

**FEBRUARY 13, 2019**

The special meeting of the City Council was held on February 13, 2019 in the City Hall Council Chambers, 111 North Main Street at 7:05 p.m. Present: Mayor Zoppo-Sassu; Council Members Fortier, Hahn, Kelley, Medeiros, Mills and Preleski.

**1. MOMENT OF REFLECTION FOR STEPHEN DUFFY, TERESA BARTON, GENARD DOLAN AND BEVERLY BOBROSKE WHO RECENTLY PASSED AWAY.**

Mayor Zoppo-Sassu requested a Moment of Silence for Stephen Duffy, former State Representative for the 77<sup>th</sup> District; Teresa Barton who served as the Chairperson on the Commission of Aging and other boards in the City; and Genard Dolan and Beverly Bobroske, former members of the Board of Education.

**2. APPROVAL OF MINUTES OF REGULAR CITY COUNCIL MEETING ON JANUARY 8, 2019.**

On motion of Council Member Hahn and seconded, it was unanimously voted: To approve the minutes of the regular City Council meeting on January 8, 2019.

**3. APPOINTMENT OF RAYMOND ROGOZINSKI AS DIRECTOR OF PUBLIC WORKS.**

On motion of Council Member Fortier and seconded, it was unanimously voted: To approve the appointment of Raymond Rogozinski as Director of Public Works for a four-year term beginning February 14, 2019.

**4. APPOINTMENT OF MARK PENNEY AS DIRECTOR OF HUMAN RESOURCES.**

On motion of Council Member Fortier and seconded, it was unanimously voted: To approve the appointment of Mark Penney as Director of Human Resources for a four-year term beginning March 4, 2019.

**5. APPOINTMENT OF JOSHUA MEDEIROS AS SUPERINTENDENT OF PARKS AND RECREATION.**

On motion of Council Member Hahn and seconded, it was voted: To approve the appointment of Joshua Medeiros as Superintendent of Parks and Recreation for a four-year term beginning February 20, 2019.

Mayor Zoppo-Sassu stated that once Council Member Medeiros' resignation became effective she would appoint a replacement for him.

*(Council Member Medeiros "Abstained" from voting on this matter. He announced that he would resign as a Council Member District 1 effective February 19, 2019.)*

**FEBRUARY 13, 2019****6. ADOPTION OF CONSENT CALENDAR.**

On motion of Council Member Medeiros and seconded, it was unanimously voted: To adopt the following ten matters as part of the Consent Calendar.

**7. NEW HIRE REPORT FOR JANUARY, PLACED ON FILE.**

Communication presented from the Human Resources Department.

As part of the Consent Calendar adoption and on motion of Council Member Medeiros and seconded, it was unanimously voted: To place on file the New Hire Report for the month of January, 2019.

**8. MOTOR VEHICLE AND REAL ESTATE TAX REFUNDS IN AMOUNT OF \$44,804.77, APPROVED.**

Request presented from the Tax Collector.

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

Motor Vehicle	\$ 29,093.34
Real Estate	<u>15,711.43</u>
Total	\$ 44,804.77

**9. SIDEWALK DEFERRAL FOR 359 BROAD STREET REFERRED TO BOARD OF EDUCATION AND BOARD OF PUBLIC WORKS FOR REVIEW.**

Communication from a representative of Skytop Motors, LLC requesting a deferral of sidewalks at 359 Broad Street.

As part of the Consent Calendar adoption and on motion of Council Member Medeiros and seconded, it was unanimously voted: To refer the request to defer sidewalks at 359 Broad Street owned by Skytop Motors, LLC to the Board of Education and to the Board of Public Works for review.

**10. RECOMMENDATION FROM PLANNING COMMISSION TO ACQUIRE OPEN SPACE ON ASSESSOR'S MAP 57, LOTS 6, 6-2, AND 6-3, PLACED ON FILE.**

Recommendation presented from the Planning Commission regarding the acquisition of proposed open space property shown on Assessor's Map as Lots 6, 6-2, and 6-3.

