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The meeting of the City Council was held on April 9, 2019 in the City Hall Council Chambers, 111 North Main Street at 7:03 p.m. Present: Mayor Zoppo-Sassu; Council Members Fortier, Hahn, Kelley, Mills, Preleski and Rosado.

1. MOMENT OF REFLECTION.

Mayor Zoppo-Sassu requested a Moment of Silence for the volunteers who serve on City boards and commissions to keep government running. She thanked them for their time and service.

2. APPROVAL OF MINUTES OF REGULAR CITY COUNCIL MEETING ON MARCH 12, 2019.

On motion of Council Member Hahn and seconded, it was unanimously voted: To approve the minutes of the regular City Council meeting on March 12, 2019.

3. PUBLIC PARTICIPATION.

Lee McFadden with the National Society of Daughters of the American Revolution explained it was founded in 1890 and currently has over 185,000 members. She summarized the organization's history and described their service mission which was dedicated to patriotism, education and historic preservation. The Kathryn Gaylord Chapter in Bristol was started in 1894, has 39 members, and actively participates in community events. Mayor Zoppo-Sassu presented the organization with a Proclamation celebrating their 125th anniversary.

Brian Cohen, 284 Willimantic Road, Chaplin, discussed worker and patient rights.

4. RECOGNITION FOR PUBLIC WORKS DEPARTMENT.

Mayor Zoppo-Sassu recognized the Public Works Department for their energy and enthusiasm in programs such as the rain garden workshops, sports equipment collections, partnerships with schools and the Parks and Recreation Department, and the repurposing of transfer station items.

5. APPOINTMENT OF NANCY LEVESQUE AS CITY ENGINEER.

On motion of Council Member Preleski and seconded, it was unanimously voted: To move an appointment up on the agenda.

On motion of Council Member Fortier and seconded, it was unanimously voted: To approve the appointment of Nancy Levesque as City Engineer for a four-year term through April, 2023.

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6. ADOPTION OF CONSENT CALENDAR.

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

7. NEW HIRE REPORT FOR MARCH, PLACED ON FILE.

Communication presented from the Human Resources Department.

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

8. MOTOR VEHICLE AND REAL ESTATE TAX REFUNDS IN AMOUNT OF \$34,225.40, APPROVED.

Request presented from the Tax Collector.

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

Motor Vehicle	\$ 20,901.50
Real Estate	<u>13,323.90</u>
Total	\$ 34,225.40

9. RECOMMENDATION FROM BOARD OF EDUCATION REGARDING DISCONTINUANCE OF WESTERN END OF ARCADIA ROAD, PLACED ON FILE.

Recommendation presented from the Board of Education regarding the discontinuance of a portion of Arcadia Road.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To place on file the recommendation from the Board of Education to approve the discontinuance of the western end of the existing Arcadia Road right-of-way from the western property line of Lot 21.

10. AWARD OF CONTRACT 2P18-019 PRINT MANAGEMENT PROGRAM WITH OFFICE WORKS, INC. AND ASSOCIATED EQUIPMENT LEASE WITH DELAGE LANDEN FINANCIAL SERVICES, INC., APPROVED.

Communication presented from the Purchasing Agent regarding the lease of copier equipment.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To award Contract 2P18-019 Print Management Program with the Office Works, Inc. and the associated equipment lease with DeLage Landen Financial Services, Inc., and to refer to the Office of Corporation Counsel for

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contract review, and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said Contract.

11. RECOMMENDATION FROM BOARD OF PUBLIC WORKS REGARDING STREET ACCEPTANCE OF HOPE STREET RUNNING FROM EASTERN SIDE OF NORTH MAIN STREET, PLACED ON FILE.

Recommendation presented from the Board of Public Works regarding the street acceptance of Hope Street.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To place on file the recommendation from the Board of Public Works to approve the street acceptance of Hope Street, described as, varying in width from 50-65 feet and running from the eastern side of North Main Street at the intersection of North Main Street and Laurel Street in an easterly direction approximately 900 feet, intersecting with Riverside Avenue (northern side) as a public highway and to be so named.

12. APPROVAL OF STREET ACCEPTANCE OF HOPE STREET AND PLANNING COMMISSION RECOMMENDATION PLACED ON FILE.

Recommendation presented from the Planning Commission regarding the approval of Hope Street.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To approve the street acceptance of Hope Street and place on file the recommendation from the Planning Commission, described as, varying in width from 50-65 feet and running from the eastern side of North Main Street at the intersection of North Main Street and Laurel Street in an easterly direction approximately 900 feet, intersecting with Riverside Avenue (northern side) as a public highway and to be so named.

13. ACCEPTANCE OF BRISTOL STORM WATER CONTROL TRUST ANNUAL REPORT FOR CALENDAR YEAR 2018.

Communication received from the Chairman of the Bristol Storm Water Control Trust regarding their 2018 Annual Report.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To accept the 2018 Bristol Storm Water Control Trust Annual Report.

14. MAYOR AUTHORIZED TO EXECUTE DOCUMENTS REGARDING CONSTRUCTION OF COMMUNITY CONNECTIVITY PEDESTRIAN AND BIKEWAY ENHANCEMENTS.

