

**WEST HARTFORD TOWN COUNCIL MEETING
SEPTEMBER 27, 2016
LEGISLATIVE CHAMBER**

ITEM #1 - MEETING CALLED TO ORDER: 10:10 P.M.

President Cantor: All right, we're calling the Town Council meeting to order at 10:10. We'll start with the Pledge of Allegiance.

ITEM #2 - PLEDGE OF ALLEGIANCE

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

ITEM #3 - ROLL CALL

Present were Councilors Barners, Cantor, Casperson, Davidoff, Dodge, Hall, Kerrigan, Wenograd and Williams.

President Cantor: Thank you, Ms. Labrot. Number four, Mr. Davidoff.

ITEM #4 - APPROVAL OF MINUTES: RECEIVED

Councilor Davidoff: I would request that we suspend the rules...

President Cantor: No, no. Just do number four, the Approval of Minutes then we'll do them.

Councilor Davidoff: Hold on. Oh, sure.

President Cantor: Multitasking. Hello. Okay, hold on.

Councilor Davidoff: Number four, Madam Mayor, is I move the Approval of the Minutes of the Town Council meeting of 9/13/2016.

Councilor Kerrigan: Second.

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

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Now I make a motion actually we suspend the rules to, for a suspense item.

Councilor Davidoff: Second.

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

Councilors: Aye.

**SUSPENSE ITEM: ORDINANCE ESTABLISHING PROCEDURES FOR LICENSING
AND PUBLIC SAFETY POLICE DETAILS AT ENTERTAINMENT
ESTABLISHMENTS**

SET FOR PUBLIC HEARING ON OCTOBER 13, 2016, AT 6:30 P.M.

WHEREAS the zoning ordinances of the Town of West Hartford do not permit nightclubs or other similar establishments, but certain places of business located in the Town may hold themselves out to the public as restaurants, nonprofit membership clubs, or other permitted uses while operating more like a nightclub than any use which is permitted within the Town; and

WHEREAS such establishments, which provide amplified music, sound or other noise for musical performances or dancing may have a detrimental effect on adjacent public or private property because of excessive noise, accumulation of outdoor trash, and alcohol abuse; and

WHEREAS such establishments have been known to draw a large number of patrons, resulting in a detrimental effect on public safety including, but not limited to, problems with loitering, fighting and other physical altercations, and other serious criminal activities; and

WHEREAS the requirement of an entertainment license will provide standards for the appropriate operation of such places of business and penalties for violations thereto; and

WHEREAS the requirement of police details will aid in preventing crimes and nuisance, provide for public order, safety, and peace for residents and the general public, and protect employees and guests of establishments such as those described herein.

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 new chapter thereto.

CHAPTER 75. ENTERTAINMENT LICENSES AND PUBLIC SAFETY POLICE DETAILS.

ARTICLE I. Entertainment Licenses.

Section 75-1. Definitions.

The following words shall have the meaning given in this section unless the context clearly suggests otherwise. All words and terms not defined herein shall be interpreted in accord with standard usage.

Amplified or Amplification. Any music, sound or other noise which utilizes electronic equipment such as electronically powered microphones, speakers, or bullhorns to increase the decibel level thereof.

Application. An entertainment license application the form of which shall be provided by the Chief of Police to all persons required to obtain a license pursuant to this chapter.

Entertainment. Live or pre-recorded amplified musical performances, and or dancing to live or pre-recorded amplified music or song, either by patrons or by performers for the benefit of an audience of two or more persons.

Establishment. Any existing or proposed place of business located in the Town, regardless of its classification for purposes of the Town's zoning ordinances, regardless of whether it is open to the public or is maintained as a private club and regardless of whether an admission, membership or other fee is charged in order to attend, which provides amplified entertainment.

Licensee. The owner of the structure in which the establishment is located, the operator of the establishment (if different from the owner), the liquor permittee for the establishment designated by the State of Connecticut and any promoter subject to the requirements of this chapter shall all be required to be co-applicants for, and shall execute the application for an entertainment license. All licensees shall be bound equally to comply with the requirements of this chapter and each licensee shall be subject to the penalties established herein for each violation thereof.

Low Volume. Sound played at a level such that a person speaking in a normal tone of voice can be heard clearly over this sound by another person standing thirty-six (36) inches away.

Promoter. An individual or other legal entity which contracts with establishments, performing artists, advertising service providers or similar entities orally or in writing to arrange for, produce and or sponsor an entertainment event at an establishment not owned or operated by the promoter.

Section 75-2. Entertainment Licenses.

A. Applicability; Exemptions. This chapter shall apply to any place of business located within the Town of West Hartford offering, on a regular or occasional basis, entertainment which includes (1) live or pre-recorded amplified musical performances, or (2) dancing to live or pre-recorded amplified music or song, except for the following exempt activities:

- (1) Religious services or performances at any church or other place of worship;
- (2) Any place of business providing music systems operated at a low volume which does not disrupt normal conversation and is not intended for entertainment;
- (3) Any activity approved by the Town or otherwise permitted by law to take place on public land;
- (4) Public and private school programs; studios for instruction in music or dance; and
- (5) Activities of organizations that are tax-exempt under section 501(c)(3) of the Internal Revenue Code.

B. Application Requirements. An Application shall be submitted to the Chief of Police to provide entertainment in all establishments as herein defined. Each Licensee of an Establishment shall be held responsible for all violations of the requirements and restrictions specified herein. Approval of the Application shall be required prior to the commencement of operation as an establishment providing entertainment, as defined herein. An Application shall include a completed Application Form as provided by the Town, a floor plan of the establishment and any outdoor premises used as part of the establishment and the payment of a \$500.00 license fee. An

Application shall not be submitted prior to receipt of all required land use approvals for the proposed use.

C. Application Review. The Application shall be submitted to the Chief of Police, who shall approve or deny the Application within thirty (30) days after submission. An Application shall be approved if: (1) it complies with all requirements set forth in this chapter and in the application itself; (2) the applicant establishes compliance with the zoning ordinances of the Town of West Hartford; (3) the applicant establishes compliance with any other applicable statutes and/or ordinances such as, but not limited to, food service licensing and/or liquor licensing laws. If the Chief of Police denies the Application, he shall state, in writing, why the Application does not comply with the requirements of this chapter.

D. Duration. A license shall be valid for one (1) year from the date of issuance unless (1) there is a change in the licensee, as herein defined, in which case a new Application shall be submitted, including payment of all fees, and approved prior to the commencement of any applicable activity after the change or, (2) the license is revoked pursuant to the provisions of this chapter. A license is not transferable.

E. Existing Establishments. Any establishment which is lawfully in existence as of the effective date of this Ordinance shall be allowed to continue providing entertainment provided that it files an Application no later than thirty (30) days after the effective date of this Ordinance.

Section 75-3. Operational Restrictions.

Any establishment which receives a license under this Ordinance shall comply, as a condition of the license, with the requirements of this chapter as well as all other federal, state and/or local laws. The following requirements, which are intended to provide reasonable assurances that the quiet, safety and cleanliness of the premises and vicinity are maintained, shall be met at all times:

A. Noise.

(i) All amplified music, speech or noise shall be contained within a building on the premises. No amplified equipment, including speakers and/or bullhorns, shall be so positioned as to direct music or other sound outside the building through doors, windows or other openings. The establishment shall provide adequate ventilation within the structure such that all such openings shall be closed during amplified entertainment. Exterior doors shall utilize a revolving door, vestibule or other similar double-door system to minimize transmission of noise from the establishment and shall be opened only for the passage of employees and patrons.

(ii) Entertainment provided on the premises shall not be promoted outside the establishment by shouting or amplification, whether by employees, patrons or recorded transmissions.

(iii) A licensee shall not make, cause to be made or otherwise allow any loud or unreasonable noise to emanate from the establishment. Noise shall be deemed to be unreasonable when it disturbs, injures or endangers the peace or health of neighboring persons of ordinary sensibilities or when it endangers the health, safety or welfare of the community. Any such noise shall be

considered to be a noise disturbance and public nuisance. The prohibitions of this section shall apply whether or not the noise exceeds the decibel levels set forth in Chapter 123 of the West Hartford Code of Ordinances.

B. Hours of Operation.

(i) The permitted hours of operation for entertainment shall be:

a. Monday, Tuesday, Wednesday, Thursday and Friday from 9:00 a.m. on that day until 11:00 p.m..

b. Saturday from 9:00 a.m. until 11:00 p.m..

c. Sunday from 11:00 a.m. until 11:00 p.m..

(ii) All patrons shall leave the licensed premises within thirty minutes after the establishment closes.

(iii) The licensee and employees of the premises may remain on the premises after closing for the purpose of cleaning, maintenance, security, food preparation, and closing the business but no amplified sound shall be permitted during any such operations.

(iv) Establishments which serve alcohol shall not conduct events directed to persons under age 21 (e.g. "teen nights" and "18 and over" parties) except for such events at which alcohol is not served and which events take place in a portion of the establishment that is fully and securely separated by walls, dividers or other code-compliant barriers from areas where alcohol is served or consumed.

C. Maintenance, Design and Security.

(i) All licensees shall maintain efficient and affirmative supervision over the conduct of their patrons within the licensed premises and/or on sidewalks contiguous to the licensed premises. This obligation shall include maintaining free and clear passage on public rights-of-way, on real property owned or leased by the licensee within which the licensed premises are located and in parking areas owned or leased by the licensee for use by patrons of the licensed premises.

(ii) All licensees shall be responsible to keep all outdoor space on the property within which the establishment is located, including parking areas, decks, seating areas and all other lands owned or leased by the licensee, and all public sidewalks abutting the property within which the establishment is located clear of litter and cleaned daily within eight hours after each closing.

(iii) Entertainment inside the building shall only be provided in location(s) designated in the Application and shall be located so as to minimize noise or other nuisances affecting adjacent property.

(iv) All fights, disturbances, violence or any other violation of law shall be reported to the police immediately by the licensee or employees of the establishment.

(v) All establishments which serve alcoholic beverages shall comply with and be operated in accordance with all applicable federal, state and Town statutes, regulations, and ordinances.

(vi) The establishment shall implement other conditions and/or management practices necessary to ensure that management and/or patrons of the establishment maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use.

(vii) The licensee shall take all reasonable measures to ensure that public sidewalks and private ways adjacent to the premises are not blocked by patrons or employees and shall provide security whenever patrons gather outdoors.