As part of the Consent Calendar adoption and on motion of Council Member Medeiros and seconded, it was unanimously voted: To place on file the recommendation from the

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Planning Commission that the City of Bristol move forward with the proposed property acquisition of Assessor's Map 57, Lots 6, 6-2, & 6-3, and once acquired, retain the acreage as open space. The acquisition of open space would be consistent with the goals and policies of the 2015 Plan of Conservation and Development, amended to April 1, 2018, specifically with the overall goal of Section 5.2 by providing adequate open space for all Bristol residents.

**11. AUTHORIZATION FOR MAYOR OR ACTING MAYOR TO SIGN DOCUMENTS ASSOCIATED WITH STATE OF CONNECTICUT FUNDED LOCAL BRIDGE PROGRAM FOR JEROME AVENUE BRIDGE, APPROVED.**

Communication presented from Public Works Director regarding the State funded Local Bridge Program.

As part of the Consent Calendar adoption and on motion of Council Member Medeiros and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to sign any and all documents associated with the State of Connecticut Local Bridge Program for the construction of the Jerome Avenue Bridge #04091 near 733 Jerome Avenue.

**12. AUTHORIZATION FOR MAYOR OR ACTING MAYOR TO SIGN DOCUMENTS ASSOCIATED WITH LOCAL, STATE AND FEDERAL REGULATORY AGENCIES FOR CONSTRUCTION OF WEST END RETAINING WALL REPAIR, APPROVED.**

Communication presented from Public Works Director regarding the West End Retaining Wall repair project.

As part of the Consent Calendar adoption and on motion of Council Member Medeiros and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to sign any and all documents associated with and required by local, state, and federal regulatory agencies for construction authorization of the West End retaining wall repair.

**13. ACCEPTANCE OF STURBRIDGE COURT REFERRED TO PLANNING COMMISSION AND BOARD OF PUBLIC WORKS FOR REVIEW.**

Communication presented from Attorney Furey regarding the acceptance of Sturbridge Court.

As part of the Consent Calendar adoption and on motion of Council Member Medeiros and seconded, it was unanimously voted: To refer the acceptance of Sturbridge Court developed by Rock Builders, LLC to the Planning Commission and Board of Public Works for review.

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**14. ACCEPTANCE OF LIMITATIONS OF LIABILITY AS PRESENTED IN DOOSAN FUEL AGREEMENT, APPROVED.**

Communication presented from Board of Finance regarding the acceptance of limitations of liability as presented within the Doosan fuel agreement.

As part of the Consent Calendar adoption and on motion of Council Member Medeiros and seconded, it was unanimously voted: To accept limitations of liability as presented within the Doosan fuel agreement reading as follows:

“Notwithstanding any provision of this Agreement to the contrary, Provider’s maximum aggregate liability under this Agreement (whether in contract, warranty, tort, negligence, strict liability, indemnity or otherwise) shall in no case exceed Two Million Four Hundred Thirty Thousand and 00/100 US Dollars (\$2,430,000.00); provided that, if any death or bodily injury or property damage claim is covered and accepted by Provider’s insurance required in Article 7 and the amount covered and accepted by such insurance is higher than Two Million Four Hundred Thirty Thousand and 00/100 US Dollars (\$2,430,000.00), the liability related to such death or bodily injury or property damage claim will be up to the amount covered by the aforementioned insurance”.

**15. AWARD OF CONTRACT 2C19-078 POLICE/COURT FACILITY CHILLER REPLACEMENT TO RIVCO CONSTRUCTION, LLC FOR \$182,302, APPROVED.**

Communication presented from the Purchasing Agent regarding the replacement of a chiller within the Bristol Police/Court Complex.

