

SEPTEMBER 10, 2024

The regular meeting of the City Council was held on Tuesday, September 10, 2024 in the City Hall Council Chambers, 111 North Main Street at 7:15 p.m. Present: Mayor Caggiano; Council Members Dickau, Olsen, Panioto, Rosengren, Thibeault, and Tyler.

1. CALL TO ORDER

a. Mayor Caggiano recognized the Bristol Girls Little League Softball 2024 All-Star Champions: **Bristol 10U:** District 5 Champions, Section 2 Champions, CT State Champions, New England Regional Champions – Lucy Bastiaanse, Ava Lefurgey, Makinnley Whitlock, Keeva Knowles, Ellie Tiscia, Maddy Yopp, Dakota Green, Mary Thompson, and Lucy Kalat. **Bristol Junior League:** District 5 Champions, Section 1 Champions, CT State Champions – Ava Theriault, Lacie Wegiel, Meredith Creamer, Maddy Voisine, Madelyn Milkowski, Kiley Simone, Kaitlyn Wood, Azaria Rochester, Allyson McKenna, Liv Stafford, Gabby Perez, Izzy Ferrer, and Riley MacDonald. **Bristol Senior League:** CT State Champions – Desiree Nickerson, Hailey Beebe, Kayla Webber, Leah Webber, Brooklynn Whitlock, Kayla Czaplicki, Corinne Sutula, Lyla Wegiel, Brianna Morin, Haylee Harrison, Sierra Albert, Alicia Ramirez, Bella Luciani, and Gabby Fernandez.

2. APPROVAL OF AUGUST MINUTES

a. On motion of Council Member Olsen and seconded by Council Member Rosengren, it was unanimously voted: To approve the following minutes - public hearing held on August 14, 2024, regular meeting held on August 14, 2024, and special meeting held on August 21, 2024.

3. PUBLIC PARTICIPATION

Marc Reich of Greater Bristol Homes – Gave presentation on the not-for-profit Greater Bristol Homes, which is dedicated to creating opportunities for families of modest income and enabling them to realize their dreams of home ownership. Nine houses have been built in Bristol by volunteers with financial support from corporations, foundations, and banks. The plan is to renovate or build four more in the next five years.

Ken Vallera, Director of BRRFOC – Bristol has one of the most lucrative contracts with Covanta, now named Reworld. There are ten years left on the contract with the opportunity for renewal. They have done work to mitigate some of the noise issue. Reworld would like to expand to receive 57 ton of special waste. This would require another building with its own conveyor system to keep this waste completely separated from the typical waste. DEEP will hold a public hearing in October because they are in control of the medical waste permit.

Francois Manna, 81 Field St., Apt. 6C – Stated that he was disappointed that a Council member is permitted to use a Facebook page to conduct city business, enhance his/her image, and censor others' comments.

Michael Dudko, 116 Lewis Rd. – Stated that he was upset that an issue at last month's public hearing was voted on in the same night when he was told it would not be. Mayor Caggiano apologized. Mr. Dudko also stated that he could not find information about the

SEPTEMBER 10, 2024

sale of Lot 3 in the Southeast Business Park online. Mayor Caggiano explained where to find the information online. Mr. Dudko concluded by stating his disappointment in how the City operates.

Kristi Talmadge, 9 Sharon St. – Stated that she is a citizen journalist and would like something done about being attacked at Sporty’s Bar.

4. ANNOUNCEMENTS

Council members reported on committees, activities, and events. Mayor Caggiano reported that he participated in an event through CCM where leaders from around the state composed a resolution to urge state legislators to hold a special session to use excess ARPA funds towards the “public benefit” portion of Eversource bills to lift the financial burden off Eversource customers.

5. ADOPTION OF CONSENT CALENDAR

On motion of Council Member Thibeault and seconded by Council Member Panioto, it was unanimously voted: To adopt four items as part of the Consent Calendar.

a. New Hire Report For August 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 August, 2024.

b. Tax Refunds In the Amount of \$35,518.42

Request presented from Deputy Tax Collector Cole.

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 –

Motor Vehicle	\$20,986.16
Personal Property	117.52
Real Estate	+ <u>14,414.74</u>
Total	\$35,518.42

c. Contract 2C25-015 Storm Drainage – Perkins Street

Communication received from Purchasing Agent Rousseau.