(viii) Employees of the establishment shall be posted at all entrances and exits to the establishment during the period from 10:00 p.m. until all patrons have left the premises following closing. These employees shall take reasonable steps to prevent patrons waiting to enter the establishment and those exiting the establishment from disrupting the quiet and cleanliness of the neighborhood as they leave the establishment.

Section 75-4. Promoter Events.

Whenever a licensee allows a promoter to use the establishment for a particular entertainment event, the licensee shall inform the promoter of the requirements of this Ordinance. Each calendar day of such activity shall be deemed to be a different promoter event. The Promoter and each existing licensee for the establishment shall, at least five (5) days prior to the event, execute a promoter event application which shall describe the event in detail and shall itemize any anticipated deviations from any operations at the establishment as set forth in the existing approved entertainment license. A fee of \$100 shall be submitted with each such promoter event application. Such promoter event shall be approved only if it demonstrates that the promoter event will comply with the requirements of this chapter and all other applicable provisions of federal, state and local law. Approval of any promoter event shall expire upon the conclusion of the promoter event described therein, at which time the terms of the underlying license shall return to full force and effect.

ARTICLE II. Public Safety Police Details.

Section 75-5. Incident Report Review.

A. The chief of police shall review all incident reports relating to any place of business located within the Town of West Hartford which is required to have an entertainment license pursuant to this chapter and to which public safety personnel reported or were summoned or for which a complaint was filed with the police department regarding any loud, disturbing, illegal or violent conduct. Such incident reports shall contain the name and address of the premises and the name of the permittee(s) or owner(s) in charge of the premises.

B. The chief of police shall review such incident reports together with any other reliable information available to him/her concerning the premises. After such review, the chief of police shall determine whether the public safety of the patrons, invitees, employees or the general public requires the deployment of a police detail to the premises and shall determine the appropriate number of officers to be included in said detail.

Section 75-6. Determining Factors.

For purposes of determining whether to deploy a police detail, the chief of police shall consider, but not be limited to the following factors in making a determination:

- (1) The nature, scope, and seriousness of the incident(s);
- (2) The occurrence of violence and whether physical injuries resulted;
- (3) Historical information regarding the premises and the owner(s) or permittee(s) with respect to similar incidents;
- (4) The level of cooperation or lack of cooperation from the owner(s) or permittee(s) of the premises in addressing or correcting incident(s); and
- (5) The benefit to the public's safety of deploying a police detail to the premises.

Section 75-7. Public Safety Police Details.

In the event it is determined that a police detail is necessary for public safety purposes, the permittee(s) or owner(s) in charge of the premises will, upon notice, be required to pay the cost to the Town of said police detail, in an amount to be determined by the chief of police which includes any necessary expenses incurred by the police department for providing such services. Said police detail shall initially be required for no more than four (4) weeks. After said period, the chief of police shall review the situation and any new information available to him/her. The chief of police may revise the number of detail police officers required or may terminate the requirement for police detail. The chief of police shall continue this four-week review cycle until such time as he/she determines that a police detail is not necessary.

Section 75-8. Notice requirements.

Prior to any determination by the chief of police of the necessity for a police detail, he or she shall notify the permittee(s) or owner(s) in charge of the premises, in writing, via in hand delivery or via certified mail delivered to the premises, and shall offer the permittee(s) or owner(s) an opportunity to present any evidence within ten (10) business days which he or she believes is relevant to the decision of whether to order a police detail.

ARTICLE III. Administration and Enforcement.

Section 75-9. Enforcement.

Unless otherwise provided herein, the provisions of this chapter may be enforced the West Hartford Police Department, by the Zoning Enforcement Officer or by any member of the West Hartford-Bloomfield Health District. At all times while the premises are occupied, police and other enforcement officials, while on duty, must be admitted and granted access to the entire licensed premises, including the parking lot and other areas surrounding the building within which the establishment is located. No licensee or any employee thereof shall interfere with the official duties or activities of any such police or enforcement official in any way. No licensee or employee thereof shall harass, either verbally or physically, any police or other enforcement official while such police or other enforcement official is performing his or her official duties on or within the establishment or other areas surrounding the establishment.

Section 75-10. Penalties.

A. Each person who operates an entertainment establishment without first having obtained a license as required by this chapter shall be fined \$250 per day for each such violation. Each person or entity which would be required to be an applicant for a license shall be subject to the penalties described herein.

B. Each Licensee of any establishment found in violation of any of the restrictions specified in Article I of this Chapter by any official authorized to enforce this Ordinance shall be subject to the following penalties in addition to the requirement that a police detail be implemented where applicable:

(i) First Offense: Letter of warning.

(ii) Second Offense within 12 calendar months of first offense: License suspension of 15 days and fine of \$100.

(iii) Third Offense within 12 calendar months of second offense: License suspension of 30 days and fine of \$150.

(iv) Fourth Offense within 12 calendar months of third offense: Revocation of license and fine of \$150. Licensee may reapply for a license no sooner than six months after the date of the violation.

Each letter of warning, notice of license suspension and associated citation shall be hand delivered or sent by registered mail within ten (10) days of the violation. The penalties specified above shall only pertain to the provision of entertainment on the premises and shall be in addition to any assessments or penalties imposed pursuant to any other applicable provision of law. Any suspension or revocation under subsections (ii), (iii) or (iv) above shall be imposed commencing upon the sixteenth (16th) day following delivery of written notice of the proposed suspension or revocation to such licensee. The notice shall set forth the proposed grounds for the suspension or revocation and provide the licensee with an opportunity to request a hearing before the Chief of Police to show why the license should not be suspended or revoked. Any such request by the licensee shall be in writing and addressed to the Chief of Police and to the Town's Office of the Corporation Counsel and shall be delivered by hand or sent by mail no later than

ten (10) days after the date of receipt of the notice. Any person who does not deliver or mail written demand for a hearing within such ten (10) day period shall be deemed to have admitted liability. A request for a hearing shall stay commencement of the suspension until the hearing process is completed and a decision is rendered, provided however, that such stay shall not extend beyond the 30th day following delivery of the notice of the proposed suspension unless the Chief of Police determines that extraordinary circumstances warrant such an extended stay. If the Chief of Police determines, following said hearing, that the license shall be suspended or revoked, he or she shall enter an order which shall set forth the date on which the suspension or revocation shall take effect, which date shall be no later than fifteen (15) days from the date of entry of the order.

C. Upon determination that a police detail is ordered pursuant to Article II of this Chapter, failure of any permittee(s) or owner(s) to abide by the decision of the chief of police shall be punishable by way of a fine of \$250 per day until a police detail is implemented or the chief of police determines that a police detail is not necessary, whichever occurs first.

D. Additional Penalties for Court Enforcement. If any person violates any provision of this Chapter such person shall be liable to the Town for its costs and reasonable attorney's fees in any action in the courts of this state to enforce the requirements of this chapter.

President Cantor: The suspense item is Ordinance Establishing Procedures for Licensing and Public Safety Police Details at Entertainment Establishments. I move that we set for Public Hearing on Thursday, October 13, 2016, at 6:30 in the Legislative Chambers. Note that the meeting is on a Thursday due to the Jewish holiday.

Councilor Davidoff: Second.

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

Councilors: Aye.

President Cantor: All those opposed? Okay, motion carries. Number five is Public Forum. I understand we have a speaker that signed up but the list is virtual, so Ronit Shoham. Ms. Shoham, can you come up and speak? Just say your name and address for the record.

ITEM #5 - PUBLIC FORUM

Ms. Barzach: My name is Amy Barzach and I live at 52 Ironwood Road in West Hartford.

Ms. Shoham: I am Ronit Shoham and I live on 44 Ferncliff Drive.

Ms. Barzach: I'm the founder, cofounder of the Jonathan's Dream playground that was built in 1996 by actually more than 1,000 people, including many people, mostly people from our wonderful Town of West Hartford. And it was built, it was originally one of the first inclusive playgrounds in the country, a place where children with and without disabilities could play together. For almost 18 years, it was used and loved by people from throughout the community and then, unfortunately, in 2012 it is made, it was made out of wood and wood playgrounds it turns out only last 15-20 years and so it had to come down. If you can imagine how

heartbreaking that was just as a volunteer who helped build it but for me it was also my son, Jonathan is the namesake for Jonathan's dream, he would've been, I think, 22 this year. And if he had grown up, he would've needed to use the wheelchair and wouldn't have been able to play on typical playgrounds. So starting in 2012, I actually recruited Ronit Shoham, who is a wonderful community volunteer, and I invited her to be the honorary godmother for the new Jonathan's Dream and to help us design and raise the money to be able to build it again. We started in 2012 and we now have the new plans, which we are happy to pass around and to point out. It includes all of the very best features of the original playground but it also includes state of the art new design ideas. So for example, there are roller slides in the new playground because kids who have hearing impairments and have cochlear implants can't go on plastic slides because the static from the plastic slide can un-map their cochlear implants so there are roller slides there. There are swings with supports. Every child can be king or queen of the hill and get to the highest place in the treehouse. So we are looking to rebuild it. We have been working diligently since 2012. We're actually a little tired. So maybe you could hold it up. So when it was built originally in 1996, it cost almost \$500,000 altogether. So if you look at it's 20 years later and we'd like to add more rubber safety surfacing, the fact that it costs \$1.1 million won't shock you quite as much as it shocked me when I first got the pricing. The good news is that we have now raised \$975,000. We have raised 88.7% of the total dollars that we need, and we are actually here today to invite and thank the town for potentially considering supporting us in this project. It is a project that I think the community loves and has treasured for almost 20 years and it serves the entire community, so we would very much appreciate your consideration for support.

Ms. Shoham: I just want to add that the new playground, when Jonathan's Dream was first built, disability was mostly, what was considered disability is kids in wheelchairs, walkers, that was the main idea of Jonathan's Dream. But as we have grown and developed, the new Jonathan's Dream will include basically every disability that we can address, including visual impairment. We have consulted with a local organization that is helping us make the, for example, the sidewalk a different color from the surfacing, so people, kids and adults who are visually impaired are, can easily navigate the playground. There will be like a sound in the center of the playground like a chime so adults and again kids with visual impairment can orient. That will be the center of the playground. We're also addressing mental disability and we're still working on that and finding out how we can do it, but we're going to have, we just got a donation from the Moran Family, you know, Johnny, and we're going to have a bench there. It's going to be a buddy bench, which West Hartford is really promoting and developing, so if you sit on that bench, kids know that, that they need a friend so somebody will come and take you and play with you. So we really are trying to incorporate as many disabilities and really have it be a place to celebrate life.