Communication from the Public Works Director regarding the pedestrian and bikeway enhancements through downtown Bristol.

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As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To authorize the Mayor to sign any and all documents associated with and required by the local, state and federal regulatory agencies for construction authorization of the Community Connectivity Pedestrian and Bikeway enhancements.

15. RECOMMENDATION FROM BOARD OF PUBLIC WORKS REGARDING WAIVER OF SIDEWALKS ACROSS FRONTAGE OF PROPERTY OWNED BY SKYTOP MOTORS ON 359 BROAD STREET, PLACED ON FILE.

Recommendation presented from the Board of Public Works regarding a sidewalk deferral for property owned by Skytop Motors on 359 Broad Street.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To place on file the recommendation from the Board of Public Works to waive the construction of sidewalks across the property frontage on 359 Broad Street pursuant to City Ordinance Sec. 21-49. Said waiver shall be subject to construction of sidewalk adjacent to the concrete driveway apron accessing the property and the recording of a sidewalk covenant on the City land records indicating that if the City of Bristol installs sidewalks along Broad Street the property owner will pay for the portion of sidewalks located along the subject property.

16. RECOMMENDATION FROM BOARD OF PUBLIC WORKS TO DISCONTINUE UTILITY EASEMENT AT 179 MAXINE ROAD, PLACED ON FILE.

Recommendation presented from the Board of Public Works regarding a utility easement at 179 Maxine Road.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To place on file the recommendation from the Board of Public Works to discontinue the utility easement at 179 Maxine Road.

17. AUTHORIZATION FOR MAYOR OR DESIGNEE TO SIGN DOCUMENTS REGARDING CONNECTICUT STATE OPIOID RESPONSE INITIATIVE – COMMUNITY MINI GRANT.

Communication from the Youth Services Director regarding a state opioid crisis response mini grant.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To authorize the Mayor Ellen A. Zoppo-Sassu or her designee to sign the Connecticut State Opioid Response Initiative – Community Mini Grant to enhance efforts regarding opioid abuse, overdose prevention and response.

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18. RECOMMENDATION FROM BOARD OF WATER COMMISSIONERS TO RELEASE STORM EASEMENT AT 179 MAXINE ROAD, PLACED ON FILE.

Recommendation presented from the Board of Water Commissioners regarding a storm easement at 179 Maxine Road.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To place on file the recommendation from the Board of Water Commissioners to release the easement as the Bristol Water Department has no future use of the easement.

19. APPROVAL TO SUBMIT GRANT APPLICATION TO CONNECTICUT STATE LIBRARY FOR HISTORIC DOCUMENTS PRESERVATION GRANT FOR TOWN CLERK'S OFFICE.

Communication presented from the Town Clerk regarding the digitization of land records dating back to 1785.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To approve the submission of an application for funds to the Connecticut State Library Historic Documents Preservation Grant Program, to authorize the Mayor to execute any and all documents associated with the application/grant, and to refer the matter to the Board of Finance for any necessary action.

20. APPROVAL OF GRANT APPLICATION FOR PARKS AND RECREATION WITH MAIN STREET COMMUNITY FOUNDATION FOR BROAD VIEW FUND GRANT.

Communication presented from the Supt. of Parks and Recreation regarding a Broad View Fund grant with the Main Street Community Foundation.

As part of the Consent Calendar adoption and on motion of Council Member Hahn and seconded, it was unanimously voted: To approve the Superintendent of Parks and Recreation to submit a grant application to the Main Street Community Foundation for a Broad View Fund grant.

21. AUTHORIZATION FOR BRISTOL FARMER'S MARKET TO USE CENTRE SQUARE ON SATURDAYS FROM JUNE 22 THROUGH OCTOBER 26, 2019 AND NOVEMBER 23, 2019.

As recommended by the Real Estate Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: To authorize the Bristol Farmer's Market the use of City owned property known as Centre Square every Saturday running from June 22 through October 26 and November 23, 2019. It was also voted to refer this matter to the Director of Public Works to determine the appropriate location of the event on Centre

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Square, to the Corporation Counsel's Office for insurance compliance and to authorize the Mayor or Acting Mayor to execute any necessary documents to effectuate the same.

22. AMENDMENT TO BRISTOL CODE OF ORDINANCES SEC. 21-49, PERTAINING TO AUTHORITY TO WAIVE REQUIREMENTS FOR SIDEWALKS, ADOPTED.

As recommended by the Ordinance Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: To amend and adopt the Bristol Code of Ordinances Sec. 21-49, pertaining to the authority to waive the requirements for sidewalks. It will be effective upon the expiration of fourteen days of its newspaper publication, and reads as follows –

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

Sec. 21-49. - Requirements for commercial and industrial property.