As part of the Consent Calendar adoption and on motion of Council Member Thibeault and seconded, it was unanimously voted: To award Contract 2C25-015 Storm Drainage at 120

SEPTEMBER 10, 2024

Perkins Street to Gerber Construction, Inc. in the amount of \$159,847.00 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said contract.

d. Contract 2P23-019 Consulting Engineering Services

Communication received from Purchasing Agent Rousseau.

As part of the Consent Calendar adoption and on motion of Council Member Thibeault and seconded, it was unanimously voted: To award Contract 2P23-019 Consulting Engineering Services to Vanasse Hangen Brustlin, Inc. in an amount of \$179,175.72, 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.

6. REPORTS AND COMMITTEE REPORTS

a. Ordinance Committee

On motion of Council Member Panioto and seconded by Council Member Olsen, it was unanimously voted: to adopt amendments to Chapter 2, Administration, Article II, Officers and Employees, Division 6, Police and Fire Retirement, Section 2-97.5.1 Line of Duty Determination, of the Code of Ordinances of the City of Bristol, Connecticut, to read as follows. It was also moved that the City Clerk publish said additions to the Code of Ordinances, and that they become effective upon the expiration of 14 days from the date of their publication in a newspaper of general circulation in the City of Bristol. (Additions are underlined and deletions are bracketed.)

Sec. 2-97.5.1 Line of Duty Determination

1. Pursuant to Connecticut General Statutes section 7-313e, the City of Bristol designates the Human Resources Director to determine whether a police officer or firefighter died in the line of duty as defined by General Statute 7-313e.

2. In accordance with General Statute section 7-313e, the line of duty determination shall not be used as evidence for workers' compensation claims.

b. Ordinance Committee

As recommended by the Ordinance Committee and on motion of Council Member Panioto and seconded by Council Member Tyler, 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 Section 5-19, Buildings and Building Regulations, Article II, Permits and Permit Fees of the Code of Ordinances being introduced this date.

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 introduce the following amendments to the Code of Ordinances; and that the time and place of Tuesday, October 1, 2024 at 4:45 p.m., in Meeting Room 1-1, City

SEPTEMBER 10, 2024

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.

Council Member Dickau voiced concerns about removing third-party inspections from this ordinance. Purchasing Agent Rousseau explained that the change in the ordinance effects the cost associated with the permit for the inspection. Council Member Thibeault recalled that the third-party inspection was put in place to reduce the workload on the Building Department during the construction/renovation of the Memorial Boulevard School, but it actually did not reduce the workload. Council Member Panioto also commented.

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

Sec. 5-19. Fees.

- (a) *Generally. No permit to begin work for new construction, alteration, removal, demolition or other building operation shall be issued until the fees prescribed in this section shall have been paid to the building official or other authorized municipal agency, nor shall an amendment to a permit necessitating an additional fee because of an increase in the estimated cost of the work involved be approved until the additional fee shall have been paid. The City of Bristol, the Bristol Board of Education, and the Bristol Water Department shall not be required to pay any fees under this section [provided that the City of Bristol, the Bristol Board of Education or the Bristol Water Department has secured third-party review of plans by a licensed engineer or architect] for new construction, alteration, removal, demolition or other building operations on City-owned property. This exemption does not apply to the State-mandated education fee required on each building permit application pursuant to C.G.S. § 29-263. Notwithstanding the foregoing, where work to be performed by or on behalf of the City of Bristol, the Bristol Board of Education, or the Bristol Water Department is funded by revenue bonds or grant funds and permit fees are allowable as a reimbursable expense, then such applicable permit fees shall be charged.*
- (b) *Special fees. The payment of the fee for the construction, repair, alteration, removal or demolition and for all work done in conjunction with or concurrent with work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are described further in this section or by ordinance in regards to plumbing permits, heating permits, electrical permits, sewer excavation or street opening permits, erection of signs and display structures, marquees or other appurtenant structures, certificates of use and occupancy or other privileges or requirements, both within and without the jurisdiction of the department of building inspection. All of the following fee charges to include the State of Connecticut Education fee amount which will be charged in addition to the city fees.*
- (c) *Square foot area. For the determination of any permit fee based on square foot area, such area shall be computed taking the extreme measurements from outside walls and including garages, breezeways and the like.*

