bravery, keeping our homes, streets and communities safe. It is a difficult job and it has been an especially difficult week, last week and this week. The tragic events of citizen deaths relating to police use of force is of grave concern. I want to urge you all to read a letter to our community from our Police Chief responding to four mothers that inquired what the West Hartford Police Department is doing in response to recent national events centered on police use of force. So please, I have a copy if anybody needs it but it's online and it's a very valuable piece of information on what our police force does and how they respond and how they train and we are really, really proud of them. I also want to extend my sincere sympathy to the people of Munich, Germany; Kabul, Afghanistan; East France and I think now Florida for recent mass murders and I will say let's all pray for peace. And now we are going to make a motion to suspend the rules to present a Proclamation.

Councilor Davidoff: So moved.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Okay. Mr. Hilborn, will you meet me at the podium? This is a real pleasure for me to honor a, a really, wonderful citizen, a wonderful man and he thinks, I think, every day on how to make our community a better place. The Town of West Hartford Proclamation, "Whereas the health and vitality of a community is reflected in the participation of its residents and activities to further the strength of the community; and Whereas Charles Hilborn, born and raised in the Elmwood section of West Hartford, a graduate

of Hall High and a current resident of Quaker Green has provided over 50 years of community service to the Town of West Hartford; and Whereas the Sheehan Hilborn-Green Funeral Home has been a vital part of our community for over 50 years. Mr. Hilborn was an active member of the West Hartford Lions Club through the 1960s. He is an active member of the Elmwood Business Association and a supporter of various neighborhood activities, such as Saint Brigid Church and their school functions; and Whereas Charles Hilborn has been an active voice in the recent development and transformation of Elmwood, contributing to discussions about the business development, traffic flow patterns and housing development opportunities; and Whereas with his gift of community spirit and unlimited energy, Mr. Hilborn helped encourage and convince local businesses to join him in celebrating the Elmwood community by making donations to provide flowered concrete urns that now line Elmwood business corridor, resulting in the beautification of New Britain Avenue; and Whereas Charles J. Hilborn has demonstrated by his tireless actions, his loving commitment to his neighborhood and the West Hartford community at large and is an outstanding example of an involved, caring West Hartford citizen, now therefore be it proclaimed that on behalf of the Town Council and the residents of West Hartford, I, Mayor Shari Cantor, extend our best wishes and sincere appreciation for all that you contribute to our community and hereby declare July 26 to be Charles J. Hilborn Day in the Town of West Hartford.” You still have a few hours left!

Mr. Hilborn: Again, I would like to express my gratitude to my family, to this Council, to anyone else who had anything to do with this. Rocked me off my seat just a few moments ago. I was brought up here, had no idea on the premise of going to dinner. Oh no, I have an appointment. I got to go into Town Hall. My bride says this. And subsequently my family arrives. I said, what the heck is going on? Oh, just relax, just relax. It’s okay. It’s going to work. So anyway, I am, I do appreciate it all. I don’t know that I deserve it all but I do thank everybody who had anything to do with this.

**ITEM #4 - APPROVAL OF MINUTES: RECEIVED**

Councilor Davidoff: I move the adoption of the Minutes of the Town Council meeting of 6/14/2016, 6/28/2016, the Minutes of the Public Hearing on 645 Prospect Avenue of 6/14/2016, the Minutes of the Public Hearing on 312 North Main Street, 6/28/2016.

Councilor Kerrigan: Second.

President Cantor: Motion’s been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number five, Public Forum. There is nobody signed up. If you would like to speak to something that was not the subject of a public hearing that’s also on our Agenda, please come up to the podium. I don’t see anybody so number five, number six, Mr. Davidoff.

**ITEM #6 - CONSIDERATION OF CONSENT CALENDAR: ITEMS 14, 17, 24-29**

Councilor Davidoff: I move that we place items 14, 17, 24-29 on the Consent Calendar.

Councilor Kerrigan: Second.

President Cantor: Motion’s been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? The motion carries. Number, rolling away, number seven, Mr. Davidoff.

**UNFINISHED BUSINESS:**

**ITEM #7 - APPLICATION ON BEHALF OF ZP GROUP, LLC AND 312 NORTH MAIN STREET, LLC TO REZONE 312 NORTH MAIN STREET, A VACANT LOT, FROM R-13, ONE-FAMILY RESIDENCE DISTRICT, TO RO, RESIDENTIAL-OFFICE, AND THEN TO DESIGNATE THE REZONED LOT AS A SPECIAL DEVELOPMENT DISTRICT. THE APPLICANTS PROPOSE TO CONSTRUCT AN APPROXIMATELY 3,360 S.F., TWO AND ONE-HALF STORY RESIDENTIAL STYLE BUILDING, TO BE USED FOR PROFESSIONAL OFFICE USE AND MAKE ASSOCIATED IMPROVEMENTS**

**APPROVED WITH CONDITIONS, VOTE 9-0**

Councilor Davidoff: I move that we...

Councilor Wenograd: I'm sorry. If I, we can have Mr. Stafford replace me.

President Cantor: You're absolutely right. Mr. Stafford. All right. Now we're back. Okay.

Councilor Davidoff: I move we approve an Application on behalf of ZP Group, LLC and 312 North Main Street, LLC to rezone 312 North Main Street, a vacant lot, from R-13, One-Family Residence District, to RO, Residential-Office, and then to designate the rezoned lot as a special development district. The Applicants propose to construct an approximately 3,360 square foot, two and one-half story residential style building, to be used for professional office use and make associated site improvements.

President Cantor: Motion's been made and seconded. We are going to move to adopt but I want to make sure that we also, we had a letter dated June 10, 2016, from TPZ recommending approval and a letter dated July 25, 2016, from DRAC recommending approval that was mentioned in the Hearing but I did not specifically mention it, so I just want to make sure that that's part of the record. Would anybody like to comment on the, on this project? Mrs. Hall. This is the time.

Councilor Hall: Thank you. I would just say thank you for persevering in your quest for the appropriate place for your building and, and always for investing in, in our community. I do agree that that is a, a service that is very much valued by anyone who has had an occasion to require those type of services. And, and, and I'm glad that we have such a successful company doing that here. I do want to propose that we amend the Conditions of Approval to include language that would require the biannual maintenance of the water treatment system. I, we talk about a lot of maintenance but it doesn't specifically get into that. It talks more about beautification and that type of thing. I just, if we have it in writing then that will keep it foremost in, in the owner's mind that this is something that has to be done. So it sounds like it's a great system but it's, when things go wrong, it's normally a maintenance issue so Mr. Alair?

Mr. Alair: I had passed out during the break the, what has come to be known as the boiler plate Conditions of Approval. There is a requirement in there for a maintenance plan. It doesn't specifically include the drainage system. Since it hasn't been either proposed or a motion made to amend or anything yet, let's just pretend it's already in there and then when you move to adopt the Conditions of Approval, it, I'll make sure it's in there.

Councilor Hall: Thank you.

President Cantor: Wonderful. Further comments? Yes, Mrs. Casperson.

Councilor Casperson: Thank you, Mayor. Still getting used to that. I think that having watched many businesses come and go, working in West Hartford Center with many of our business owners, it is something that when you see someone able to grow a business in West Hartford to thoughtfully try to integrate into the different neighborhoods presenting a project that I feel is in keeping with trying to keep it more residential. If it had been an office building, I think that there would be a lot more opposition on the site but hoping to enhance the neighbors experience with the thoughtfulness and, and just being easier to work with and, and making the amendments, I think that speaks a great deal to the thought that's gone into the planning of this. And when you hear that someone is also not only employing full-time employees in West Hartford but adding, you know, to 100 – 200 perhaps more contractors that is also something that just speaks in a time of difficult in our economy. So I just, to see home-grown businesses is, is impressive and really appreciate the application this evening. Thank you.

President Cantor: Thank you. Thank you, Mrs. Casperson. Yes, Mr. Williams.

Councilor Williams: Thank you, Madam Mayor. I would just like to follow what Mrs. Casperson said and just say that, first off, appreciate the entrepreneurial spirit. I think it's wonderful, especially since you're home-grown in West Hartford. Keeping the business here, I think, is admirable. And secondarily, this town is really big on transitions. We talk about transitions a lot in planning meetings between commercial areas and residential and I think that this development being physically a home, although a business, is a nice complement to that tradition here in town and, you know, understanding that there are concerns of residents, I think that our experience and sort of the town's ability to benefit from having strong transitions will probably replicate itself in this area as well so. Thank you, Madam Mayor.

President Cantor: Thank you, Mr. Williams.

Councilor Kerrigan: Yeah, I just want to dovetail on what Chris Williams just mentioned, this transitioning. There's probably no greater transition than the transition that we make as we age from being independent to being, relying on, on someone to care for us. So no doubt that the service that you bring to this community is well-needed and we're very thankful. It's always nice when an application comes before us that sort of fits the needs of the community and is so attractive. And I appreciate the, the outreach with respect to the, to the community. There was some individuals that said they thought it was an improvement to the, to the empty lot and I must say when it comes to walkability, I would always prefer to walk in front of a building than walk in front of that empty lot. And when I've seen that empty lot, it is, can become a receptacle for, for trash. So I think it's a great addition. Thank you.

President Cantor: Thank you, Mrs. Kerrigan. Mr. Davidoff.

Councilor Davidoff: Thank you, Madam Mayor. This evening I'm going to support this, this zoning application, this SDD, and the reasons why are pretty well-laid out by Attorney Pearson this evening who did, I think, an excellent job of outlining what our Plan of Conservation and Development states and what's, the reasons that we have for and how a residential office zone should work and what the purpose of it is and how this particular application fits the criteria. And the point that I want to, to stress is the proposed use and design and here we're talking about this building that's going to house Companions for Living, LLC, I believe, is in harmony with the overall objectives of our Plan of Conservation and Development because it's going to foster commercial development patterns that are complementary through adjacent residential land uses because the building design itself has been designed by Kemper Associates as one of a residential neighbor. It's not a commercial building with brick and windows and things of that nature. We're going to have a residential structure with architectural details with a front porch that makes it look like somebody's actually living there. And I think that meets that, that component of our PoCD. It incorporates principles of smart growth and what does that mean? That means that you look at all the different factors that could affect a particular parcel and how can you best utilize this parcel so that it's in harmony with the surrounding pieces. And we have to be mindful of the fact that the piece that's adjacent to it is a huge plaza that holds a Whole Foods, a Bertucci's restaurant, a Walgreens drugstore. So we're trying' to fit this small independent business in between that and a residential neighborhood to the other side. And I think the experts and the people who worked on the design of this parcel were able to incorporate that in a very smart manner in a way that promotes something that we can be proud of as, as the Town of West Hartford to look at and to say it's consistent with what we would expect with the rest of our standards. The PoCD says we should promote retention of an existing business. Well, you're moving from Farmington Avenue to North Main Street. We're keeping the business here in West Hartford. We're keeping a business that likes to do business here in West Hartford. As we heard in the testimony of people that use the services, it's very well-respected and regarded in the business community and is just going to move locations to something that the owner is going to own or occupy. So it's in their best financial interest to make certain that the parcel itself projects out an image of, of the business and of the personnel and the business itself as to what one can expect. And the last part that's really important is we're using the RO zone so that it's a buffer between the commercial district and the surrounding neighborhood district and that's why many years ago, before I even got on the Council, this zone was even created. And this is a perfect example of why the RO zone exists. And people are not going to be living here. It just looks like a residence but is used for professional office space. And I think for, for that reason and for the, the aforementioned reasons, I think that this application meets all those criteria. I do appreciate when an applicant takes the steps necessary to conduct community research and we did receive a packet that is about this thick. I read every one of the comments in here about meeting the various people, the abutters, those who don't abut and what their concerns were. And the tenor of the conversations that were had was I felt the applicant was willing to meet with those who abut and who would be affected by this property to minimize the impacts on the abutters, to, with one particular case, to minimize the impact of lighting, to make certain that the building was pushed closer to the Whole Foods/Walgreens plaza and away from the Haynes Road properties and that's one of the modifications we're going to grant them. So for a variety of reasons, I really think that there, there are abutters who probably are not happy with the approval this evening but I think when one looks at the efforts that were made and the

willingness of the developer and the business to accommodate them, I'm optimistic that any remaining concerns will be addressed. My experience here in West Hartford on a variety of zoning matters is that the dialogue doesn't end tonight. It continues through the building phase, that we're respectful of our neighbors in terms of construction times and concerns of operation times and that when there's an issue, hopefully they can be amicably resolved. And I think that's quite important and I would encourage the applicant to take whatever steps are necessary to work with those particular individuals this evening who had some objections to the, the application this evening. And I'm hopeful that those things will work out in a favorable position for everyone involved. So, Madam Mayor, I think what we have here this evening is a zoning application that is going to bring a business, believe it or not, that is quite needed in today's society. And I don't think I need to tell anyone sitting around the table as to the effect that dementia and memory care has on, on families and the needs that people experience but firsthand, having firsthand knowledge of that, it's always great to have the resources necessary to address those issues and to make life a little bit easier for families struggling with the care of a loved one in this type of medical condition. So I wish the applicant much success in, in their business as they go forward and I'll definitely be supporting it this evening. Thank you.