President Cantor: Thank you very much, both of you. You've done an incredible job in, in making our community better in so many ways and this is a remarkable feat and we're looking forward to voting on it later in the, a little bit later. Thank you.

Ms. Barzach: Thank you very much. And we did bring brochures on the bench if other people would like to see what it looks like.

President Cantor: Okay. Thank you so much. I'm sorry for the late hour; otherwise, we would talk more about it. So but anyway. Number, oh, anybody that would like to, that is present that would like to speak that is not a subject of the, of the Public Hearing. Okay, good. Sorry. I had no idea. I did. Let's see, number six, Mr. Davidoff.

ITEM #6 - CONSIDERATION OF CONSENT CALENDAR: ITEMS 16-20 TO RECEIVE

Councilor Davidoff: I move that we place items 16-20 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? Motion carries. Number seven, Mr. Davidoff, and you have an amended version, right?

Councilor Davidoff: Yeah. According to our notes, though, I have to do this first.

UNFINISHED BUSINESS:

ITEM #7 - ORDINANCE REGULATING BARBERING, HAIRDRESSING, COSMETOLOGY, NAIL, TANNING, TATTOO, AND BODY PIERCING SALONS

ADOPTED AS AMENDED, 9-0

Councilor Davidoff: I move that we adopt the Ordinance Regulating Barbering, Hairdressing, Cosmetology, Nail, Tanning, Tattoo, and Body Piercing Salons.

Councilor Kerrigan: Second.

President Cantor: I...and we need a little guidance on this because we have an amended, do we move that or do we move the amendment now, amended version now?

Ms. Boneham: What you would do now is now that the motion's been made and seconded then a member can move to amend the Ordinance by incorporating the changes that're contained in the amended version that was attached.

President Cantor: Okay. Would you like to...

Councilor Davidoff: I move that we adopt the amendments that have been made to the Ordinance Regulating Barbering, Hairdressing, Cosmetology, Nail, Tanning, Tattoo, and Body Piercing Salons and I believe all the members have a copy of the amended version.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. Is there any discussion? Would someone like to just summarize really quickly? Yes, there we go.

Mr. Van Winkle: I have my Director of Health, Steve Huleatt, here and he's going to quickly because it's late ...

President Cantor: Sorry about that.

Mr. Van Winkle: And Aimee Krauss, our Assistant Director to talk about the reason for this Ordinance and what this Ordinance does.

Mr. Huleatt: Yes. Good evening, Madam Mayor, and members of the Council and members of the audience who are here at this hour. I'm Steve Huleatt, Director of Health West/Bloomfield Health District. Our offices are at 580 Cottage Grove Road in Bloomfield, Connecticut, and Aimee is our Assistant Director at the same address, same location. I'm going to speak off of a redline copy, so if you have a clean copy, I'm going to speak directly off the redline copy so I can highlight the changes quickly and easily for us all. After our last meeting, we wanted to clarify some of the definitions. The definition that we have now clarified is communicable disease, and that is strictly right out of the Public Health Code. You may recall we talked about looking towards the reportable disease language from the Connecticut Public Health Code. That's where this definition came from and that was, that's on page 2. We put in two new terms, one is epidemic and the other one is epidemiologic investigation and we had a, sort of a lot of talk about active outbreak, what's an active outbreak, so we deleted all that. So that's been removed and it's been deleted throughout this document. The epidemic and the epidemiology will, only comes in really if we were causing that investigation as part of an event or it's looking at something that might cause us to need to suspend a license. So those terms really only come at an extreme sort of point of view at this point in time. We took out infectious waste. It was just too confusing. Regulated waste suffices for the purposes of what we're trying to do so to have the two definitions was a little confusing. There's a series of just sort of grammar changes on the new few pages, nothing too serious. As we look at 145(5)(d), we had talked about the records and the access to the records at the salons and we clarified that that is to specifically look at the demographics and the services rendered to the individual. Some of the salons have age restrictions for minors, so we need to be able to make sure that the people are in compliance with the laws of the land. So that would be the only reason why we'd be looking for that would be to make sure that people are being seen according to the laws of the various arts. We clarified the penalties a little bit. I think that was a question last time about the issuing actually of infraction tickets that we're empowered to do through a, as agents for the Town Manager and that's on the same section under (f). The main part of the topic, I think, had to deal with the section of (H)(7) which dealt with operators and whether and how we would deal with workers who were sick and how would we exclude them from being in patient contact and how would treat that. We took out the whole idea of employees having to tell anybody anything and we took almost more of an elementary school approach to it; just like if a teacher sees a kid is not feeling well, the teacher can say you need to go down and see the nurse. That's pretty much the criteria here. If a coworker or if the operator sees a worker that's not well, he can, he or she can say, hey, you don't look too good. Should you be here today? And then ultimately we would be that, that school nurse. We would answer that question either for the operator or we'd answer that question for the worker and we would talk to the worker in confidence as opposed to him, he or she having to talk to the operator, and we'd make that determination of whether or not they should be restricted from being in patient contact. They could do other things perhaps depending upon the establishment of perhaps, in fact, they really do need to come back tomorrow or come back with a physician's note that says you're okay to be here. So that's sort of the solution that we have come up with. We took out sort of, the format's simple. It's just a simple paragraph that you'll see there right now, which sort of just captures all of what we would hope the

employer and the employees would actually be monitoring themselves for. It's in the best interest for their business or at least that's what we would hope. And I believe really those, just again, there's a section later on where we take out infectious waste 'because we deleted it. One forty-five (9) under the section that talks about permanent suspension, revocation, or renewal, that's where we put in the epidemiologic investigation. That's sort of what we do for you all on a daily basis, whether it's salons or not. So we clarified that language in there by just saying that's going to be epidemiologic investigation. Again, active outbreak isn't a real public health term, so we just got rid of that. And I think that is pretty much it, just some, clarifying some timelines and things like that for hearings and appeals in the back that Corporation Counsel's office helped us with and I want to thank Corporation Counsel's office and I think all three of our staff members helped us with this project since we were here last. So that's the technical changes that we have made and we'll gladly answer questions if you wish to ask any.

President Cantor: Thank you very much. Mr. Dodge.

Councilor Dodge: Thank you. I just wanted to thank you, Mr. Huleatt, first of all and the rest of the Town Staff who worked on this since our last meeting. I do think that there were legitimate concerns about employee privacy the way that it was drafted initially, specifically whether employees may have unnecessarily been required to report a stigmatizing disease, such as HIV or AIDS. And I think that this language is much improved. I strongly support the intent of the Ordinance, which is to protect the safety of West Hartford patrons who use these salons. So again, thank you to you and thank you to the Town Staff for all of your work that you put into this.

Mr. Huleatt: And thank you for your comments. They were very helpful in helping us make a better Ordinance, so thank you.

Councilor Dodge: Thank you.

President Cantor: Thank you, Mr. Dodge. Mrs. Hall.

Councilor Hall: This has been a very long project. I think it's probably been five or six years since we first started going down this path and I just again want to thank you for all your work in this because it's a lot more complicated than you would've thought. The other thing that maybe those of us that, who may be new to this, I was shocked that we didn't have some sort of practice going on, that the State regulations were in place, but there weren't any inspections of the different salons taking place prior to that. And I think all of us just assume, oh, you're in West Hartford, therefore, you know, all of these things must be going on, and so I think it's in the best interests of all of our residents that go to any of these type of facilities to make sure that they are sanitary. And I just had one question with all this in place, impact on your budget this year? Is that going to be...

Mr. Huleatt: Well, the fees are actually generated to cover the costs.

Councilor Hall: Okay.

Mr. Huleatt: So we, it's really just a manpower question, you know, and how do we schedule and get this going and times of year. There's certain seasonal variations in what we do, and we can't do it in May because that's when we do swimming pool inspections and things like that. So there's just some logistics as to when we actually roll that out, and that's something that we'll take up with our staff and make our recommendation to our Board and we do expect to start it this year. When do we start the actual sort of fee generation, I'm not quite sure because we got to look at our front office, our front end as to when do we do that kind of paperwork and this and that so it may start softly with us not doing that fee generation part right off the bat but we certainly are going to reach out to all the establishments right away to let them know and educate them what we're going to be coming to look for so that we're not trying to surprise anybody. So that part we will start doing, you know, almost immediately. Just some of the logistics we just got to figure into, all that sort of logistics.

Councilor Hall: Thank you.

Mr. Huleatt: No, thank you. And just quickly, I mean, a shout out just to all of our community, you know, these practitioners because they really are doing' great work out there, so we don't really expect to run into problems. But this will just help us to make sure that problems stay out town or if they do, we can at least go check them out. So you know, the supportive groups over that five or six years and these providers have been really helpful in supporting us to get this to where it is as well, so just want to thank them for their participation with this as well.

President Cantor: And we appreciate it and I thank you again for your patience. It's taken a while and for your patience tonight and staying to this late hour. We really appreciate that. So I apologize that it's so late but we do appreciate all your hard work on this and I really commend Mr. Dodge for bringing up some really important points that we could fix. Thank you. All right. Number nine, Mr. Davidoff.

Ms. Boneham: No actually, sorry.

President Cantor: Oh, I'm sorry. Yeah, we got to vote.

Ms. Boneham: Yeah, you need to...

President Cantor: I apologize.

Ms. Boneham: You need to vote on the...

President Cantor: I'm trying to move things along.

Ms. Boneham: You're voting on the motion to amend and then if you want to debate some more on the original now as amended, you can. And you vote on the Ordinance and then you'll be finished.

President Cantor: Okay. So do you want to make a...

Ms. Boneham: You're voting on the motion to amend at this point.

President Cantor: Does it have to be a roll call since it's an Ordinance?

Ms. Boneham: Yes.

President Cantor: Okay.

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

Ms. Boneham: And now if you don't want to continue debate on the Ordinance as amended, you can vote via roll call on the Ordinance as a whole as amended.

President Cantor: Okay. If there are no, oh, do you have a comment, Mr. Barnes?

Councilor Barnes: I was just about to say yes.

President Cantor: Just trying to push it along. Okay. Roll call for the amendment as a whole.

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: A disease or condition, the infectious agent of which may pass or be carried directly or indirectly, from the body of one person or animal to the body of another person or animal.

Connecticut General Statutes: All references to the Connecticut General Statutes shall mean as that statute may be amended or recodified from time to time.

Director of Health: The Director of Health of the West Hartford-Bloomfield Health District, or his or her designee.