- (a) No building permit shall be issued for any commercial or industrial building or structure unless both the site plans and plot plans show concrete sidewalks and curbs, curb cuts and off-street parking, accompanied with five (5) copies of the site and/or plot plan.
- (b) No certificate of occupancy shall be issued on any new commercial or industrial building unless sidewalks, etc., have been installed as shown on the site and plot plans.
- (c) The [city council] Zoning Commission or Planning Commission may, upon the application by an industrial or commercial property owner, waive the requirements of paragraph (b) providing all of the following criteria have been met:
 - (1) That the development or zone in which the commercial or industrial building or structure is located is commercial or industrial.
 - (2) That the board of education shall report within sixty (60) days from the date of the application that the block is not used by students for walking to and from school.
 - (3) That the said owner shall sign a caveat to be filed on the land records that it understands that this deferral created by this subsection may be revoked any time upon written demand by the city council. Said revocation shall then effectively require the owner to install sidewalks to the current city specifications at the owner's cost within three hundred sixty (360) days from the date of the revocation.
 - (4) For the limited purpose of the foregoing a block is defined as that area between intersecting streets.
- (d) There also shall be filed a plot plan showing to scale the size and location of all the new construction, all existing structures on the site, distances from lot lines and the established street grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing buildings and constructions that are to remain on the site or plot. As-built plot plans must be submitted at the time of application for certification of occupancy. Plot plans will signify that such is an as-built plot plan.

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- (e) For purposes of this section any apartment, garden apartment, condominium or town house that contains more than three (3) living units shall be considered commercial property.

23. AMENDMENT TO BRISTOL CODE OF ORDINANCES SEC. 2-97.76, PERTAINING TO ADDING COMPTROLLER AND RETIREMENT BOARD TO RETIREE HEALTH CARE TRUST, ADOPTED.

As recommended by the Ordinance Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: To amend and adopt the Bristol Code of Ordinances Sec. 2-97.76, pertaining to adding the Comptroller and Retirement Board to the retiree health care trust. It will be effective upon the expiration of fourteen days of its newspaper publication, and reads as follows –

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

Sec. 2-97.76. - Retiree health care trust—Establishment, trust management and asset investment.

- (a) In accordance with Conn. Gen. Stat. § 7-450 (a), the City of Bristol shall establish a trust fund ("trust") to hold and invest all contributions and assets of the city's retiree group health care plan ("plan"). The trust shall be for the purpose of funding current and future health care benefits for eligible retired employees in accordance with the plan. The city treasurer and the Comptroller shall be the trustees ("trustees") of the trust.
- (b) The city council may amend or terminate the trust. The trustees shall manage the trust with the advice and guidance of the retirement board, including the investment of assets and the disbursement of benefits and may appoint an investment manager. The board of finance shall determine the funding policy of the plan.

24. PUBLIC HEARING SCHEDULED FOR APRIL 17, 2019 REGARDING PROPOSED AMENDMENTS TO BRISTOL CODE OF ORDINANCES SEC. 13-106 THROUGH SEC. 13-121, REGARDING MASSAGE ESTABLISHMENTS.

As recommended by the Ordinance Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: To authorize a Public Hearing on Wednesday, April 17, 2019 at 4:45 p.m. in the First Floor Meeting Room, City Hall, 111 North Main Street, Bristol, CT on proposed amendments to the Bristol Code of Ordinances Sec. 13-106 through Sec. 13-121, regarding Massage Establishments and to waive the reading of the proposed amendments, but to include them as part of the minutes. The ordinance reads as follows:

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

ARTICLE VII. MASSAGE ESTABLISHMENTS

Sec. 13-106. Purpose.

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The purpose of this chapter is to protect and preserve the public health, safety and welfare by establishing license, application and renewal procedures and adopting standards and regulations applicable to the practice of massage considered within this chapter and in accordance with the Connecticut General Statutes.

Sec. 13-107. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

COMMISSIONER - The State of Connecticut Commissioner of Public Health.

CONNECTICUT LICENSED MASSAGE THERAPIST – A person who has been licensed to practice massage therapy under the provisions of Chapter 284a, Section 20-260a et seq., of the Connecticut General Statutes, as amended, and meets the educational requirements for treatment and certification set forth therein.

DIRECTOR – The Director of Health of the Bristol-Burlington Health District or his or her authorized agent.

DEPARTMENT – The Bristol-Burlington Health District.

EMPLOYEE – Any person other than the massage practitioner or massage therapist who renders any service in connection with the operation of a massage establishment but has no physical contact with customers and clients.

INDIVIDUAL OR PERSON - Any group of individuals, persons, firm, partnership, association, corporation, company or organization of any kind.

LICENSEE – The applicant issued a license to render services to operate a massage establishment by the Director of the Department under the provisions of this chapter.

MASSAGE – Any method of manipulating the superficial (external) or deep tissues, muscles, joints or bone or soft parts of the body for remedial, hygienic or other purposes, consisting of rubbing, stroking, pressing, kneading, tapping or any similar treatment accomplished by hand or the use of electrical or mechanical apparatus or appliances. Massage may include the use of oils, ice, hot and cold packs, whirlpool, shower, steam, dry heat, lotions or powders, for the purpose of, but not limited to, maintaining good health. Massage does not encompass diagnosis, the prescribing or drugs or medicines, spinal or other joint manipulations, or any service or procedure for which a license to practice medicine, chiropractic, naturopathy, physical therapy, or podiatry is required by law.