As part of the Consent Calendar adoption and on motion of Council Member Medeiros and seconded, it was unanimously voted: To award Contract 2C19-078 Police/Court Facility Chiller Replacement to Rivco Construction, LLC in the amount of \$182,302 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said Contract.

**16. AWARD OF CONTRACT 2P19-054 PROFESSIONAL SERVICES-ENHANCED COMMISSIONING AGENT MEMORIAL BOULEVARD INTRA-DISTRICT ARTS MAGNET SCHOOL TO VAN ZELM HEYWOOD & SHADFORD, INC. FOR \$123,400, APPROVED.**

Communication presented from the Purchasing Agent regarding the renovations at the Memorial Boulevard Intra-District Arts Magnet School.

As part of the Consent Calendar adoption and on motion of Council Member Medeiros and seconded, it was unanimously voted: To award Contract 2P19-054 Professional Services-Enhanced Commissioning Agent Memorial Boulevard Intra-District Arts Magnet School to van Zelm Heywood & Shadford, Inc. in the amount of \$123,400, to refer to the Corporation Counsel’s Office for contract review, and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said Contract.

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**17. LIME BIKE SCOOTER INITIATIVE, REMOVED FROM AGENDA.**

Recommendation from the Bristol Transportation Commission regarding a Lime Bike Scooter initiative for the City of Bristol.

Council Member Fortier removed this item from the agenda. She stated the company was holding back on entering new contracts at this time.

**18. APPROVAL OF UPGRADE FOR GRANTS ADMINISTRATOR FROM BPSA SALARY CODE 7 (\$62,431 - \$81,510) TO BPSA SALARY CODE 9 (\$75,485 - \$97,520) EFFECTIVE JANUARY 22, 2019.**

As recommended by the Salary Committee and on motion of Council Member Fortier, Chrm., and seconded, it was unanimously voted: To approve an upgrade to the position of Grants Administration from BPSA Code 7 (\$62,431 – \$81,510) to BPSA Salary Code 9 (\$75,485 – \$97,520) effective January 22, 2019 and to refer to the Board of Finance for informational purposes.

**19. APPROVAL TO CHANGE TITLE OF PROGRAMMING/PUBLIC RELATIONS MANAGER TO ASST. LIBRARY DIRECTOR/PROGRAM DIRECTOR AND UPGRADE POSITION FROM BPSA SALARY CODE 5 (\$55,535 - \$68,144) TO BPSA SALARY CODE 7 (\$62,431 - \$81,510) EFFECTIVE JULY 1, 2019.**

As recommended by the Salary Committee and on motion of Council Member Fortier, Chrm., and seconded, it was unanimously voted: To change the title of the Programming/Public Relations Manager to Assistant Library Director/Program Director and upgrade to the position from BPSA Salary Code 5 (\$55,535 – \$68,144) to BPSA Salary Code 7 (\$62,431 – \$81,510) effective July 1, 2019.

**20. APPROVAL OF UPGRADE DEPARTMENT OF AGING POSITION OF ASST. DIRECTOR/PROGRAM SUPERVISOR FROM BPSA SALARY CODE 5 (\$55,535 - \$68,144) TO BPSA SALARY CODE 7 (\$62,431 - \$81,510) EFFECTIVE JULY 1, 2019.**

As recommended by the Salary Committee and on motion of Council Member Fortier, Chrm., and seconded, it was unanimously voted: To upgrade the Department of Aging position of Assistant Director/Program Supervisor from BPSA Salary Code 5 (\$55,535 – \$68,144) to BPSA Salary Code 7 (\$62,431 – \$81,510) effective July 1, 2019.

**21. APPROVAL OF CHANGES TO SALARIES AND BENEFITS OF FULL-TIME AND PART-TIME, NON-BARGAINING EMPLOYEES.**

As recommended by the Salary Committee and on motion of Council Member Fortier, Chrm., and seconded, it was unanimously voted: To approve changes to the salaries

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and benefits of the full-time and part-time non-bargaining employees retroactive to July 1, 2018 as presented and to refer this matter to the Board of Finance for funding purposes.

