

MINUTES

CITY COUNCIL & WPCA

REGULAR MEETING

City Hall Auditorium / Zoom

February 21, 2023

A **REGULAR MEETING** of the City Council and Water Pollution Control Authority (WPCA) of the City of Torrington was held at the City Hall Auditorium on Tuesday, February 21, 2023. Present at the City Hall auditorium were Mayor Elinor Carbone, Corporation Counsel Victor Muschell, City Councilors Drake Waldron, Keri Hoehne, Anne Ruwet, Armand Maniccia, and Paul Cavagnero. Also present at City Hall were Public Works Director Ray Drew, Fire Chief Eric Borden, Deputy Fire Chief David Tripp, Police Chief William Baldwin, Deputy Police Chief Bart Barown, Sergeant Dustin Baldis, Economic Development Director Rista Malanca, Assistant City Planner Nate Nardi-Cyrus, Fleet Manager Email Castro and Purchasing Agent Pennie Zucco. Joining via Zoom was Councilor David Oliver, and Director of Services for the Elderly Joel Sekorski.

Mayor Carbone called the meeting to order at 7:00 p.m. beginning with the Pledge of Allegiance.

Tabled: Tree Ordinance

On a motion by Councilor Ruwet, seconded by Councilor Maniccia, the Council voted unanimously to open discussion for the adoption of the proposed new Ordinance Chapter 181 of the Code of Ordinances "TREES, SHRUBS, AND WOODY VEGETATION". Councilor Hoehne asked why the City could restrict and enforce affixing signs to poles, Mr. Drew explained that it is a way to maintain the aesthetic of the community. Councilor Cavagnero shared that he thought an individual looking for permission to post signs should be able to text or email the department to get that approval. Councilor Ruwet suggested to the Council that even though there had been a bunch of wonderful feedback with this Ordinance, there are some suggestions made, which will require the Ordinance Subcommittee to reevaluate.

On a motion by Councilor Ruwet, seconded by Councilor Cavagnero, the Council voted unanimously to table the adoption of the proposed new Ordinance Chapter 181 of the Code of Ordinances "TREES, SHRUBS, AND WOODY VEGETATION".

Roll Call Vote: Vehicles and Traffic

On a motion by Councilor Ruwet, seconded by Councilor Cavagnero, the Council voted unanimously by roll call vote to adopt the proposed changes to Chapter 194 of the Code of Ordinances "VEHICLES AND TRAFFIC", sections 194-3.1 *Restricted Parking on Residential Streets*, 194-16 *Penalties for Offenses*, and 194-24 *Authority to Remove, Penalties, and Exemptions*. Councilor Hoehne shared her concerns regarding local and small business combo plates for trucks being treated as commercial plates, and not being able to have those individuals park near their houses. Councilor Cavagnero said that he is in favor of these changes going through. Sergeant Baldis explained to Council that these revisions came up because the commercial trucks were parking and staying for three or more days and not living anywhere near the streets where the truck was being parked on. He went on to say that if a vehicle is being used strictly for commercial purposes it should be more regulated and not be parked in a residentially zoned area. *See addendum #1*

Public Comment: (in-person only)

On a motion by Councilor Waldron, seconded by Councilor Hoehne, the Council voted unanimously to open the meeting to the public, in accordance with Section 4(e) of the City Council & WPCA Meeting Rules of Procedure.

Kathy Ross voiced her support for the Red Mountain Trail. She went on to say how the City had gone through so much work to get the property and mentioned that over the years there have been numerous presentations regarding this project.

Mark Linehan supported the Red Mountain Trail and explained that the Torrington Trails network had an informational meeting at Bad Dog Brewery last Thursday and 98 people filled out a support form for this Trail to continue. He went on to say that Planet Fitness and Warrenton Mills have signed letters in support of this Trail.

Roger Coutant supports the Red Mountain Trail, he explained that people think that this will cause property values to go down and major safety issues, when the property values tend to go up, the crime in the area goes down.

Ray Royals doesn't support the new Red Mountain Trail, he said that from start to end on the Sue Grossman Trail three houses were minimally impacted by the Trail. He went on to say that he wasn't informed when they would be coming out to survey the property for the portion of the Trail that would be near his property. He reminded Council to think of the outcome.

Trevon Whittaker was there to reiterate that there has been a lack of communication between the City and the property owners that the Trails will be impacting.

John Kissko voiced his concerns regarding the asbestos that was on the property and that had been covered up.

Tom Kandefer said that what they are trying to do is to get additional funding to get the Trail to go a bit further, he said it could be years before the Trails are all connected.