President Cantor: Thank you, Mr. Davidoff. Okay. I just, I wanted to also say that, Mrs. Roth, I so appreciate your investment in our community. Your success, we've watched you grow, we've watched you thrive and all along the way, you've been contributing to the community and you have always been at, I can't even tell how many functions I've been at to support nonprofits from the north end of town to the south end of town. You have been a, a real example of what a business ownership in West Hartford, someone that grew up here, who left and came back and is more proud of what you've accomplished. But this is also a really essential service and Ms. Albright's words really struck me very powerfully. I just celebrated my mom's 88<sup>th</sup> birthday with her on Saturday and luckily her memory is better than mine but I know that I, I have had friends and family who have not had such good luck and it can tear a family apart. And to have reliable care is, is so critical. And so you, you obviously serve an incredible need. I also, Mr. Wilson, you know, having started out with you and grown with you and watched what you've accomplished and knowing what he knows about our business community also shows in how he cares about the town also is a very, very good endorsement. Mr. Turner and Mr. Muriel, I, we hear you. Mr. Muriel, I honestly do believe that an improvement, this will be, this is a quality, as Mr. Kemper said, this is a house. It's the same construction and full disclosure, Mr. Kemper was an architect on my house when I bought it, before I had bought it and worked on an addition and he is a quality architect. And this is a quality house. And the materials are, are a house that's really going to stand out and people are going to say, wow, that's a nice house and if it comes on the market, I may want to buy it as a residential because many of the people couldn't envision it because there is a buffer. And I think the transitional care to a significant commercial, I think that was used and it is, a significant commercial center and a strong residential area, this is the right use and that's why the RO zone exists like Mr. Davidoff said. And I think this is the right use for it. Building a porch on is not an inexpensive addition and it adds that very homey, welcoming feel that Mrs. Roth was, was achieving for. So I appreciate your investment. I appreciate your thoughtfulness and outreach, the thoroughness of the presentation, Mrs. Pearson, as always, and the patience that I think that Mr. Patchett had to, you know, go out to and really try to connect with neighbors in the surrounding area is very much appreciated. It sounds like it will be approved and I would like to extend my sincere congratulations to you. As far as the

noise and construction, our zoning does, we have zoning ordinances, ordinances that affect the construction. And if something is in violation or please call our Town Staff and it will be looked into. But hopefully, it will be like a construction of a, a home and it would not be worse than, worse than that. So on that note, I think we can take a roll call vote.

Ms. Labrot: Mr. Barnes?

Councilor Barnes: Yes.

Ms. Labrot: Ms. Cantor?

President Cantor: Yes.

Councilor Kerrigan: Hold on a sec.

President Cantor: Oh, do we have to approve those separately or?

Mr. Alair: Move them in before you take the roll call.

### **SDD #146 -312 North Main Street - Conditions of Approval**

#### **1. Approval of Application**

The Town Council hereby finds that the proposed plan, as approved, will be:

a. In harmony with the overall objective of the Comprehensive Plan, as defined in Article I of this chapter.

b. Superior to a plan possible under the regular standards of the Town's zoning ordinances.

c. In harmony with the actual or permitted development of adjacent properties.

The application is hereby approved, subject, however, to the "Conditions of Approval" set forth below.

#### **2. Conditions of Approval**

##### **a. Official Plans**

Implicit in the approval of the Special Development District is the condition that the premises shall be used only in accordance with the official application materials, plans and associated exhibits related to the application as supplemented or modified by any amended plans and documents or representations submitted during the public hearing process. Any other use shall require the express approval of the Town Council in accordance with the Zoning Ordinances of the Town of West Hartford.

##### **b. Premises Contact**

The Applicant shall provide the Town Planner, from time to time, as necessary, with the name (or title) of a person and a telephone number where that person can be reached or where messages for that person may be left, to act as a liaison between the Town and the Applicant. The identity of the party and the telephone number may be changed from time to time by notice

to the Town Planner. If different individuals should be contacted regarding different aspects of operations within the area of the Special Development District, multiple contact people should be designated as necessary. This information shall also be provided to any adjoining property owner requesting same.

**c.Solid Waste-Operational Condition**

Solid waste collection shall be the responsibility of the property owner/manager.

Solid waste collection within the Special Development District shall be permitted between 10:00 a.m. and 3:00 p.m. on weekdays.

**d.Special Site Use or Operational Requirements**

i.Maintenance Plan

The Applicant shall, prior to the filing of the Special Development District on the Land Records, submit for review and approval by the Town Manager or his designee, a yearly maintenance plan for the Special Development District. Said plan shall designate the individuals responsible for establishing maintenance objectives and an ongoing schedule of maintenance activities to ensure the aesthetic quality and cleanliness of the site. The maintenance plan shall include, but not be limited to, a timetable for all required installation and maintenance activities with respect to the storm water detention system, plantings, landscaping and screening, sidewalks, lighting, signage, storage, refuse and litter control, building exteriors and other site amenities proposed in the plans. The maintenance plan shall also contain provisions dealing with snow removal from those pedestrian walkways for which the Applicant is responsible. Specifically, the snow removal plan shall call for the removal from required walkways of all snow or ice deposits so as to render those walkways safe for pedestrian passage at all times. Accumulated snow which is stored on-site shall not encroach into parking spaces or vehicular travel ways.

ii.Landscaping and Fencing

Applicant will maintain all landscaped areas including mowing, weeding and brush removal and be responsible for replacement of plantings where necessary.

iii.Site Lighting

All outdoor lighting shall be down-shielded so as to prevent glare onto adjoining properties.

**e.Utilities to be underground**

Any new electrical, telephone, cable television and other utility services shall be placed underground.

**f.Computer Media Information**

All mapping and construction plans shall be prepared in electronic format using the Connecticut Geodetic System for inclusion into the Town's Geographical Information System.

**g.Final Plan Review**

Implicit in the SDD approval is the requirement that the record plans and exhibits establish the minimum standard of design and improvement for this project. As specific drawings for the project are prepared, refined and detailed, the filed SDD plans and exhibits shall serve to identify the major standards for the quality of design and improvements. The Town Planner in cooperation with Town staff, including but not limited to the Fire Department and the Community Services Department, shall coordinate the final review and approval of the project design to insure compatibility and consistency with the Special Development District Plans approved by the Town Council. No building permit shall be issued and construction shall not begin until all appropriate Town Departments have reviewed and approved the plans as submitted to the Town.

**h.Final Plans**

Final plan submissions and supporting documents shall address the Town Council conditions of approval.

President Cantor: Oh, I'm sorry. I thought, okay. I move that we amend the Conditions of Approval to include the biannual maintenance of the drainage system.

Councilor Davidoff: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Okay, now roll call vote...on the adoption.

Councilors Barnes, Cantor, Casperson, Davidoff, Dodge, Hall, Kerrigan, Williams and Alternate Stafford voted YES.

Ms. Labrot: It's unanimous.

President Cantor: Again, congratulations. Best of luck. Number eight, Mr. Davidoff. Oh, thank you. Thank you, Mr. Stafford, for filling in. I apologize. You're just so quiet, I just... This one time. Number eight, Mr. Davidoff.

**ITEM #8 - ORDINANCE AMENDING THE ADMINISTRATIVE APPROVAL PROCESS APPLICABLE TO SPECIAL DEVELOPMENT DISTRICTS**

**ADOPTED, VOTE 9-0**

Councilor Davidoff: I move we adopt an Ordinance Amending the Administrative Approval Process Applicable to Special Development Districts.

Councilor Kerrigan: Second.

President Cantor: The motion's been made and seconded. Mr. Alair, do you want to just give us a really quick overview of number eight, the SDD?

Mr. Alair: Sure. As I indicated during the hearing, we have a process that allows the Town Planner to make certain minor administrative amendments to special development districts subject to ratification by the Council. In recent years, you've seen a number of applications come before you that didn't quite meet the threshold or weren't small enough to meet the threshold for that approval and yet it didn't make a whole lot of sense that they were in front of you for a full-scale hearing. We have made some very minor adjustments to the Ordinance to allow the Town Planner to approve some slightly larger, if you will, things by way of administrative amendment more often and in more number but they still require ratification by the Council, so there's always that backstop.

President Cantor: Wonderful. Okay. And we have to take a roll call vote because this was the subject of public hearing so Ms. Labrot.

Councilors Barnes, Cantor, Casperson, Davidoff, Dodge, Hall, Kerrigan, Wenograd and Williams voted YES.

Ms. Labrot: That's unanimous.

President Cantor: And in the public hearing, we did read into the record. Do I need to do that again? I don't think so. Okay. Number nine, Mr. Davidoff.

**ITEM #9 - ORDINANCE EXTENDING THE MORATORIUM ON THE APPROVAL OF GROUND-MOUNTED AND POLE-MOUNTED SOLAR ENERGY SYSTEMS IN RESIDENTIAL ZONES**

**ADOPTED, VOTE 9-0**

Councilor Davidoff: I move we adopt an Ordinance Extending the Moratorium on the Approval of Ground-Mounted and Pole-Mounted Solar Energy Systems in Residential Zones.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. This was also a subject of a public hearing. Mr. Alair, would you at least like to quickly review what that is in case...

Mr. Alair: Based on the conversation, Kimberly and I think I may need the memory care. But this Ordinance is simply extending a moratorium that the Council already put in place. We need a little bit more time to work on an underlying Ordinance that we need to have set for hearing, heard and adopted before the moratorium expires. We just need an extra couple of months and that's what you're doing tonight.

President Cantor: Thank you very much. So this was also the subject of a public hearing and I think needs to be a roll call.

Councilors Barnes, Cantor, Casperson, Davidoff, Dodge, Hall, Kerrigan, Wenograd and Williams voted YES.

Ms. Labrot: That's unanimous.

President Cantor: Okay, number 10, Mr. Davidoff.

**NEW BUSINESS:**

**ITEM #10 - ORDINANCE REGULATING BARBERING, HAIRDRESSING, COSMETOLOGY, NAIL, TANNING, TATTOO AND BODY PIERCING SALONS**

**SET FOR PUBLIC HEARING ON AUGUST 23, 2016, AT 6:00 P.M.ˆ**

**WHEREAS**, maintaining proper sanitary conditions at salons which offer barbering, hairdressing and cosmetology, nail technician, tanning, tattoo and/or body piercing services will protect and promote public health, safety, and welfare by preventing the spread of communicable disease, including, but not limited to, viral, bacterial, and fungal infections; and

**WHEREAS**, various provisions of Connecticut law, including Connecticut General Statutes sections 7-148, 19a-92a, 19a-92g, 19a-206, 19a-231, 19a-232 and 19a-243 establish the authority of municipal health authorities to regulate and enforce the sanitary practices of these salons; and

**WHEREAS**, there is currently no established, uniform practice for implementing these sanitary practices in West Hartford

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT** the West Hartford Code of Ordinances is hereby amended by the addition of the following chapter thereto:

**CHAPTER 145. SALONS**

**§145-1. Definitions.**

For the purposes of this chapter, certain words and terms used herein are defined as follows:

Advanced practice registered nurse: A person licensed to perform advanced level nursing practice activities pursuant to subsection (b) of section 20-87a of the Connecticut General Statutes.

Authorized Agent: Any individual designated by the Director of Health to enforce the provisions of this ordinance.

Barbering: Any or all of those activities defined as part of the practice of barbering pursuant to CGS §20-234 as that section may be amended or recodified from time to time. At the time of adoption of this chapter said practices, when done upon the head, face and neck for cosmetic purposes and done for the public, with or without compensation therefore, include: Shaving or trimming the beard; cutting hair; styling or cutting hairpieces and wigs; giving facial and scalp massage or application of oils, creams, lotions or other preparations, either by hand or mechanical appliances; singeing, shampooing or dyeing the hair or applying hair tonic, and applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck;

provided nothing in this chapter shall permit any of the services or acts herein described to be used for the treatment or cure of any physical or mental disease or ailment.

Bloodborne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B virus (HBV), Hepatitis C virus (HCV) and Human Immunodeficiency Virus (HIV).

Body Piercing: Any or all of those activities defined as body piercing pursuant to CGS §19a-92g as that section may be amended or recodified from time to time. At the time of adoption of this chapter said practices include: Piercing or creating a channel through any part of the body other than the ear lobe (i.e. lower portion of the auricle having no cartilage) for the purpose of inserting a decorative object.

Communicable Disease: An infectious disease transmissible by direct contact with an affected individual or the individual's discharge or by indirect means (as by a vector).

Director of Health: The Director of Health of the West Hartford-Bloomfield Health District.

Disinfectant: An Environmental Protection Agency (EPA) registered product with demonstrated bactericidal, virucidal and fungicidal activity used in accordance with manufacturer's instructions.

Fee schedule: The permit and associated fees established in the Annual Fiscal Year Budget adopted by the Board of Directors of the West Hartford Bloomfield Health District in accordance with the provisions of the Connecticut General Statutes.

Hairdressing and cosmetology: Any or all of those activities defined as hairdressing and cosmetology pursuant to CGS §20-250 as that section may be amended or recodified from time to time. At the time of adoption of this chapter said practices include: The art of dressing, arranging, curling, waving, weaving, cutting, singeing, bleaching and coloring the hair and treating the scalp of any person, and massaging, cleansing, stimulating, manipulating, exercising or beautifying with the use of the hands, appliances, cosmetic preparations, antiseptics, tonics, lotions, creams, powders, oils or clays and doing similar work on the face, neck and arms, and manicuring the fingernails and, for cosmetic purposes only, trimming, filing and painting the healthy toenails, excluding cutting nail beds, corns and calluses or other medical treatment involving the foot or ankle, of any person for compensation, provided nothing in this definition shall prohibit an unlicensed person from performing facials, eyebrow arching, shampooing or braiding hair.

Inspection Report: a form demonstrating the completion of a routine inspection which is to be issued by the Authorized Agent.

Infectious waste: Waste generated in the treatment or service of a human which falls under one or more of the following categories:

(a) Pathological waste means any human tissue, organ or body part, except teeth and the contiguous structures of bone and gum, removed during any procedure regulated pursuant to this chapter.

(b) Human blood and bodily fluid waste means blood or any substance which contains visible blood, semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid and pericardial fluid.

Nail technician: A person, who, for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet, including, but not limited to, the application and removal of sculptured or artificial nails.

Operator: Any person performing barbering, hairdressing, cosmetology, manicuring, tanning, tattoo and/or body piercing within a salon owned by themselves or another.

Osteopathic physician: A person licensed to practice osteopathy pursuant to chapter 370 of the Connecticut General Statutes.