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

Epidemic: The occurrence of cases of illness clearly in excess of normal expectancy over a specific time period in a community, geographic region, building or institution. The number of cases indicating an epidemic may vary according to the causative agent, size and type of population exposed, previous experience with the disease, and time and place of occurrence. An outbreak of disease is an epidemic.

Epidemiologic investigation: means an inquiry into the incidence, distribution and source of disease to determine its cause, means of prevention, and efficacy of control measures.

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. 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.

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.

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.

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 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 salon owners or salon 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 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 after offering proper identification, shall be permitted to enter any salon during any hours when said salon is open to the public or has employees present for the purpose of making an inspection to determine compliance with these regulations.
- D. The Director of Health shall be permitted to examine records of the establishment, to obtain demographic and service rendered 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, in addition to any other remedies, penalties, and/or fines permitted by law.
- G. In the event that the Director of Health 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 salons 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 at least 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 which prohibits or restricts employees from working and prohibits patrons from being served if they are visibly discharging bodily fluids, have open wounds, sores or lesions on any exposed portions of their bodies or are known to be suffering from a communicable disease that may be transmitted through the services provided in the salon.

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 Waste:

- (1) All 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 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 or that has expired;

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(s) or legal guardian(s). Permission forms shall be retained for a minimum of 30 calendar 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 a 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) As part of an epidemiologic investigation of an infectious or communicable disease, pathogenic or toxic agent capable of being transmitted to a consumer or worker.
 - (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 salon.
 - (d) A sewage backup into the salon.
 - (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, 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 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 in the performance of his or her official duties;
- (3) Improperly attempting to influence the Director of Health 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 calendar 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 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) calendar 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. 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. 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 shall, upon receiving an appeal, schedule a hearing no later than 5 business 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 business 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.

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

Ms. Labrot: It's approved.

President Cantor: Thank you very much. Now, number nine, Mr. Davidoff.

ITEM #8 - ORDINANCE AMENDMENT APPLICATION ON BEHALF OF LEXHAM WEST HARTFORD OWNER, LLC TO CREATE A NEW SECTION FOR THE ALTERATION OF FLOOR AREA RATIO STANDARD IN THE BC ZONE

DENIED WITHOUT PREJUDICE, 9-0

Councilor Davidoff: Thank you, Madam Mayor. I move to adopt an Ordinance Amendment Application on behalf of Lexham West Hartford Owner, LLC, to create a New Section for the Alteration of Floor Area Ratio Standard in the BC Zone.

Councilor Kerrigan: Second.

President Cantor: Okay, just a reminder, Mrs. Hall is recusing herself as a Webster Bank employee and we have Mr. Flynn joining us. So number eight is the Ordinance and would anybody like to start discussion or comments or? No? Okay. I guess I'll start then. As I said in the Public Hearing, we just had, obviously we had a very lengthy Public Hearing. It's 10:30 at night and we're voting on number eight on the Agenda. This is a, was a really, really difficult decision because I, as I mentioned before, we, we, we use our Town Staff very, very carefully when analyzing Ordinance changes and, and we also rely on our, our Town Planning and Zoning very, very heavily on decisions on, on zoning and Ordinance changes that relate to that and the Plan of Conservation and Development. And when something is and it, when all the pieces seem to make sense, it, it is logical to move ahead with them. But in this particular situation, there is, are two pieces that made me, give me pause and they are the fact that we had a Hearing in April with a recommendation from the, the town to go to an FAR that was far greater, double actually, the suggested FAR. And I think that there was, there was a very vocal opposition to that process. People felt like they weren't, hadn't been included in the process, that they had not been given notice and, and adequate discussion on what the plan for the Center would be or would look like and issues that really don't relate specifically to the FAR but relate to quality of life in the

Center. And we really, and we promised the public that we would, we would do outreach. The applicant, a wonderful investor in our community and a really credible property holder, has a wonderful plan potentially and they, and the time is right for development with interest rates the way they are. And they, they I think were concerned that maybe this would take a long time and they didn't need the amount of FAR and they want to move ahead with it. And I actually believe in fundamentally probably that that's the right decision, but I don't think we're ready as I'm not, I can't as a Council member right now vote to okay that without having some further discussions to bring the public along. I wish that it was, I could table it and just continue it for a couple of months while we worked with the, with the public, but that's not the process that we have. We have to actually deny. We could do it without prejudice so that you could bring it back at any point without a fee and any kind of negative implication but or outcome, but that doesn't really help us either because I feel like the Town needs to drive this process. This is related to this property but it relates to other areas in the Town as well. And there was, we did not have that communication with Elmwood or with people around the armory yet, and so I feel like there's outreach that needs to happen prior to us making a change. So this is what I would say. If I could, I would, I would continue this and, and start the discussion but again we can't do that. So I will vote no but you have my word that we will work very, very closely right away with the Town engaging the neighborhood. We really didn't want to do it over the summer when most people were away but we, I mean I'm talking about next week or the week after starting a series of community meetings, so within a couple of months we have an outline of what the, the neighborhood, the, the criteria is that they are really uncomfortable with and we can address that and have an interactive discussion. And whether it's through open, several open meetings or open houses, we're going to work on that very, very quickly to figure out the best way to do that. I, again, I value your investment in our community. I do think that an in fill development and adding residential will only improve the Center's quality of life and, and confirm that, the fact when you have people on the ground, it makes it safer. When you have people on the ground, it engages businesses. When you have people on the ground, it's their community and I, I have four sons, the ages of 19-28, and they, they want to live in Centers of towns. They're in Boston, Chicago. When they come back to here now, they want to be in a vibrant Center in Town and I want them to be able to stay here. So and not just see it as Boston, New York, Chicago being the only alternative. So that's my, those're my comments and I'd like to hear from the rest of my colleagues. Mr. Williams. Mr. Barnes.

Councilor Barnes: Thank you. You know, we have two weekends, two meetings a month and usually there're only a handful of people here so welcome back. It's nice to have you. You know, we've brought you back for two meetings now and we always appreciate the input that we get from the community on, on, certainly on important issues like this. And as we've discussed tonight and, and some of us have talked about it, we considered this back in April. At the time we tabled it, we agreed, we told the community that there would be discussion on this topic and there would be involvement and to this point we haven't had that conversation yet. And so I look forward to having that conversation with the community, having that input and talking about what the vision's going to be for the Center going forward. And until that happens, I'm not in a position to support making the change right now. Thank you.

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

Councilor Williams: Thank you, Madam Mayor. To the applicant, you know, I appreciate the fact that you invest in our town and that you want to further invest in our town. I think that's an important thing and I know that this sort of issue can be contentious at times because it involves people's homes and I think naturally people can be defensive about that and understandably so. So I want to just say for the record, thank you for your interest. And I, I think we as a town want to continue to advocate for ourselves, to be a place for investment moving forward. And I don't think we should ever lose sight of that because we have such a wonderful town and part of that is the well managed progress of it. But I do think that, you know, in April, we spoke to so many members of the community about sort of a shared vision for the Center and the Center is really the crown jewel of West Hartford. It's a very unique place, and we do have to have a collaborative and collective approach to its future. And we promised you that that would occur and it has to occur, in my opinion, before we move forward. And I think when you look at what's being proposed here, the FAR, you know, it is a modest increase in density, but there's also incentives for residential building. And I just think that it's, it's something, it is exactly the sort of principle or sort of a vision for the future that, that we contemplated in April would come from the Town in collaboration with residents. So I think it's just a step in advance of what we said to the public would occur, and so we should honor that and I think as part of that, we have to deny the application.

President Cantor: Thank you, Mr. Williams. Mr. Dodge.

Councilor Dodge: Like Mr. Williams and Mr. Barnes, I wanted to thank the applicants, in particular Ms. Pearson. Your professionalism is always appreciated when you present to this body. And I wanted to say to everybody who spoke tonight how much we appreciate your input. I am consistently impressed in West Hartford the civility and the decorum that people demonstrate in this Town when addressing a contentious issue such as this. And so, really, I appreciate the, the tone of the conversation that we had tonight. Like Mr. Williams, I do think that it's important to encourage growth in town and to encourage smart growth. And in fact, that is one reason why I have a little pause in voting no on this, which is that one appeal of what was proposed was that we would get a certain degree of control over what might go in there. And I think that we need to keep that in mind as we go forward because we want to make sure that by not acting that we don't have an equally, not equally because this wasn't a bad result, sorry, but that we might not have some unintended consequences. And so that was very appealing to me with this proposal. But having said that, I do think that we need to take a more holistic and thoughtful approach to this that is town-wide. Ms. Cantor pointed out that this would not just impact the center of town. This would also impact Elmwood and the armory and there wasn't one resident from Elmwood here tonight who spoke on this, and that is extremely concerning to me for something that would impact that neighborhood. And so for those reasons, I am going to vote no, but I do want to just put some of my reservations on the record that I really do want to make sure that we do maintain some control over what can in to this area. So thank you.

President Cantor: Thank you, Mr. Dodge. Mr. Wenograd.

Councilor Wenograd: Thank you, Madam Mayor. And again, thank you for everybody who participated tonight both for and against the resolution. Obviously, you know, we see how this is going of course, but I, I do want to talk a little bit about the kind of conversation we do need to

have. I was impressed by the openness I saw in the petition from the residents to really, you know, again not being simply a, a not in my backyard reaction to some changes that I, that probably at some level are going to need to happen. I grew up on Four Mile Road just across the street from the line that was drawn, so my old house would not have been flyered but, I mean, I love the Center and have seen it change remarkably over the years, and it's gone up and down. And as our crown jewel, we can't ever let it, we can't rest. We can't assume that this current situation will last, both the good and the bad. And we need to continue to develop it and to see whether or not the plans are appropriate for what we want to see for our town. But broader than that, I think we need to have a conversation in town about what we want our town to look like over the next 10, 20 years. We all talk about affordability and think about that in different ways with both the tax burden as well as the availability of a mix of residential properties. We need to keep the town up, you know, whether it's affordable housing or just a good mix of different incomes, we need to look at that. We want to have a community where our kids can move back, where young professionals can live, where empty nesters...and again, I heard somebody mention that they wouldn't want to live in the Center. I'd love to as empty-nesterhood comes closer, yeah, a rental in the Center sounds great to me if I, if I could afford it. So I, I do think I'm encouraged by, you know, the intense interest we all have and just hope that as we have these dialogues that we will be able to both address the immediate concerns of the neighbors but also look about, look hard at what our whole town should be and really where we want to go in the future.