- (d) *Right of inspector to ask subcontractors for actual cost. It will be the right of the inspector to ask for an affidavit as to the actual cost of the job and the subcontractor shall be responsible for additional permit fees for the difference between the estimated and actual costs.*
- (e) *Reserved.*
- (f) *Fees for new construction. The fee for a building permit for all new construction excluding all subcontracts such as plumbing, heating, electrical, etc. on residential building including covered decks and covered stairs, shall be at the rate of eighty cents (\$0.80) per square foot of area. On commercial or industrial building, said fee shall be at the rate of one dollar (\$1.00) per square foot of area. Area will be computed by taking the ground floor times the number of stories. The fee for accessory buildings, garages, open breezeways, decks, greenhouses, sheds, rigid frame or steel skeletal buildings for truck, heavy equipment or all-purpose storage, shall be at the rate of forty cents (\$0.40) per square foot of area. The minimum permit fee shall be twenty-five dollars (\$25.00). There will be no maximum fee. Fees may be waived in accordance with subsection (a), above. Permits are required for all swimming pools, for which the minimum permit fee shall be twenty-five dollars (\$25.00). A twenty-five dollar (\$25.00) fee shall be charged for all open decks under two hundred (200) square feet of area, which are not more than thirty (30) inches above grade at any point and are not attached to the dwelling or main structure. Open decks shall be anchored to resist wind induced uplift and dislocation.*
- (g) *Fees for subcontractor permits. Fees for permits for licenses issued by the state occupational licensing boards will be based on the estimated costs of the proposed work as follows:*
 - (1) *Estimated cost up to \$1,000.00: \$25.00 permit fee.*
 - (2) *For each additional \$1,000.00 of estimated cost or fraction thereof, add \$25.00 to permit fee.*
- (h) *Alteration and moving of buildings. The fee for a building permit for alterations to building or structures, or to move a building or structure from one lot to another or to a new location shall be based on the estimated cost of foundation and all work necessary to place the building or structure in its completed condition at its new location as follows:*
 - (1) *Estimated cost up to \$1,000.00: \$25.00 permit fee.*
 - (2) *For each additional \$1,000.00 of estimated cost or fraction thereof, add \$25.00 to permit fee.*
- (i) *Demolition. The fee for a permit for demolition of a building shall be based on estimated cost in accordance with the schedule (g) of this section.*
- (j) *Signs. Fees for signs for which a permit is required by the state building code shall be based on estimated cost in accordance with the schedule in subsection (g) of this section.*
- (k) *Certificates of occupancy. The fee for a certificate of occupancy of a building shall be:*
 - (1) *Certificates of occupancy:*

Residential \$25.00

SEPTEMBER 10, 2024

Commercial, industrial \$50.00

Temporary \$100.00

(2) *Reinspection, for first, second and third reinspection* \$35.00

(3) *Reinspection, after third reinspection* \$50.00

(l) *Certificates of approval. The fee for certificates of approval shall be:*

Residential \$25.00

Commercial, industrial \$50.00

(m) *Zoning permit fee* \$25.00

(n) *Fences. The fee for fences erected on any property in Bristol shall be based upon estimated cost in accordance with the schedule (g) of this section plus the zoning permit fee.*

(Code 1960, § 33-5; Ord. of 5-2-72; Ord. of 10-3-78; Ord. of 3-10-86; Ord. of 3-9-92; Ord. of 5-9-00; Ord. of 4-12-05; Ord. of 7-10-07; Ord. of 7-9-13; Ord. of 11-12-14; Ord. of 4-12-16; Amend. eff. 11-29-19; Ord. of 4-13-21)

On motion of Council Member Panioto and seconded by Council Member Thibeault, it was unanimously voted to move agenda item #11 to the current position for the convenience of the guest speaker.

Adam Teff of Titan Energy gave a presentation explaining the Non-Residential Renewable Energy Solutions (NRES) program, which allows private developers to build large-scale solar projects that sell power directly to Eversource, but only when they have a municipal co-sponsor. The municipal co-sponsor is entitled to a share of the revenue from the project.

11. LETTERS OF INTENT

a. Greenskies Clean Energy LLC

Communication received from Purchasing Agent Rousseau.

On motion of Council Member Panioto and seconded by Council Member Tyler, it was voted: To authorize the Mayor or Acting Mayor to execute a Letter of Intent with Greenskies Clean Energy LLC as a solar development partner to enter into a non-residential renewable energy solutions ("NRES") revenue sharing agreement with the City of Bristol. Council member Thibeault briefly stepped out of the room and was not present for this vote.

b. FirstLight Power Services LLC

Communication received from Purchasing Agent Rousseau.

On motion of Council Member Olsen and seconded by Council Member Rosengren, it was unanimously voted: To authorize the Mayor or Acting Mayor to execute a Letter of Intent with FirstLight Power Services LLC as a solar development partner to enter into a non-

SEPTEMBER 10, 2024

residential renewable energy solutions ("NRES") revenue sharing agreement with the City of Bristol, subject to review by the Office of Corporation Counsel.