Owner: A person who owns a salon and is responsible for upholding the regulations of this chapter in all areas of the establishment, including rented or leased work areas.

Parenteral; Piercing mucous membranes or the skin barrier through such events as needle sticks, cuts or abrasions.

Physician: A person licensed to practice medicine and surgery pursuant to chapter 370 of the Connecticut General Statutes.

Physician Assistant: A person licensed pursuant to section 20-12b of the Connecticut General Statutes.

Registered Nurse: A person licensed to practice nursing as that term is defined in subsection (a) of section 20-87a of the Connecticut General Statutes, as that definition may be amended or recodified from time to time.

Regulated waste: Liquid or semiliquid or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing those materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

Salon: Any business, whether described as a shop, store, day spa, kiosk or other commercial establishment, at which the practice of barbering, hairdressing and cosmetology, or the services of a nail technician, tanning, tattoo, body piercing or any combination thereof, is offered and provided.

Sterilization: The process of destruction of all forms of microbial life by physical or chemical means.

Tanning Chemical: Sunless tanning through the use of chemical substances including spray tanning and air brush devices in which the application of chemicals to the skin produce an effect similar in appearance to a suntan.

Tanning Device: A tanning device as defined in CGS §19a-232 as that section may be amended or recodified from time to time.

Tanning Salon: Any place where a tanning device is made available to patrons for a fee, membership dues or other compensation.

Temporary Permit: A permit issued to conduct a public demonstration, fundraising event, public convention or other similar event for a period not to exceed fourteen days.

Tattooing: The process of marking or coloring, in an indelible manner, the skin of any person by pricking in coloring matter or by producing scars.

Unsanitary condition: Any unsafe and/or unclean salon condition which promotes the spread of infection, disease or other condition detrimental to the public health and welfare.

Work Station/Area: An area set aside for the purpose of serving a customer such as a tanning device, tattooing or treatment room, barber or hairdressing chair, including the associated countertop and floor space, including any floor space used by the operator while serving the customer.

#### **Section 145-2. Establishment or Renovation of Salon: Pre-Permit Plan Review.**

A. Prior to establishing a new salon or renovating an existing salon, the owner shall submit a completed application for plan review to the Director of Health together with the applicable fee.

B. The application for plan review shall be accompanied by properly prepared plans and specifications for the public health related aspects of such construction, remodeling or conversion. The plans and specifications shall include, but not be limited to:

(1) Description and location of work areas and equipment, sinks, counters, storage areas, toilet facilities, fixtures, waiting and viewing areas.

(2) Manufacturers' specification sheets shall be included in the plan submission for all equipment, floors, walls and ceilings.

C. The Director of Health shall approve the plans and specifications only if they meet the requirements of this chapter, the Connecticut Public Health Code and all other applicable codes, regulations or statutes.

D. Prior to any salon opening and receiving a license, the Director of Health, or authorized agent, shall conduct a pre-operational inspection to determine compliance with this section, the Connecticut General Statutes and the Connecticut Public Health Code.

**145-3. Permit Required.**

A. It shall be unlawful for any owner to allow any activities regulated under this chapter to occur within a salon within the Town of West Hartford without a valid permit issued by the Director of Health.

B. No permit shall be issued or renewed until:

(1) A completed application has been submitted to the Director of Health;

(2) The applicable fee has been paid;

(3) If applicable, a plan review has been conducted and approved as required pursuant to §145-2 and the Director of Health has physically inspected the salon to determine compliance with the approved plan; and

(4) The salon meets the requirements set forth in this chapter and all other applicable federal, state and local laws.

C. Permits shall be valid for one year from the date of issue unless suspended or revoked by the Director of Health or until such earlier time as the salon changes ownership or ceases operation.

D. Permits are not transferable between owners or locations.

E. A valid salon permit and a State of Connecticut operator's license for each operator working in the salon must be displayed in prominent locations where they can be observed by patrons. Operators shall only perform those services for which they hold valid State of Connecticut licenses.

**Section 145-4. Fee Schedule**

The fee schedule shall be determined by the West Hartford-Bloomfield Health District Board of Directors. Fees shall be subject to any applicable limits set forth in state law.

**Section 145-5. Inspections and Violations**

A. Subject to the requirements of Chapter 34 of this Code of Ordinances, the Director of Health may promulgate such rules and regulations as are necessary to ensure compliance with this chapter.

- B. The Director of Health or his/her authorized agent shall inspect and re-inspect each salon as necessary to enforce any applicable law, but no less frequently than once per year.
- C. The Director of Health or authorized agent, after offering proper identification, shall be permitted to enter any salon during any hours when said salon is open to the public for the purpose of making an inspection to determine compliance with these regulations.
- D. The Director of Health or authorized agent shall be permitted to examine records of the establishment, to obtain information pertaining to persons tattooed and/or pierced and equipment, excluding financial records. There shall be a person knowledgeable of these records in the establishment during all hours of operation.
- E. Upon completion of any inspection, the owner of the salon shall post the inspection report in a prominent location where it can be observed by patrons.
- F. The inspection report shall not be defaced, marred, camouflaged, hidden, or removed. It shall be unlawful to operate a salon unless the inspection report is posted as required. Removal of the inspection report is a violation of this chapter and may also result in the suspension or revocation of the license.
- G. In the event that the Director of Health or his/her authorized agent finds unsanitary conditions in any salon, he or she may immediately issue a written notice to the owner describing such conditions, specifying the corrective action to be taken and a time frame within which such action shall be taken. If correction is not made within the specified time, the owner may be subject to a citation or the permit may be suspended or revoked.

#### **Section 145-6. Sanitation**

A. General Cleanliness:

Each salon shall be maintained to provide a safe and sanitary environment. All supplied facilities shall be kept clean, sanitary and in good repair.

B. Disinfection of Reusable Equipment:

- (1) Any chair, seat or table to be utilized by the person receiving a tattoo or piercing shall be smooth, easily cleanable and nonabsorbent. All chairs, seats, or tables must be cleansed prior to use by the next client.
- (2) All equipment shall be maintained in good repair.
- (3) After each use on a patron, all electrical and non-electrical instruments shall be thoroughly cleaned to remove foreign matter, treated with an approved disinfectant, and stored in a protected manner until their next use. Each hair cutting station shall be provided with a container of sanitizing solution.

- (4) Cleaned and sanitized implements shall be stored in a clean drawer or in sanitary covered containers containing a disinfectant.
- (5) Disinfectants shall be changed in accordance with manufacturer's instructions to ensure complete disinfection. No sediment from the item being disinfected shall be allowed to remain in the disinfection container.
- (6) Ultraviolet disinfection is prohibited.
- (7) Acceptable disinfectants include the following or their functional equivalent if approved by the Director of Health in advance:
  - (a) Quaternary ammonium compounds (*1:1000 dilution for 30 seconds*)
  - (b) Alcohol (*3 minutes*)
  - (c) Lubricant sanitizer (*10 second contact time, 10 minute drain time*)
  - (d) Disinfectant spray (*see manufacturer's instructions*)
  - (e) Commercial formalin (*10% solution for 1 minute*)
  - (f) Bleach (*see manufacturer's instructions*)
  - (g) Lysol, compound cresol solution, phenolic compound (*5% solution for 3 minutes or 2% solution for 10 minutes*)
  - (h) Anti-microbial additive (*see manufacturer's instructions*)
  - (i) Boiling water (*5 minutes*)
  - (j) Autoclave (*see manufacturer's instructions*)

C. Disposable and Single-Use Equipment:

Disposable or single-use articles shall be disposed of in a waste receptacle after use on a single patron unless stored in a separate closed, clean container labeled with the patron's name and used only on that patron.

- (1) All disposable or single-use articles that come into contact with blood and/or body fluids shall be enclosed in sealed plastic bag before being placed in the waste receptacle.
- (2) All sharp or pointed articles shall be disposed of in a puncture-proof container.

D. Disinfection of Foot Spas and Water Baths:

- (1) An antimicrobial additive shall be placed in each foot spa or water bath during use.
- (2) The foot spa or water bath shall be drained of all water and debris, properly disinfected, and dried after each patron. The device must be turned on during the disinfection process and allowed to run for 10 minutes.
- (3) The filter of the foot spa or water bath shall be removed and immersed in disinfectant and flushed with soap and water at the end of each day unless it is replaced entirely. Each salon must have the proper tool(s) to remove all filters from their associated devices.

E. Prohibited Equipment and Products:

The following items may not be used or stored in any salon:

- (1) A lancet or any other device intended to be used to break the skin, except for those devices used by licensed operators to perform tattooing or body-piercing.
- (2) Razor blade-type callus shaver (Credo blade)
- (3) Shaving brushes, shaving mugs, and brush neck dusters
- (4) Any substance banned by the Food and Drug Administration, including liquid methyl methacrylate monomer (MMA) and methylene chloride
- (5) Ultraviolet disinfection
- (6) Formalin sanitizers

Materials to stop the flow of blood may be used only in liquid or powdered form.

F. Towels and Linens:

- (1) Unused disposable towels or fresh, clean and properly laundered towels shall be used for each patron.
- (2) All reusable linens and towels shall be deposited in a covered cleanable receptacle after use on each patron.
- (3) Clean towels and linens shall be stored off of the floor in a clean, protected location.

G. Head/Neck Protection and Capes:

- (1) Capes shall be cleaned and disinfected between each use or a sanitary neck strip or clean towel shall be placed around a patron's neck so that the cape does not come in contact with the skin of the neck.
- (2) Neck strips shall be discarded after use on each patron.
- (3) Capes shall be cleaned as often as necessary to ensure their sanitary condition and shall be stored off the floor between uses.
- (4) Chair headrests shall be covered with a clean towel or paper sheet for each patron or shall be disinfected after each use.

H. Operators:

- (1) Operators shall thoroughly wash their hands with soap and hot water immediately after using the toilet, eating or smoking. Before serving each customer, operators shall utilize proper hand washing procedures.
- (2) No operator shall smoke or eat at the work station.
- (3) Operators shall wear clean, washable garments.
- (4) Combs and other instruments shall not be placed or carried in the pockets of the operator.
- (5) No operator shall remove a wart or a mole or treat any disease of a patron, nor perform any medical procedure, such as an injection, nor dispense any medical device.
- (6) No operator shall knowingly serve any patron who is afflicted with impetigo, barber's itch, lice, nits, or ringworm.
- (7) All salons shall have and follow a written communicable disease policy including, at a minimum, the following requirements:
  - (i) All employees must report any communicable diseases which they suffer or carry;
  - (ii) No employee who is suffering an active outbreak of a communicable disease shall work in any salon in a capacity which requires them to come into contact with a patron or any equipment used to serve patrons;
  - (iii) No employee who has a discharging or infected wound, sore or lesion on hands, arms or any exposed portion of the body shall work in any salon in a capacity which will bring him into contact with a patron or any equipment used to serve patrons.
  - (iv) No patron who is known to be suffering an active outbreak of a communicable disease, or who has a discharging or infected wound, sore or lesion on hands, arms or any exposed portion of the body shall be served.

I. Animals:

- (1) No animal, fowl, or reptile shall be allowed in the salon except for service animals permitted pursuant to CGS §46A-44.
- (2) Pedicure fish are prohibited.

J. Cosmetics:

- (1) When only a portion of a cream, liquid, powder or other cosmetic preparation is to be removed from the container, it shall be removed in such a way as to avoid contaminating the remaining portion.
- (2) Use of cosmetic applicators, including lipsticks, powder puffs, makeup brushes and sponges, on multiple patrons is prohibited.
- (3) Lotions and powders shall be dispensed from sanitary self-dispensing containers.
- (4) Eyebrow pencils shall be sharpened after each use.
- (5) Makeup brushes may be allowed for use if it can be demonstrated that the brushes are being effectively sanitized between uses.

K. Water and Plumbing:

- (1) Every salon must have an adequate supply of potable, running water with sufficient hot (minimum 105° F) and cold running water under pressure. Hot water at any faucet shall not exceed 115 ° F.
- (2) All plumbing fixtures must be protected against back-siphonage or backflow. The plumbing installation and fixtures shall conform to applicable building and plumbing codes.
- (3) Waste water shall be discharged only into municipal sewers, where available, or into an approved on-site subsurface sewage disposal system.
- (4) Plumbing fixtures shall be clean and free from defects.

L. Toilet and Sink Facilities:

- (1) Adequate toilet and hand washing facilities for patrons and employees shall be provided.
- (2) Toilet and hand washing facilities shall be in working condition at all times and shall be kept clean and sanitary.
- (3) At each handwashing sink, liquid antibacterial soap and single-use disposable towels shall be provided at all times. Common towels are prohibited.
- (4) At least one hand washing facility shall be located in each treatment room and work area. Each work area shall have a handwashing sink for the exclusive use of washing his or her hands and prepping clients.
- (5) Shampoo bowls shall be used for barbering, hairdressing and cosmetology work only.
- (6) There shall be at least one shampoo station for each three work stations.

- (7) A utility sink shall be provided for proper cleaning of surfaces and equipment.

M. Lighting and Ventilation:

- (1) Lighting shall be sufficient to provide adequate illumination in the work areas.
- (2) Overhead lights shall be shielded against breakage.
- (3) The salon shall be properly and adequately ventilated to remove excess heat, vapors, and odors. The salon shall be free from excessive odors and not cause a nuisance odor to indoor air of adjacent premises. Ventilation shall comply with applicable codes.
- (4) Windows shall be effectively screened against insects, rodents, and other vermin.

N. Floors, Walls, and Ceilings:

- (1) Floors and walls in work areas must have non-porous, easily cleanable coverings and shall be kept clean and in good repair.
- (2) Hair clippings shall not be allowed to accumulate on floors or chairs but shall be removed to a covered receptacle after serving each patron.
- (3) Ceilings shall be kept clean and in good repair.
- (4) Cracks in floors, walls and ceilings shall be sealed in so as to prevent the harboring of insects and/or rodents.

