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The regular meeting of the City Council was held on Tuesday, May 14, 2024 in the City Hall Council Chambers, 111 North Main Street at 7:00 p.m. Present: Mayor Caggiano; Council Members Howe, Olsen, Panioto, Rosengren, Thibeault, and Tyler.

1. OPENING CEREMONIES

Mayor Caggiano read a proclamation for ALS Awareness month.

2. APPROVAL OF MINUTES OF REGULAR CITY COUNCIL MEETING HELD ON APRIL 9, 2024

a. On motion of Council Member Howe and seconded by Council Member Rosengren, it was unanimously voted: To approve the minutes of the regular City Council meeting held on April 9, 2024.

3. PRESENTATION – SANITARY SEWER SMOKE TESTING IN JULY

Robert Longo, Water and Sewer Department Superintendent, gave a presentation to alert residents and City employees to the Sanitary Sewer Smoke Testing that will be taking place July 15 – July 26, 2024 in the older sections of Bristol, which are listed on their website.

4. PUBLIC PARTICIPATION – None.**5. ANNOUNCEMENTS**

Council members reported on committees, activities, and events.

6. ADOPTION OF CONSENT CALENDAR

On motion of Council Member Thibeault and seconded by Council Member Howe, it was unanimously voted: To adopt items 6 a. – e. and 6 g. – j. as part of the Consent Calendar.

a. New Hire Report For April 2024

Communication received from the Human Resources Department.

As part of the Consent Calendar adoption and on motion of Council Member Thibeault and seconded, it was unanimously voted: To place on file the New Hire Report for the month of April, 2024.

b. Tax Refunds In the Amount of \$16,371.93

Request presented from Tax Collector Bednaz.

As part of the Consent Calendar adoption and on motion of Council Member Thibeault and seconded, it was unanimously voted: To approve the Tax Refunds as follows –

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Motor Vehicle	\$ 3,554.81
Personal Property	975.93
Real Estate	+ <u>11,841.19</u>
Total	\$ 16,371.93

c. Assignment of Easement on Kelley Street – Eversource Energy

Communication received from Assistant Corporation Counsel Conlin.

As part of the Consent Calendar adoption and on motion of Council Member Thibeault and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to execute an Assignment of Easement in favor of Eversource Energy for City rights located on the westerly side of Kelley Street as described in an Aerial Right of Way Easement recorded in Volume 2281 page 416 of the City of Bristol Land Records.

d. Completion of BCHS Underground Storage Tank Project

Communication received from Board of Education Operations and Facilities Manager.

As part of the Consent Calendar adoption and on motion of Council Member Thibeault and seconded, it was unanimously voted: To accept the Bristol Central High School Underground Storage Tank Project as complete.

e. Completion of BEHS Underground Storage Tank Project

Communication received from Board of Education Operations and Facilities Manager.

As part of the Consent Calendar adoption and on motion of Council Member Thibeault and seconded, it was unanimously voted: To accept the Bristol Eastern High School Underground Storage Tank Project as complete.

f. 2024 Neighborhood Assistance Act Applications

Communication received from Grants Administrator Leger.

On motion of Council Member Panioto and seconded, it was voted to remove this item from the Consent Agenda. Council Member Panioto had a conflict of interest with item f. 6. and recused himself from this portion of the meeting.

On motion of Council Member Thibeault and seconded, it was unanimously voted: To approve item f. 6. New England Carousel Museum.

On motion of Council Member Thibeault and seconded, it was unanimously voted: To approve items f. 1. – f. 5. and f. 7. – f. 11.

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The 2024 NAA Applicants for Bristol are:

1. Boys & Girls Club of Bristol (Energy Sustainability - \$96,300)
2. Bristol Historical Society (Energy efficiency repointing - \$150,000)
3. The Family Center, Inc./d.b.a. ImagineNation, A Museum Early Learning Center (Imagining Healthy Futures - \$100,467.87)
4. Greater Bristol Homes Co. (West End Phase I - \$150,000)
5. Human Resources Agency of New Britain, Inc. (HRA) – (Energy Remodel for Lake Avenue Family Center - \$75,000)
6. New England Carousel Museum Inc. (Energy Conservation - \$150,000)
7. Nutmeg Symphony Orchestra (Concert Series/Educational Children’s Concerts - \$64,460)
8. Prudence Crandall Center Inc. (Annual Appeal - \$150,000)
9. Prudence Crandall Center Inc. (Energy Efficiency - \$42,060)
10. Shepard Meadows Equestrian Center (Telecommunications/Intranet/Safety & Security - \$75,000)
11. United Way of West Central CT (Neighbors in Need - \$125,000)

g. Amendment to Contract 2P23-004 Desman Inc. for Hope St. Parking Garage

Communication received from Public Works Director Rogozinski.

As part of the Consent Calendar adoption and on motion of Council Member Thibeault and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to execute an amendment to Contract 2P23-004 Desman Inc. in the amount of \$28,930 for the purpose of providing geotechnical inspection services for the Hope Street Parking Garage. Said amendment shall increase the contract amount from \$268,700 to \$297,630.

h. Referral of Lot 34-93 Downs Street to the Planning Commission for a C.G.S. Section 8-24 Report

Communication received from Public Works Director Rogozinski.