MASSAGE ESTABLISHMENT or ESTABLISHMENT - Any room or group of rooms, office, building, or other fixed place of business or premises in which any person, individual, group of individuals, firm, association, partnership, corporation, or combination of persons engages in, carries on, or permits to be provided the activity of massage. Where massage is given in a premises devoted to other uses, including, but not limited to barber shops and beauty salons, health clubs and fitness centers, “massage establishment” shall refer to that part of the premises used to give massage.

MASSAGE PRACTITIONER or MASSAGE THERAPIST – Any person who engages in the practice of massage as herein defined.

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PATRON - Any person who is provided access to a massage establishment and is afforded use of a massage establishment as a condition or benefit of membership or access.

STATE DEPARTMENT – The Connecticut State Department of Public Health.

Sec. 13-108. Exceptions.

- A. This chapter shall not apply to any recognized school, hospital, nursing home, sanitarium, clinic, or rehabilitation facility operating in accordance with the laws of the State of Connecticut, nor to any person holding a valid certificate or license to practice the healing arts or to practice podiatry, physical therapy, midwifery, nursing, dentistry, dental hygiene or optometry, provided that the activities of such person are confined to those for which the certificate or license is granted, nor shall this chapter apply to any person lawfully acting under their direct supervisor or control.
- B. Any massage establishment currently in operation must comply with the provisions of this chapter.

Sec. 13-109. Massage establishment Department license required.

No person shall operate a massage establishment used by patrons for or advertise as being engaged in the business of massage in the City of Bristol without receiving a valid license to operate from the Department, the fee for which shall be set by the Department.

Sec. 13-110. Massage therapist or practitioner state license required.

No person shall engage in the practice of massage as a massage practitioner or a massage therapist at a massage establishment in the City of Bristol unless he or she has obtained a license from the State Department to practice massage therapy as provided in Chapter 384a, Section 20-206a et seq., of the Connecticut General Statutes, as amended, and is a Connecticut licensed massage therapist.

Sec. 13-111. Application procedure for massage establishment license.

- A. Each applicant for a license to operate a massage establishment shall file an application with the Director of the Department on a form proscribed by the Department. Each applicant shall pay nonrefundable filing and plan review fees.
- B. The application for a license to operate a massage establishment shall be in writing, signed and sworn to by the applicant and shall set forth the following requirements.
 - (1) The name and address of each applicant;
 - (2) The applicant's social security number and/or tax identification number;
 - (3) Written evidence that the applicant is at least 18 years of age;
 - (4) The proposed place of business and facilities therein and the exact nature of the massage to be administered;
 - (5) Photo identification of the applicant and a complete set of fingerprints. The fingerprints shall be taken by the Bristol Police Department;
 - (6) Business, occupation or employment history of the applicant for the three years immediately preceding the date of application;

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- (7) Massage or similar business license or permit history in this or any other state of the applicant and whether or not the applicant has had any such license or permit denied, suspended or revoked and the reason or reasons therefor;
 - (8) Any voluntarily suspended professional license, certificate or registration issued by a state in anticipation or during the pendency of an investigation or other disciplinary proceeding;
 - (9) Any criminal conviction, except minor motor vehicle violations, within 10 years preceding the date of application;
 - (10) Plans for the physical layout of the massage establishment;
 - (11) The name(s) and address(es) of all persons having a beneficial financial interest in the massage establishment and the amount of each person's interest if 10% or over. If a corporation holds 10% or more, the names and addresses of the corporate officers, directors and shareholders;
 - (12) The certificates, licenses and permits necessary to operate and carry out the proposed business, showing property compliance with all the applicable rules, regulations, articles and statutes, including planning and zoning, building, Fire Marshal review and inspection, and health laws and regulations;
 - (13) Authorization and release to the Director to seek information or references necessary to verify the information contained in the application;
 - (14) The name(s) and residential address(es) of the individual(s) who will be the establishment's licensed massage therapist(s) and copies of each license issued to each such individual by the State of Connecticut, including records that document the minimum hours of training, and other requirements as set forth by Connecticut General Statutes Section 20-260b. The list of the individuals so licensed will be updated and sent to the Director on a quarterly basis;
 - (15) The name(s), address(es), and job title(s) or description(s) of all other employees of the establishment.
- C. Within 15 days of receipt of a completed application, the Department may refer copies of the application to the Fire, Police, Planning and Zoning, or Building Departments, or other City of Bristol departments, enforcement or regulatory bodies as deemed appropriate. Within 30 days of referral of such application, the City agencies may inspect the premises proposed to be operated as a massage establishment and make recommendations to the Department concerning compliance with the regulations, articles, and statutes of the State of Connecticut and the City of Bristol.
- D. The applicant's failure or refusal to promptly submit information relevant to the investigation of the application, the applicant's failure or refusal to appear at any reasonable time and place for examination or inquiry regarding the application, or the applicant's refusal to submit or cooperate with any inspection required under this chapter shall be grounds for denial of the application.

Sec. 13-112. Issuance of license.