O. Foods and Beverages:

- (1) Foods and beverages shall not be prepared, stored or sold in any salon, except with a valid Food Permit from the West Hartford Bloomfield Health District. Coffee and tea may be prepared and kept for the convenience of employees and patrons, but no charge is to be made to patrons who are served. Food and nonalcoholic beverages may, however, be brought into the permitted premises, from an approved source, for immediate consumption and also may be dispensed by means of automatic vending machines on the premises.
- (2) Complimentary beverages provided to patrons shall be provided outside the work area and in disposable containers.

P. Refuse and Refuse Containers:

- (1) All garbage, rubbish and refuse shall be kept in leak-proof, nonabsorbent, easily cleanable, covered containers which must be kept clean.
- (2) All garbage, rubbish and refuse shall be disposed of with sufficient frequency and in such a manner as to prevent a public health nuisance.

(3) Infectious wastes shall be disposed of in compliance with the regulated and infectious waste requirements of these regulations.

Q. Regulated and infectious waste:

(1) All infectious and regulated waste must be disposed of by means of medical regulated waste containers and licensed medical waste disposal methods.

(2) All needles and attached equipment shall be disposed of in sharps containers. The needles shall not be broken prior to disposing in the sharps container.

(3) A written plan of disposal for regulated and infectious waste must be submitted to the department for approval prior to issuance of the establishment license.

R. Other:

(1) Safety Data Sheets (SDS) for all products in use at the salon shall be made available to the Director of Health upon request.

(2) All products not stored in the original container must be clearly labeled at all stations.

(3) Only poisonous and toxic materials that are required to maintain sanitary conditions and utilized in sterilization may be stored in the establishment. These materials shall be labeled and stored in such a manner as to not constitute a hazards to clients, employees or equipment

**Section 145-7. Tattooing and Body Piercing**

A. In accordance with the Connecticut General Statutes, section 20-266o, no person shall engage in tattooing without a license to do so except a physician, an advanced practice registered nurse rendering service in collaboration with a physician, a registered nurse executing the medical regimen under the direction of a licensed physician, dentist or advanced practice registered nurse, or a physician assistant rendering service under the supervision, control and responsibility of a physician.

B. No person shall practice the art of tattooing or body piercing without first obtaining a bloodborne pathogen certificate. Equivalent training such as, "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA), training/course provided by professional body art organization or associations or by equipment manufacturers may also be submitted to the department for approval.

C. The bloodborne pathogen certificate shall be posted in a prominent area where it can be observed by patrons.

D. No person shall:

1. buy, sell or fraudulently obtain or furnish any diploma, certificate, license, record or registration purporting to show that any person is qualified or authorized to practice tattooing, as provided in section 20-266o, or participate in buying, selling, fraudulently obtaining or furnishing any such document;
  2. practice or attempt or offer to practice tattooing under cover of any diploma, certificate, license, record or registration illegally or fraudulently obtained or signed, or issued unlawfully or under fraudulent representation or mistake of fact in a material regard;
  3. practice or attempt or offer to practice tattooing under a name other than such person's own name or under a false or assumed name;
  4. aid or abet practice by a person not lawfully licensed to practice tattooing within this state or by a person whose license to practice has been suspended or revoked;
  5. use in such person's advertising the word "tattoo", "tattooing" or any description of services involving marking or coloring, in an indelible manner, the skin of any person, without having obtained a license under the provisions of section 20-266o;
  6. tattoo or perform body piercing on any unemancipated minor under eighteen years of age without the written permission of the minor's parent or legal guardian. Permission forms shall be retained for a minimum of 30 days.
  7. practice or attempt or offer or advertise to practice tattooing or be employed by, work with or assist, in any way, any person licensed to practice tattooing during the time such person's license as a tattoo technician is revoked or suspended.
- E. All reusable equipment that comes into contact with blood must be properly sterilized by thoroughly cleaning with an ultrasonic machine or other approved method. Single use and disposable needles are recommended.
- F. After care instructions shall be provided after each session.
- G. Body piercing needles and equipment:
- (1) Ear piercing guns are prohibited for use.
  - (2) All body piercing needles are for single use only.
  - (3) All instruments to be used during the body piercing procedure which will come in contact with a body or bodily fluids must be sterilized and kept in a sterile manner prior to use.

**Section 145-8. Tanning**

- A. It is the responsibility of the tanning salon owner to:
- (1) Assure that the applicable Food and Drug Administration (FDA) & Federal Trade Commission (FTC) regulations are adhered to; and
  - (2) Prominently display signage with warning/danger statements regarding ultraviolet light exposure, protective eyewear and substances that may increase photosensitivity to ultraviolet radiation.
- B. No person under the age of seventeen (17) shall be permitted to use a tanning device under any circumstances.
- C. Manufacturer's label (describing production date, serial & model #), factory installed timer and electrical testing label must be permanently affixed to all tanning devices. Owner's manual must also be on the premises of the salon.
- D. Protective eyewear must be worn during the use of tanning devices. Disposable protective goggles must be available for patron use.
- E. Tanning devices must be cleaned and sanitized after each use in a manner appropriate for each type of device. Sanitizing solution must be readily available for patron use.
- F. Tanning chemical applications must have instructions on the premises of the salon detailing the type of hand-held sprayer utilized. Material Safety Data Sheets (MSDS) shall be made available to the Director of Health upon request.

**Section 145-9. Permit Suspension/Revocation/Nonrenewal**

- A. Suspension.
- (1) Without warning, prior notice or hearing the Director of Health may suspend any permit to operate a salon if the operation constitutes an imminent hazard to public health due to the presence of any unsanitary condition such as, but not limited to:
    - (a) Failure to comply with the provisions of this chapter and/or any other applicable laws
    - (b) An ongoing outbreak of an infectious or communicable disease, pathogenic or toxic agent capable of being transmitted to consumers.
    - (c) An absence of potable water, supplied under pressure, in a quantity which, in the opinion of the director of health, is capable of meeting the needs of the facility.
    - (d) A sewage backup into the facility.

(e) An unlicensed individual performing procedures requiring licensure pursuant to the Connecticut General Statutes or the Public Health Code.

(2) Following suspension, operation of salon shall not resume until written approval has been issued by the Director of Health. The Director of Health, or his/her authorized agent, shall physically remove a suspended permit from the premises.

(3) Whenever a permit is suspended, the holder of the permit may make written request for permit reinstatement, provided that such request includes a statement signed by the applicant that, in his or her opinion, the conditions causing the suspension have been corrected. Within ten (10) business days following receipt of such a written request the Director of Health or his or her authorized agent shall make a re-inspection. If the Director of Health determines that the applicant has complied with the requirements of this Code and the State Public Health Code, the permit shall be reinstated and returned to the permit holder.

**B. Revocation/Nonrenewal.**

The Director of Health may revoke or refuse to renew the permit of any person for:

- (1) Serious and/or repeated violations of any provision(s) of this chapter;
- (2) Interfering with the Director of Health or his designee in the performance of his or her official duties;
- (3) Improperly attempting to influence the Director of Health or his designee in the performance of his or her official duties; or
- (4) Obtaining said permit through nondisclosure, misrepresentation or intentional misstatement of a material fact.

Revocation of a permit shall be effective 7 days following delivery of a written notice to the operator and shall not resume until a new permit has been issued by the Director of Health. A permit may be suspended pursuant to subsection A pending completion of a revocation proceeding. The Director of Health, or his/her authorized agent, shall physically remove the revoked permit from the premises when the revocation becomes effective.

C. No new permit shall be issued to any owner who has been denied a renewal or whose permit has been revoked, whether for the same location or a different location, until sixty (60) days have passed since the effective date of the nonrenewal or revocation.

D. It shall be a separate violation of this Chapter for any owner or operator to post a duplicate of any license which has been revoked or suspended and removed from the premises.

**Section 145-10. Appeals.**

- A. Any owner or operator aggrieved by the denial of a permit, permit suspension, or permit revocation may appeal to the Director of Health, at which time such person shall be afforded the opportunity to present evidence and argument on all facts or issues involved before the Director of Health or his designee. The request for a hearing must be filed with the Director of Health, in writing, within 7 calendar days of the denial, suspension or revocation.
- B. The Director of Health may make such procedural rules as are necessary to conduct hearings.
- C. During the process of any appeal, the salon shall be allowed to remain in operation until such time as a hearing has been held and a decision rendered by the Director of Health or his designee. However, if the Director of Health finds that the operation constitutes an imminent hazard to public health, the operation will be suspended pending a hearing.
- D. The Director of Health or his designee shall, upon receiving an appeal, schedule a hearing no later than 5 working days from the date of actual receipt of the appeal and shall promptly notify all parties of the time and place thereof.
- E. The Director of Health shall render a decision within 5 working days of the date of the hearing held under this section.

#### **Section 145-11. Penalties for Violations**

In addition to the permit suspension, nonrenewal and revocation authorized by section 145-9, any provision of this chapter may be enforced by the issuance of an infraction citation issued pursuant to state law; or by a citation in the amount set forth in section 1-8, subject to the appeal procedure set forth in section 1-10.

#### **Section 145-12. Unconstitutionality Clause**

Should any section or part thereof of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected.

Councilor Davidoff: An Ordinance Regulating Barbering, Hairdressing, Cosmetology, Nail, Tanning, Tattoo and Body Piercing Salons. I move we set a public hearing on August 23, 2016, at 6 p.m. in the legislative chambers.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 11, Mr. Davidoff.

#### **ITEM #11 - ORDINANCE REVISING POLICIES AND PROCEDURES FOR THE COLLECTION OF REFUSE**

**SET FOR PUBLIC HEARING ON SEPTEMBER 13, 2016, AT 7:00 P.M.; REFERRED TO TPZ AND CRCOG**

**WHEREAS**, it has come to the attention of the Town Council that the collection of refuse from condominium complexes is addressed inconsistently throughout the Town; and

**WHEREAS**, currently the Town's ordinances generally require the Town to provide refuse collection to all condominium complexes but certain condominium complexes are not provided with such collection due to conditions of approval imposed upon their zoning approvals; and

**WHEREAS**, there are many different variations between condominium complexes such as overall size, layout, existence of private streets or parking lots and building type; and

**WHEREAS**, there are legitimate reasons for imposing different refuse collection requirements upon condominium complexes based upon these variations including, but not limited to safety and cost of collection, but such decisions are best left to the Director of Public Works rather than to the Town's zoning officials

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT:**

Section One: Section 94-5 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

Residential property with fewer than four dwelling units[,]and condominiums[, private schools, churches and synagogues] shall be provided once-a-week collection on a schedule to be determined by the Department. The Director of Public Works may determine the means and methods by which collection will be provided to condominiums by the Town and may revise the same from time to time.

Section Two: Section 177-41 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

- A. Applications made to Town Planner. All applications for required zoning permits shall be made to the Town Planner on forms provided by that office.
- B. Contents of application. An application for a zoning permit shall include the following:
  - (1) At least three prints of a plot plan of the premises, drawn to scale, based upon Connecticut Geodetic Survey (CGS) datum and certified by a licensed surveyor or engineer and/or landscape architect, as appropriate under Connecticut registration regulations, showing the following:
    - (a) The actual shape and dimensions of the lot.
    - (b) The location, size and height of all existing and proposed structures.

- (c) The existing and proposed use of all existing and proposed structures and lot areas, if other than a one- or two-family residence.
  - (d) The number of families, if any, each existing and proposed building is designed to accommodate.
  - (e) The layout of existing and proposed parking and loading facilities and access thereto, including any parking barriers or walkways.
  - (f) The type and location of any exterior lighting, including provisions for shading.
  - (g) The type, size and location of all signs.
  - (h) The type and location of any required screening or landscaping.
  - (i) The location of waste disposal and recycling containers and the screening enclosures surrounding them, together with a statement of proposed method of sanitary waste disposal and recycling collection which shall be subject to approval by the Director of Public Works pursuant to West Hartford Code of Ordinances §94-5.
  - (j) Any proposed drainage facilities.
- (2) Such additional information as required by the Town Planner or by the Plan and Zoning Commission where a special use permit or site plan approval is required, where necessary to determine that the requirements of this chapter are met. The Town Planner may excuse compliance with requirements for specific information otherwise required on the plot plan where such compliance is not necessary to determine that the requirements of this chapter are met.
- (3) Application fees as specified in § 177-50.
- (4) In any application where a boundary survey of the property is required, either of the following:
- (a) One copy of the plot plan described in Subsection B(1) of this section provided on such computer medium and in such computer program or language as may be established by the Director of Community Services from time to time; or
  - (b) An application, addressed to the individual or agency which has ultimate authority to approve the underlying application, for a waiver of the requirement to produce the computerized plot plan set forth in Subsection B(4)(a) of this section, setting forth, in detail, the reason(s) why compliance with that provision is impractical, unfeasible or impossible.

- (5) The applicant shall consent to receive formal communications from the Town of West Hartford relating to the application in electronic format and shall specify an e-mail address (or addresses) to which such communications may be delivered.

Councilor Davidoff: An Ordinance Revising Policies and Procedures for the Collection of Refuse. I move that we set for public hearing on September 13, 2016, at 7 p.m. in the legislative chamber and refer to TPZ and CRCOG.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 12, Mr. Davidoff.

## **ITEM #12 - RESOLUTION SETTING SALARY OF TOWN MANAGER**

### **ADOPTED, VOTE 9-0**

**WHEREAS**, Ronald Van Winkle was appointed as the Town Manager on August 11, 2009, and

**WHEREAS**, since Mr. Van Winkle's appointment his salary has been adjusted by an average of nearly 1% per year, and

**WHEREAS**, Mr. Van Winkle is highly regarded as a Town Manager internally and throughout the State of Connecticut, and

**WHEREAS**, with Mr. Van Winkle's leadership West Hartford has received numerous awards and accolades by credible national organizations,

**WHEREAS**, an increase in the Town Manager's compensation is well- deserved and appropriate,

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD THAT** an amendment to the employment contract for Ronald Van Winkle is hereby approved increasing his salary by 2% from \$156,832 set on July 1, 2014, to \$160,000 effective July 1, 2016.