As part of the Consent Calendar adoption and on motion of Council Member Thibeault and seconded, it was unanimously voted: To refer Lot 34-93 Downs Street to the Planning Commission for a C.G.S. Section 8-24 Report at the request of the Public Works Department for the purpose of granting an easement to Yankee Gas Service Company d.b.a Eversource Energy to install utilities.

i. Referral of Parking Spaces near 1 Hope Street Lot 30-4 to the Planning Commission for a C.G.S. Section 8-24 Report

Communication received from Public Works Director Rogozinski.

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As part of the Consent Calendar adoption and on motion of Council Member Thibeault and seconded, it was unanimously voted: To refer the lease of 63 parking spaces within 500 ft. of the Wheeler Clinic Inc. building located at 1 Hope Street Lot 30-4, to the Planning Commission for a C.G.S. Section 8-24 Report at the request of the Public Works Department for the purpose of complying with City zoning requirements. The lease shall be for the approximate time period of July 2024 to May 2025.

j. Submission of Public Safety Grant to Thomaston Savings Bank Foundation

Communication received from Fire Chief Hart.

As part of the Consent Calendar adoption and on motion of Council Member Thibeault and seconded, it was unanimously voted: To approve the submission of a Public Safety Grant application by the Fire Department for \$12,500 from the Thomaston Savings Bank Foundation for the purchase of a turnout gear extractor to remove carcinogens from firefighting turnout gear to further reduce our city's firefighters' exposure to cancer-causing carcinogens.

7. REPORTS AND COMMITTEE REPORTS

a. Real Estate Committee

As recommended by the Real Estate Committee and on motion of Council Member Tyler and seconded by Council Member Olsen, it was unanimously voted: To accept the offer from 38 Prospect Street Inc. or its assigns, in response to RFP (Requests For Proposals) #2024-098 entitled, "Sale of Surplus Property at Prospect Street, Assessors Map 30, Lot R4-1" comprising the western portion of said lot. The terms of acceptance of this proposal are as follows:

1. The purchase price shall be a cash transaction of \$106,000.00;
2. All costs associated with this transaction, including but not limited to, costs of surveys/maps, closing costs, publication notices, etc. shall be the responsibility of the purchaser. The City of Bristol shall incur no costs in this transaction.

It was further moved that the Mayor or Acting Mayor be authorized to sign any documents necessary to effectuate this motion and that this matter be referred to Corporation Counsel. In addition, prior to the transfer of this property, that the City Clerk be instructed to schedule a public hearing, to be conducted by the City of Bristol Real Estate Committee, in accordance with Connecticut General Statutes Section 7-163e, said public hearing to occur on June 11, 2024 at 6:30 P.M. City Council Chambers.

b. Real Estate Committee

As recommended by the Real Estate Committee and on motion of Council Member Tyler and seconded by Council Member Rosengren, it was unanimously voted: To refer city owned property known as 163 Church Avenue (new proposed firehouse in Forestville, Map 43, Lot 16) to the Planning Commission for a Connecticut General Statute Section

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8-24 Report. Specifically, to address a lot line boundary adjustment of approximately 5,124.7 square feet with the property known as 64 Washington Street.

c. Ordinance Committee

As recommended by the Ordinance Committee and on motion of Council Member Panioto and seconded by Council Member Thibeault, it was unanimously voted: In accordance with Section 41(f) of the Charter of the City of Bristol, to waive the reading of the proposed amendments to Chapter 21 of the Code of Ordinances being introduced this date.

On motion of Council Member Panioto and seconded by Council Member Olsen, it was unanimously voted: In accordance with Section 41(f) of the Charter of the City of Bristol, to introduce the following amendments to the Code of Ordinances; and that the time and place of Tuesday, June 4, 2024 at 4:45 p.m., in Meeting Room 1-1, City Hall, 111 North Main Street, Bristol, Connecticut be set for the holding of a public hearing thereon by the Ordinance Committee; and that the City Clerk publish notice of said public hearing and the proposed amendments to the Code of Ordinances as required by City Charter.

Underscored text is proposed to be added. [Bracketed] text is proposed for deletion.

DIVISION 3. [CONTRACTORS LICENSE]

Sec. 21-66. Required; exception.

No person shall lay in any street any new curb or sidewalk or relay any existing curb or sidewalk unless he is licensed as a curb and walk layer; provided, however, that the provisions of this section shall not prevent the making without such license of minor repairs to an existing sidewalk by the owner of the property in front of which such sidewalk is located or by such owner's agent without remuneration.

(Code 1960, § 36-17; Ord. of 5-1-62; Ord. of 7-5-72)

Sec. 21-67. Application.

The applicant for the license required by this division shall state in his application his actual place of business, together with the name under which the business is done, and shall notify the superintendent of public works of any subsequent change in either.

(Code 1960, § 36-17; Ord. of 5-1-62; Ord. of 7-5-72)

Sec. 21-68. Bond and insurance to be filed at time of application.