Attorney Michael Magistrali fully supports the Red Mountain Trail. He reminded everyone that this Grant is to get money for a property that the City already owns to build a Trail.

Approve Minutes

On a motion by Councilor Waldron, seconded by Councilor Cavagnero, the Council voted to accept the Regular Meeting Minutes from February 6, 2023. Councilor Hoehne abstained.

Inland Wetlands Commission Appointment

On a motion by Councilor Waldron, seconded by Councilor Maniccia, the Council voted unanimously to appoint Karl Hunter (R) as a regular member of the Inland Wetlands Commission for the remainder of a term set to expire on September 6, 2023.

Torrington Youth Service Bureau

On a motion by Councilor Cavagnero, seconded by Councilor Maniccia, the Council voted unanimously to approve an increase of \$894.00 in funding to the Torrington Youth Service Bureau to be paid from Contingency, having been previously approved by the Board of Finance. Torrington Youth Service Bureau (TYSB) Executive Director Cathy Ohm gave the board an overview of what services they provide for local youths and families. She went on to say in 2022 TYSB was able to help 1,734 youth and their families right in Torrington.

Bid for Diesel

On a motion by Councilor Maniccia, seconded by Councilor Cavagnero, the Council voted unanimously to authorize the Purchasing Agent to enter into a contract for Diesel Fuel with East River Energy of Guilford, CT at a cost of \$2.9496 per gallon.

Resolution #143-238 DEEP's CT Recreation Trails Grant Application

On a motion by Councilor Waldron, seconded by Councilor Cavagnero, the Council voted unanimously to adopt Resolution #143-238 authorizing the Mayor to apply for the CT Department of Energy and Environmental Protection Recreational Trails Grant in the amount of \$439,700, matched by \$281,500 in City Funds, as further explained in the Assistant City Planner's memo dated February 6, 2023. Councilor Hoehne said that she thinks it is a good idea to apply for the grant, and that it would be a good idea moving forward to keep reaching out to property owners that could be affected by the next extension of the Trail. Councilor Ruwet asked about the part of the proposal that states on public and private land, Mr. Nardi-Cyrus stated that the preferred Trail would go through some private land, which is the Ocean State Plaza. He went on to say that they have already been in contact with the Plaza owners to secure an agreement for an easement on the property. He also said that there were other options to explore if this easement doesn't work out. Councilor Cavagnero wanted to know if the City was aware of the asbestos issue that Mr. Kissko had brought up, Mr. Nardi-Cyrus explained that there have been environmental studies done on the property, and as part of this grant, they need to identify these areas. Ms. Malanca further explained that they are aware of where the asbestos dumps are and that there is a concept plan of where the Trail would go to avoid those areas, however, it is not finalized yet. She did say that most of the asbestos dumps are on the adjacent property and not on the City-owned property. Councilor Maniccia asked exactly where the asbestos area is and how far from the Trail would it be, Ms. Malanca said that they know where it is, it is documented, and they know what they can and cannot do with the property. She said that the site had been remediated and that if they don't disturb it then it will be fine. Mayor Carbone stated that she would like to continue this path with the grant and deal with anything that comes up, like remediating the site if necessary. *See addendum #2*

Assistance to Firefighters Grant

On a motion by Councilor Ruwet, seconded by Councilor Cavagnero, the Council voted unanimously to authorize the Mayor to execute all grant documents pertaining to the Assistance to Firefighters Grant (AFG) awarded by FEMA, in the amount of \$546,392.71, having been previously approved by the Board of Public Safety.

FY 22-23 Budget Amendment and Transfer Requests

On a motion by Councilor Ruwet, seconded by Councilor Cavagnero, the Council voted unanimously to authorize the budget transfer and amendment requests for FY 22/23 as further described in City Comptroller's letter dated February 16, 2023, having been previously approved by the Board of Finance.

Lead Abatement Grant Program

On a motion by Councilor Maniccia, seconded by Councilor Hoehne, the Council voted unanimously to appoint the Blight Task Force as a Lead Abatement Grant Program Ad-Hoc Advisory Committee to review all applications and make funding recommendations to City Council, as further explained in the Economic Development Directors Memo dated February 14, 2023.

On a motion by Councilor Maniccia, seconded by Councilor Cavagnero, the Council voted unanimously to authorize the Mayor to enter into a Memorandum of Understanding regarding the Lead Abatement Grant Program, with Torrington Area Health District, as proposed in the draft MOU dated January 31, 2023

Elderly Services Commission Contract & Grant Requests

On a motion by Councilor Waldron, seconded by Councilor Oliver, the Council voted unanimously to authorize the Mayor to execute the Chore Service Contract with the WCAAA, with extensions from October 1, 2023, through September 30, 2025.