Councilor Davidoff: A Resolution Setting the Salary of the Town Manager. I move we adopt.  
Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. I'm just going to start by saying that we are adjusting the Town Manager's salary 2%. The last time it was adjusted was 2014 and he will, he will be well, in a range of Town Managers in similar towns. We did compare to, through CCM, what Town Managers do earn. This is an extremely professional, seasoned, hard-working, effective Town Manager that's probably the top of, in not only the state but maybe in the country and I, this isn't, you know, it's never enough when you work in, in, I think, government or the public but this is a little way to say thank you very much. And I just, again, want to tell our

public I don't think you understand how lucky we have been to have Ron Van Winkle as our Town Manager. So anyway. Would anybody else like to? Mrs. Hall.

Councilor Hall: I just wanted to reinforce what the Mayor just said. We are extremely lucky. I value your counsel, your hard work, your depth of experience with the town, your willingness to entertain any question from all of us and, and the town is extremely to have had your service all this time. And again, while I, I wish it were more, I know that you are also a public servant who understands that we're always trying to balance our, our taxpayers' issues as well as what we want to do to retain and attract good employees, so thank you.

President Cantor: Thank you, Mrs. Hall. Mr. Barnes?

Councilor Barnes: Thank you. Ron, the raise is well-deserved. Thank you for your many years of service to the town. We appreciate your, your leadership and drinks are on you tonight.

President Cantor: That would be unethical. Okay, further comments? Mrs. Casperson.

Councilor Casperson: I would like to echo the sentiments already expressed and to add to that my personal thank you for all the ways that you make this town stand out and how easy you make it look when we know that it is not entertaining as Deputy Hall or Mrs. Hall had said, That, you know, you, you're available any time we have questions and I really appreciate the help and support that we get for being able to come to the table prepared and informed on any area of the town that's needed, so thank you very much and it is well-deserved. Thank you.

President Cantor: Thank you, Mrs. Casperson, Mr. Wenograd?

Councilor Wenograd: So of course I echo the, the comments just made but I do need to disagree with Mayor Cantor. Yes, I do. I actually think that the public of West Hartford does realize how lucky we've been and certainly the ones watching tonight who've, who follow what we do know very well what a great Town Manager you are and have seen the results so...sorry about that.

President Cantor: Well, I just don't know if they know the depth.

Councilor Wenograd: Okay. The personal nature.

President Cantor: Exactly.

Councilor Wenograd: Yes.

President Cantor: The end results.

Councilor Wenograd: You have the thanks, I'm sure, of the town as a whole and not just those of us lucky enough to work with you.

President Cantor: Thank you, Mr. Wenograd. Mrs. Kerrigan.

Councilor Kerrigan: It would be remiss if I didn't say thank you for being so approachable.

Always. Your door's always open and you're always almost knowing what questions I am about to ask or something, give a nice little explanation for those beginner Town Councilors, so I appreciate it. Well-deserved and thank you for your hard work.

President Cantor: Thank you, Mrs. Kerrigan. Mr. Williams.

Councilor Williams: Thank you, Madam Mayor. Ron, Mr. Van Winkle, since we're on the record, just like to reiterate the thoughts here and as someone who's been on the Council, you know, for just seven months, you've really, I think, gone out of your way to, to help point me to

material facts and helped me get sort of the institutional knowledge to move forward. I do want to say something I do notice about you that I think says something about your character. Whenever we have high school students that come to our meetings, the, the committee meetings, I notice you always make sure that they have a place to sit and that they're part of the process. And I think that speaks well of you and, and, you know, who you are and so thank you.

President Cantor: That's very nice. Mr. Davidoff.

Councilor Davidoff: Thank you, Madam Mayor. Mr. Manager, Mr. Van Winkle, I've had many seats around this table in terms of positions of where I've been seated but one of my more enjoyable ones was when I was sitting next to you and getting early on in the career, getting a lot of information from you and, and tidbits as to this is the right thing to ask, no this isn't the right thing to ask and I've learned a lot. And I think you've made serving on the Council more enjoyable from this member's perspective in the sense that if there's a question and you don't know the answer, you'll get the answer. And if you do know the answer, you'll provide the answer. And we don't always agree, but when we disagree, we disagree and we just leave it at that. But I think what really stands out in my mind is back to 2008 and I think that's when we had that economic crisis and it required excellent town management in terms of financial affairs and you immediately made a recommendation to cancel a lot of our capital projects and to ask our employee unions to take pay freezes and to put our community in good financial stead at that time and as we can see, it's paying dividends today almost eight years later. And I think that comes from your economic background and understanding at the time this is a significant crisis. This is a significant world event that needs attention here at home. And at the helm, you were there. We're elected by you're the professional management staff and time in and time out our rating agencies have noted that the professional management team that we have here in the Town of West Hartford, you as well as your Directors, do everything necessary to make certain that West Hartford is a top-rated community. And I believe that because of all your efforts in those and your management style, we're able to achieve that and this evening, I'm very glad to support this pay raise. Thank you.

President Cantor: Thank you very much.

Councilor Dodge: I just wanted to thank you, Mr. Van Winkle, for quite frankly making us look good. I actually had my first constituent issue that came to me the other day and I just forwarded it on to you and asked for some answers and the speed with which you got back to me and the detail with which you got back to me were much appreciated and I think reflected well on both you and the town and I was able to just forward that on to that constituent. And so really, you make, I think, this look almost easy for the rest of us. But I really appreciate the work and also the good humor that you bring to the job, so thank you, Ron.

President Cantor: Some very good comments and he's turning bright red so we better stop. All right, all those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 13, Mr. Davidoff.

**ITEM #13 - RESOLUTION TO APPOINT PATRICK ALAIR AS CORPORATION COUNSEL FOR THE REMAINDER OF THE 2015-2017 TERM**

**ADOPTED, VOTE 9-0**

**WHEREAS**, pursuant to Chapter IV, Section 1 of the West Hartford Town Charter, the Town Council shall appoint a Corporation Counsel; and

**WHEREAS**, Joseph O'Brien was appointed to serve as Corporation Counsel for the 2015-2017 term but Attorney O'Brien has announced that he will step down from his position as of August 1, 2016

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of West Hartford that Patrick Alair is appointed as Corporation Counsel to serve for the remainder of the current term, on terms as set forth in the agreement attached hereto.

**LEGAL SERVICES AGREEMENT**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the TOWN OF WEST HARTFORD, CONNECTICUT, a municipal corporation, hereinafter called the "Town," and PATRICK G. ALAIR, hereinafter called "Atty. Alair" both of whom understand and agree as follows:

**WITNESSETH:**

WHEREAS, by resolution duly adopted by the Town Council of the Town on \_\_\_\_\_, Atty. Alair has been appointed to the position of Corporation Counsel of West Hartford as contemplated by Chapter IV, §1 of the Charter of the Town of West Hartford, Connecticut; and

WHEREAS Atty. Alair has accepted such appointment; and

WHEREAS, it is the desire of the parties to establish the terms and conditions of their attorney-client relationship

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

**1. DUTIES**

- A. Town hereby appoints Atty. Alair as Corporation Counsel of said Town to perform all of the functions and duties of that position which are specified in said Chapter IV, §1 of said Town Charter and which may also be elaborated upon in various other sources including, without limitation, State and federal law, Town ordinances and/or resolutions. Atty. Alair shall exercise independent judgment to determine when it may be necessary for him to perform the duties of Corporation Counsel and will perform such other tasks as the Town Council, Town Manager and other Town staff may request from time to time.
- B. The parties further agree that their relationship is that of attorney-client and not the relationship of employer-employee. Atty. Alair shall be deemed to be an independent

contractor to the Town for all purposes including workers' compensation, unemployment compensation, income tax and pension purposes. Without limiting the foregoing, the parties specifically acknowledge that Atty. Alair is a retired employee of the Town and that his retention as Corporation Counsel shall not affect his entitlement to any benefits of retirement which he earned as a Town employee, nor shall his retention be construed to constitute reemployment by the Town pursuant to the ordinances governing the Town's pension plan.

- C. It is expressly contemplated by the parties that Atty. Alair will be the hiring authority for, and supervisor of the staff of the Office of Corporation Counsel, including such administrative support staff and attorneys as may be authorized by the Town within its personnel procedures and annual budget appropriations. Such staff shall be employees of the Town and not employees of Atty. Alair. Atty. Alair will also designate and work with independent counsel who may be contracted to handle specific matters for the Town.

## **2. TERM**

- A. The parties acknowledge and agree that West Hartford Charter, Ch. IV, §1 establishes the term of office of the Corporation Counsel and that Atty. Alair is filling a vacancy in that office for the remainder of the current term. In accord with the requirements of West Hartford Charter, Ch. IV, §1, the term of this Agreement shall commence on August 2, 2016 and shall continue until December 21, 2017. In order to ensure continuity of legal representation, however, Atty. Alair agrees that he shall continue to serve after December 21, 2017 until such time thereafter as his successor is appointed, subject to all other terms of this Agreement.
- B. The parties further agree that the Town may, by resolution of the Town Council, appoint Atty. Alair to subsequent terms of office. In the event of such reappointment, the parties agree that the terms of this Agreement shall govern their relationship during any such subsequent terms of office.
- C. Notwithstanding the foregoing, the parties agree that Atty. Alair serves at the pleasure of the Town Council and nothing in this Agreement shall be construed to prevent, limit or otherwise interfere with the right of the Town Council to terminate Atty. Alair's appointment at any time. If Atty. Alair's appointment is terminated before the completion of his then-pending term for any reason, he shall be paid for services rendered through the date of such termination. The parties further agree that Atty. Alair retains the right to resign as Corporation Counsel at any time, provided that he shall endeavor to give the Town thirty (30) days' written notice prior to the effective date of said resignation unless circumstances render it unfeasible for him to do so.
- E. As an independent contractor, Atty. Alair shall not be required to maintain set office hours, nor shall he be required to dedicate a set number of hours to his position as Corporation Counsel. It shall be Atty. Alair's obligation to exercise appropriate and sound discretion to ensure that all of the duties of his office are fulfilled by himself or by those staff or independent counsel working under his direction or supervision. Atty. Alair shall attend all

meetings of the Town Council or make reasonable efforts to arrange for another attorney from the Office of Corporation Counsel to attend on his behalf if he is unable to do so.

### **3. COMPENSATION**

- A. The Town agrees to pay Atty. Alair for his services rendered pursuant hereto an annual sum of \$42,500. Said sum shall be due and payable in equal bi-weekly installments. In addition, the Town agrees to procure, at its expense, such malpractice (errors and omissions) insurance coverage as shall be necessary to protect its interests in connection with the full scope of Atty. Alair's representation of the Town. Atty. Alair shall be responsible for the payment of all other taxes or charges ordinarily paid by an independent contractor. The parties further agree that in the event of a resolution appointing Atty. Alair to serve subsequent terms of office pursuant to §2B of this Agreement, his compensation may also be adjusted in said resolution.
- B. The Town recognizes that certain expenses of a nonpersonal and generally job-affiliated nature such as travel, dues, seminars or other such items may be incurred by Atty. Alair in connection with his service to the Town. Within annual appropriations approved by the Town, the Town hereby agrees to reimburse or pay said expenses upon receipt of duly executed expense vouchers, receipts, statements or personal affidavits, provided that such expenses shall only be reimbursed to the same extent as similar expenses would be reimbursed to other Town officials and/or employees pursuant to established policies of the Town.

### **4. COSTS, FEES AND EXPENSES**

The Town agrees that it shall be responsible for all costs and expenses associated with all matters falling within the scope of Atty. Alair's representation. The Town shall, through its annual budget process, establish a budget for the Office of the Corporation Counsel in its representation of the Town, including such funds as may be necessary to allow Atty. Alair to pay such costs and expenses. All such funds shall be held by the Town and all fees and costs shall be paid directly by the Town. Atty. Alair will hold no funds of the Town in any private account.

### **5. ARBITRATION, JURISDICTION AND VENUE**

The parties hereto agree that this Agreement shall be construed in accordance with the laws of the State of Connecticut. Any and all disputes and/or claims arising out of, or over, the terms of this Agreement, and/or the parties' relationship shall be submitted to arbitration. Any such arbitration shall: (I) be governed by, and according to, the rules and procedures established by the American Arbitration Association (the "AAA") for the arbitration of fee disputes including specifically, but without limitation, the payment of fees and expenses; (ii) proceed before one arbitrator selected in an alternating strike-out method.; (iii) at a location in Hartford, Connecticut; and (iv) have an award based upon a reasoned written decision based on applicable law, equitable principles and stated findings of fact which may be entered and have the effect of a final judgment in any court with appropriate jurisdiction. In the event that the AAA refuses to so arbitrate, the parties shall still proceed to arbitrate before a mutually agreed upon single

arbitrator and such arbitrator shall be governed by the arbitration criteria established above and the rules of the AAA for arbitrating employment disputes. For the enforcement of any determination made by arbitration, the parties agree to submit to the jurisdiction of Superior Court of the State of Connecticut sitting in Hartford or in New Britain, or of the United States District Court for the District of Connecticut sitting in Hartford.

**6. OTHER TERMS AND CONDITIONS**

- A. The provisions of Connecticut General Statutes §7-101a, as that section may be amended from time to time, concerning indemnification of municipal officers are incorporated herein by reference. The parties agree that Atty. Alair is an officer of a public agency (the Office of Corporation Counsel) for purposes of inclusion within the scope of §7-101a.