- A. Within 15 days of receipt of the recommendations of the respective City agencies that may have inspected the applicant's premises and/or reviewed the operations as well as a completed application containing all information required by the Department and the payment of the required fee, the Director shall issue the requested license, unless he or she finds:

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- (1) That the operation of the massage establishment, as proposed by the applicant, would not comply with the applicable laws of the State of Connecticut and City of Bristol, including, but not limited to, the Fire, Planning and Zoning, Health and Building Department codes of the City of Bristol;
 - (2) That the applicant, massage practitioner, employee, or any other person who will be directly or indirectly engaged in the management, operation of, or provision of services in or for the massage establishment has been convicted of any felony, an offense involving sexual misconduct, obscenity, or any offense of prostitution, human trafficking; pandering or solicitation of a lewd or unlawful act, or of a crime involving the unauthorized practice of the healing arts;
 - (3) That the operation of the massage establishment as proposed by the applicant would otherwise violate the provisions of this chapter.
- B. Whenever an application is denied, the Director shall notify the applicant in writing by certified mail, return receipt requested, of the reason or reasons for such denial.
 - C. Any license issued under this section shall be for an initial term of one year unless sooner suspended or revoked.
 - D. All licenses issued under this section shall be kept on public display in a conspicuous place on the premises of the massage establishment.
 - E. All changes affecting the licensee's application must be reported within 10 working days after the change occurs and submitted to the Department.

Sec. 13-113. Renewal of license.

- A. Unless sooner revoked or suspended, all licenses issued to operate a massage establishment will terminate at the expiration of one year.
- B. A license may be renewed under the same terms and conditions as the issuance of an original license and payment of required renewal fees. Application for renewal shall be made at least 60 days before expiration. If renewal of any license is denied, the Director shall notify the holder of the license in writing of the reason or reasons for such denial.
- C. At the time of submission of any application for renewal of a massage establishment license, any holder of a current massage establishment license will be subject to the requirements of this chapter.

Sec. 13-114. Hearing on denial of license or renewal.

- A. Any applicant denied a license or renewal of such license may request, in writing, within 15 days of notification of the denial, a hearing before the Director. At this hearing, the applicant may present evidence and argument on the facts or issues involved.
- B. The Director shall, upon receipt of a request for a hearing under this section, schedule a hearing within 15 days from the date of the receipt of the request and notify all parties of the time and place of such hearing.
- C. The Director shall render a decision within 15 days of the conclusion of the hearing and notify the applicant in writing of his or her decision and the reason or reasons therefore.

Sec. 13-115. Massage establishment operating requirements.

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- A. An owner, operator, license or responsible managing employee, individual or person in charge of a massage establishment shall not employ or permit a person to act as a massage practitioner or massage therapist who is not in possession of a valid, unrevoked, unsuspended Connecticut massage therapist license. The possession of a valid license from the Department to operate a massage establishment does not authorize the establishment to perform work for which a Connecticut massage therapist's license is required.
- B. No massage establishment may be kept open or otherwise operate between the hours of 11:00 p.m. and 6:00 a.m.
- C. During all hours of operation, each massage establishment shall have on the premises and on duty at least one massage practitioner or therapist. Massage practitioners or other therapists must be employed at each massage establishment to render services offered to patrons during hours of operation.
- D. Each massage establishment shall have a manager or person in charge on duty on the premises during all hours of operation who shall be familiar with and responsible for compliance with all of the provisions set forth in this chapter. The person in charge could also be the massage practitioner or therapist as noted in Subsection C above.
- E. No alcoholic beverages, narcotics, or other intoxicant shall be displayed, served, ingested, brought to, offered or sold on the premises.

Sec. 13-116. Facility requirements.

- A. Every portion of the massage establishment, including appliances and apparatus, shall be clean and in good repair and operated in a sanitary condition.
- B. Standard or portable massage tables shall be covered with a durable washable material which is capable of being sanitized.
- C. Every room or enclosure used for the reception or treatment of patrons shall be equipped with a door, partition, or curtains or shall otherwise ensure the privacy of the patron.
- D. Each massage practitioner or therapist shall have access to an adequate and constant supply of running hot and cold water during business hours, and all furniture and equipment in each room shall be kept clean at all times and must be able to be properly sanitized. The Director may determine the number of handwashing and/or utility sinks, and the location of such sinks needed at each massage establishment.
- E. The facility shall have adequate equipment for disinfecting and sanitizing non-disposable instruments and material used in administering massages. All non-disposable instruments shall be disinfected and/or sanitized after use on each person.
- F. No part of a percussor, vibrator, or other mechanical appliance shall be applied directly to the skin of a patron without proper disinfection and/or sanitizing. The part of the body being treated shall be covered with a clean towel, or else the instrument shall be covered in a similar manner.
- G. Robes, towels, cloths, or other linens which come into direct contact with the bodies of patrons shall, after use and before reuse, be laundered in such a manner as to ensure effective sanitization. No common use of robes, towels, cloths, or other linens is permitted. All used robes, towels, cloths, or other linens shall be kept in covered containers, closed cabinets, or closed bags and shall be kept separately from clean robe, towel, cloth or linen storage areas. Such separate storage areas shall be plainly marked as 'CLEAN' OR 'DIRTY'.