On a motion by Councilor Waldron, seconded by Councilor Maniccia, the Council voted unanimously to authorize the Mayor to execute the Transportation Contract with the WCAAA, with extensions from October 1, 2023, through September 30, 2025.

On a motion by Councilor Hoehne, seconded by Councilor Maniccia, the Council voted unanimously to authorize the Mayor to apply for the Transportation Grant 5310 with the CT Dept. of Transportation, as described in Director Sekorski's letter dated February 16, 2023.

On a motion by Councilor Waldron, seconded by Councilor Cavagnero, the Council voted unanimously to authorize the Mayor to execute contracts with the WCAAA naming the Nutrition Department as the Elderly Nutrition Program Provider for the Litchfield Hills Area, as described in Director Sekorski's letter dated February 16, 2023.

Lien Releases

On a motion by Councilor Maniccia, seconded by Councilor Waldron, the Council voted unanimously to release the liens listed in the Corporation Counsel's memo of February 21, 2023.

Tax Collector Refunds

On a motion by Councilor Cavagnero, seconded by Councilor Hoehne, the Council voted unanimously to accept the recommendation of the Tax Collector and authorize the tax refunds indicated on the list dated February 21, 2023.

Sewer Usage Refunds

On a motion by Councilor Waldron, seconded by Councilor Hoehne, the Council voted unanimously to accept the recommendation of the Tax Collector and authorize the sewer usage refunds indicated on the list dated February 21, 2023.

Business by Dept. Heads

On a motion by Councilor Hoehne, seconded by Councilor Waldron, the Council voted unanimously to consider business by Department Heads.

Chief Borden thanked the Council for their support of the Assistance to Firefighters Grant.

Business by Mayor & Members

On a motion by Councilor Waldron, seconded by Councilor Hoehne, the Council voted unanimously to consider business by the Mayor and City Council members.

Councilor Hoehne asked about the approval for the removal of the trees at the new school project which delayed the project by about a week, Mr. Drew told her that there were initial plans of what trees were to be removed and then some additional trees were added to be removed. He did also note that there was an issue with pulling the permit for approval. Councilor Hoehne wanted to know what kind of training the Tree Warden must go through, Mr. Drew told her all Tree Wardens must go through the University of Connecticut to become certified Tree Wardens. Councilor Hoehne also spoke about the handout that the Council received at the beginning of the meeting regarding the removal of the sidewalks on Tracey Avenue, and how this is something that should be revisited due to safety concerns.

Councilor Ruwet wanted to thank the Council for the Ordinance that was passed this evening, she also mentioned upcoming Ordinances that the Committee will be working on. She did take a moment to thank the partnership of the Public Works Director and The Torrington Police Department who are working with the Ordinance Committee.

Public Comment (in-person only)

On a motion by Councilor Maniccia, seconded by Councilor Oliver, the Council voted unanimously to open the meeting to the public to comment on agenda items only.

Paul Robert Blackman said he was available if needed regarding trees.

Adjournment

On a motion by Councilor Maniccia, seconded by Councilor Hoehne, the Council voted unanimously to adjourn at 8:34 p.m.

Respectfully submitted by
Heather Abraham, Asst. City Clerk

ATTEST:


CAROL L. ANDERSON, CITY CLERK

Addendum #1

LEGAL NOTICE
CITY OF TORRINGTON
REVISED VEHICLES AND TRAFFIC ORDINANCE

**Be it Ordained by the Board of Councilmen of the City of Torrington
that the Code of Ordinances Chapter 194 has been revised as follows:**

Sec. 194-3.1. Restricted parking on residential streets.