Every person making application for a license as a curb and walk layer shall file with the superintendent of public works a satisfactory bond, of a surety company authorized to do business in the city, in the sum of ten thousand dollars (\$10,000.00), and conditioned substantially that the applicant, his employees or agents shall faithfully perform such work in all respects and shall replace and restore that portion of any street in which the applicant, his servants or agents shall make any excavation, to as good a condition as that in which the same was before such work was performed. Such licensee shall also file with the

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superintendent of public works a satisfactory public liability insurance certificate in the minimum amount of one hundred thousand dollars (\$100,000.00) for personal injury and ten thousand dollars (\$10,000.00) for property damage, to indemnify and save the city and its agents harmless from all suits and actions brought against the city or any officer thereof for or on account of any injuries or damage received or sustained by any person in consequence of, or resulting from, any negligence in guarding such work, or any act or omission of the licensee.

(Code 1960, § 36-17; Ord. of 5-1-62; Ord. of 7-5-72; Ord. of 12-5-78)

Sec. 21-69. Issuance.

The superintendent of public works shall issue a license as a curb and walk layer to any person believed by the superintendent to be suitable and competent, who complies with the conditions governing such license.

(Code 1960, § 36-17; Ord. of 5-1-62; Ord. of 7-5-72)

Sec. 21-70. Licensee's duties.

The licensee under this division shall comply in all respects with the rules and regulations established by the superintendent of public works relative to the work for which he is licensed, and with the terms of the permits therefor which may be issued to him, and shall also pay all fines imposed upon him for violation of any such rules and regulations. He shall give personal supervision to the work done under his license and shall employ thereon only competent workmen.

(Code 1960, § 36-17; Ord. of 5-1-62; Ord. of 7-5-72)

Sec. 21-71. Suspension or revocation.

Whenever, in the opinion of the director of public works, any licensed curb and walk layer violates any of the provisions of this article, or any of the rules, regulations and specifications adopted by the director, the director may order the suspension or revoking of the license of such curb and walk layer.

(Code 1960, § 36-17; Ord. of 5-1-62; Ord. of 7-5-72)

Secs. 21-72—21-76. Reserved.

DIVISION 4. PERMITS

Sec. 21-77. Permit required for sidewalk and driveway apron construction.

No work on the construction of a sidewalk or driveway apron shall be started without first obtaining a permit from the director of public works which shall be posted and available for inspection.

(Code 1960, § 36-16; Ord. of 5-1-62; Ord. of 7-5-72)

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Sec. 21-78. Contractor's street work permit—Required.

No curb and walk layer shall commence any work upon any street in the city until he has applied for and secured a permit to do so issued by the director of public works.

(Code 1960, § 36-18; Ord. of 5-1-62; Ord. of 7-5-72)

Sec. 21-79. Same—Application.

Applications for the permit required by section 21-78 of this division shall be signed by the curb and walk layer, or his authorized agent. They shall specify the ownership and location of the property where the work is to be done, and shall contain an agreement to be signed by the curb and walk layer that he will do the contemplated work in accordance with the rules and regulations of the department of public works and the city specifications pertaining to such work, and that he will indemnify and save the city harmless from all damages caused by his acts or omissions while acting under the permit applied for.

(Code 1960, § 36-18; Ord. of 5-1-62; Ord. of 7-5-72)

Sec. 21-80. Same—To be kept on job during continuance of work.

The permit required by section 21-78 of this division shall be kept on the job during the continuance of the work and shall be available for inspection by all authorized persons.

(Code 1960, § 36-18; Ord. of 5-1-62; Ord. of 7-5-72)

DIVISION 5. PERMANENT PATCHING OF CITY STREETS**Sec. 21-81. General provisions.**

The permanent patching of all utility trenches and other excavations in streets maintained by the City of Bristol will be by the public works department or under contract to the city.

All utility contractors shall obtain an excavating permit for any trenches in the public street. (Ord. of 8-13-84)

Sec. 21-82. Excavation, backfilling and patching, general requirements.

Pavement and/or sidewalks shall be cut or sawn to straight neat lines, excavation without cutting or sawing will not be allowed. Cut line shall be parallel and six (6) inches minimum, outside either edge of the proposed trench. Tunneling under pavement or sidewalks will not be allowed. Bituminous material, cement concrete, ledge, rock and boulders over six (6) inches in any dimension shall be removed from the job, together with any clay, silt, or organic material. The public works inspector will check the material excavated and will allow re-use as backfill, sandy and/or gravelly material. Material not

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approved shall be disposed of off the job. Backfill shall be approved sandy gravelly material with no stones over six (6) inches in any dimension. Backfill shall be compacted in twelve-inch layers using mechanical compaction equipment.

The trench shall be filled to within eleven (11) inches of finished grade, eight (8) inches of approved processed gravel shall be spread and compacted, then three (3) inches of bituminous concrete shall be spread and compacted with the finished material flush with the adjacent existing surface. Bituminous concrete material shall be "hot mix," except during winter season when plants are closed "cold patch" will be used. During the period between temporary patch and permanent patch, the utility contractor shall be responsible for maintaining the patch and shall promptly correct all defects upon order of the director of public works. The contractor is an agent of the utility whose pipe, conduit, etc., is laid in the trench and has ultimate responsibility for the trench. In sanitary sewer laterals this is the serviced property owner. This procedure also includes new sanitary sewer construction and the ultimate responsibility shall be the city public works department.

