

A **REGULAR MEETING** of the City Council & WPC Authority was held in the City Hall Auditorium on Monday, November 19, 2018.

Present were Mayor Elinor Carbone and City Councilors Marie Soliani, Frank Rubino, Paul Cavagnero, Fred Simon, Gregg Cogswell, and Anne Ruwet.

Also present were Director of Personnel and Labor Relations Atty. Mark Dumas, Corporation Counsel Atty. Victor Muschell, Public Works Director Jerry Rollett, Superintendent of Streets Bill Mayers, Five Points Center for the Visual Arts (FPCVA) Executive Director Judith McElhone, FPCVA's Atty. Mark Malaspina, Northwest Community Bank President Stephen Reilly and Senior Vice President Steve Zarrella, Police Lt. Brett Johnson, Officer Rob Simon, and P.A.L. Board Members Allan Borghesi and Christopher Smedick.

Mayor Carbone called the meeting to order at 6:30 p.m.

Presentation of Check by Northwest Community Bank

Northwest Community Bank President Stephen Reilly and Senior Vice President Steve Zarrella commended the Police Activities League (P.A.L) for their good work developing programs for Torrington youth, and presented a check donation for \$5,000.

Ordinance Revision: Discussion

On a motion by Councilor Cogswell, seconded by Councilor Ruwet, the Council discussed amending Chapter 170-3 and 170-13 of the Code of Ordinances of the City of Torrington as follows:

That Chapter 170-3(A) of the Code of Ordinances of the City of Torrington shall be amended to include the following new definition:

Non-Jurisdictional User: Any person who contributes, causes or permits the contribution of sewage into the City of Torrington's sewer system from a municipality or sewer district other than the City of Torrington and its WPCA.

That Chapter 170-13 of the Code of Ordinances of the City of Torrington shall be amended to include the following subsection:

Q. Prior to entering into an agreement with any municipality or sewer district for use of the City of Torrington's sewer system, the Board of Councilmen and WPCA shall consider whether the agreement should require that:

- 1. Non-Jurisdictional Users shall pay a proportionate share of operation and maintenance expenditures for the WPCA;*
- 2. Non-Jurisdictional Users shall pay a proportionate share of prior and future capital investments for facilities to be used by Non-Torrington Users;*
- 3. Non-Jurisdictional Users shall pay a proportionate share for use of prior and future land or asset contributions by the City of Torrington or WPCA;*
- 4. The contracting municipality or sewer district shall maintain Environmental Pollution Liability Insurance that names the City of Torrington and WPCA as an additional insured and is sufficient to cover the cost of cleanup and any other liability or damages arising out of a sewage spill related to that municipality's or sewer district's or their respective users' use of the City of Torrington sewer system;*
- 5. An interim review every five (5) years of the terms of the agreement to assess whether changes in practices can be conducted by professional staff for each municipality or sewer district to improve the contractual relationship and to assess the need for mid-term amendments to the agreement;*
- 6. The term of the agreement shall be at least twenty (20) years, but shall not exceed twenty-five (25) years; and*
- 7. Such other factors as the Board of Councilman and WPCA deem appropriate.*

Atty. Dumas addressed the Council's concerns regarding the legality of charging Non-Jurisdictional Users a higher rate. Councilor Cavagnero expressed his frustration on the matter.

Roll Call Vote

By way of roll call vote, the Council voted to approve the above referenced amendments to City Ordinance Chapter 170 with five votes in favor and one opposed. Councilors Cogswell, Simon, Soliani, Ruwet, and Rubino voted in favor. Councilor Cavagnero opposed.

Minutes

On a motion by Councilor Simon, seconded by Councilor Rubino, the Council voted unanimously to accept the minutes of the Public Hearing held November 13, 2018, regarding a proposal to extend the City's Sanitary Sewer System and install sanitary sewers on Homestead Road and Kimball Lane. Councilors Ruwet and Cogswell abstained.

On a motion by Councilor Rubino, seconded by Councilor Simon, the Council voted unanimously to accept the minutes of the Public Hearing held November 13, 2018, regarding changes to City Ordinance Chapter 170, "Sewers." Councilors Ruwet and Cogswell abstained.

On an amended motion by Councilor Rubino, seconded by Councilor Cavagnero, the Council voted unanimously to accept the minutes of the Regular Meeting held November 13, 2018, with the following amendment:

Councilor Rubino abstained from the vote to accept the recommendation of the Tax Collector and authorize the 28 tax refunds indicated on the list dated November 13, 2018.

Open to the Public

On a motion by Councilor Cavagnero, seconded by Councilor Simon, the Council voted unanimously to open the meeting to the public.