**7. CONCLUDING PROVISIONS**

- A. The text herein shall constitute the entire Agreement between the parties. No modification or amendment to this Agreement shall be effective unless set forth in writing and executed by both parties.
- B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Atty. Alair.
- C. This Agreement shall become effective upon execution.
- D. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, the Town has caused this Agreement to be signed and executed on its behalf by its Mayor and duly attested by the Town Clerk, and Atty. Alair has signed and executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

PATRICK G. ALAIR

TOWN OF WEST HARTFORD

\_\_\_\_\_  
Patrick G. Alair

\_\_\_\_\_  
Shari Cantor  
Mayor

Attested:

\_\_\_\_\_  
Essie Labrot  
Town Clerk

Councilor Davidoff: I move we adopt a Resolution to Appoint Patrick Alair as Corporation Counsel for the Remainder of the 2015-2017 Term.

Councilor Kerrigan: Second.

President Cantor: The motion's been made and seconded but I going to start by saying that we actually are, have accepted the resignation...Mr. O'Brien wrote us a letter of resignation. Unfortunately, we are accepting it but and we are sad to see you go. You are, I have to pull out because these are actually more than the few lines of what he's done for our, our town. Longest serving Corp. Counsel, right, since December 11, 2001. You were elected to the Town Council in November, 1983, until November, 1991, and served as Deputy Mayor from 1985-1987. So an incredible, incredible longevity with the town, serving the town in many capacities as an elected official and then as Corporation Counsel. So I, I just, bear with me just a little longer. The Corporation Counsel's office and they're here now. They're all here filling up the room. Small office, two professional attorneys and the Corp. Counsel, which is a part-time position and juggles a full-time job as well. It's an incredibly varied responsibility, demanding and varied job. And when you, you know, my husband's a lawyer. He knows patent law and there's a lot of things in patent law that are important and, and he knows it very well and he's a great lawyer, seriously. He is. He's on a plane but he is. If he was listening, I'd have to talk a little longer but he's not. So but, but the amount of different disciplines that you, you have to do. First of all, the definition of the Corporation Counsel's The Corporation Counsel's office provides legal advice for all matters relating to the Town, the School Department and the Board of Education, provides appropriate liaison with legal counsel for the Town's insurance carrier and for outside legal counsel, including labor counsel and bond counsel. This office also provides representation to the Town in Court and before the Town and outside administrative agencies. The office provides legal services to the Town departments and agencies, but does not provide, I thought this was funny, but does not provide private legal advice to residents or the public at large. So that's a different type of a lawyer. But from education law, employment and labor law, contracts, real estate, property, personal injury, criminal, finance and bond counsel, it's incredible the amount of, the depth of all that you work on and I'm talking all three of you but that you, you know, that you have had to become engaged in and, and know and we are very, very to have had your service for so long. So before we get to appointing and that discussion. But just to move to Pat. Mr. Alair has August 1 will be 30 years and I think you're on a plane to Iceland on that day or will have just arrived or something already and has been, served as Deputy Corp. Counsel for the town for 30 years. And with such, everywhere I go in the state, where I and I say I'm from West Hartford and they go, oh, it's that, you have that, that lawyer, that lawyer and here I thought, no, no. You are, you are an institution. Sorry. And you have really made us, again, stellar in the eyes of our peers. You know your business and your work and you have an incredible depth of experience and we are lucky to have you moving into the Deputy Corp. spot. It will give you a little structure, I mean the Corp.'s spot, I'm sorry. It will give you a teeny bit of structure in your retirement and we are, we're really, really lucky to have the, your knowledge, your expertise, your humor. You're a Renaissance man. We don't want you climbing any more ladders. But anyway and so I'm, I'll be thrilled to vote yes for, for you as a retainer for Corp. Counsel. Anybody else?

Councilor Barnes: Yes.

President Cantor: Mr. Barnes.

Councilor Barnes: Thank you. A couple things. Thank you to Mr. O'Brien for your many years of service. That was quite a distinguished career you've had working with the town and so thank you.

Mr. O'Brien: Thanks, Chris.

Councilor Barnes: We've enjoyed having you. With respect to Mr. Alair over there from helipads to zoning and renewable energy to tax issues to, to whatever it is and something that the Mayor just mentioned...when you fell off your ladder and broke your ribs was right around the time we were having the, the hearing on the hotel, on the Delamar Hotel and I had some questions about the contract and I received legal advice from you, I think, while you were under the influence in the hospital. But I will tell you, while you were in the hospital, you provided answers to all my questions and it, and it was much appreciated. So obviously, a man very dedicated to his job. In the middle of my comments, I actually have a, a question, if I could, about what we're going to do here tonight with respect to the Resolution and the legal services agreement that's attached to it. And I'm not sure who to direct it to but while I have the mic, I'm going to, you know, take up my time here. With respect to the legal services agreement, I just wanted to know if we, we had an agreement like this in place with respect to Mr. O'Brien's services? And if not, why not and, and why do we have this agreement?

Mr. O'Brien: I, I don't believe we had an agreement like this with respect to my services. The West Hartford Town Charter spells out what the duties of the Corporation Counsel are, so the agreement was always an oral agreement. It was the exact same compensation as Mr. Alair is going to get. It's just like me. I've never been an employee of the town. I've never received any benefits from the town, such as health care, etc., and I've always been under contract. So really, you know, because I read this whole thing and I said, you know, that's everything that I was doing so it's just been put into writing. It's really everything previous Corporation Counsels have been doing.

Councilor Barnes: Okay, very good. And so...

Mr. Alair: Just, just to explain for, for the folks at home, both of them who are, who are watching. Actually, at my house, only one. But in the last couple of years, a question has surfaced through the Connecticut Association of Municipal Attorneys, which I sit on the Board of, about does your town have a written retainer agreement for your Corporation Counsel? Do you have an employment agreement? Do you have contracts? And everybody sort of looked around the table at the Board meeting of this organization and went, "uh, no". And we said, "but we're lawyers, you know, that sounds, that sounds wrong". So that came to my mind when, when this opportunity came up and I felt I should have one in part because lawyers are supposed to have a written retainer agreement. And since this is my only client and it will change from an employer/employee relationship to a contractor/client relationship, I felt I needed one. That's number one. Number two, I am transitioning from employee to contractor and I wanted to make it very clear that that transition was occurring for purposes of employment law issues, including my pension, worker's comp, self-employment tax, all of those other issues. So I just wanted that transition to be very clear. Everything that is in there goes to one of those two issues.

Councilor Barnes: Very good. Thank you for the explanation.

President Cantor: Thank you, Mr. Barnes. Anybody else? Mrs. Casperson.

Councilor Casperson: First of all, I'd like to thank Mr. O'Brien, who has presented to us in times of Corporate Counsel in the back office and really been able to explain lots of difficult situations and things that we were needing explanation on. You've answered all of our questions and I appreciate that, the clarity that you've brought and being able for all of us who are not attorneys, there are very few up here but we're, we're growing in number who aren't attorneys. Yes, you speak English and Legalese. It's awesome. So but I'm looking forward, as we all should, next steps and next phases and so we will welcome you, Pat. Thank you.

President Cantor: Thank you, Mrs. Casperson. Mr. Davidoff.

Councilor Davidoff: Thank you, Madam Mayor. Mr. O'Brien, you're going to find lots of other things to do on Tuesday evenings other than coming to Town Council meetings and you've got decades...

Mr. O'Brien: I can still watch on TV.

Councilor Davidoff: And should the NFL start playing games on Tuesday nights, you'll be in a great position to watch them. But seriously, Joe, thank you for your years of service to the Town of West Hartford and may you have a, a healthy retirement.

Mr. O'Brien: Thank you.

Councilor Davidoff: And to Mr. Alair, I met you when I was an alternate on the Zoning Board many moons ago. And to this day you still amaze me with your keen knowledge and anecdotes of municipal law and case law and non-case law that are, are totally incredible. So your retirement has come at a, a great time for us and I think the residents of West Hartford will be very well served by knowing that our Corporation Counsel has a wealth and depth of legal knowledge that's so necessary to protect the interests of our town and our citizens. And to Mrs. Boneham, I congratulate you in, in your promotion to Deputy Corporation Counsel and I wish you well, both, in doing good deeds and service to our community in the very near future. Thank you.

President Cantor: Thank you, Mr. Davidoff. Mrs. Kerrigan.

Councilor Kerrigan: I ditto what Mr. Davidoff said. I'll miss you.

Mr. O'Brien: I'll miss you, too.

Councilor Kerrigan: I really liked you. I will. I mean, you know, haven't been around that long but and I didn't know your history, so how wonderful is that that you've served us many, many years. So I'm sure I'll see you around town.

Mr. O'Brien: Oh, yes.

Councilor Kerrigan: One thing about Mr. Alair that I know is when you ask him a question, you better have a lot of time to hear the answer. Much like my dad, it was like this long history thing, so I look forward to our continued relationship. So congratulations to everybody.

President Cantor: Thank you, Mrs. Kerrigan. Do you want to say something, Mrs. Hall?

Councilor Hall: Sure. It, it really amazing the, the institutional knowledge that both of you have brought to this town. And, Joe, you've just been an amazing public servant for so many years. It's, you know, you're an example. I just hope that any of the young people watching understand what it's like to volunteer in, in your community, to bring your expertise to your own community and help. And hopefully we're not losing that with everyone so busy following their Pokémon-whatever thing around town. But these are the things that're important, you know, too, especially in this day and age. Everyone's watching what's going on in national politics and they say they don't follow what's happening locally. The stuff that happens locally is the stuff that affects you every day of your life. And, and we are just so fortunate that we have, you know, people like you, first as volunteering and then as Corporation Counsel. So thank you for your service. We do know where to find you so we, we will look forward to seeing you relaxing and supporting The Legion and all of your other activities. I know you'll still be there. And of course, Mr. Alair, your responses are always so fulsome. I love reading your responses. I feel like there is not a day that goes by that I don't learn from you, so I appreciate that. I am happy that we are going to be able to retain that depth of knowledge that you bring to the town and at the same time provide opportunities for advancement and also we'll be bringing in someone who may see things differently so this is a good combination of, you know, town experience but, but other experience coming in, too. So I think it's going to work out well for all concerned. So thank you all.

President Cantor: Thank you, Mrs. Hall. Mr. Williams?

Councilor Williams: Thank you, Madam Mayor. I think everything Mrs. Hall just said was perfect, so thank you for your service. Appreciate it greatly. I think you were always sort of a, a calm to people who came up to speak when you instructed them on whether the light was on or off so, you know, Mr. Alair, I hope you get used to that. That's the, sort of, at the gates there. But honestly, thank you so much for your service. It's very admirable. And to Mr. Alair and Mrs. Boneham, I look forward to working with you in your new capacities.

President Cantor: Thank you, Mr. Williams. Mr. Wenograd?

Councilor Wenograd: So I will say that I don't think the residents of the town realize how lucky we have been and to, for both, the service of both of you. Joe, I, I thank you and I wish you the best. It has, like Mrs. Kerrigan said, I will miss you. Your, your presence will just be an absence of cheerfulness and technical control. You might... and we know you're going to be watching every night and we're going to test you on it. And, Pat, the example of the, not realizing how lucky, I mean, some of the cases that you've, you've done for us...there's a tax case that was just an amazing piece of legal work and it would bore everyone to death, the details, and yet I read it and thought it was fascinating and says something about both of us that you agree with me. But that was, you know, just, just great work. And, you know, the taxes in our town will be, you know, marginally less for, for our residents because of what you were able to achieve there. So thank you and I'm thrilled we'll have, still have you around. Appreciate it.

President Cantor: Thank you, Mr. Wenograd. Anybody else? Congratulations to Ms. Boneham. She'll be stepping into Mr. Alair's spot as Mr. Alair moves to the, this end of the table and we

really are very, very lucky to have had all of your service again. I really am very, very grateful. Okay. All of those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 15, Mr. Davidoff. Oh, I'm sorry. We have a little something for you.

Mr. O'Brien: Thank you.

President Cantor: Yeah, it's your chair. Oh, wait. Let me just describe...so when somebody serves on the Council and they give hours and hours and hours of time and years sometimes, right, they get a chair. And Mr. O'Brien already has a chair so now after serving for many, many, many years, he has another chair. Hopefully it's not broken. So all right. Thank you so much.

Mr. O'Brien: Thank you so much.

Councilor Barnes: Can we get a picture of you guys?

Mayor Cantor: Yeah.

Councilor Barnes: Let's get a picture.

Mayor Cantor: I don't know if you want to say a few words.

Mr. O'Brien: I will say a few words, yes.

Councilor Barnes: There we go.

Mr. O'Brien: Thank you. I want to give this chair what's known as the "Larry Price" test.

President Cantor: Oh, no.

Mr. O'Brien: When he sat in his chair, boom, it collapsed. So let's just see.

Councilor Davidoff: Hey, can you sign a release?

Mr. O'Brien: Feels great.

President Cantor: Okay. Not many people have a couple of, two chairs, I must say. Mr. O'Brien, would you...want to say a few words?

Mr. O'Brien: I'd just like to say very few words. I really appreciate all your kind remarks and, and thank you very much. I've been very blessed in my life and one of my greatest blessings was serving with all the wonderful people on this Town Council and all the wonderful people that work for the town. It's been a great experience and I've loved every minute of it. I really have. I just want to make one, a couple particular comments. I was sitting as a member of the Council back in August of 1986 when Marge Wilder, our Corporation Counsel at the time, brought in Pat Alair, a young cub lawyer as they say, the newest addition to the Corporation Counsel office. So 30 years later, here we are. And the really two great blessings I have had is, one, having Pat in there the whole time I've been there. He has helped me so much I can't even begin to describe it through everything that we've done. And then Kimberly comes along four years later and she's been wonderful as well. And we have, we have an office meeting every Friday and I actually get the Chinese food and bring it in because you have to eat to have an office meeting. And, and we always have a great time during that office meeting. We laugh, we talk about everything. We talk about what's happening with the town, what's happening with ourselves, where are we going on our trips. I've heard about Pat's ring trip around the ring of Iceland, which is coming up. Kimberly goes sailing. But we've had a, just an awesome time together so and we're having another Chinese on Thursday. This year, this week it's Thursday so but, really, thank you very much. It's been wonderful and I'm going to be around. I'm still going to be practicing law, too, of course.