(Ord. of 8-13-84)

Sec. 21-83. Fees, deposits, records and measurements for patches.

- (a) Annually the city may advertise and receive bids for permanent patching of utility trenches. Bids will be taken on repair of bituminous pavement, curbing and sidewalk. The lowest acceptable unit prices will be utilized with a twenty (20) per cent escalator for charging contractors, that year, for trench permanent patching. Trenches that are temporarily patched during a calendar year normally will be permanently patched the following year, the intent being that temporary patches shall go through one complete winter season.*
- (b) At the time of issuance of an excavation permit, the contractor shall deposit a fee equal to the estimated cost of the permanent patch. Upon completion, the actual patch will be measured and the contractor shall be billed for any permanent patch cost to the city that exceeds the amount deposited by the contractor. If the permanent patch cost to the city is less than the amount deposited with the city, the contractor will receive credit. Calculation of estimated patch costs will be based on trench length and width, (width shall be diameter of pipe plus thirty-six (36) inches, minimum forty-eight (48) inches, plus twelve (12) inches for every foot to depth of trench). Permits will not be issued to contractors owing the city any permanent patch fees. The city may institute legal action against contractors and those responsible for nonpayment of any permanent patch costs owed the city if any permanent patch fee is not paid within ninety (90) days of the due date.*
- (c) The public works department shall keep a written record of all trenches, with their dates of excavation, temporary patch and permanent patches, deposit fees received, estimated final fees and actual final fees, and the balances owed or the credits due, and the exact locations and types of utilities. The city shall maintain a separate fund for*

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permanent patching of all city streets. All payments by contractors or others excavating in a public way shall be deposited in the fund, and payments for completed permanent patching shall be disbursed from the fund.

- (d) *The board of public works may reduce or waive the deposit otherwise required of a contractor under this section for good reason shown. Good reason shall include instances where the calculations required under this section exceed what otherwise is reasonably estimated to be the cost for permanently patching the excavation or other factually-based situations that would work a hardship on the contractor. When granting any reduction or waiver of the deposit requirement, the board of public works shall state its reason(s) on the record.*

(Ord. of 8-13-84; Ord. of 11-13-07)

Sec. 21-84. Detailed patching requirements.

Permanent patching shall be performed as follows:

- (a) *Sidewalks. Temporary bituminous material shall be removed. Existing walk faces shall be straight and true with no cracks or breaks, if not, shall be cut at next sound transverse joint. Subgrade material shall be removed to five (5) inches below finish grade one-half inch preformed full depth and width expansion joints shall be placed against existing concrete. Portland cement concrete shall be as specified in chapter 21 of the City Ordinances. Topsoil and seeding shall be repaired as specified in Chapter 21 of the City Ordinances. Bituminous concrete walks shall be repaired as specified in subsection (c).*
- (b) *Curbing. Curbing shall be replaced to conform to existing adjacent curb. Existing curb shall be cut to neat true lines. Concrete and granite curb replacement shall be not less than three (3) feet. Bituminous curb less than twenty-five (25) feet may be hand formed to proper cross section. Curbing shall conform to chapter 21 of the City Ordinances.*
- (c) *Pavement. Existing bituminous material shall be removed, existing pavement shall be cut to reasonably straight longitudinal lines, transverse jogs within ten (10) feet of each other shall not be accepted, transverse cuts shall be perpendicular to the longitudinal cut. Several small excavations shall be widened into one. If existing pavement has cracked due to trench settlement, the edge of the trench shall be cut beyond such cracks to firm true pavement. The subgrade shall be graded and compacted to three (3) inches below finished grade. The contractor shall add any necessary processed gravel to bring trench to subgrade, care shall be taken to keep processed gravel tight under adjacent pavement. Edge of existing bituminous shall be painted with hot liquid asphalt prior to paving. Transverse joints in new patch shall be cut square and painted with hot liquid asphalt. Bituminous material shall be placed in two (2) equal layers of one and one-half inches compacted. Finished surface shall meet existing surface neat and true. Edges of completed patch shall be sealed with an application of hot liquid asphalt three (3) inches minimum wide. Finish surface shall be lightly dusted with cement or fine quarry screenings. Patch shall be barricaded and traffic kept off for at least four*

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(4) hours. Bituminous mixes, placement compaction, etc., shall be as specified in chapter 21 article III of the City Ordinances.

Sec. 21-85 – 21-91. – Reserved.]

Excavation & Work Within City Roadway Right of Way by Private Contractors and Public Utilities

Sec. 21-66. General.

No contractor, person or public utility shall work within any portion of the City roadway right of way without obtaining an excavation permit from the Department of Public Works. Work shall include, but is not limited to: the disturbance, excavation, construction, and demolition of roadway pavement, curbing, sidewalks, underground utilities (sewer, water, storm water, natural gas, electric, or telecommunication conduits), roadside barriers, signs, lights, and structures of any kind. Minor repairs to sidewalks, such as filling cracks with mortar, are not required to be performed by a licensed contractor, along with the installation of mail boxes and landscaping.