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- H. Laundering of such robes, towels, cloths or other linens shall be done either on premises of the massage establishment by using equipment and methods approved by the Director, or through the services of a commercial laundry service approved by the Director. If a commercial laundry service is used, a copy of the written contract between the commercial laundry service and the massage establishment shall be provided to the Department.
- I. All oils, creams, lotions, talcs or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.
- J. All non-disposable instruments and devices designed or used for direct application to the skin shall be such as can readily be kept clean.
- K. The Director may require separate dressing rooms, lockers, showers and toilets for each sex based upon the layout of the facility, and the services that are provided.
- L. The Director shall have the authority to adopt technical standards, policy and procedures to ensure proper sanitary and safe operation of the massage establishment. Failure of the massage establishment to comply with minimum requirements as outlined in the technical standards shall be considered a violation of this chapter.

Sec. 13-117. Inspections.

- A. The Director and/or his or her designee shall, from time to time, but not less than once a year, make an inspection of each licensed massage establishment for the purpose of determining that the provisions of this chapter are complied with. Such inspections shall be at a reasonable time, and completed in a reasonable manner. No person shall hinder any official in carrying out an inspection under this chapter.
- B. The Director of Health, registered sanitarian or authorized agent, after proper identification, shall be permitted to enter, at any reasonable time, during business hours, any massage establishment for the purpose of making inspections to determine compliance with this section.

Sec. 13-118. Requirements for massage therapist or practitioner.

- A. Each person employed or acting as a massage therapist or massage practitioner at a massage establishment shall hold a valid license to practice massage therapy issued by the State Department.
- B. No massage practitioner shall treat any patron having a communicable disease or exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption, unless a physician licensed in the State of Connecticut shall certify in writing that such person may be safely massaged, describe the conditions under which such massage may be performed, and certify further that any such communicable disease, fungus, infection, inflammation, or eruption is not of a contagious or transmissible nature. No massage practitioner who has a communicable disease or exhibits the symptoms enumerated in this subsection may administer massage unless a physician licensed in the State of Connecticut shall certify in writing such person may safely massage others, describe the conditions under which such person may administer massage, and certify further that any such communicable disease, fungus, infection, or eruption is not of a contagious or transmissible character, through massage or through the close contact ordinarily associated with massage.

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- C. A massage practitioner who operates a vibrator or other mechanical appliance in proximity to any body location where scalp hair can be pulled into its moving parts shall cover or wrap a patron's hair in a way to protect the hair from such moving parts.
- D. Massage practitioners shall wash their hands with hot and cold running water using a proper soap or disinfectant immediately before and after administering massage to any person.
- E. Massage practitioners must post their valid State of Connecticut massage therapy license in a prominent place within the establishment visible to the patrons. Copies of individual valid massage therapist's licenses must also be filed with the Department.
- F. Massage practitioners may not administer massage to a minor without the written consent of the minor's parent or guardian. The signed consent form(s) shall be held on file at the establishment for a period of no less than one (1) year from the date of the massage services rendered.
- G. Massage practitioners must not render services unless the private parts of patrons are covered with cloths, towels or undergarments.
- H. Massage practitioners shall not initiate, accept, or tolerate sexual advances while administering massage to a patron. Any contact with a patron's genital area is unlawful and prohibited.
- I. All massage practitioners shall wear clean, nontransparent outer garments when serving a patron.
- J. No person shall allow for the housing, sheltering or harboring of employees, other persons or animals within the massage establishment, or cause or permit any area directly connected thereto to be used as living or sleeping quarters by any owners, managers, employees, clients or other individuals.
- K. Each massage therapist must submit a photo identification and a complete set of fingerprints to the Department. The fingerprints shall be taken by the Bristol Police Department.

Sec. 13-119. Suspension and revocation of license.

- A. Failure to comply with the provisions of this chapter or applicable state law shall be grounds for revocation or suspension of any license issued to a massage establishment under the provisions of this chapter in addition to any other penalty imposed. A license may be revoked or suspended by the Department or its Board of Directors under the provisions of this chapter.
- B. For the purpose of this chapter, notice may be hand-delivered to the licensee or person in charge or sent by certified mail, return receipt requested, to the last known address of the licensee.
- C. No suspended or revoked license may be renewed. If a suspended license lapses during the suspension period, its renewal shall not be processed until the end of the suspension period. In any case involving suspension or revocation of a massage establishment license, a change of ownership and/or operator shall not affect the suspension or revocation of the license. During the time that a license is suspended, a new operator or owner may apply for a license for the same establishment. However, any license granted in such circumstances shall be effective only after completion of the suspension period.

Sec. 13-120. Reapplication and license reinstatement.