- A. It shall be unlawful for any person to park or leave standing, whether occupied or not, a vehicle on any street located in a residential and/or downtown district, as defined in the City of Torrington Zoning Regulations, between the hours of 9:00 p.m. and 6:00 a.m., or to park for longer than two (2) hours in any twenty-four-hour period on a street in a residential and/or downtown district. "Vehicle" as defined herein shall mean any vehicle bearing the types of number plates consistent with commercial use and having any one of the following characteristics:
- (1) Height in excess of eight (8) feet.
 - (2) Length in excess of twenty (20) feet.
 - (3) Width in excess of seven (7) feet (excludes mirror).
 - (4) Wheels in excess of four (4) in contact with the ground.
 - (5) Gross vehicle weight or gross combination weight rating in excess of twelve thousand (12,000) pounds.
 - (6) Exceeds three-fourth ($\frac{3}{4}$) tons in capacity and is not used solely by the occupants of a premises and that has been prohibited by the City of Torrington Zoning Regulations from parking on or being garaged on private residential property.
- B. This section shall not apply to:
- (1) Any vehicle necessary for the performance of a service in or at the nearest residence or building for a period, not longer than is necessary for the performance of the service.
 - (2) Any vehicle in use by a public service company, defined in Section 16-1 of the Connecticut General Statutes, responding to an emergency for a period not longer than is necessary to remedy the emergency.
 - (3) Any vehicle in the process of making a delivery for a period not longer than is necessary to make the delivery.
 - (4) Any City of Torrington municipal vehicle or any vehicle parked or left standing as ordered by the police.
- C. Violations and penalties.
- (1) The parking of a vehicle, as defined in A above, on a street in a residential or downtown district between the hours of 9:00 p.m. and 6:00 a.m. shall be a parking violation and constitute a violation set forth in 194-16 with a penalty of \$120 dollars for each day of the offense.
 - (2) The parking of a vehicle as defined in A above, on a street in a residential or downtown district for longer than two (2) hours in any twenty-four-hour period, unless excepted above, shall be deemed to be a parking violation set forth in 194-16 with a penalty of \$80 dollars per each 24-hour period.

- (3) Vehicles left in violation longer than three (3) days will be subject to removal at the owner's expense.
- (4) Appeals will conform to the guidelines already in 194-14.

§ 194-16. Penalties for offenses.

A. The following is a list of the offenses and penalties therefor:

Offense	Fine
Too close to a hydrant	\$15.00
Wrong side of the street	\$15.00
Over 10 inches from the curb	\$15.00
Double parking	\$15.00
On sidewalk	\$15.00
Overtime meter	\$15.00
Fire zone	\$15.00
Overtime violations	\$15.00
Obstructing driveway	\$15.00
Snow emergencies	\$15.00
Vehicles on crosswalk	\$25.00
Too near corner	\$25.00
Restrictive place	\$25.00
Overnight restrictions	\$25.00
Too close to crosswalk	\$25.00
Restricted Vehicle street parking overnight 9p-6a	\$120.00
Restricted Vehicle 2-hour parking in 24-hour period	\$80.00
Unattached Trailer on street parking	\$100.00
Handicap—150.00 for the first offense; 300.00 for a second offense	

B. The penalty for a violation of any provision of this code not provided for herein shall be \$100.00 for each offense or violation.

(Amended 10-7-1996; 5-2-2005; Ord. of 6-3-2019)

§ 194-24. Authority to remove, Penalties, and exemptions.

- A. The Police Department may remove or cause to be removed any trailer that is unattached from any motor vehicle on a public street, highway, or right-of-way at any time. Any violation of this ordinance constitutes a violation of 194-16 with a fine of one hundred dollars (\$100).
- B. Exemptions. Those vehicles and trailers used for law enforcement or firefighting purposes and those within a work zone used for highway maintenance operations and repairs shall be exempt from the provisions of this section.
- C. Appeals will be handled as other parking violations set forth in this chapter.

Copies of the Ordinance are available on the City's website and in the Office of the City Clerk.

Dated at Torrington, Connecticut, this 23rd day of February 2023.

Passed: February 21, 2023

Published: February 23, 2023

Effective: March 25, 2023



Elinor Carbone
Mayor



Carol L. Anderson, MMC
City Clerk



Addendum #2

Resolution #143-238

CERTIFIED RESOLUTION OF THE GOVERNING BODY

I, Carol L. Anderson, City Clerk, certify that below is a true and correct copy of a
(Name of Official) (Title of Official)

resolution duly adopted by the City of Torrington
(Name of the Applicant)

at a meeting of its Board of Councilmen
(Governing Body)

duly convened on February 21, 2023 and which has not been rescinded or modified in
(Meeting Date)

any way whatsoever and is at present in full force and effect.

Feb. 22, 2023
(Date)

Carol L. Anderson
(Signature and Title of Official)



WHEREAS, the Connecticut Department of Energy and Environmental Protection is authorized to extend financial assistance for trail development projects through their Recreational Trails Grants Program; and

WHEREAS, it is desirable and in the public interest that the City of Torrington make an application to the State for \$439,700 in order to develop approximately 3,230 ft of multi-use recreational trail and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TORRINGTON CITY COUNCIL

1. That it is cognizant of the conditions and prerequisites for the state financial assistance detailed in the grant announcement.
2. That the filing of an application for State financial assistance by City of Torrington in an amount not to exceed \$ 439,700 is hereby approved and that Elinor Carbone, Mayor is authorized to submit the application (Trail Construction from North Elm Street to the Newfield Road Rail Bridge) to and execute contracts with the Connecticut Department of Energy and Environmental Protection, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the City of Torrington.