**22. APPROVAL TO UPGRADE ASSESSOR FROM BPSA SALARY CODE 10 STEP 6 TO BPSA SALARY CODE 11 STEP 6 EFFECTIVE JULY 1, 2019.**

As recommended by the Salary Committee and on motion of Council Member Fortier, Chrm., and seconded, it was unanimously voted: To approve an upgrade to the position of Assessor from BPSA Salary Code 10 Step 6 to BPSA Salary Code 11 Step 6 effective July, 8, 2019.

**23. MAYOR TO ESTABLISH COMMITTEE PURSUANT TO C.G.S. SECTION 12-129n(b) FOR TAX RELIEF FOR HOMEOWNERS AGE 65 OR OVER OR PERMANENTLY DISABLED, APPROVED.**

As recommended by the Ordinance Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: That the Mayor establish a committee pursuant to C.G.S. Section 12-129n(b) to study and investigate additional property tax relief for homeowners age 65 or over, or the permanently disabled, and that the committee prepare a report of its findings to the Board of Finance and the City Council.

**24. CITY COUNCIL RECOMMENDED CHARTER REVISION COMMISSION REVIEW DECEMBER, 2018 CHARTER AMENDMENTS CONSOLIDATING WATER AND WATER POLLUTION CONTROL DEPARTMENTS.**

Mayor Zoppo-Sassu explained that additional sections in the Charter required changes to allow the Water and Water Pollution Control Departments to implement and integrate functions.

On motion of Council Member Fortier and seconded, it was unanimously voted: To review the December, 2018 Charter amendments consolidating the operations of the Water and Water Pollution Control Departments, and to consider any additional changes that are needed to clarify and remove any ambiguities as to the responsibility and oversight of these functions.

**25. CITY COUNCIL RECOMMENDED CHARTER REVISION COMMISSION REVIEW CHARTER SECTIONS 45, 46A, AND 46B PERTAINING TO POLICE DEPARTMENT'S TESTING PROCEDURES, DIVISION OF RESPONSIBILITIES, AND JOB DESCRIPTIONS.**

On motion of Council Member Fortier and seconded, it was unanimously voted: To amend referral (b) to start with "review the division of" rather than "to divide".

On motion of Council Member Medeiros and seconded, as amended, it was unanimously voted: To review the provisions in Charter Secs. 45, 46A, and 46B applicable to:

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- a) The Police Department’s testing procedures and “weighting” given to elements of the promotion process, to determine whether any provisions have been superseded by contract and therefore should be removed from the Charter and to propose other changes to better conform to modern-day best practices and methods;
- b) Review the division of the responsibilities of oversight of the Police Department between the Police Chief and the Board of Police Commissioners, to determine whether the intent of any provisions are better served by the adoption of ordinances and therefore should be removed from the Charter and to propose other changes to better conform to modern-day best practices and methods;
- c) To review the job descriptions in the Charter pertaining to the Police Department’s oversight structure, to determine whether any provisions have been superseded by contract and therefore should be removed from the Charter, and to propose other changes to better conform to modern-day best practices and methods.

**26. CITY COUNCIL RECOMMENDED CHARTER REVISION COMMISSION REVIEW TECHNICAL CORRECTION TO CHARTER SECTION 12A.**

On motion of Council Member Hahn and seconded, it was unanimously voted: To review Sec. 12A which does not have each paragraph labeled with a letter a, b, c, and so forth. The last two paragraphs of this section reference subsection paragraphs a and b, but those subsections with letters need to be created.

**27. CITY COUNCIL RECOMMENDED CHARTER REVISION COMMISSION REVIEW CHANGE TO CHARTER SECTION 19.**

On motion of Council Member Hahn and seconded, it was unanimously voted: To review Sec. 19 which refers to an alphabetical list of voters sent by the registrars of voters to the town clerk's office. The registrars do not forward a list because the town clerk’s office is connected to the Connecticut Voter Registry System which contains all voters.