7. OLD BUSINESS – None.

8. NEW BUSINESS

a. Early Voting Grant

On motion of Council Member Thibeault and seconded by Council Member Olsen, it was unanimously voted to: To accept a grant from the Office of the Secretary of State in the amount of \$16,493.91 to assist the City of Bristol with program supplies for Early Voting for the November election.

b. Ordinance Committee

As recommended by the Ordinance Committee and on motion of Council Member Panioto and seconded by Council Member Tyler, 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 Section 18-170, Bristol Transportation Commission, 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, October 1, 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.

Sec. 18-170. Members.

The commission shall consist of seven (7) voting members appointed by the mayor and city council. Three (3) shall serve for three (3) years; two (2) shall serve for two (2) years and two (2) shall serve for one (1) year. After initial appointment, all appointments shall be for three (3) years. Persons representing particular boards need not be members of those boards.

Voting members shall include:

[1] A City Council member;

[(2) City planner;]

[3] A senior citizen at large; and

SEPTEMBER 10, 2024

[(4) Four (4)] Five (5) citizens at large.

9. RESIGNATIONS

The following resignations were presented:

April Dews – City Arts and Culture Commission

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

10. APPOINTMENTS

The following appointments were presented:

City Arts and Culture Commission

E. Brad Yancy – Appointment – term to 4/27

Replaced April Dews.

Confirming motion by Council Member Thibeault.

Motion passed in voice vote.

Animal Control Facility

Deputy Chief Moskowitz – Appointment – No term

Confirming motion by Council Member Thibeault

Motion passed in voice vote.

Assistant Corporation Counsel – Full Time

Atty. Jeffrey Steeg – Reappointment – term to 9/29.

Confirming motion by Council Member Tyler.

Motion passed in voice vote.

Planning Commission

Kiana Marie Small – Appointment as an alternate – term to 7/25.

Replaced Anthony Lorenzetti.

Confirming motion by Council Member Panioto.

Motion passed in voice vote.

12. DEPARTMENT OF PUBLIC WORKS

a. Amendments to Contract 2C23-025 Meadow St./Kelley St. Parking Garage

Communication received from Public Works Director Rogozinski.

On motion of Council Member Olsen and seconded by Council Member Panioto, it was unanimously voted: To authorize the Mayor to execute contract amendments No. 2 & 3 in the amounts of \$31,218 and \$48,495 respectively to Contract 2C23-025 Meadow St./Kelley St.

SEPTEMBER 10, 2024

Parking Garage with D’Amato Construction totaling \$79,713. Said amendments increase the contract from \$5,978,447 to \$6,027,171.

b. Resolution – DEEP Climate Resilience Fund

Communication received from Public Works Director Rogozinski.

On motion of Council Member Panioto and seconded by Council Member Thibeault, it was unanimously voted: To approve a Resolution authorizing the Mayor to execute an agreement with the State of Connecticut Department of Energy and Environmental Protection for a grant from the DEEP Climate Resilience Fund in the amount of \$250,000.

The Resolution reads as follows –

BE IT RESOLVED, that Jeffrey Caggiano, Mayor of the City of Bristol, is hereby authorized to execute on behalf of the City of Bristol a Personal Services Agreement with the State of Connecticut Department of Energy and Environmental Protection for financial assistance to complete work in conjunction with the Climate Resiliency Fund/Office of Climate Planning as described, in the amount of \$250,000.

A roll call vote was taken.

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

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

c. Amendment to Contract 2C24-061 with PJF Construction Corp.

Communication received from Public Works Director Rogozinski.

On motion of Council Member Thibeault and seconded by Council Member Panioto, it was unanimously voted: To authorize the Mayor to execute an amendment to Contract 2C24-061 with PJF Construction Corp. in the amount of \$242,000, which is the cost to remove bridge pile obstruction increasing the contract from \$2,615,311 to \$2,857,311.

SEPTEMBER 10, 2024

13. PARKS AND RECREATION CONTRACTS

a. Contract 2C25-001 Page Park Improvements

Communication received from Purchasing Agent Director Rousseau.

On motion of Council Member Olsen and seconded by Council Member Rosengren, it was unanimously voted: To award Contract 2C25-001 Page Park Improvements to Dayton Construction Company, Inc. in the amount of \$4,994,500.00 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said contract.