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

Councilor Kerrigan: I concur. As our own resident Senator Beth Bye says, West Hartford has a very engaged community. That is both the good news for the residents and sometimes the bad news for the developers. That being said, we thank you for having such a good interest in our town. No doubt a deal like MDC and Niagara would never happen if it started in West Hartford, which is why are number 15 and, and moving up. That being said, I hope this is like when you first propose to someone for marriage and perhaps they say no not now, that you don't really run away. If you really love this town as we all do, you stay around and you continue to court so that everyone is happy. So I agree with you all. Thanks.

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

Councilor Davidoff: Thank you, Madam Mayor. One of the speakers this evening said that West Hartford is the real thing and I would concur. I have sat on hundreds of zoning applications. I think my record is pretty well-known to be pretty much pro-development, pro-growth, but it has to be such that it's in harmony with what already exists. And I don't want to just bring in development for development's sake and lessen the quality of life for those who are already here, but I want people to be able to coexist in something that's harmonious and that improves the entire lot of our entire town. Back in April, I think before the public even started to fill the room, I think I was leaning towards voting for the Town's changes to the FAR because I thought that was, didn't hear any opposition, didn't hear anything. It was just total silence. And then we learned that evening that perhaps the process was a little flawed. Maybe people didn't get the notice as to being engaged in our community. And Mayor Slifka took note of that, the Manager, and most of my colleagues, well all my colleagues here, saw that and when he said we

need to, we need to slow down. The, the process isn't working the way that it's meant to work, and I made the statement that in West Hartford we like to get it right. And I still hold very true to that idea that we work really hard to get it right. And if we don't get it right, there's things that we will hear from our residents quite vocally and quite often and I don't think that's why you've entrusted us to, to serve as members of the Council. So this evening as, even though the FAR increase and that's all they're asking, is less than what the Town has stated, there was a lot of engagement by those who are direct abutters to this project saying, well, maybe we don't really understand all the FAR requirements or what this would look like but we'd like the opportunity to discuss this further to better understand it, to see if there's some type of synergy we can get to, to make it work with all of us, with all of our concerns because it's all of our town. And the applicant this evening is a quality applicant with a wide portfolio of investments in our town, and if one looks at the quality of the properties that they own, one can say quite clearly that they take their investment in our community quite seriously and they maintain their property to the standards that we expect and we deserve. And on the flip side, the residents who abut the Center take that responsibility as seriously as well. When one drives through the neighborhoods that're in the Center, one will notice the magnificent, well maintained lawns and homes and the things that make the Center so special that everybody wants to come here. And it's something very unique to our region. So I'm optimistic that in a period of time that we are able to do the outreach necessary to have a better understanding as to what we could be, what could happen with these parcels. I appreciate Attorney Pearson's responses to my inquiries. They're always honest and, and she's always very forthright in explaining exactly what I'm asking. And I appreciate Mr. Coursey's outreach to the community that was in direct, in the direct vicinity of the, of the proposed project. So that's where I am. That's where my entire head is, so have I said no to, to the 1.5? I haven't said no yet but do I need to have a better understanding? Yes. Do our residents need to have a better understanding of, of what could be there? Yes. Are there concerns that we all have? Yes, we do because the building that would be built is, would be a significant investment in our community. We're talking millions of dollars and millions of dollars just don't get invested in a community because somebody just wants to put money somewhere. It's got to be well thought-out, and nobody wants to be in a place they don't want to be. So I think that we can find that common ground. I'm very optimistic that we will be able to find that common ground. We've got the professional staff here that advises the Council from our Town Engineer, our Town Planner, our Community Service Director, working with our Police Department, our Public Works Department to just get our team of Directors that we rely on so heavily and our, and our Town Manager to put it all together to get the complete package as to what this could mean for the future of West Hartford. That's what you elected, in my opinion, you elected me to do. And the reason I'm going to vote no this evening was I sort of feel, well not sort of feel, I feel I made a promise in April that we would study this, and in politics and in life, your word is your reputation. And I gave my word that I would study this further and this application, unfortunately, preempted our ability to do that. Not that this is a bad application but it just, by the timing of it, preempted my ability and some of the others here to conduct that necessary study and research necessary to reach a different conclusion. So that's what's important to me that at the end of the day someone says to me, did you research it? Did you understand all the facts? Did you understand all the details? And when I cast my vote, I can say, yes. I talked to the neighbors, I understood their concerns. I talked to the developer. I understood their concerns. And yes, it's going to be a difficult decision, but I have all the information to make that decision. And in my opinion, information is the, the key component to

any type of zoning decision. And to make a good zoning decision, you need information. Thank you.

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

Councilor Casperson: Yes, thank you, Madam Mayor. The thing that I would like to say is, of course, I concur with what all of my colleagues have said, and because of the late hour, I will not reiterate it all. But I do look forward to working with the community to continue to shape development because I am very much for shaping a place where we do have more resales, we do have more people who are shopping in the Center. But for the right reasons, we don't want to forget the community around it and otherwise continuing growing our town in a way that affects for the greater community. Thank you.

President Cantor: Thank you, Mrs. Casperson. We're going to do a roll call vote but I just want to, I'm sorry. Who else? Oh, Mr. Flynn.

Mr. Flynn: I think I'm, I think I'm in the way. I think we know...

President Cantor: I apologize.

Mr. Flynn: ...that's okay. I think we know which way this is going. I think, you know, some very wonderful reasons to why they're voting the way they are. I just compliment the quality of the advocacy from the neighbors who opposed the change and from the neighbors who supported the change. And also, Mr. Lewis, you couldn't have had two better people by your side tonight than Robin Pearson and Chuck Coursey, and whatever round this goes to next, I think they will frame the issue well from your perspective and I think we already can see that from the perspective of the neighbors they very ably pulled together a group of people who cared about this in a very short period of time. And like all things that happen in this town, it's going to be a wonderful discussion and I think we'll, we'll hopefully reach a decision that we'll all be proud of as a, as a town that makes good decisions.

President Cantor: Well said, Mr. Flynn. Thank you. I just, again, want to reiterate thank you so much for, for coming to, all the residents for your respect for each other, for everybody that spoke on, on behalf of, for, you know, support and, and against and the respect that you showed the applicant and the respect that you showed each other, I think, is, is admirable. I also want to thank the applicant. I know this is a really, I hope this is just a pause and you, we just keep going but we have a little work to do before we get there. And I, I will just say that you, the job you did, the, a vote does not reflect on the job and preparation that you've done or the idea of the project. It's just, we just need a little more time so to, to work with the public. So we need a roll call vote. Oh, I'm sorry. Oh, oh, yes. That was the other question I had. Can we deny without prejudice in case the, the applicant wants to come back with either a similar or a slightly?

Ms. Boneham: Yes.

President Cantor: Okay. Thank you.

Councilor Davidoff: Madam Mayor, I withdraw my motion and, and offer a new one if the seconder is in agreement?

Councilor Kerrigan: Second?

Councilor Davidoff: You seconded the, what's that?

President Cantor: To approve without prejudice.

Councilor Kerrigan: Oh, to approve without prejudice.

Councilor Davidoff: It's okay to withdraw?

President Cantor: Deny without prejudice. Oh my gosh. It's getting late. Sorry about that.

Councilor Davidoff: So, Madam Mayor, I move the Ordinance Amendment, I move that we deny without prejudice an Ordinance Amendment Application on behalf of Lexham West Hartford Owner, LLC, to create a New Section for the Alteration of Floor Area Ratio Standard in the BC Zone.

Councilor Kerrigan: Second.

President Cantor: Okay. Motion's been made and seconded but we need a roll call.

Councilor Wenograd: A motion to deny.

President Cantor: It's a motion to deny without prejudice.

Councilor Wenograd: So an aye vote is no.

President Cantor: An aye vote is...oh, that's a good question. Right. An aye vote is no.

Ms. Boneham: Yes. You are saying...yes, you are affirming that you will deny the applicant. Sorry, I thought it was on. You're affirming that it will deny without prejudice, that you are denying without prejudice. An aye vote is agreeing with that, that you are, would like to deny it without prejudice. It's late.

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

Ms. Labrot: Mr. Barnes?

Councilor Barnes: Yes to deny without prejudice.

Councilors Cantor, Casperson, Davidoff, Dodge, Kerrigan, Wenograd, and Williams voted YES. Alternate Mr. Flynn voted YES.

Ms. Labrot: It is denied without prejudice.

President Cantor: Thank you very much. Number nine, oh thank you very much, Mr. Flynn.

Mr. Flynn: Oh, thank you very much.

President Cantor: I appreciate it. Mrs. Hall is coming up. We're going to continue so if you could just keep your voices down as you're leaving, that would be great. Thank you again. Number nine, Mr. Davidoff.

NEW BUSINESS:

ITEM #9 - ORDINANCE ESTABLISHING REVISED STANDARDS FOR GROUND-MOUNTED SOLAR ENERGY SYSTEMS

SET FOR PUBLIC HEARING ON NOVEMBER 9, 2016, AT 7:00 P.M. AND REFERRED TO TPZ AND CRCOG

WHEREAS the Town Council of West Hartford adopted an ordinance establishing standards for the location of various alternative energy systems on October 28, 2014; and

WHEREAS the subsequent installation of at least one accessory ground-mounted solar energy system on a residential lot within the Town has caused substantial public concern; and

WHEREAS the Town Council implemented a six-month moratorium on the construction of ground-mounted or pole-mounted solar energy systems on January 26, 2016 in order to consider further revisions to the applicable standards; and

WHEREAS such further standards have been developed in an effort to limit the size of these solar energy systems; and

WHEREAS ground-mounted solar energy systems include a subcategory of so-called “pole-mounted” solar energy systems which are typically characterized by larger panel arrays, heavy-duty construction and more commercial or industrial appearance which are inappropriate features within more densely developed residential zones

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT Section 177-37.3 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

BUILDING-INTEGRATED SYSTEM

A type of solar energy system which is constructed as an integral part of a principal or accessory building, rather than a separate mechanical device. Building-integrated systems replace or substitute for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot-water solar systems contained within roofing materials, windows, skylights, and awnings.

CLOSED LOOP GEOTHERMAL SYSTEM

A mechanism for using ground source heat pumps for heating and/or cooling a building which consists of a length of closed underground piping (which may be installed horizontally or vertically) containing heat transfer fluid; a heat exchange mechanism; and an air distribution system. This definition is expressly intended to exclude any form of open loop geothermal system.

FUEL CELL

A device in which a non-combustion reaction between a continuous fuel stream and a continuous oxidant stream is converted directly and continuously into electrical energy while producing minimal emissions and negligible pollutants.

