

## CITY COUNCIL &amp; WPCA

## REGULAR MEETING

Immediately following Public Hearing

City Hall Auditorium / Zoom

May 2, 2022

Approved by City Council &amp; WPCA

May 16, 2022

Vote: Unanimous

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 Monday, May 2, 2022. Present at the City Hall auditorium were Mayor Carbone, City Clerk Carol Anderson, Deputy Public Works Director – City Engineer Paul Kundzins, P.E., City Councilors Drake Waldron, Keri Hoehne, Armand Maniccia, and Anne Ruwet. Corporation Counsel Victor Muschell, Attorney Jaime LaMere, City Comptroller Robin Stanziale, Interim Fire Chief David Tripp, Building Committee Chair Mario Longobucco, and Councilor David Oliver joined via Zoom. Councilor Paul Cavagnero was absent.

Mayor Carbone called the meeting to order at 6:35 p.m. beginning with the Pledge of Allegiance.

**Roll Call Vote: Smoking Ordinance**

On a motion by Councilor Ruwet, seconded by Councilor Waldron, the Council voted unanimously, with five votes in favor and none opposed, to establish Chapter 176 of the Code of Ordinances, Smoking. \*See addendum 1.

**Public Comment**

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

Kevin Hayes shared his recommendations for projects the city could use the ARPA Funds for.

**Approve Minutes**

On a motion by Councilor Waldron, seconded by Councilor Hoehne, the Council voted unanimously to accept the meeting minutes from April 4, 2022.

On a motion by Councilor Waldron, seconded by Councilor Ruwet, the Council voted unanimously to accept the meeting minutes from April 18, 2022.

**Purchase of Fire Department Uniforms**

On a motion by Councilor Waldron, seconded by Councilor Ruwet, the Council voted unanimously to authorize the waiver of the City bid process and purchase the Fire Department uniforms from Fairfield Uniform Company of Bridgeport CT, for \$14,033.90 off the State Contract #17PSX0024, pending Board of Safety approval on May 4, 2022. Interim Chief Tripp explained that the waiver of the bid process was going to be a one-time thing and that they couldn't get an extension this year due to Covid and other issues with manufacturers. They are in the process of going out to bid in July for fiscal year 22/23.

**Collective Bargaining Agreement (Public Works Employees)**

On a motion by Councilor Waldron, seconded by Councilor Hoehne, the Council voted unanimously to accept the successor Collective Bargaining Agreement by and between the City of Torrington and Local 2122 of Council #4, AFSCME AFL-CIO (Public Works Employees) for the period from July 1, 2021 to June 20, 2025, as described in Attorney LaMere's letter dated April 28, 2022. Attorney LaMere stated that they have been negotiating this contract since March of 2021.

**City South Reconstruction Project 2022.1**

On a motion by Councilor Ruwet, seconded by Councilor Maniccia, the Council voted unanimously to authorize the Mayor to award and execute a contract agreement and all construction change orders for the City South Reconstruction Project 2022.1 with Asphalt Repair Solutions Inc. of Oxford CT for the amount of \$995,727.75 including the expenditure of up to \$99,575, funded by the Pavement Management Program Bond Fund.

**Bituminous Surface Treatments**

On a motion by Councilor Waldron, seconded by Councilor Ruwet, the Council voted unanimously to authorize the Mayor to waive the City bid process and accept the Borough of Naugatuck Contract 21-23 for Bituminous Surface Treatments, Crack Sealing, Hot In-Place Asphalt Recycling, and Chip Sealing, expiring June 20, 2023. Councilor Hoehne asked how the city can piggyback on another city's contract. City Engineer, Paul Kundzins explained that the City is looking for micro surfacing and chip sealing this year. He went on to say that the City could avoid the bid process, by using Naugatuck's contract with Sealcoating, Inc. d/b/a Indus of Branford, MA, with funding coming from the City's Roads and Drainage budget.

**Budget Amendment Requests**

On a motion by Councilor Waldron, seconded by Councilor Hoehne, the Council voted unanimously to authorize the budget amendment requests for fiscal year 21/22 in the City Comptroller's memo dated May 2, 2022, pending Board of Finance approval. This includes an adjustment being made to the

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approved January 3, 2022 budget modifications for a zero mill increase. City Comptroller Robin Stanziale went on to explain that after the initial approval in January for a \$20,000 transfer from the copier funds, the savings weren't there, so the funds had to be moved from other line items. The other transfer is for the Facilities Director to be moved from City Real Estate into the City Hall Employees line item so everything in the budget will match up.

**Tax Collector 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 tax refunds indicated on the list dated May 2, 2022.

**Sewer Usage Refunds**

On a motion by Councilor Waldron, seconded by Councilor Maniccia, the Council voted unanimously to accept the recommendation of the Tax Collector and authorize the sewer usage refunds indicated on the list dated May 2, 2022.

**Business by Dept. Heads**

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

Victor Muschell, Esq. shared that the City is in the process of setting a closing date for the 126 High St foreclosure property, which sold for \$40k over the asking price.

**Business by Mayor & Members**

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

Councilor Hoehne asked if the City has had any luck hiring lifeguards or staffing the pool for the summer. Mayor Carbone let her know that they are continuing to seek lifeguards and that even with limited staffing the City hopes to open the pool and splash pad with limited hours.