Mayor Caggiano commented that this is a significant reduction in the amount of money that they thought they would need.

b. Amendment to Contract 2P22-010 Renovations and Improvements at Page Park

Communication received from PRYCS Superintendent Medeiros.

On motion of Council Member Panioto and seconded by Council Member Olsen, it was unanimously voted: To amend Contract 2P22-010 Renovations & Improvements at Page Park with Weston & Sampson Engineers, Inc. in the amount of \$318,450.00 for a revised contract total amount of \$1,353,450.00, and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said contract amendment.

14. BOARD OF EDUCATION CONTRACT CHANGE ORDERS

Purchasing Director Rousseau provided an explanation about the different change orders for Bristol Central High School. Devices were missing from the original contract for Bristol Central, therefore change orders were issued; then it was found that even more devices were missing. That is the reason for multiple change orders. This is not the case with Bristol Eastern High School. Due to the slower pace at Eastern, the City was able to have the contractor look for the missing devices and therefore only one change order was necessary.

a. Contract 2C24-090 Fire Alarm Panel Replacement Bristol Central High School

Communication received from Operations Facility Manager Landon.

On motion of Council Member Olsen and seconded by Council Member Panioto, it was unanimously voted: To approve two change orders for Banton Construction Company for Contract 2C24-090 Fire Alarm Panel Replacement at Bristol Central High School in the amount of \$148,033.00, and to authorize the Mayor or Acting Mayor to execute any documents necessary to amend the contract.

SEPTEMBER 10, 2024

b. Contract 2C24-090 Fire Alarm Panel Replacement Bristol Central High School

Communication received from Operations Facility Manager Landon.

On motion of Council Member Tyler and seconded by Council Member Olsen, it was unanimously voted: To approve a change order for Banton Construction Company for Contract 2C24-090 Fire Alarm Panel Replacement at Bristol Central High School in the amount of \$52,798.00, and to authorize the Mayor or Acting Mayor to execute any documents necessary to amend the contract.

c. Contract 2C24-092 Fire Alarm Panel Replacement Bristol Eastern High School

Communication received from Operations Facility Manager Landon.

On motion of Council Member Panioto and seconded by Council Member Rosengren, it was unanimously voted: To approve change orders for L. Holzner Electric Company for Contract 2C24-092 Fire Alarm Panel Replacement at Bristol Eastern High School in the amount of \$143,710.06, and to authorize the Mayor or Acting Mayor to execute any documents necessary to amend the contract.

15. EXECUTIVE SESSION TO DISCUSS TODD LAVALLEE V. CITY OF BRISTOL, WCC#FTX-0005971, WCC #7259425, WCC #7126137, WCC#7086940, AND WCC#7074581

At 9:04 p.m., on motion of Council Member Thibeault and seconded by Council Member Rosengren, it was unanimously voted: To convene into Executive Session to discuss and take any action as necessary

Present to discuss the matter: Mayor Caggiano; Council Members Dickau, Olsen, Panioto, Rosengren, Thibeault, and Tyler; Corporation Counsel Krawiecki; Assistant Corporation Counsels Conlin, Steeg, and Matney.

Discussion was held. No votes were taken.

At 9:09 p.m., on motion of Council Member Thibeault and seconded by Council Member Rosengren, it was unanimously voted: To reconvene into Public Session.

On motion of Council Member Tyler and seconded by Council Member Thibeault it was unanimously voted: To enter into a Full and Final Settlement in the matter of Todd LaVallee v. City of Bristol for any and all workers' compensation claims filed by Todd LaVallee for the total amount of One Hundred & Thirty Five Thousand (\$135,000.00) Dollars. The City of Bristol to pay \$65,000.00 with the excess insurance carrier to pay \$70,000.00 of this final settlement. The dates of these claims are listed below, but are not limited to the following:

SEPTEMBER 10, 2024

September 13, 2003
January 13, 2006
October 26, 2006
May 19, 2011
May 22, 2020
August 23, 2023

July 22, 2005
April 12, 2006
April 20, 2020
March 28, 2019
January 27, 2022
June 27, 2024

This Full and Final Settlement is contingent on the claimant filing his retirement papers which is anticipated to be filed upon approval of this motion.

It was further voted that the Mayor, Acting Mayor, Corporation Counsel or Assistant Corporation Counsel be authorized to execute the Full and Final Settlement.

16. OTHER BUSINESS – None.

17. ADJOURNMENT

At 9:11 p.m., on motion of Council Member Thibeault and seconded by Council Member Dickau, it was unanimously voted: To adjourn.

ATTEST: _____
Erica Cabiya
Town & City Clerk