GROUND-MOUNTED SOLAR ENERGY SYSTEM

A free-standing solar energy system which is directly attached to the ground rather than being installed on another structure such as the roof of a home, shed or garage. Pole-mounted solar energy systems are a subcategory of ground-mounted solar energy systems in which the solar panel array is mounted atop a monopole structure, typically in connection with mechanical equipment designed to allow the solar panel array to track the movements of the sun.

OUTDOOR WOOD-BURNING FURNACE

An accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea.

SOLAR ENERGY SYSTEM

A device or combination of devices or elements which rely upon direct sunlight as an energy source to produce heat and/or electricity. Off-grid photo-voltaic solar panels which serve only a single electrical fixture or appliance, such as low-voltage landscape lighting or similar, are exempt from the provisions of this section.

WIND GENERATOR

A system of blades, slats or vanes and associated mechanical and electrical conversion components whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity, whether mounted on a tower, post or any other structure.

B. Prohibited equipment.

- (1) Outdoor wood-burning furnaces are prohibited in all zones.
- (2) Wind generators are prohibited in all zones.
- (3) Open loop geothermal systems are prohibited in all zones.
- (4) Thermal-electric power generation equipment which utilizes parabolic dish, parabolic trough, linear fresnell, or power technology to concentrate solar energy as its mechanism for generating heat is prohibited in all zones.

C. Permitted accessory uses.

- (1) General requirements. Closed loop geothermal systems and solar energy systems are permitted as accessory uses in all zones and fuel cells are permitted accessory uses in the zones designated in § 177-6C subject to the following requirements:

- (a) Where designed to generate electricity, the system must be designed to produce energy primarily for consumption by buildings or other structures located on the same lot as the system, except that:
 - [1] When the lot receives electrical power supplied by a public utility company, excess energy generated may be supplied to the utility company or through the distribution system of the utility company to offset other usage of other electric accounts, in accord with applicable laws such as those permitting net or virtual net metering; and
 - [2] Multiple property owners may share ownership of, and/or the energy generated by the system provided, however, that the system shall meet all other requirements of this section with respect to each lot upon which it is located.
 - (b) Solar energy systems, fuel cells and the aboveground portion of closed loop geothermal systems [shall not be permitted within or above any required front yard and shall meet the minimum side and rear yard requirements in the zones where they are located]shall be treated as accessory buildings which must comply with the requirements of §177-20E except as further specified in subsection C(3)(b)[2] of this section.
 - (c) All transmission lines from solar energy systems, fuel cells and closed loop geothermal systems to any other building or structure shall be located underground to the extent feasible. This requirement shall not apply to transmission lines owned or managed by any public utility company.
 - (d) All solar energy systems, fuel cells and closed loop geothermal systems shall be installed according to manufacturer specifications, the requirements of any applicable utility company interconnect agreements and any applicable codes including, without limitation, the Connecticut Building Code.
 - (e) Where the system is designed to generate electricity, clearly visible warning signs concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- (2) In addition to the requirements of Subsection C(1), closed loop geothermal systems shall be subject to the following additional requirements:
- (a) The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the

Air-Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations, and shall comply with the Connecticut Building Code and all other applicable requirements of law such as, but not limited to those pertaining to the installation of wells. The manufacturer specifications shall be submitted as part of the application.

- (b) Only nontoxic, biodegradable circulating fluids such as food grade propylene glycol shall be permitted.
 - (c) Horizontal closed loop systems shall be no more than 20 feet deep.
 - (d) Wellheads located above ground level shall be labeled clearly to identify that they are part of a closed loop geothermal system and not a source of potable water.
- (3) In addition to the requirements of Subsection C(1), solar energy systems shall be subject to the following additional requirements:
- (a) The system must be designed to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
 - (b) Height limitations:
 - [1] The highest point of a roof-mounted solar energy system shall not exceed the maximum height limitation for the building upon which it is mounted or two feet above the roof of the building to which it is attached, whichever height is lower, except:
 - [a] On buildings with flat roofs which are located in multifamily residential, commercial or industrial zones, a roof-mounted solar energy system may extend up to 10 feet above the roof of the building upon which it is installed, provided that the solar energy system shall be set back from the perimeter of the roof by a distance equal to one foot for each one foot in height less the height of any parapet wall at the perimeter of the roof; or
 - [b] Where a main use is subject to special use permit approval pursuant to § 177-42A, an applicant may seek such approval for installation of a roof-mounted solar energy system extending up to 10 feet above the roof of the building upon which it is installed.
 - [2] Where permitted, ground[Ground and pole]-mounted solar energy systems shall not exceed [the height limitation for accessory

buildings in the zone where they are located] ten (10) feet in height. In residential zones ground-mounted solar energy systems shall not cover more than ten percent (10%) of the area of the required rear yard in which the system is to be located, except that where a main use is subject to special use permit approval pursuant to § 177-42A an applicant may seek such approval for installation of a ground or pole-mounted solar energy system extending up to the maximum height permitted for main buildings in the zone. Height shall be measured at the highest point on the system. Where components of the solar energy system track the sun's movement across the sky, the height shall be measured relative to the system's most vertical position. Ground-mounted solar energy systems shall also be subject to the following limitations:

<u>Zone:</u>	<u>Ground- Mounted</u>	<u>Pole-Mounted</u>
<u>All multi-family zones, R-6, R-10, R-13</u>	<u>Prohibited</u>	<u>Prohibited</u>
<u>R-20</u>	<u>Permitted in rear yard only</u>	<u>Prohibited</u>
<u>R-40, R-80</u>	<u>Permitted in rear yard only</u>	<u>Permitted in rear yard only</u>
<u>All commercial and industrial zones</u>	<u>Permitted</u>	<u>Permitted</u>

- (c) Building-integrated systems are deemed to be a component of the structure into which they are integrated and are subject to the requirements of this chapter which otherwise apply to the structure itself.
- (d) The surface area of ground and pole-mounted solar energy systems, regardless of mounted angle, shall be calculated as part of the maximum lot coverage of all buildings.
- (e) Solar energy systems shall be maintained in good working order at all times. If a solar energy system ceases to perform its originally intended function for more than six consecutive months, the property owner shall promptly remove the collector, mount and associated equipment except where it is in the process of being repaired or is out of service pending the completion of other ongoing work at the property.
- (f) The owner of a property on which a solar energy system is installed and/or the owner(s) of the solar energy system itself assume(s) all risk associated with diminished performance of said system caused by any present or

future use of nearby property that may interfere with the system's ability to produce power at its rated capacity, regardless of when that adjacent structure or landscaping is constructed or installed.

- (4) In addition to the requirements of Subsection C(1), fuel cells are permitted accessory uses in the zones designated in § 177-6C subject to the following requirements:
 - (a) When located within an accessory structure, the fuel cell and all related equipment shall be completely enclosed by a minimum six-foot-high fence with a self-locking gate.

D. Permitted main uses.

- (1) General requirements. Solar energy systems and fuel cells are permitted main uses in the zones designated in § 177-6B subject to the following requirements:
 - (a) Unless the energy generated by the system is to be used exclusively to meet the needs of nearby properties through private transmission facilities, the applicant shall demonstrate that:
 - [1] Existing electrical distribution or transmission facilities are adequate to connect the solar energy system or fuel cell to the utility grid; and
 - [2] That the intended use of any electrical distribution or transmission facilities is permitted under existing law.
 - (b) Solar energy systems and fuel cells shall meet the minimum yard requirements for main buildings in the zones where they are located.
 - (c) The solar energy system or fuel cell shall be completely enclosed by a minimum six-foot-high fence with a self-locking gate.
 - (d) A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
 - (e) All on-site transmission lines shall be located underground to the extent feasible. This requirement shall not apply to transmission lines owned or managed by any public utility company.
 - (f) The applicant shall demonstrate that sufficient on-site parking exists to meet the needs of the facility.
 - (g) All solar energy systems or fuel cells shall be installed according to manufacturer specifications, the requirements of any applicable utility

company interconnect agreements and any applicable codes including, without limitation, the Connecticut Building Code.

- (2) In addition to the requirements of Subsection D(1), solar energy systems shall be subject to the following requirements:
- (a) The system must be designed to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
 - (b) Solar energy systems installed as main uses shall not exceed 20 feet in height except that an applicant may seek special use permit approval pursuant to § 177-42A for installation of a solar energy system extending up to the maximum height permitted for main buildings in the zone where there is good cause to increase heights to more than 20 feet. In the case where components of the solar energy system track the sun's movement across the sky, the height shall be measured relative to the system's most vertical position.
 - (c) The surface area of ground or pole-mounted solar energy systems, regardless of mounted angle, shall be calculated as part of the maximum lot coverage of all buildings.
 - (d) Solar energy systems which are obsolete or otherwise no longer in use shall be removed completely. For purposes of this subsection, a solar energy system shall be deemed to be no longer in use if it has not been used to generate electricity for a continuous period of six months except where it is in the process of being repaired or is out of service pending the completion of other ongoing work at the property.
 - (e) The owner of a property onto which a solar energy system is installed and/or the owner(s) of the solar energy system itself assume(s) all risk associated with diminished performance of said system caused by any present or future use of nearby property that may interfere with the system's ability to produce power at its rated capacity, regardless of when that adjacent structure or landscaping is constructed or installed.

[E. Moratorium. Notwithstanding the provisions of this section, the installation of ground-mounted or pole-mounted solar energy systems shall not be a permitted use in any residential zone until the Town Council, acting as the Town's zoning authority, adopts revisions to the zoning ordinances regulating such systems or for six months following the effective date of this subsection, whichever is sooner.]

Proposed additions are underlined; proposed deletions are in brackets.

Councilor Davidoff: Thank you, Madam Mayor. I move that we set for Public Hearing on November 9, 2016 an Ordinance Establishing Revised Standards for Ground-Mounted Solar Energy Systems at 7 p.m. in the Legislative Chamber and we 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 10, Mr. Davidoff.