**28. RESIGNATIONS.**

The following resignations were presented:

*Teresa Barton, Commission on Aging.*

*Teresa Barton, Plainville Area Cable Television Advisory Council.*

*Jesse Gallagher, City Arts & Culture Commission.*

*Kimberly Carmelich, Youth Commission.*

*Maryann Ericson, Housing Code Appeals Board.*

On motion of Council Member Medeiros and seconded, it was unanimously voted: To place on file the resignations and send letters of thanks.

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The following appointments were presented:

*CITY ARTS & CULTURE COMMISSION*

Andrea Adams – Appointment – unexpired to May, 2019.

Replaced Alexandra Thomas.

Confirming motion by Council Member Fortier.

Motion passed in voice vote.

Mark Stephen Walerysiak, Jr. – Appointment – unexpired to April, 2021.

Replaced Jesse Gallagher.

Confirming motion by Council Member Hahn.

Motion passed in voice vote.

*BRISTOL DEVELOPMENT AUTHORITY*

Tom Hick – Reappointment – term to February, 2024.

Confirming motion by Council Member Preleski.

Motion passed in voice vote.

*INLAND WETLANDS COMMISSION*

Carolyn Checovetes, alternate member – Appointment – unexpired term to January, 2021.

Replaced Tammy Kelly.

Mayor's Appointment – No confirming motion required.

*BOARD OF PUBLIC WORKS*

Donald Padlo – Reappointment – term to February, 2022.

Confirming motion by Council Member Fortier.

Motion passed in voice vote.

*RETIREMENT BOARD*

Michael LaMothe – Appointment – term to February, 2022.

Replaced Cheryl Thibeault.

Confirming Motion by Council Member Fortier.

Motion passed in voice vote.

*YOUTH COMMISSION*

Corey Nagle, Private Youth Rep. – Appointment – unexpired term to June, 2021.

Replaced Kimberly Carmelich.

Confirming Motion by Council Member Fortier.

Motion passed in voice vote.

**30. AUTHORIZATION FOR MAYOR OR ACTING MAYOR TO EXECUTE CONTRACT AMENDMENT TO CONTRACT 2P16-063B TO MILONE AND MACBROOM, INC. FOR \$115,400, APPROVED.**

Communication presented from Public Works Director regarding additional work related to the design of on-street and off-street parking, traffic signal replacements,



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streetscape improvements, and a pedestrian walkway on Main Street, Centre Square, and Riverside Avenue.

On motion of Council Member Fortier and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to execute a contract amendment with Milone and MacBroom, Inc. to increase Contract 2P16-063B in the amount of \$115,400. Said contract amendment is for additional work related to the design of on street parking, off-site parking, traffic signal replacements, streetscape improvements along with a pedestrian walkway in the Main Street, Centre Square and Riverside Avenue area, and environmental services. It was also voted to authorize the Mayor or Acting Mayor to sign any and all documents associated with and required by local and state land use and regulatory divisions for applications associated with project construction.

**31. ENERGY SUPPLY AND SERVICES AGREEMENT BETWEEN DOOSAN ENERGY SOLUTIONS AMERICA, INC. AND CITY OF BRISTOL FOR FUEL CELL PLACEMENT AT 75 BATTISTO ROAD, APPROVED.**

Mayor Zoppo-Sassu explained that the fuel cell would be placed at the Water Pollution Control facility on Battisto Road which was the highest energy consumer of all City facilities.

Communication presented from Assistant Corp. Counsel Conlin regarding the Doosan Energy Solutions America, Inc.

On motion of Council Member Hahn and seconded, it was unanimously voted: To approve the Energy Supply and Services Agreement by and between Doosan Energy Solutions America, Inc. and the City of Bristol for placement of a fuel cell on City owned property at 75 Battisto Road and to authorize the Mayor or Acting Mayor to execute said Agreement.