All work performed within the City roadway right of way shall be performed in a safe manner in accordance with Department of Public Works standards and specifications.

All contractors and persons performing work within the City roadway right of way shall restore all disturbed roadway pavement, curbing, utilities, and sidewalks, including lawn & seed, and any roadside barriers, signs, lights, and structures of any kind to their original condition as they existed prior to any work being performed by the contractor or persons performing the work.

Sec 21-67. License.

In order to obtain an excavation permit, all contractors and/or persons shall be licensed by the Department of Public Works. To become licensed, contractors shall submit an application (prepared by the Department of Public Works) demonstrating that said contractor has the knowledge, experience, and equipment to perform work in accordance with City of Bristol requirements. In addition, the contractor shall provide to the Department a certificate of insurance and a bond. As part of the review process, contractors or persons may be required to submit for review an applicable valid trade license issued by the State or Federal government or trade organization. However, the license subject to this City Ordinance is an additional license issued by the City as part of the authorization process to work within the roadway right of way. All licensed contractors or persons require the approval of the Director of Public Works.

The Department of Public Works shall prepare and submit the license application form to the Board of Public Works for review and approval.

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Each contractor or person submitting an application for an excavation permit shall provide a bond of a surety company authorized to do business in the City in the minimum amount of \$20,000 (or equal to the value of the work as determined by the Department of Public Works), and conditioned substantially that the applicant, its employees, or agents shall faithfully perform such work in all respects, and shall replace and restore that portion of any street in which the applicant, its servants, or agents performed any excavation, to the original condition as before such work was performed. In accordance with the provisions of this ordinance, it is the intent of the City to authorize the Department of Public Works to set high bond limits based on the estimated value of the work as determined by the Department of Public Works.

Each contractor or person shall also file with the Department of Public Works a satisfactory public liability insurance certificate in the minimum amount of General liability \$1,000,000 (combined single limit) bodily injury/property damage coverage per occurrence and \$2,000,000 aggregate coverage, to indemnify and save the City and its agents harmless from all suits and actions brought against the City or any officer thereof, on account of any injuries sustained or damage caused by any person in consequence of, or resulting from, any negligence in guarding such work, or any act or omission of the licensee.

The Board of Public Works reserves the right to modify insurance and bonding requirements as required to safeguard the public.

Whenever, in the opinion of the Director of Public Works, any licensed contractor or person violates any of the provisions of this ordinance, or any of the rules, regulations, and specifications adopted by the Director, the Director may order the suspension or revocation of the license of such curb and walk contractor.

Sec 21-68. Permits.

All contractors or persons shall obtain a permit issued by the Department of Public Works prior to performing work within any portion of the City roadway right of way. Work shall include, but is not limited to: the disturbance, excavation, construction, and demolition of roadway pavement, curbing, sidewalks, underground utilities (sewer, water, storm water, natural gas, electric, or telecommunication conduits), roadside barriers, signs, lights, and structures of any kind. Minor repairs to sidewalks, such as filling cracks with mortar, are not required to be performed by a licensed contractor, along with the installation of mail boxes and landscaping.

Contractors or persons performing work to replace or install a driveway apron within the roadway right of way shall obtain a Driveway Permit issued by the Department of Public Works. Contractors or persons performing work to replace and install sidewalks within the roadway right of way shall obtain a Sidewalk Permit issued by the Department of Public Works. Contractors or persons performing all other work such as: excavation, construction, and demolition of roadway pavement, curbing, sidewalks, underground utilities (sewer, water, storm water, natural gas, electric, or telecommunication conduits),

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roadside barriers, signs, lights, and structures of any kind shall obtain an Excavation Permit.

The Department of Public Works shall prepare and submit the permit application form (Sidewalk, Driveway, and Excavation permits) to the Board of Public Works for review and approval. All contractors and/or persons shall submit the applicable permit application prior to completing work. Permit application forms shall include the following:

A. Sidewalk and driveway permits:

1. Name of licensed contractor or person performing work along with contact information.
2. Location and type of work to be performed.

B. Excavation Permit

1. Name of licensed contractor or person performing work along with contact information.
2. Location and type of work to be performed.
3. Map indicating proposed work. Note that an A-2 survey survey may not be required by the Department of Public Works. However, the map shall indicate proposed work and existing roadway utilities and facilities. In addition, for house utility laterals, a field walk performed by the applicant and a Department of Public Works representative may be substituted for the submittal of a map.
4. All utilities shall be installed in accordance with City standards with respect to size, depth, location, materials, and bedding.

All contractors or persons shall provide the Department of Public Works information regarding the impact the work will have on traffic. The Department of Public Works may require a traffic control plan. Contractors or persons are advised that every road closure requires authorization and approval from the Director of Public Works or the Chief of Police, no other City entity or person is authorized to approve the closure of a City Street.