Councilor Ruwet stated that she has seen the marketing for the job postings within the City and thinks we are doing a great job advertising this year. Also, she mentioned that the ARPA Ad Hoc Committee had its first meeting this morning and that they hope to have the mini-grant application process approved by the Council so that it can be sent to the public.

Mayor Carbone explained that the City requested that the legislature transfer the property that houses the Armory to the City of Torrington at no cost to the City. This Raised Bill No. 492 which has passed the Senate and will go before the House. If passed the City will no longer be under a 5-year lease with the option to renew, and they will be able to invest funds to improve the Armory for City residents. She went on to say that the Bond Counsel sent her the Implementor Bill, a reauthorization of the Middle School/High school project, including the additional funding for increased enrollment and an increase in costs. She mentioned that they are waiting for the State's Budget to finalize to know the revenues for the City and start advancing budgets to the Council. Mayor Carbone said May 9<sup>th</sup> is the first joint meeting with the Council and Board of Safety to review Public Safety budgets, and then Council will be approving all other City Budgets.

**Public Comment**

On a motion by Councilor Maniccia, seconded by Councilor Hoehne, the Council voted unanimously to open the meeting to the public. No one present wished to speak.

**Adjournment**

On a motion by Councilor Waldron, seconded by Councilor Ruwet, the Council voted unanimously to adjourn the meeting at 7:30 p.m.

*Respectfully submitted by  
Heather Abraham, Asst. City Clerk*

ATTEST:

  
CAROL L. ANDERSON, CITY CLERK

Addendum #1:

## **Chapter 176 – SMOKING ORDINANCE**

### **§ 176-1. – Definitions**

As used in this article the following terms shall have the meanings indicated:

#### **PARK OR RECREATION AREA**

Any outdoor area owned or operated by the City of Torrington and open to the general public for primary recreational purposes, regardless of any fee or age requirement, including but not limited to picnic areas, playgrounds, sports or athletic fields, bleachers, walking paths, gardens, hiking trails, parks, bike paths, dog parks, and downtown enclosures (Main Street) for city-sanctioned events. A park or recreational area shall not include any paved public sidewalk immediately abutting the boundary of the park or recreational area.

#### **SMOKING**

Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, hemp, or any of its derivatives, whether natural or synthetic as defined in Connecticut General Statutes 21a-240, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form.

#### **TOBACCO PRODUCT**

##### **A.**

Any product containing, made, or derived from tobacco or nicotine, marijuana, hemp, or any of their derivatives, that are intended for human consumption, whether smoked, heated, chewed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and edibles.

##### **B.**

Any electronic device that delivers nicotine, THC, or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

##### **C.**

Notwithstanding any provision of Subsection(s) A and B to the contrary, "tobacco, nicotine, marijuana product" includes any component, part, or accessory of tobacco, nicotine, or marijuana product, whether or not sold separately.

### **§ 176-2. – Smoking restricted (Smoke-Free Zones)**

No person shall use, smoke, or consume any tobacco product, which includes marijuana, hemp, or any of their derivatives, in any form in or upon the property of any city-owned building including schools, parks, or recreation areas as defined above, or any assembly owned, leased or controlled by the City of Torrington; provided, however, that signs are posted in the area such as to reasonably warn persons that the area is subject to this No Smoking chapter. This "smoke-free" area also extends to the "outside area within 25 feet of any doorway, operable window or air intake vent" of such locations. A smoke-free zone includes the area for which a restaurant has obtained a permit to allow dining on a city-owned sidewalk.

### **§ 176-3. – Designation of smoking/tobacco use area.**

The Mayor, his/her designee, or the Director of Park and Recreation can designate a "smoking/tobacco/marijuana area" on a portion of the city-owned property. This area will be identified by a clearly marked sign and away from the building as defined in the smoke-free area. A person smoking, or using tobacco products, marijuana, hemp, or other products in the designated area shall not be subject to a penalty.

### **§ 176-4. – Posting of signs.**

Every park or recreation area, city-owned building, or other area deemed appropriate by the city, shall have at least one conspicuously displayed sign stating that smoking and the use of tobacco/marijuana products are prohibited. Such signs must have the appropriate text and/or graphics to clearly indicate that smoking and the use of tobacco products are prohibited and include the appropriate City of Torrington ordinance citation. Such signs shall be posted in a quantity and manner reasonably likely to inform individuals occupying the area that tobacco use is prohibited within the area.

### **§ 176-5. – Enforcement.**

The provisions of this chapter shall be enforced by citation. The following persons have authority to issue citations for violations pursuant to this chapter: City of Torrington Police Officer.

Additionally, agents and employees of the City of Torrington and coaches or officials participating in any athletic event in or upon any city-owned athletic or recreation facility are authorized to enforce this chapter through the exclusion of the violator from the athletic event or recreational facility.

**§ 176-6. – Penalties for offenses.**

Violation of this chapter shall constitute an infraction or ordinance violation as defined in Connecticut General Statutes § 51-164n. A warning shall be issued for a first offense. The citation amount for a second offense shall be \$50. The citation amount for a third offense shall be \$75. The citation amount for the fourth or more offenses shall be \$100. Such citation shall be on a form as prescribed by the City of Torrington.

**§ 176-7. – Appeals.**

The hearing procedure for city ordinance violations shall follow the procedures set forth in the City Code of Ordinances appeals process and § 7-152c of the Connecticut General Statute.