President Cantor: You're welcome. Well, your wife retired so maybe you should join her? I don't know how that works or not.

Mr. O'Brien: Well, she retired four years but it, you know, would be good to have a little more time to do a few more road trips while I have good health.

President Cantor: Absolutely. And that's what we wish you, all, all you want and very good health.

Councilor Barnes: A round of applause?

President Cantor: Yes, absolutely. Again, thank you. Number 15, Mr. Davidoff.

**ITEM #15 - RESOLUTION CONCERNING THE WAIVER OF THE FEE REQUIRED FOR AN AMENDMENT TO SPECIAL SERVICES DISTRICT #125**

**ADOPTED, VOTE 9-0**

**WHEREAS**, the Town Council held a hearing on June 14, 2016 on a zoning amendment to the Loomis-Wooley condominium development requesting the elimination of a condition that would result in the town providing garbage pickup, and

**WHEREAS**, a request for the waiver of the fee for the special development district amendment hearing was part of the application, but was not addressed during the hearing, and

**WHEREAS**, the total fee required by town ordinances for a special development district application for this development was \$760, and

**WHEREAS**, there was some miscommunication between the town staff and the property owners as to the potential success of their application and the complexity of the of the regulations regarding garbage pickup and how this requested change would affect other developments, and

**WHEREAS**, the town is now undertaking a study of the various regulations and zoning approvals that might affect such a decision to determine how the various zoning conditions were implemented and enforced and to make recommendations for changes to those regulations.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD THAT** the fee required for the requested amendment to Special Development District #125 is hereby waived.

Councilor Davidoff: I move we adopt a Resolution Concerning the Waiver of the Fee required for an Amendment to Special Services District #125.

Councilor Kerrigan: Second.

President Cantor: Motion, the motion's been made and seconded. Mr. Van Winkle, would you like to just briefly?

Mr. Van Winkle: Sure. At your meeting of June 14, we had an application before you for an amendment to a Special Services District that, and part of that was they requested a waiver of the fee. You made your decision on that requested amendment but failed to make a decision on the waiver of the fee. This Resolution would waive that fee, \$760.00, unusually high for a change to

an SDD that was pretty small in its impact. So this Resolution would take the action that we probably would've taken that night had we done so.

President Cantor: And this, this is a unique situation that does not set a precedent for future waivers of SDD application fees because of some...it was a, it was just a very unique situation in some different areas.

Mr. Van Winkle: I would say there was some, some confusion with Town Staff and trying to help them get to how to make this change that they felt that this was going to be easy to do. And it's not easy to do and we're still considering the question they raised with us and we'll be coming back to you in the near future with some thoughts on that.

President Cantor: Okay. Thank you. All those...anybody else? Okay. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 16, Mr. Davidoff.

**ITEM #16 - RESOLUTION ADOPTING A PUBLIC SIDEWALK POLICY FOR THE TOWN OF WEST HARTFORD**

**ADOPTED, VOTE 9-0**

**WHEREAS**, the Town of West Hartford ("Town") adopted a Complete Streets Policy ("Policy") on July 21, 2015 to ensure that its transportation network is designed, constructed and maintained for users of all ages, abilities and modes of transportation; and

**WHEREAS**, said Policy directed Town staff to review and update policies and procedures to facilitate the implementation of Complete Streets; and

**WHEREAS**, from time to time the Engineering Division receives requests to eliminate public sidewalk gaps and install sidewalks in developed areas of Town as a means of improving the connectivity of the public sidewalk system, which is a critical component of our transportation network; and

**WHEREAS**, the Town's policy for reviewing said requests was in need of updating.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD THAT** the attached Public Sidewalk Policy is hereby adopted.

Town of West Hartford  
Department of Community Services  
Public Sidewalk Policy  
July 26, 2016

**Public Sidewalk Maintenance and Ordinance**

The Town of West Hartford is responsible for the structural condition of the public sidewalk. However, the abutting property owner is responsible for the removal of ice and snow from the

public sidewalk. Town of West Hartford, Code of Ordinances, §115-24, Removal or Covering of Snow or Ice Required, states that:

*The owner, agent of the owner, or occupant of premises bordering on any street or public place within the Town where there is an established sidewalk shall cause to be removed therefrom any and all snow and ice within 12 hours after the same shall have fallen or formed or within 12 hours after sunrise when the same shall have fallen or formed in the night season. When it is impracticable to remove ice, the sidewalk shall be made safe and convenient for travel by covering with sand or some other suitable substance.*

### **Public Sidewalk Policy Intent**

The Town of West Hartford has a comprehensive public sidewalk network extending over 300 miles. These sidewalks connect residential neighborhoods, schools, parks, retail establishments, places of worship, bus stops, and other pedestrian destinations to provide a walkable community. They provide an alternate means of transportation and recreational opportunities.

While the sidewalk network is extensive, there still are many areas in West Hartford that either do not have any sidewalks or do not have complete sidewalk connectivity. Reasons for this may include lack of need, opposition from abutting property owners, construction or maintenance cost, structural and winter maintenance issues, topography, environmental considerations, and utility constraints.

This Public Sidewalk Policy guides decision making when a request is made to eliminate existing sidewalk gaps, or to install new sidewalks in developed areas within the public right of way. The Policy takes into consideration the vision, goals, and guiding principles of the Town of West Hartford's Complete Streets Policy (Adopted by Town Council on 7/21/2015). This policy does not preclude the Town Manager, acting as Legal Traffic Authority, from initiating the installation of sidewalks in the interest of public safety, as part of a public improvement or in adherence with other Town policies.

### **Public Sidewalk Gap Elimination**

A public sidewalk gap is a missing section of sidewalk up to 500 feet in length along a roadway that was accepted by the Town Council as a Public Street. On occasion, the Town receives requests to extend sidewalks through these gaps or Town staff identifies a gap which appears to be worthy of elimination. Extending sidewalks through these areas may create a burden to abutting property owners who chose to purchase their property without a public sidewalk and would become responsible for winter maintenance. This potential burden must be weighed against the benefits that the gap elimination will provide to the community as identified by the Town's Complete Streets Policy.

The Town Engineer will evaluate and make a recommendation to the Town Manager as the Legal Traffic Authority to decide if the public sidewalk gap should be eliminated. Consideration will be based on, but not limited to, the following criteria:

- A petition requesting the elimination of the sidewalk gap signed by at least 50 percent of the property owners (not tenants) that live within 1,000 feet of the sidewalk gap. Preferably, this petition is signed by the property owners along the sidewalk gap. If applicable, the petition shall identify the preferred side of the roadway to eliminate the sidewalk gap.
- The sidewalk gap is located along a walking route within 1/4 mile of a school.
- The sidewalk gap is located along a CT Transit route or a walking route that is within 1,000 feet of a place of worship, park, or shopping center.
- There is no complete sidewalk along the opposite side of the street.
- The roadway along which the sidewalk gap exists has an average daily traffic volume of 3,000 vehicles (total of both directions).
- Within the limits of the proposed sidewalk installation, the predominant roadway width (edge of roadway to edge of roadway) is less than 28 feet.
- The 85<sup>th</sup> percentile of actual vehicle speed is greater than 35 miles per hour.
- The roadway characteristics in the vicinity of the sidewalk gap limit visibility of pedestrians who are walking in the roadway.
- Vehicles are predominantly parked in the roadway in the vicinity of the sidewalk gap.
- The sidewalk installation will be on a grade less than 5.0 percent.
- The sidewalk installation will not impact public utilities.
- The sidewalk installation will not promote ice accumulation.
- The sidewalk installation will not require tree removal or significant tree pruning.
- Town funding is available for the sidewalk construction.
- There is sufficient room within the Public Street Right of Way

### **Sidewalk Installation in Developed Areas**

In some areas, sidewalks were not constructed as land development occurred. In many cases, the developers specifically asked the Town to waive the construction of sidewalks and that request was approved. When requests for sidewalk installation in developed areas are received, they will be evaluated using the same criteria as the sidewalk gap elimination criteria except as follows:

- A petition signed by at least 75 percent of the property owners (not tenants) who would

receive the new sidewalk and who own at least 75 percent of the linear footage of the new sidewalk is required. The petition should clearly identify which side of the roadway is preferred for the sidewalk installation. If all other factors are equal, locating any new sidewalk along the north side of the street is preferred to allow sun exposure, which will increase snow and ice melting.

- The requested sidewalk must connect to an existing public sidewalk.

### **Sidewalk Standards**

The construction of all public sidewalks shall comply with current Town of West Hartford Engineering Standards. The sidewalk width should be five feet unless otherwise approved by the Town Engineer. The sidewalk material may be concrete, asphalt, or brick paver. In most cases, the material will match the adjoining sidewalk material but the Town reserves the right to determine the most suitable material given the conditions where the sidewalk is proposed.

President Cantor: Motion's been made and seconded. Mr. Van Winkle, would you?

Mr. Van Winkle: You know, West Hartford is famous as a walkable community. We receive awards as one of the great walkable communities in America. We have over 300 miles of sidewalks in this town. This would almost get you from here to Philadelphia and beyond on a single sidewalk if it was laid end to end. But there are portions of the town that don't have sidewalks and from time to time we get requests about installing sidewalks. There are pieces of our sidewalks that go along and that are missing and then get picked up a few houses down. So over the years, we've made improvements to our sidewalks by adding additional sidewalks. But in order to, to be able to make good decisions with the support of the Town Council about where we will install sidewalks, we have prepared a policy that updates a policy that we adopted maybe 25 years ago that suggests that where there are gaps in walking distances to schools that those are sidewalks that we should fill. And where there are streets where residents want to have sidewalks, that if they, a, a certain number of those residents get together and ask for those streets, that we will give consideration to that.

President Cantor: Thank you, Mr. Van Winkle. Any questions or comments? Okay. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 18, Mr. Davidoff.

### **ITEM #18 - RESOLUTION AUTHORIZING SUSPENSE OF TAXES OWED ON THE 2012 GRAND LIST FOR MOTOR VEHICLES AND PERSONAL PROPERTY**

**(Delinquent Report referenced in Resolution is on file in Council Clerk's office.)**

### **ADOPTED, VOTE 9-0**

**WHEREAS**, Connecticut General Statutes Section 12-165 requires that each municipality have a suspense tax book and deliver to the Town Council a statement giving by rate bill: (1) the

amount of each uncollectible personal property; (2) the name and address of the person against whom each such tax was levied; and (3) the reason why such collector believes each such tax is uncollectible.

**WHEREAS**, \$171,011.52 in taxes are due the town for motor vehicles on the 2012 Grand List;

**WHEREAS**, \$42,581.67 in taxes are due the town for motor vehicles on the Supplemental 2012 Grand List;

**WHEREAS**, \$51,346.92 in taxes are due the town for personal property on the 2012 Grand List;

**WHEREAS**, the name and address of the person against whom each such tax was levied is included in the attached Delinquent Report as of 6/30/16 for Tax Year 2012;

**WHEREAS**, these taxes are considered uncollectible due to the age of the delinquencies and unsuccessful attempts to collect these taxes over the past three years;

**WHEREAS**, I, Helene J. Lefkowitz, Revenue Collector, certify that, to the best of my knowledge and belief, each tax contained in the attached lists has not been paid and is uncollectible.

**NOW THEREFORE** be it resolved that the Town Council agrees that the collector shall transfer each uncollectible tax to the suspense tax book; provided, however, that nothing herein shall be construed as an abatement of any tax so transferred, but any such tax, as it has been increased by interest or penalty, fees and charges may be collected by the Collector.

Councilor Davidoff: I move we adopt a Resolution Authorizing Suspense of Taxes owed on the 2012 Grand List for Motor Vehicles and Personal Property.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. Mr. Van Winkle.

Mr. Van Winkle: You do this every year about this time. This is taxes levied on the 2012 Grand List that we deem uncollectable at this time. We take'm off of our books. It doesn't mean that we stop trying' to collect'm. It seems amazing that we would have taxes that we don't collect from '12 but these are primarily on cars that may have been in this community. Maybe a student was here, lived here, should have paid taxes on the car but left before the bill came. We're still pursuing those. It might be a business that was here in West Hartford but closed before that second bill for that year came. And so that business may no longer exist or that business may exist nationally but they're not here and not paying attention to our efforts to collect those taxes. Even though we will move these to a suspense list, they will still go to a collection agency and we'll still pursue these individuals to the degree we can to try to collect these taxes.

President Cantor: Thank you, Mr. Van Winkle. Any questions or comments? And they're all fairly small in amounts individually.

Mr. Van Winkle: There's, there's a large number of them but they tend to be very small. Again, your car taxes are not a large number but they tend to be a small amount on a, on a car tax or leftover from a small business, personal property tax.

President Cantor: Okay. Thank you very much. All right. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 19, Reports from the Town Manager. Mr. Van Winkle.

## **ITEM #19 - REPORTS OF TOWN MANAGER**

Mr. Van Winkle: Ah. We have extended the hours of recreational swimming at our outdoors pools. It's been very, very hot late into the evening, so we've added some additional times. So from July 25 through August 5, we will be extending our pool hours. Tax bills have been mailed, so if you received that tax bill, you need to pay that bill by August 1 or we are, we are ordered by the State of Connecticut to start collecting a sizable interest on past due bills. If you own a car, if you own a car and you did not get a bill, there's a mistake somewhere. The Department of Motor Vehicles gives us a list of all the car owners and their addresses. And in many cases, they're telling us, they may have messed up those. You may have paid taxes on your car last year and didn't get a bill this year. You still need to pay those taxes. You need to come in and say, hey, what happened? I didn't get a bill. If you don't, we are required to charge you interest on, as a past due bill. It's something that we can't correct until the Department of Motor Vehicles corrects it. We've talked to somebody who has a car that is being taxed in Waterbury. They never lived in Waterbury. They're a West Hartford resident. Obviously, they are able to correct that but, and pay it correctly but we don't want you to be caught in a mistake that the Department of Motor Vehicles has made and we would like you to pay your taxes in West Hartford. Thank you. Charter Oak School is almost done. We're about to start a new school year at the end of August and Charter Oak School, we had a, a picnic with the construction workers that the contractor ran there for his construction workers and some Town Staff. The school is ready and will be open without question. There'll still be some work to do outside. There's still work on the, the demolition of the old Charter Oak School, which is in process right now, and the construction of new parking areas that will be ongoing. But the children will be in Charter Oak School, the brand new one, this new school year and we're looking forward to a, a great new opening for that school. That's really all I have. If there're any questions, I'd be glad to answer them.