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- A. Whenever a license has been revoked or suspended, the licensee or person in charge may make written request for reinstatement of the license. Within 10 days following receipt of a written request, including a statement signed by the applicant that the conditions causing the suspension or revocation have been corrected, the Director shall make a reinspection. If, in the opinion of the Director, the applicant has complied with the requirements of this chapter and any applicable state law, the license shall be reinstated.
- B. The Director shall not revoke or suspend any permit issued under this chapter without notifying the holder of the permit, in writing, of the facts and of the specific section or sections of this chapter upon which his determination was made and of the holder's right to request a hearing before the Board of the Bristol-Burlington Health District and to present evidence or argument on all the facts or issues involved.
- C. A request for the hearing under this section shall be filed within 10 days of notice from the Director and shall stay any revocation or suspension until such time as a hearing has been held and a decision rendered on; provided, however, that, if the Director finds that the public health, safety or welfare imperatively requires action and incorporates a finding to that effect in his notice, the permit may be summarily suspended, pending a hearing, which hearing shall be promptly instituted and all facts and issues promptly determined.

Sec. 13-121. Violations and penalties.

- A. Unless otherwise provided, any person who violates any provision of this chapter shall be fined in accordance with the Bristol Code of Ordinances for each day of violation, or the maximum allowed by the State of Connecticut for each violation.
- B. It shall be the responsibility of the offender to abate the violation as ordered by the Director. Each day's violation shall be deemed a separate offense.

25. REORGANIZATION OF PARKS AND RECREATION DEPARTMENT, APPROVED.

Mayor Zoppo-Sassu highlighted that the Parks and Recreation reorganization was the consolidation of several part-time positions, the elimination of a full-time position in the maintenance division, and the creation of additional positions. There was a net impact to their budget of less than \$60,000. She further noted that the consolidation was a part of the Parks and Recreation Department strategic planning process.

As recommended by the Salary Committee and on motion of Council Member Fortier, Chrm., and seconded, it was unanimously voted: To approve a reorganization of the Parks and Recreation Department as presented effective immediately, pending budget considerations, and to refer to the Board of Finance for funding and informational purposes.

26. APPROVAL OF CHANGES TO SALARIES AND BENEFITS OF FULL-TIME AND PART-TIME, NON-BARGAINING EMPLOYEES 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 changes to the salaries

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and benefits of the full-time and part-time non-bargaining employees effective July 1, 2019 as presented and to refer this matter to the Board of Finance for informational purposes.

27. ENDORSEMENT OF CITY OF BRISTOL AS RECOVERY FRIENDLY COMMUNITY, APPROVED.

Mayor Zoppo-Sassu expressed interest in having the City participate in a State initiative to destigmatize what families go through with respect to drug addiction.

On motion of Council Member Fortier and seconded, it was unanimously voted: To endorse the City of Bristol as a recovery friendly community.

28. APPROVAL OF GRANT APPLICATION TO DEMAND RESPONSIVE ELDERLY AND DISABLED TRANSPORTATION PROGRAM TO HELP FUND DIAL-A-RIDE PROGRAM FOR JULY 1, 2019 TO JUNE 30, 2020.

On motion of Council Member Hahn and seconded, it was unanimously voted: To bring on the table an item regarding the Dial-A-Ride program.

Communication presented from the Grants Administrator regarding the Dial-A-Ride program which assists the elderly and disabled residents with transportation services.

On motion of Council Member Fortier and seconded, it was unanimously voted: To approve the submission of a grant application to the Demand Responsive program under the auspices of the Naugatuck Valley Council of Government, to authorize the Mayor to execute any and all documents associated with the application/grant, and to refer the matter to the Board of Finance for any necessary action.

29. APPROVAL OF FY2019 DISTRACTED DRIVING HIGH VISIBILITY ENFORCEMENT GRANT THROUGH STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY.

On motion of Council Member Hahn and seconded, it was unanimously voted: To bring on the table the Police Department's application for a Distracted Driving Grant.

Communication presented from Police Chief Gould regarding the FY2019 Distracted Driving High Visibility Enforcement Grant which will provide funding for overtime expenses.

On motion of Council Member Rosado and seconded, it was unanimously voted: To approve the FY2019 Distracted Driving High Visibility Enforcement Grant through the State of Connecticut Department of Transportation Highway Safety to provide funding for overtime expenses.

30. APPROVAL OF GRANT APPLICATION TO CONNECTICUT STATE HISTORIC PRESERVATION OFFICE FOR HISTORIC RESTORATION FUND GRANT FOR BRISTOL LIBRARY.

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On motion of Council Member Preleski and seconded, it was unanimously voted: To bring on the table an application for a Historic Restoration Fund Grant.

Communication presented from the Grants Administrator regarding a Historic Restoration Fund Grant.

On motion of Council Member Kelley and seconded, it was unanimously voted: To approve the submission of an application for funds to the Connecticut State Historic Preservation Office for a Historic Restoration Fund Grant, to authorize the Mayor or Acting Mayor to execute any and all documents associated with the application/grant, and to refer the matter to the Board of Finance for any necessary action.

31. LETTER OF ENDORSEMENT BY CITY COUNCIL TO U.S. BOARD OF GEOGRAPHIC NAMES REQUESTING RENAMING OF NEGRO HILL BROOK TO PIGEON HILL BROOK.