No work shall be performed prior to the approval of the permit by the Department of Public Works. Public Utilities performing emergency work shall submit a permit to the Department of Public Works within 48 hours of an emergency.

An application fee shall be charged to each contractor obtaining a Department of Public Works permit, issued in accordance with this ordinance. The application fee shall be set by the Board of Public Works. In accordance with the ordinance a separate application fee shall be established for work performed by public utility companies.

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Sec. 21-69. Excavation of newly paved roadways.

Contractors shall be advised that the City enforces a moratorium on the issuance of excavation permits on newly-paved roads. No permit will be issued for a period of five (5) years after a roadway is paved to install main line utilities, and three (3) years to install laterals. If required, restoration shall include the milling and paving of the roadway curb-to-curb, or a full lane width at the contractor's expense, as agreed upon by the utility company and the Department of Public Works. Said work shall be performed by the Department of Public Works. Restoration of pavement for lateral installation, during the moratorium period, shall consist of milling a larger patch (2 ft. around perimeter of temporary patch) and repaving in accordance with Department of Public Works specifications. Work shall include the installation of a full pavement depth (4 inch min) in the area of the temporary patch.

Sec 21-70. Excavation within City streets.

Pavement and/or sidewalks shall be cut or sawn to straight neat lines. Excavation without cutting or sawing is not allowed. Outline shall be parallel, and six (6) inches minimum, outside either edge of the proposed trench.

Tunneling under pavement or sidewalks is not allowed. Bituminous material, cement concrete, ledge, rocks and boulders over six (6) inches in any dimension, shall be removed from the job, together with any clay, silt, or organic material. The Public Works Inspector will check the material excavated and will allow re-use as backfill, sandy and/or gravelly material. Material not approved of shall be disposed of from the job site. Backfill shall be approved sandy gravelly material with no stones over six (6) inches in any dimension. Backfill shall be compacted in fifteen-inch lifts or layers using mechanical compaction equipment approved by the Department of Public Works.

The trench shall be filled to within eleven (11) inches of the finished grade, consisting of nine (9) inches of approved processed gravel which shall be spread and compacted, then two (2) inches of bituminous concrete temporary pavement which shall be spread and compacted, and the finished material flush with the adjacent existing surface.

The limits of permanent patch shall be established/confirmed at the completion of work/installation of temporary asphalt patch. Permanent patches shall extend 6-inches beyond the temporary patch, and require the contractor to re-cut the roadway asphalt. The City of Bristol may require the installation of additional roadway asphalt patch to improve road conditions, and may extend the permanent patch limits to include older patches or road defects. If the City requires the replacement of additional roadway, the cost of the additional work will be paid for by the City, or the utility company will pay the City the application cost of the required patch (not including the additional work) and the City will install the entire/desired permanent patch that is required to repair the utilities work and the road defect. All utility boxes shall be installed flush with pavement.

Bituminous concrete material shall be "hot mix," except during the winter season when plants are closed. "Cold patch" may be used with prior authorization and approval by the

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Department of Public Works. During the period between temporary patch and permanent patch, the utility contractor shall be responsible for maintaining the patch, and shall promptly correct all defects upon order of the Director of Public Works. Failure by the contractor to maintain the trench in a safe condition will result in the Department of Public Works performing the work and charging the contractor for said repairs.

The storage of materials or equipment within the City's right of way is not allowed, unless authorized by the Public Works Engineering Division, or the Director of Public Works. The site shall be cleaned and swept at the end of each day. The blocking of private driveways is prohibited.

Sec 21-71. Permanent patching and restoration of City streets.

All temporary pavement patches shall be removed and replaced after one year with a permanent pavement patch or pavement restoration.

Annually, the Department of Public Works will procure the services of a paving contractor to remove temporary pavement patches installed as part of the Department of Public Works permit defined in this ordinance. The procured paving contractor will install all permanent pavement patches installed within the last year. Permit holders are not authorized or permitted to install permanent roadway patches unless otherwise approved by the Board of Public Works.

At the time of issuance of an Excavation Permit, the contractor shall deposit a fee equal to the estimated cost of the permanent patch. Upon completion, the actual patch will be measured, and the contractor shall be billed for any permanent patch cost to the City that exceeds the amount deposited by the contractor. If the permanent patch cost to the City is less than the amount deposited with the City, the contractor will receive a credit.

Calculation of estimated patch costs will be based on trench length and width (width shall be diameter of pipe plus thirty-six (36) inches, minimum forty-eight (48) inches, plus twelve (12) inches for every foot to depth of trench). Permits will not be issued to contractors owing the City any permanent patch fees. The City may institute legal action against contractors and those responsible for nonpayment of any permanent patch costs owed to the City if any permanent patch fee is not paid within ninety (90) days of the due date. The Department of Public Works shall calculate the unit pavement cost based on the pavement contractor's cost with a twenty (20) percent escalator for charging contractors, that year, for trench permanent patching.

The Public Works Department shall keep a written record of all trenches including: the dates of excavation, temporary patches and permanent patches, deposit fees received, estimated final fees and actual final fees, the balances owed or the credits due, and the exact locations and types of utilities. The City shall maintain a separate non-interest bearing fund for permanent patching of all City streets. All payments by contractors or persons excavating in a public right of way shall be deposited in the fund, and payments for completed permanent patching shall be disbursed from the fund.