Michael Banziruk expressed his disapproval in regard to the amendments to City Ordinance Chapter 170, "Sewers." He contested the notion that Torrington cannot charge non-residents higher rates for use of the City's sewer system and stated that the Council should rescind their vote.

Glenn Royals expressed his opposition to the Council's approval of the amended "Sewers" Ordinance, and stated that the vote should be rescinded with no further action until a verdict is rendered in regard to a dispute between the Waterbury WPCA and Watertown.

Rose Guimaraes stated that the amendments to City Ordinance Chapter 170 are significant and should go to referendum.

Barbara Gall expressed her support for a referendum on the Ordinance change and stated that the sewage to come from Woodridge Lake Sewer District should be treated before entering in to Torrington's system.

Mr. Royals questioned why the public comment section happened after the vote. Mayor Carbone clarified that the vote was tabled at the November 13th City Council meeting.

Executive Session

On a motion by Councilor Cogswell, seconded by Councilor Cavagnero, the Council voted unanimously enter Executive Session with Atty. Muschell and Atty. Malaspina at 7:50 p.m., pursuant to C.G.S. §1-200(6)(D) to discuss the potential acquisition of real property.

Councilor Ruwet exited the meeting at 8:12 p.m.

Open Session

On a motion by Councilor Cogswell, seconded by Councilor Simon, the Council voted unanimously to enter Open Session at 8:29 p.m.

Letter of Intent Regarding Acquisition of the UConn Property

On a motion by Councilor Cavagnero, seconded by Councilor Soliani, the Council voted unanimously to authorize the Mayor to finalize the terms of a non-binding letter of intent regarding the acquisition of the former UConn Torrington campus and adjacent unimproved lands by Five Points Center for the Visual Arts and the City of Torrington.

City Hall Lighting Upgrade

On a motion by Councilor Cogswell, seconded by Councilor Simon, the Council voted unanimously to accept the recommendation of the Public Works Director to apply for 0% Eversource financing under the Energize CT small Business Energy Advantage Program to retrofit City Hall lighting with cost saving LED lights, as described in the Public Works Director's memo dated November 15, 2018, and authorize the Mayor to execute and administer the documents related to the application.

Approved Purchase: Enclosed Utility Trailer

On a motion by Councilor Cogswell, seconded by Councilor Cavagnero, the Council voted unanimously to accept the recommendation of the Superintendent of Streets and Parks and the Purchasing Agent to waive the City's bid process, and authorize the Mayor to purchase an enclosed utility trailer off the State Contract #14PSX0250(AB) from Connecticut Trailer, Inc. of Bolton, CT for \$10,578.16.

Release of Liens

On a motion by Councilor Soliani, seconded by Councilor Simon, the Council voted unanimously to accept Corporation Counsel's recommendation and authorize the Mayor, pursuant to C.G.S. §12-179, to release the liens described in Atty. Muschell's memo dated November 19, 2018.

Tax Collector Refunds

On a motion by Councilor Cogswell, seconded by Councilor Soliani, the Council voted unanimously to accept the recommendation of the Tax Collector and authorize the 17 tax refunds indicated on the list dated November 19, 2018.

Business by Dept. Heads

On a motion by Councilor Rubino, seconded by Councilor Cavagnero, the Council voted unanimously to consider business by Department Heads. No business was reported.

Comments for the Good of the Order

On a motion by Councilor Cavagnero, seconded by Councilor Cogswell, the Council voted unanimously to consider comments for the good of the order by the Mayor and Council Members.

Councilor Simon asked if the City could provide an update on the Yankee Peddler property. Mayor Carbone stated that the City is working to redevelop the property while law enforcement works to keep the public safe.

Open to the Public for Agenda Items Only

On a motion by Councilor Cogswell, seconded by Councilor Simon, the Council voted unanimously to open the meeting to the public to discuss agenda items only.

Ms. Gall asked the Council again to rescind the vote to amend City Ordinance Chapter 170.

Executive Session

On a motion by Councilor Cogswell, seconded by Councilor Cavagnero, the Council voted unanimously enter Executive session with Atty. Mark Dumas at 8:34 p.m. to discuss strategy and negotiations with respect to pending claims or pending litigation and to receive attorney-client communications pursuant to C.G.S. §§ 1-200(6)(B) and 1-200(6)(E) in reference to Fabiaschi v. City of Torrington.

Open Session

On a motion by Councilor Rubino, seconded by Councilor Soliani, the Council voted unanimously to enter Open Session at 9:09 p.m.

Adjournment

On a motion by Councilor Simon, seconded by Councilor Cavagnero, the Council voted unanimously to adjourn the meeting at 9:09 p.m.

Respectfully submitted by
Jonathan R. Draper, Asst. City Clerk

ATTEST:



CAROL L. ANDERSON, MMC
CITY CLERK