President Cantor: Thank you, Mr. Van Winkle. Any questions? Mr. Barnes.

Councilor Barnes: Thank you. In light of our new sidewalk policy, it reminded me. I received some questions from the, the folks that came before us from Steele Road about a month or so ago, maybe a month-and-a-half ago, about speeding concerns that they had on that, kind've the new development portion in the upper kind of north corner there. And I was just, I know that you went out and you gave us a report that you went out and, and spoke to them. I was just wondering whether there's been any developments on that front and, and whether sidewalks or a sidewalk is a consideration on Steele Road?

Mr. Van Winkle: Yup. Steele Road is one of those streets that carries a lot of traffic. It has two lanes. A lot of it are, are people trying' to get from one place to another, less neighborhood traffic and more people perhaps getting to work at Cigna or, or trying' to get through West Hartford. Unfortunately, our experience out there is that because the street has very little development on it, people feel like they should go as fast as they do. You know, most of us drive our cars with a sense of what the appropriate speed is and they're exceeding the speed limit there. Residents were concerned about safety and asked the question of, you know, can we have a sidewalk? Well, the problem is there's no sidewalks on that entire street so we couldn't run a sidewalk all the way from Mountain to Main. That would be a very expensive and across land that, that the land trust owns. There's a, and Bloomfield owns. So we had a discussion with them about the possibility of putting in a sidewalk that would connect the homes that're there. And so that was our discussion with'm. Our engineers are in the midst of their construction season. This requires a survey. It may require actually some of those homeowners to give us an easement for it because we don't want to put it at the edge of the road if it's going to go just between homes. We might meander around a tree rather than taking a tree down. So our next step really is to get some survey information out and get it on our construction schedule.

Councilor Barnes: Thank you.

President Cantor: Thank you, Mr. Barnes. Anybody else? Okay. Number 20, Announcements. I will start.

## **ITEM #20 - ANNOUNCEMENTS**

President Cantor: Wheels on Wednesday, July 27, August 10 and August 24. Bike West Hartford is a leading group, is leading group bicycle rides every other Wednesday evenings during, through August 18. All rides start in the early evening at Town Hall parking lot outside the main entrance in the rear of the building. Event is free and open to all. Rides will be between 10 and 20 miles with a few shorter rides suitable for families and longer rides for more experienced cyclists. The schedule this Wednesday at 6:30, 4.5 family ride; Wednesday, August 10, 6 p.m., a ride through Bloomfield down Lancaster Road. It's a great hill. Wednesday, August 24 at 6 p.m., an 18-mile ride through West Hartford linking many of the hidden connectors. I've done that ride before and it's very interesting. Visit [bikewesthartford.org](http://bikewesthartford.org) for an updated schedule of rides. West Hartford Art League Art Tag Sale, Wednesday, July 27, 8 a.m. - 11 a.m. The West Hartford Art League has cleaned its attic and will be holding a tag sale of paintings, frames, and miscellaneous art items in the Saltbox Gallery at 37 Buena Vista. Everything is priced to sell. Sale is cash and carry only. A Chorus Line continues until July 31 at Park Road, Playhouse on Park. Tickets are \$35-\$45. All seats are reserved and it is awesome. Ages 13 and up and that's true. Shakespeare under the Stars, July 14-31. This summer Capital Classics stages a play as timely as now as it was over 400 years ago, Othello, Shakespeare's tale of jealousy, duplicity and destruction. The play will run for three weekends, July 14-31 outdoors on the grounds of the University of Saint Joseph. Performances are held Thursday, Friday and Saturday, 7:30 p.m. and Sundays at 5:30 p.m. Tickets are \$15 for adults, \$10 for students and seniors available at the door at the Frances Driscoll Box Office. The West Hartford Chamber of Commerce 30<sup>th</sup> annual golf tournament, August 29 at 11 a.m. is a great event to get together with Chamber members for 18 holes of gold at Hartford Golf Club, 134 Norwood Road. Enjoy

dinner, drinks, raffle prizes, prizes donated by member businesses. This event attracts over 200. Register today at [www.whchamber.com](http://www.whchamber.com). Food pantry needs your help and the summers are always a, a time that students do not get meals through the schools and we have to remember that we have to bring food to them, the people in need. So the pantry relies solely on donations from the community to assist local residents. You can support these efforts by donating groceries, organizing a neighborhood food drive or making a financial contribution to the Town that Cares. We currently need the following nonperishable food items: Cereal, pasta sauce, tuna, canned fruit, baked beans, canned pasta, "Spaghetti O's," peanut butter, rice, macaroni and cheese and pasta. It is very helpful to receive regular-sized items instead of family sizes so that we can distribute to a variety of items to each family. Beauty and the Beast, July 28-31. The West Hartford Summer Arts Festival proudly presents Beauty and the Beast. Performances are held at Northwest Catholic High School on July 28, 29, 30 and 31. Those're at 7 and the 31 on Sunday is at 2 p.m. One hour prior to each performance, there will be a fairy tale festival with games, art, activities food and fun for audience members plus the opportunity for children to get autographs and have pictures taken with their favorite characters. Tickets for Beauty and the Beast may be purchased online, [www.westhartsaf.com](http://www.westhartsaf.com) or at the box office at Northwest High School for 5-7:30. It is their 40<sup>th</sup> year and they have a really quality performance all the time. Also, we all got at our desk, Feast on the Farm. This is a four-course dinner that features locally grown produce and products and highlights the talent of Chef Dorjan Puka. He is amazing. It is Friday, September 30, 6-9, and the proceeds go to Westmoor Park to benefit Westmoor Park. And...he is the owner of Treva, Avert and the new restaurant coming, the Mediterranean restaurant and I don't remember the name of it, sorry, Dorjan. He also hosted Nuns on the Bus on Sunday, which was very interesting, wonderful. Anyway. Okay. Anybody else?

Councilor Barnes: Yeah.

President Cantor: Mr. Barnes.

Councilor Barnes: Just a quick announcement. Tomorrow night is the Taste of Blue Back and The Center from 5-8. There'll be, I think it is the first one for Blue Back and The Center, although we've had Taste of's from other parts of town. It's the first one here in The, The Center. A lot of restaurants in town will be there serving up their food. It's a nice evening so people can come out and support it. I believe the proceeds go...huh?

Councilor Hall: I think it's sold out.

President Cantor: I thought it was sold out, too. I...I...

Councilor Barnes: If it's sold out then maybe next year you can make it. But if you have a ticket, you're fortunate. Proceeds, I believe, go to Noah Webster?

President Cantor: Yeah.

Councilor Barnes: Noah Webster, so thank you.

President Cantor: Thank you, Mr. Barnes. Mr. Davidoff.

Councilor Davidoff: To all registered Democrats in town, August 9 there is a primary election for the Office of Judge of Probate. Absentee ballots are currently available. Election takes place at your regular polling places between the hours of 6 a.m. to 8 p.m. So if you're a registered Democratic voter, I hope you go out to vote for one of the two candidates on the ballot.

President Cantor: And if you're out of town, you can either get an absentee ballot or come in in person and vote while the office is open. Any other? Okay. Number 21, Reports from Corporation Counsel. Mr. O'Brien.

**ITEM #21 - REPORTS OF CORPORATION COUNSEL**

Mr. O'Brien: Well, I was hoping I'd have one last Executive Session tonight but I think next time you might have to have one, I don't know. But, no. No Executive Session tonight. No more Reports. And again, God bless you all and I really enjoyed serving with you all these years.

President Cantor: Thank you. You too, Joe. All, all the best. Number 22, Mr. Davidoff, we have an...

**ITEM #22 - APPOINTMENTS**

Councilor Davidoff: Yes, Madam Mayor. I move that we appoint Liam Sweeney as Town Council Zoning alternate for a term ending 12/31/2019.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 30, Mr. Davidoff.

**ITEM #30 - CONSENT CALENDAR**

**ADOPTED**

**ITEM #14 – RESOLUTION TO APPROPRIATE A \$6,750 RECYCLING INCENTIVE GRANT FROM THE STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION IN THE FISCAL YEAR 2016-2017 BUDGET OF THE GENERAL FUND**

**WHEREAS**, the Town of West Hartford applied for and was awarded a Recycling Incentive Grant in the amount of \$6,750 from the State of Connecticut's Department of Energy and Environmental Protection, and

**WHEREAS**, the Recycling Incentive Grants Program offers funding to municipalities and regional organizations actively engaged in reducing solid waste, reducing disposal costs, and increasing reuse and recycling,

**WHEREAS**, the Town of West Hartford is cooperating with the Department of Energy and Environmental Protection and their waste reductions initiatives, and

**WHEREAS**, the Town will utilize the grant funds to prepare a ten year waste management master plan,

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD** does hereby appropriate grant funds of \$6,750 and amends the fiscal year 2016-2017 General Fund budget as follows:

Estimated Revenues

01-310200-30104-9071	State Grants	\$6,750
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Appropriations

01-310200-30104-2070	Professional Services	\$6,750
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**ITEM #17 – RESOLUTION TO CARRY FORWARD AND APPROPRIATE FUNDS RECEIVED BY THE TOWN OF WEST HARTFORD FROM COVANTA BRISTOL INC. IN THE FISCAL YEAR 2015-2016 GENERAL FUND BUDGET TO CONDUCT RECYCLING OUTREACH AND EDUCATIONAL ACTIVITIES**

**WHEREAS**, the Town of West Hartford entered into a Municipal Solid Waste Disposal Services Agreement (the “Agreement”) with Covanta Bristol Inc. effective November 8, 2012 for the disposal of solid waste and bulky waste generated in the Town, and

**WHEREAS**, per the terms of Section 1.5 of the Agreement, Covanta makes an annual community outreach grant payment to the Town in the amount of \$15,000, and

**WHEREAS**, these funds were appropriated in the fiscal year 2015-2016 General Fund budget but were not fully expended, and

**WHEREAS**, per the terms of the grant award these funds can be carried forward to fiscal year 2016-2017, and

**WHEREAS**, the Town will utilize the grant funds to prepare a ten year waste management master plan,

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD THAT** unexpended grant funds are appropriated for the purpose of preparing a ten year waste management plan, and the fiscal year 2016-2017 General Fund budget is amended as follows:

Estimated Revenue

01-310200-30104-9075	Miscellaneous Revenue	\$15,000
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Increase Appropriations

01-310200-30104-2070	Professional Services	\$15,000
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**ITEM #24 – FROM TOWN PLAN AND ZONING – RE: ORDINANCE AMENDING THE ADMINISTRATIVE APPROVAL PROCESS APPLICABLE TO SPECIAL DEVELOPMENT DISTRICTS – RECOMMENDING APPROVAL**

**ITEM #25 – FROM TOWN PLAN AND ZONING – RE: ORDINANCE EXTENDING THE MORATORIUM ON THE APPROVAL OF GROUND-MOUNTED AND POLE-MOUNTED SOLAR ENERGY SYSTEMS IN RESIDENTIAL ZONES – RECOMMENDING APPROVAL**

**ITEM #26 – FROM CAPITAL REGION COUNCIL OF GOVERNMENTS (CRCOG) – RE: ORDINANCE AMENDING THE ADMINISTRATIVE APPROVAL PROCESS APPLICABLE TO SPECIAL DEVELOPMENT DISTRICTS – FINDING NO APPARENT CONFLICT**

**ITEM #27 – FROM CAPITAL REGION COUNCIL OF GOVERNMENTS (CRCOG) – RE: ORDINANCE EXTENDING THE MORATORIUM ON THE APPROVAL OF GROUND-MOUNTED AND POLE-MOUNTED SOLAR ENERGY SYSTEMS IN RESIDENTIAL ZONES – FINDING NO APPARENT CONFLICT**

**ITEM #28 – FROM TOWN PLAN AND ZONING – RECENT PLANNING ACTION – RE: 701 FARMINGTON AVENUE, 75 ISHAM ROAD**

**ITEM #29 – FROM INLAND WETLAND AND WATERCOURSE AGENCY – RECENT PLANNING ACTION – RE: BRAEBURN CULVERT, 72 HILLSBORO DRIVE**

Councilor Davidoff: I move the adoption of the Consent Calendar.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries.

**ITEM #31 - FROM JOSEPH O'BRIEN (7-18-2016) RESIGNING AS CORPORATION COUNSEL**

**RECEIVED**

President Cantor: Number 31 from Joe O'Brien, 7/18/2016, I'm doing this one, sorry, resigning as Corporation Counsel. Again, thank you for your service. I'm sorry?

Councilor Davidoff: Move we receive.

President Cantor: Move that we receive...okay. I'm moving that we receive. You're second.

Councilor Davidoff: Yup.

President Cantor: Okay. The motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. No Petitions. No Executive Session. I move that we adjourn.

**ITEM #34 - ADJOURNMENT**

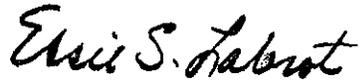
Councilor Davidoff: Second.

President Cantor: The motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Bye.

Meeting adjourned at 8:47 P.M.



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Essie S. Labrot  
Town Clerk/Council Clerk

ESL/dd

**APPROVED AT AUGUST 23, 2016, TOWN COUNCIL MEETING**