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All contractors shall be required to identify the temporary pavement trenches by spray painting the company's name at several locations, based on the size of the trench, as determined by the Department of Public Works. Work performed by Public Utility companies, or contractors performing the work for the public utility, shall identify the trench using the public utility companies' name.

Public utility contractors authorized by the Department of Public Works are permitted to install their own permanent patch. However, all work must be performed in accordance with Department of Public Works requirements and specifications. Based on roadway pavement, Public Utility Companies may be required by the Department of Public Works to restore roadway pavement by milling and paving roadway sections, either curb to curb or full travel lane widths. Said pavement restoration (milling and paving) shall be paid for at the sole expense of the public utility company or the utility company may fund the City performing the work.

All permanent pavement installation and roadway pavement restoration shall confirm with City standards and specifications. Existing bituminous material shall be removed, existing pavement shall be cut to reasonably straight longitudinal lines, transverse jogs within ten (10) feet of each other shall not be accepted, and transverse cuts shall be perpendicular to the longitudinal cut. Several small excavations shall be widened into one. If existing pavement has cracked due to trench settlement, the edge of the trench shall be cut beyond such cracks to firm true pavement. The subgrade shall be graded and compacted to four (4) inches below finished grade. The contractor shall add any necessary processed gravel to bring trench to subgrade, care shall be taken to keep processed gravel tight under adjacent pavement. The edge of existing bituminous shall be painted with hot liquid asphalt prior to paving. Transverse joints in new patch shall be cut square and painted with hot liquid asphalt. Bituminous material shall be placed in two (2) equal compacted layers of one and one-half inches. Finished surface shall meet existing surface neat and true. The edges of completed patch shall be sealed with an application of hot liquid asphalt three (3) inches minimum wide.

The Department of Public Works may expand the permanent patch limits and increase the area of the permanent patch to correct roadway defects that existed prior to work performed in accordance with the permit. Said work shall be paid for by the City.

Sec. 21-72 – 21-91. – Reserved

8. **OLD BUSINESS** – None.

9. **NEW BUSINESS** – None.

10. **RESIGNATIONS**

The following resignations were presented:

Corey Nagle – Youth Commission and Bristol Parking Authority

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On motion of Council Member Thibeault and seconded by Council Member Howe, it was unanimously voted: To accept the resignations and send a letter of thanks.

11. APPOINTMENTS

The following appointments were presented:

Bristol Burlington Health District Commission

Robert Wetmore – Appointment – term to 7/26.

Confirming motion by Council Member Tyler.

Motion passed in voice vote.

Fair Rent Commission

Camerin Crowal – Appointment as alternate member – term to 5/27.

Replaced Mary Alford.

Confirming motion by Council Member Panioto.

Motion passed in voice vote.

Cristina Costa – Reappointment – term to 5/27.

Confirming motion by Council Member Tyler.

Motion passed in voice vote.

Susan Pyzynski – Reappointment – term to 5/27.

Confirming motion by Council Member Tyler.

Motion passed in voice vote.

Inland/Wetlands Commission

Greg Klimek – Appointment as alternate member – term to 5/27.

Confirming motion by Council Member Rosengren.

Motion passed in voice vote.

James Carros – Reappointment – term to 5/27.

Confirming motion by Council Member Thibeault.

Motion passed in voice vote.

Daniel Massaro, Jr. – Reappointment – term to 5/27.

Confirming motion by Council Member Thibeault.

Motion passed in voice vote.

Bristol Parking Authority

Jason Broyles – Appointment – term to 4/25.

Replaced Corey Nagle.

Confirming motion by Council Member Olsen.

Motion passed in voice vote.

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James Driscoll – Reappointment – term to 4/27.
Confirming motion by Council Member Tyler.
Motion passed in voice vote.

Transportation Committee

Bruce Lindsley – Appointment – term to 1/27.
Replaced Joseph Wasta.
Confirming motion by Council Member Thibeault.
Motion passed in voice vote.

Youth Commission – Under 21 yrs. old Representative

Luke Viens – Appointment – term to 5/27.
Replaced Makayla Cervantes.
Confirming motion by Council Member Olsen.
Motion passed in voice vote.

12. CONNECTICUT LIGHT AND POWER COMPANY RESOLUTION

a. Communication received from Assistant Corporation Counsel Conlin.

On motion of Council Member Rosengren and seconded by Council Member Thibeault, it was unanimously voted: To approve a Resolution to grant to CT Light and Power Company, d.b.a. Eversource Energy, an assignment of an easement through property of the Immanuel Evangelical Lutheran Church on Kelley Street.