ITEM #10 - RESOLUTION CONCERNING JONATHAN'S DREAM

ADOPTED, 9-0

WHEREAS, Jonathan's Dream is a private non-profit organization dedicated to the rebuilding of an open, public, accessible play scape at the Mandell Jewish Community Center, and

WHEREAS, the original Jonathan's Dream, inspired by the Barzach family of West Hartford and built in 1996 as the first Boundless Playground, created an inclusive, accessible play space for families and children of all abilities, and

WHEREAS, time and use has resulted in the need to rebuild the original play scape, and

WHEREAS, the reimagined Jonathan's Dream will give children and families of all ages, with and without disabilities and development challenges, the opportunity to play, learn and celebrate life together, and

WHEREAS, the Jonathan's Dream Foundation has raised nearly \$1 million of its total goal of \$1.1 million for this planned reconstruction,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of West Hartford that a contribution of \$50,000 to the rebuilding of Jonathan's Dream is hereby authorized and the fiscal year 2016-2017 budget of the General Fund is hereby amended as follows:

Increase Estimated Revenue

01-911000-90000-9075	Miscellaneous Revenue-Overpayments	\$50,000
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Increase Appropriations

01-020100-10201-2184	Contributions	\$50,000
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Councilor Davidoff: Thank you, Madam Mayor. I move that we adopt a Resolution Concerning Jonathan's Dream.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. I just would like to thank Amy Barzach and Ronit Shoham for bringing this, discussing Jonathan's Dream with, with us, sharing with us

what, the incredible work that they have done in redesigning a playground that is an all-inclusive probably one of the very few in the country, all-inclusive playgrounds that accommodates youngsters with disabilities of all different kinds, every, every disability that they could identify, they have accommodated. There has been an incredible community support for this. In 1996, for \$500,000, Jonathan's Dream was built, and unfortunately 20 years later, it was taken down because of the, wood did not hold up and now the new playground will cost \$1.1 million. They have raised \$975,000. It is on the, on the property, it is actually is owned by the Hebrew Home, I think, but it is open to the public. It is a public use and they do not keep hours of the facilities and so many, many, many West Hartford residents have found this to be an incredible inspiration and a support to their, them and their families. They presented to us and we, we felt strongly that this was something that we should support. So we're going to do, we don't need to do a roll call vote. We'll do a vote but is there anybody else who'd like to comment? Mrs. Hall.

Councilor Hall: I just wanted to point out that we're so lucky to have people like Amy and Ronit in our community, that's, this is an amazing project. There's always, there's always people who are coming to the Council saying we need money for this, we need money for that, someone should do something, the town should do something. And you two have come together, you've worked hard, you've brought us a project that's almost complete. And it's an amazing project and we're just so lucky to have this in our community for our residents and I just, I feel very strongly about it and I thank you both so much.

President Cantor: Thank you, Mrs. Hall. Mrs. Kerrigan.

Councilor Kerrigan: I just want to say thank you. Thank you, thank you. You did it before and you're doing it again and this park, playground serves of all the children. There's not a child that I don't know of that hasn't gone there, disabled, not disabled. This is, this is a favorite place that everyone in this community enjoys. So I think we need to put you two on a bigger mission, perhaps world peace or something because you guys can get it done. So thank you. You really, you bring so much to the community, thanks.

President Cantor: They're working on it. Okay. Mr. Barnes.

Councilor Barnes: Yeah. I, too, would like to say thank you. For many years, our family enjoyed the original Jonathan's Dream and spent many weekend afternoons, you know, playing with the kids there. And so when we drove by one day and saw that it was closed, we were shocked to see it like that and so very happy to see that, you know, the, the playground is coming back and just glad that we could be a part of it. Thank you.

President Cantor: Thank you, Mr. Barnes. Okay. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Congratulations. Thank you. Number 11. Good night. You should go to bed. We can't. You should. Number 11, Mr. Davidoff.

ITEM #11 - RESOLUTION TO AMEND THE FISCAL YEAR 2015-2016 GENERAL FUND BUDGET TO FUND TRANSFERS TO THE DEBT SERVICE FUND, RISK

MANAGEMENT FUND, LEISURE SERVICES FUND, AND CAPITAL NON-RECURRING EXPENDITURE FUND

ADOPTED, 9-0

WHEREAS, actual Fiscal Year 2015-16 General Fund revenues exceeded total General Fund expenditures thereby creating a surplus of approximately \$2,500,000, and

WHEREAS, the Town wishes to appropriate this revenue to fund transfers to the Debt Services Fund to offset future debt service related costs; the Risk Management Fund to address Town Health program costs; the Leisure Services Fund for reimbursement of subsidized use of facilities; and the Capital Non-Recurring Expenditure (CNRE) Fund for capital outlay purchases, and

WHEREAS, there is a need to purchase Police vehicles and equipment to meet the operational needs of the department and the Town desires to utilize available CNRE funds to make said purchases,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that transfers of \$685,000 to the Debt Service Fund, \$900,000 to the Risk Management Fund, \$275,000 to the Leisure Services Fund, and \$140,000 to the CNRE Fund are hereby authorized and the Fiscal Year 2015-2016 General Fund budget is hereby amended as follows:

Increase Estimated Revenues

01-911000-90000-9399	Fund Balance – FY 2016 Surplus	\$2,000,000
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Increase Appropriations

01-900100-10503-4059	Transfer to Debt Service Fund	\$685,000
01-911000-90000-4049	Transfer to Risk Management Fund	\$900,000
01-400100-40010-4058	Transfer to Leisure Services Fund	\$275,000
01-900100-10503-4058	Transfer to CNRE Fund	\$140,000

AND, BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that the purchase of six (6) police vehicles and related equipment is hereby authorized and the fiscal year 2016-2017 Capital and Non-Recurring Expenditure Fund budget is hereby amended as follows:

Capital Non-Recurring Expenditure Fund

Increase Estimated Revenues

33-910800-30506-9399	Use of Reserve for Police Vehicles	\$100,000
33-910800-30506-9399	Use of Fund Balance	\$140,000

Increase Appropriations

33-910800-30506-3232	Police Vehicles and Equipment	\$240,000
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Councilor Davidoff: Thank you, Madam Mayor. I move that we adopt the Resolution to amend the Fiscal Year 2015-2016 General Fund Budget to fund Transfers to the Debt Service Fund, Risk Management Fund, Leisure Services Fund, and Capital Non-Recurring Expenditure Fund.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded and we're going to, in a minute, but Mr. Van Winkle, would you like to just review what this is all...

Mr. Van Winkle: Sure. We finished the FY16 budget, which ended on June 30 with a surplus. We are looking at a \$2.5 million surplus, and the purpose of this Resolution is to allocate that surplus to various accounts, funds, and subsidies. The first thing we're recommending to you is that you take \$500,000 of that surplus and put it into our fund balance, which is really like putting it into your savings account. We have a little over \$21 million in that account with this allocation. That savings account sits there and the time of need when something untoward happens in West Hartford that we need to find money to solve a, a disaster, a problem, something that happened, this fund is intended to be that backup to your regular budget. So we've been running a fund balance of 8.1% of our spending and this \$500,000 will allow us to keep that balance. It's also why we keep a AAA rating. The rating agencies look at our ability to deal with disaster should it come upon us and having funds set aside for those purposes are important to them. There is also an allocation of \$685,000 to the Leisure Services Fund for debt service. Many years ago, we rebuilt the veterans' pool, veterans' rink, and the Leisure Services Fund was intended to generate sufficient funds to pay off the debt service on that improvement there. It was not able to generate the money, and so we've been carrying a deficit in that account. This \$685,000 will pay off that deficit in the Leisure Services Fund. And the third one, item also goes to the Leisure Services Fund, \$275,000. Our Leisure Services Fund was originally set up as an enterprise. They were going to take in, you know, fees for golf, for skating, for swimming at our pools, and those funds would pay for the operation of those facilities. Over, this was started back in the '90s and over the years, a lot has changed. Fewer and fewer people playing golf and those sorts of things meant that the Leisure Services Fund has been struggling to find a balance. We also provide our facilities free to our schools because they're, they're us. But the hockey team skates at the rink without charge. The swimming teams swim at the pools without a charge and so those are a form of subsidy within the budget in the Leisure Services budget. So the allocation of \$275,000 will eliminate that subsidy and deficit in the operational fund. The third, fourth contribution is to the Risk Management Fund. The Risk Management Fund is a Fund paid to pay for things like employee healthcare, workers' comp kinds of things and other items. We have seen an unusual spike in healthcare costs, not overall kinds of increase but unusual, very difficult medical conditions that a small number of people have faced. And so as we, as we are, begin this year and begin looking at our budgets for 2017-18, we're going to, we would be looking at a, a significant increase in the amount of money that we would have to put into our Risk Management Fund because of that spike. These are people who have serious cancers or difficulty births or something along those lines. Interestingly, both the town and the schools are seeing that unusual outlier of healthcare. So this \$900,000 contribution will help us to pay for those costs which we will, would have incurred in our, our 2018 budget. And finally there is an allocation of \$140,000 along with some other funds to pay for six new police vehicles. Our police vehicles may not look that old but they travel 24 hours a day, and over a two-year period, we'll easily put 100,000 miles on those sorts of vehicles. They are the stop and go kind of things and so they wear out pretty quickly. So this allocation was asked for in the 2016-17 budget by

the Police Department, but at the time we were doing our budgets, I knew that we were going to be running a surplus so I said to them, well, when we finish the year, we'll take another look at that and if we're able to pay for that out of the surplus, we will do that. And so that's the last item, which we are seeking your approval for allocation, a total of \$2.5 million.

President Cantor: Thank you, Mr. Van Winkle.

Councilor Hall: I do have a...

President Cantor: Mrs. Hall.

Councilor Hall: I think, Chris and I were just going back and forth. I'm not questioning the use, I'm just questioning our document to make sure I'm, my numbers are footing. And so we've got \$2.5 million that we're talking about transferring. So if I add up under the increase appropriations, that comes to \$2 million and then we've got the Capital Non-Recurring Expenditure Fund and that's \$480,000. So I'm just...then the General Fund of \$500,000. I'm just trying to get the numbers to foot to the \$2.5 million on these two pages. Am I?

Mr. Van Winkle: The ones I read...

Councilor Hall: Okay.

Mr. Van Winkle: ...right?

Councilor Hall: So that...

Mr. Van Winkle: 500,000; 685; 275; 900; and 140.

Councilor Hall: Is 2.5 million.

Mr. Van Winkle: 2.5 million.

Councilor Hall: Okay and so then of that, then you're breaking out the 480,000, the usage of the, for the capital non-recurring expenses, right? I guess I was just looking for the 20,000.

Mr. Van Winkle: Well, I'm not sure we're communicating well here. There is, we are putting 140,000, that last item I talked, into the CNRE account and that CNRE account is then, along with funds in the CNRE account, is approving money for the police vehicles.

Councilor Hall: Okay.

Mr. Van Winkle: So those two, monies that're, already exist in the CNRE account plus this surplus money will buy the six vehicles.

Councilor Hall: Okay. So then it's just the 2 million that we're spending here and then the 500,000 going to the...