Mayor Zoppo-Sassu explained that Negro Hill Brook runs from Burlington into Bristol. Bristol and Burlington plan to apply to the U.S. Board of Geographic Names through the Office of the U.S. Geological Survey to change the name of Negro Hill Brook to Pigeon Hill Brook. It was an effort to better reflect the geographic area and eliminate a culturally insensitive name.

On motion of Council Member Fortier and seconded, it was unanimously voted: To endorse a letter requesting the U.S. Board of Geographic Names at the Office of the U.S. Geological Survey to rename Negro Hill Brook to Pigeon Hill Brook.

32. RESIGNATIONS.

The following resignations were presented:

Dennis Sirianni, City Energy Commission.
Sean Dunn, Board of Public Works.

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

33. APPOINTMENTS.

The following appointments were presented:

COMMISSION ON AGING

Sheila Herens – Appointment – unexpired term to March, 2022.

Replaced Teresa Barton.

Confirming motion by Council Member Preleski.

Motion passed in voice vote.

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CITY ARTS & CULTURE COMMISSION

Kim Villanti – Reappointment – term to April, 2022.

Confirming motion by Council Member Hahn.

Motion passed in voice vote.

COMMISSION FOR PERSONS WITH DISABILITIES

Gloria Ewings – Appointment – unexpired term to June, 2020.

Replaced Heather Woodbury.

Confirming motion by Council Member Fortier.

Motion passed in voice vote.

CITY ENERGY COMMISSION

Jennifer Arasimowicz – Reappointment – term to April, 2022.

Confirming motion by Council Member Fortier.

Motion passed in voice vote.

MUNICIPAL AGENT FOR ELDERLY

Patricia Tomascak – Reappointment – term to April, 2021.

Confirming motion by Council Member Hahn.

Motion passed in voice vote.

BOARD OF POLICE COMMISSIONERS

Eric Schwab – Reappointment – term to December, 2021.

Confirming motion by Council Member Fortier.

Motion passed in voice vote.

BOARD OF PUBLIC WORKS

Michael Dumas – Appointment – unexpired term to February, 2021.

Replaced Sean Dunn.

Confirming motion by Council Member Fortier.

Motion passed in voice vote.

YOUTH COMMISSION

Allison Wadowski, as a Citizen Rep. – Reappointment – unexpired term to June, 2021.

Confirming motion by Council Member Fortier.

Motion passed in voice vote.

ZONING BOARD OF APPEALS

Jerald Rafaniello – Reappointment – term to July, 2021.

Confirming motion by Council Member Fortier.

Motion passed in voice vote.

SCHOOL READINESS COUNCIL

Cecilia Garay – Appointment – term to August, 2020.

Confirming motion by Council Member Fortier.

Motion passed in voice vote.

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34. RESOLUTION AUTHORIZING MAYOR OR ACTING MAYOR TO EXECUTE DOCUMENTS RELATING TO SCHOOL READINESS GRANT PROGRAM APPLICATION FOR PRIORITY SCHOOL READINESS MUNICIPALITIES FROM OFFICE OF EARLY CHILDHOOD, ADOPTED.

Communication presented from the School Readiness Grant Manager regarding the School Readiness Grant Application for \$2,895,096 and the Quality Enhancement portion for \$18,756 from July 1, 2019 to June 30, 2020.

Council Member Kelley moved and it was seconded: That the following Resolution be adopted –

BE IT HEREBY RESOLVED BY THE City Council of the City of Bristol, Connecticut, that the Mayor Ellen Zoppo-Sassu, or Acting Mayor, is hereby authorized to execute any and all documents relating to the application/funding/grant for the School Readiness Grant Program Application for Priority School Readiness Municipalities from the Office of Early Childhood for the period of July 1, 2019 to June 30, 2020, including but not limited to any amendments to said application and any final funding/grant documents and any and all agreements and any amendments thereto with local service providers to implement grant.

It was also voted to refer this matter to the Board of Finance for any necessary action.

A roll call vote was taken.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Council Member Fortier			
“ ” Hahn			
“ ” Kelley			
“ ” Mills			
“ ” Preleski			
“ ” Rosado			
Mayor Zoppo-Sassu			

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

35. EXECUTIVE SESSION TO DISCUSS MATTER OF JAY KOLAKOSKI VS. CITY OF BRISTOL, WCC#601081369.

At 8:12 p.m., on motion of Council Member Preleski and seconded, it was unanimously voted: To convene into Executive Session to discuss the matter of Jay Kolakoski vs. City of Bristol, WCC#601081369.

Present to discuss the matter of Jay Kolakoski vs. City of Bristol, WCC#601081369: Mayor Zoppo-Sassu; Council Members Fortier, Hahn, Kelley, Mills, Preleski and Rosado; Corporation Counsel Clift; Asst. Corporation Counsel Lacey and Asst. Corporation Counsel Steeg.

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Discussion was held. No votes were taken.

At 8:38 p.m., on motion of Council Member Preleski and seconded, it was unanimously voted: To reconvene into Public Session.

36. ADJOURNMENT.

At 8:38 p.m., on motion of Council Member Preleski and seconded, it was unanimously voted: To adjourn.

ATTEST: _____
Therese Pac
Town & City Clerk