The Resolution reads as follows –

BE IT RESOLVED: That the City of Bristol grant and convey to the Connecticut Light and Power Company d/b/a Eversource Energy, a corporation chartered by the General Assembly of the State of Connecticut and having its principal office in Berlin, Connecticut, its successors and assigns, permanent rights for the installation and maintenance and repairs of electric lines over, under and across land of the Immanuel Evangelical Lutheran Church pursuant to an Aerial Right of Way Easement recorded at Volume 2281 Page 416 of the City of Bristol Land Records and depicted on Map Q-666 of said land records, such easement situated within the City of Bristol, as set forth in the easement presented to this meeting, which is hereby ordered filed with the records of this meeting; and

RESOLVED: That the Mayor of the City of Bristol be authorized to execute and deliver in the name of the City an assignment of easement presented to this meeting and to do any and all other acts to effectuate the foregoing.

A roll call vote was taken.

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<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Council Member Howe		
“ ”	Olsen	
“ ”	Panioto	
“ “	Rosengren	
“ ”	Thibeault	
“ ”	Tyler	
	Mayor Caggiano	

RESOLUTION ADOPTED: YES – 7; NO – 0; ABSTAIN – 0.

13. CONTRACTS

a. Contract 2C24-097 Fire Alarm Panel Replacement – Edgewood Pre-K Academy

Communication received from BOE Operations and Facilities Manager Landon.

On motion of Council Member Thibeault and seconded by Council Member Panioto, it was unanimously voted: To award Contract 2C24-097 Fire Alarm Panel Replacement at Edgewood Pre-K Academy to L. Holzner Electric Company, in the amount of \$256,500 and to authorize the Mayor or Acting Mayor to execute.

b. Agreement for Multi-function Print Devices with The Office Works, Inc.

Communication received from Purchasing Agent Rousseau.

On motion of Council Member Panioto and seconded by Council Member Howe, it was unanimously voted: To approve a five-year agreement for multi-function print devices with The Office Works, Inc., and to refer to the Office of Corporation Counsel for contract review, and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said contract.

c. Purchase and Sale Agreement with Business Park Avenue, LLC d.b.a. Allstate Commercial Driver Training School

Communication received from Economic and Community Development Director Malley.

On motion of Council Member Olsen and seconded by Council Member Panioto, it was unanimously voted: To authorize Mayor Jeffrey Caggiano, or Acting Mayor, to execute a Purchase and Sale Agreement and to complete the property transaction, subject to the approval of Corporation Counsel, with Business Park Avenue, LLC, d.b.a. Allstate Commercial Driver Training School, for the sale of the Southeast Bristol Business Park property known as “Lot #10 and Lot #11” as reflected on the map known as *Boundary Survey* from Dufour Surveying LLC dated May 6, 2022 and *Lot Line Revision Map Lots 10, 11, and 12* dated February 26, 2015 for the purchase price of \$275,000; and to refer this matter to the Planning Commission for

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completion of a C.G.S. 8-24 Report, and to the City Council Real Estate Committee for completion of a C.G.S. 7-163e Public Hearing for the sale of municipally owned property.

d. Municipal Recyclable Processing Contract – Murphy Road, LLC

Communication received from Public Works Director Rogozinski.

On motion of Council Member Thibeault and seconded by Council Member Olsen, it was unanimously voted: To approve the proposed “Acceptable Recyclables Processing Agreement between Bristol Resource Recovery Facility Operating Committee and the City of Bristol and Murphy Road, LLC” and authorize the Mayor or Acting Mayor to execute any and all documents associated with the proposed contract on behalf of the City. Execution of contract shall be dependent upon final review of contract by Corporation Counsel.

14. EXECUTIVE SESSION TO DISCUSS AND TAKE ANY NECESSARY ACTION ON LITIGATION MATTER SHAWNA CAPOLUPO BROOKS V. TIMOTHY O’BRIEN, ET AL, US DISTRICT COURT DOCKET NO. 3:21 CV 01688 VAB

At 8:09 p.m., on motion of Council Member Rosengren and seconded by Council Member Thibeault, it was unanimously voted: To convene into Executive Session to discuss Shawna Capolupo Brooks v. Timothy O’Brien, et al., US District Court Docket No. 3:21 CV 01688 VAB.

Present to discuss the matter of Shawna Capolupo Brooks v. Timothy O’Brien, et al.: Mayor Caggiano; Council Members Howe, Olsen, Panioto, Thibeault, and Tyler; Corporation Counsel Krawiecki; and Assistant Corporation Counsels Conlin and Steeg. Council Member Rosegren recused himself due to a conflict of interest.

Discussion was held. No votes were taken.

At 8:18 p.m., on motion of Council Member Panioto and seconded by Council Member Thibeault, it was unanimously voted: To reconvene into Public Session.

On motion of Council Member Olsen and seconded by Council Member Thibeault, it was unanimously voted: To resolve litigation matter Shawna Capolupo Brooks v. Timothy O’Brien, et al., US District Court Docket No. 3:21 CV 01688 VAB by settling for the amount of \$20,000.00, and that the Corporation Counsel be authorized to sign any and all documents on behalf of the City of Bristol to effectuate this judgment.

15. OTHER BUSINESS – None.

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16. ADJOURNMENT

At 8:19 p.m., on motion of Council Member Thibeault and seconded by Council Member Panioto, it was unanimously voted: To adjourn.

ATTEST: _____
Erica Cabiya
Town & City Clerk