**32. AUTHORIZATION FOR MAYOR OR ACTING MAYOR TO EXECUTE AGREEMENT WITH EVERSOURCE ENERGY TO PERFORM ELECTRICAL WORK ON HOPE STREET, APPROVED.**

Communication presented from Public Works Director regarding the work orders with Eversource Energy to perform work on Hope Street.

On motion of Council Member Hahn and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to execute an agreement with Eversource Energy to perform Eversource Work Orders 2M821495 and 1864W011 in the amount of \$126,915.14 and to sign any and all documents associated with said work. Said work orders includes the relocation of underground electric, installation of a transformer and installation of electrical cables in Hope Street.

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**33. CONSENT AGREEMENT DWS 19-017-001 WITH CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, APPROVED.**

Communication presented from Corporation Counsel Clift regarding a Consent Agreement between the City of Bristol and the Connecticut Department of Public Health.

On motion of Council Member Fortier and seconded, it was unanimously voted: To approve the proposed Consent Agreement DWS 19-017-001 between the City of Bristol and the Connecticut Department of Public Health and to authorize the Mayor or Acting Mayor to sign said Agreement.

**34. EXECUTIVE SESSIONS TO DISCUSS LITIGATION MATTER OF WAL-MART REAL ESTATE BUSINESS TRUST VS. CITY OF BRISTOL, SUPERIOR COURT DOCKET #CV-18-604460-S AND PROPOSAL TO RELOCATE CITY HALL TO 10 MAIN STREET.**

At 7:58 p.m., on motion of Council Member Fortier and seconded, it was unanimously voted: To convene into Executive Sessions to discuss the litigation matter of Wal-Mart Real Estate Business Trust vs. City of Bristol, Superior Court Docket #CV-18-604460-S and the proposal to relocate City Hall to 10 Main Street.

Present to discuss the litigation matter of Wal-Mart Real Estate Business Trust vs. City of Bristol, Superior Court Docket #CV-18-604460-S: Mayor Zoppo-Sassu; Council Members Fortier, Hahn, Kelley, Medeiros, Mills and Preleski; Corporation Counsel Clift; and Asst. Corporation Counsel Conlin; and Assessor DeNoto.

Present to discuss the proposal to relocate City Hall to 10 Main Street: Mayor Zoppo-Sassu; Council Members Fortier, Hahn, Kelley, Medeiros, Mills and Preleski; Corporation Counsel Clift; Asst. Corporation Counsel Lacey, Asst. Corporation Counsel Conlin, and Asst. Corporation Counsel Steeg; Comptroller Waldron; Assessor DeNoto; Purchasing Agent Rousseau; Public Works Director Rogozinski; and Mike Goman.

Discussion was held. No votes were taken.

At 8:47 p.m., on motion of Council Member Hahn and seconded, it was unanimously voted: To reconvene into Public Session.

**35. STIPULATED AGREEMENT IN MATTER OF WAL-MART REAL ESTATE BUSINESS TRUST VS. CITY OF BRISTOL, SUPERIOR COURT DOCKET #HHB-CV-18-6044609-S, APPROVED.**

On motion of Council Member Fortier and seconded, it was unanimously voted: That the matter of Wal-Mart Real Estate Business Trust vs. City of Bristol, Superior Court Docket #HHB-CV-18-6044609-S is resolved by a Stipulated Agreement and that the City Assessor is authorized to set the value of the real property located at 1400 Farmington Avenue at \$11,000,000 on the Grand List of October 1, 2017. It was also voted to authorize the Corporation Counsel to execute the Stipulated Agreement on behalf of the City of Bristol.

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**36. ADJOURNMENT.**

At 8:48 p.m., on motion of Council Member Preleski and seconded, it was unanimously voted: To adjourn.

**ATTEST:** \_\_\_\_\_

**Therese Pac**  
**Town & City Clerk**