Mr. Van Winkle: Yes.

Councilor Hall: Okay. I'm sorry. I just...wanted to make sure that this...

Mr. Van Winkle: We go through this in Finance and Budget...

Councilor Hall: ...and make sure this document was correct. That's all.

Mr. Van Winkle: Yup. Peter Privitera prepared this and I have no doubt it's correct.

Councilor Hall: Okay. Thank you.

Mr. Van Winkle: Along with Elizabeth Hewitt.

President Cantor: Mr. Williams was there. He was, you can ask him.

Mr. Van Winkle: Mr. Williams was there, yes.

President Cantor: All right. Now it's getting ugly. Okay. So any other comments, questions?
All right. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries.

Councilor Casperson: Aye.

President Cantor: Oh, thank you, Judy. Okay, number 12, Mr. Van Winkle, Reports from Town Manager.

ITEM #12 - REPORTS OF TOWN MANAGER

Mr. Van Winkle: Here I am again. You know, when, tonight we had a demonstration of why this is an incredible town. You know, Money Magazine did an analysis of 823 municipalities that have a population between 50,000, we have 63, and 300,000. They analyzed those 800+ communities across the nation using a statistical method, then they sent people to the, each of the communities that they felt ranked high in those numbers. Last time they did this two years ago, we were ranked number 45 in the nation out of 823, which is fabulous. This year, we're ranked 15th. We're ranked 15th and they mentioned some of the things and we all know some of the things. It's got a beautiful West Hartford Center. They talked about the Park Road Playhouse and all the things that we think of. What makes West Hartford great are communities that come out and talk to us and civil debate and whatnot, two women who raised a million dollars already to build a playground, and that's what makes West Hartford great. It's not about the quality of your wonderful Town Manager, it is about the quality of our Town Council and your vision but the citizens of this community are why we ranked number 15. It's no more magic than that and it's hard to measure statistically and I'm sure it never showed up in those numbers but that's what makes us special. So I am really pleased to say that we are number 15. Out of 823 communities in the nation, they ranked us number 15. Delightful. One last thing. We had light bulb swap. We received a Bright Idea Grant through Energize Connecticut's Clean Energy Communities Program. We had enough people put solar on their roofs or have their homes inspected for energy efficiency and whatnot and so we got a grant, and so the West Hartford Clean Energy Taskforce is sponsoring an LED lightbulb swap on Saturday, October 1, this Saturday, 9:30-1:30 at the Elmwood Community Center on New Britain Avenue. If you bring your old incandescent or compact fluorescent lightbulb, you can exchange them for new high, new energy efficient LED bulbs. You can get five, no more, don't bring 20 in. Just bring in five. We did this this week on Monday at the Bishop's Corner Senior Center and 600 households came to swap out bulbs, 600 households. So Elmwood Community Center on Saturday starting at 9:30, bring in those old incandescents. They don't even have to work and you'll get'm swapped out for these really great energy efficient bulbs. And that's really all I have. If there are questions, I'd be glad to answer'm.

President Cantor: Any questions? Thank you, Mr. Van Winkle. Any questions for the Town Manager? Okay. Very good. Thank you. Number 13, you did not give me the Announcements so I have my own.

ITEM #13 - ANNOUNCEMENTS

President Cantor: You didn't give me any announcements.

Mr. Van Winkle: They're in front of you.

President Cantor: They are? Where? Anyway. I'm going to start...oh yeah, here they are. What'd you say?

Councilor Kerrigan: We are only on number 15.

President Cantor: Park Road Parade, that was the first one on my list, too. October 1 at 10:30, this is the parade that we had a German exchange student and she goes you have a parade for like nothing? Well, it's a lot. It's to celebrate Park Road. So 10:30, come, enjoy. There's antique cars, color guards, cultural organizations, Kara Sundlun and Dennis House will be there, and it should be a lot of fun. Little Shop of Horrors now through October 16 at Playhouse on Park. Call the box office (860) 523-5900. Blessing of the Animals is also Saturday, October 1, at 3 p.m. at the First Baptist Church's service. Ultimate Real Ale Challenge, Saturday, October 1, 2-5 and 6-9. This is, breweries compete for your vote in the 2nd Annual Noah Webster Real Ale Harvest Fest. Breweries create a one-off cask of real ale specifically for this event. Ticket price is \$45 and \$50 at the door. Designated driver discounts available for \$20. Pink Party, Thursday, October 6, 5-8. That is the Breast Cancer Awareness Month party in the park, in the plaza at Blue Back Square. There's a sampling of restaurant and these are cancer survivors and you will, they do a fashion show and it's an amazing event. West Hartford Art League's Party in the Park, Thursday, October 6 at 5:30 and that is Scot Haney, Channel 3 will be, will be doing the live auction. It's for those art league scholarship, youth programs. Tickets are \$100 and it all goes to benefit our students. Thirteenth Annual Celebrating Gifts of Music Benefit Concert, Saturday, October 15 at 7:30 p.m. John Mastroianni and Friends. Fabulous vocalist, Alita Moses, who is really great, is singing at 7:30 at the Intensive Education Academy Auditorium. Family Outdoor Flea Market, Saturday, October 15, at Elmwood Community Center, 9-3. And West Hartford Symphony Orchestra's 2016 Autumn Concert, Sunday, October 23 at 3 in the Robert Auditorium of Kingswood Oxford Theater. For tickets (860) 521-4362. Pop Up Dog Park, I understand you were there with your dog on Kennedy Park, 9-12. It was this past Sunday, 9/25. They're going to be doing it again at 10/23 on October 23 at Kennedy Park, same hours, and then it will rotate to different locations, which will be great. Feast on the Farm is this Friday. The tickets are, there's a few tickets left from what I understand. They are on sale in Room 128 from 8:30-4:30 until Thursday. So if you have not, you should participate in that. Just a reminder, our next Council meeting is on October 13 because of the Jewish holiday. Yom Kippur is on Wednesday so we will be meeting on Thursday. So, and Tuesday night is a holiday as well. I just want to wish Jewish people a sweet, happy, healthy, actually everybody, a sweet, happy, healthy, and peaceful New Year. Yes, Mr. Davidoff.

Councilor Davidoff: I have two. Our Mayor was pretty modest. She is the honorary host of the Party in the Park for the Art League with, along with her husband, Mr. Cantor. And I knew she wasn't going to give herself credit for that so I'll give her credit. And I could not, and I could not go home this evening if I didn't wish my daughter, Alanna, a very happy 17th birthday. And I know you were celebrating with all your friends and I was celebrating with all of my friends. So we'll make it up somehow.

President Cantor: Anything else? Okay. All right, Appointments. Number, number 21, Mr. Davidoff. Oh, we do have an appointment.

Councilor Davidoff: You have to ask Kim if she has anything.

President Cantor: Oh, yeah. I'm sorry. I jumped. One second. I'm looking for the appointment, though. Yes, I got it. Okay. Would you, do you have a Report from Corporation Counsel?

ITEM #14 - REPORT OF CORPORATION COUNSEL

Ms. Boneham: It was my big moment.

President Cantor: I'm sorry. I did that to two people tonight.

Ms. Boneham: No. There is fortunately no need for Executive Session. If you have any questions, I'd be happy to answer them so.

President Cantor: Thank you. Are there any questions for Attorney Boneham? No. Thank you very much and I again apologize. Sorry about that. I guess I have no stamina. Okay. Now, see, this is what happens when I don't check'm off. Number 15, Appointments.

ITEM #15 – APPOINTMENTS

President Cantor: I move that we appoint Emily Scott, Conservation and Environment Commission for a term ending 12/31/2021.

Councilor Davidoff: Second.

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

Councilors: Aye.

President Cantor: All those opposed? Motion carries. And now number 21, Mr. Davidoff.

ITEM #21 - CONSENT CALENDAR

ADOPTED

ITEM #16 – FROM TOWN PLAN AND ZONING RE: ORDINANCE AMENDMENT APPLICATION ON BEHALF OF LEXHAM WEST HARTFORD OWNER, LLC TO CREATE A NEW SECTION FOR THE ALTERATION OF FLOOR AREA RATIO STANDARD IN THE BC ZONE. RECOMMENDING APPROVAL.

ITEM #17 – FROM CAPITOL REGION CAPITAL OF GOVERNMENTS (CRCOG) RE: ORDINANCE AMENDMENT APPLICATION ON BEHALF OF LEXHAM WEST HARTFORD OWNER, LLC TO CREATE A NEW SECTION FOR THE ALTERATION OF FLOOR AREA RATIO STANDARD IN THE BC ZONE. FINDING NO APPARENT CONFLICT.

ITEM #18 – FROM TOWN PLAN AND ZONING RECENT PLANNING ACTION – 1358 NEW BRITAIN AVENUE

ITEM #19 – FROM INLAND WETLAND AND WATERCOURSE AGENCY RECENT PLANNING ACTION – 153 HUNTER DRIVE

ITEM #20 – MINUTES FROM REGISTRAR OF VOTERS OPERATIONS REVIEW COMMITTEE

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. Number 22, Mr. Davidoff.

ITEM #22 - FROM JEFF BERSIN (9-12-2016) RESIGNING FROM THE SUBSTANCE ABUSE PREVENTION COMMISSION

RECEIVED

Councilor Davidoff: I move we receive from Jeff Bersin resigning from the Substance Abuse Prevention Commission.

Councilor Kerrigan: Second.

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

Councilors: Aye.

President Cantor: Those opposed? Motion carries. Number 23, Mr. Davidoff.

ITEM #23 - FROM ASHWIN RAGHAVAN (9-9-2016) RESIGNING AS ALTERNATE FROM THE CLEAN ENERGY TASK FORCE

RECEIVED

Councilor Davidoff: I move that we receive from Ashwin Raghavan resigning as Alternate from the Clean Energy Task Force.

Councilor Kerrigan: Second.

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

Councilors: Aye.

President Cantor: All those opposed? Motion carries. We have no Petitions, right? I mean, that doesn't, right? And no Executive Session. I make a motion we adjourn.

ITEM #26 – ADJOURNMENT

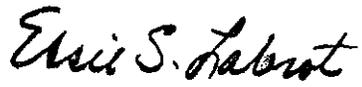
Councilor Davidoff: Second.

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

Councilors: Aye.

President Cantor: All those opposed? Good night.

Meeting adjourned at 11:20 P.M.



Essie S. Labrot
Town Clerk/Council Clerk

ESL/dd

APPROVED AT SEPTEMBER 27, 2016, TOWN COUNCIL MEETING