



**Stratford, Connecticut**

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ANY INDIVIDUAL WITH A DISABILITY WHO NEEDS SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE ADA COORDINATOR AT 203-385-4020 OR 203-385-4022 (TDD) 5 DAYS BEFORE THE MEETING, IF POSSIBLE.

**MINUTES OF MEETING**

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON TUESDAY, NOVEMBER 13, 2018 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT PURSUANT TO NOTICE DULY POSTED.

CALL TO ORDER 8:00 p.m.

PRESIDING: Council Chairman Jim Connor

COUNCIL MEMBERS IN ATTENDANCE: Mr. Chris Pia, Mr. Ron Tichy, Mr. Wali Kadeem, Mr. Dave Harden, Mr. Greg Cann, Mr. Ken Poisson, Mr. Bill Perillo, Mr. Bill O'Brien, Ms. Laura Dancho

COUNCIL MEMBERS ABSENT:

OTHERS IN ATTENDANCE: Town Attorney Chris Hodgson, Asst. Town Attorneys John Florek, Bryan LeClerc, Mayor Laura Hoydick, CAO Chris Tymniak, Chief of Staff Mike Downes, Health Director Andrea Boissevain, Community Services Administrator Tammy Trojanowski

INVOCATION AND PLEDGE OF ALLEGIANCE – Invocation led by Mr. Chris Pia, District 1, followed by the Pledge of Allegiance and a moment of silence for the California fire victims.

**1. APPROVAL OF MINUTES** — Regularly scheduled meeting of October 9, 2018

RESOLVED: That the reading of the foregoing minutes be dispensed with as copies thereof have been previously provided to each Council Member and the same be and are hereby approved.

MR. PIA MOVED TO APPROVE THE FOREGOING MINUTES; SECONDED BY MR. O'BRIEN. THE MOTION PASSED 9-1, MR. KADEEM ABSTAINED

**2. CEREMONIAL PRESENTATIONS AND AWARDS**

Rachel Solveira – Animal Control Officer

Municipal Animal Control Officer Rachel Solveira, introduced by Chief McNeil, was presented a Mayoral Citation for her professional excellence and dedicated service to the people and animals of Stratford.

Steve Johnson – Dispatch

Public Safety Telecommunications Supervisor Steve Johnson, introduced by Mike Loiz, was presented a Mayoral Citation for his professional excellence and dedicated service to the Town of Stratford.

**3. COMMUNICATIONS, BILLS, PETITIONS, REMONSTRANCES**

3.1 LETTERS OF RESIGNATION (for information only)

- Email dated October 31, 2018 from Jon Merriam; Longbrook Park Commission, term expired November 6, 2018

THE CHAIR NOTED FOR THE RECORD RECEIPT OF THE FOREGOING RESIGNATION.

### 3.2 COMMUNICATIONS

- Dr. Janet M. Robinson - Superintendent of Schools

Dr. Robinson distributed a handout and addressed the Council regarding the Board of Education's District Status 2018-2019 including Vision Mission & Values, Snapshot of Stratford Public Schools, Languages in Stratford Public Schools, Per Pupil Expenditure, Itemized Estimate of Expenditures Summary, Unfunded Mandates, and State Assessment Results; followed by questions and answers.

## 4. MAYOR'S REPORT, COMMITTEE REPORTS, TOWN ATTORNEY'S REPORT

### 4.1 MAYOR'S REPORT - Mayor Hoydick reported on the following:

- EPA Conference
- Festivals and events including the Great Pumpkin Festival
- Vick Soto 5K
- Mayor for the Day
- Lordship Improvement Association Dedication at Ackley Park
- BRBC honoring Mickey Herbert and welcoming Dan Donofrio
- Tour of SHS construction
- Bunnell High School Veterans Day Luncheon & Ceremony
- Veterans Day Ceremony by VFW at Academy Hill
- Public Works Projects updates
- Center School updates
- Big Belly solar compacting trash and recycle containers
- New Hires: Dawn Savo, Assistant Finance Director & Phil Ryan, Purchasing Agent
- SRO for Elementary Schools
- Upcoming Events – Thanksgiving Football Game, Shop Small Day, Tree Lighting Festival, Menorah Lighting

### 4.2 QUESTIONS FOR THE MAYOR

- Mr. Cann re: SRO, Video surveillance at parks
- Mr. Kadem re: Menorah Lighting & Football game time

### 4.3 COMMITTEE REPORTS

#### 4.3.1 **Ordinance Committee**

**The Ordinance Committee** held a Regular meeting on October 22, 2018 and referred the following item to the Town Council with a favorable recommendation:

### AN ORDINANCE REGARDING ILLICIT DISCHARGE AND CONNECTION STORMWATER

(#18-13) Appended as pages 9-13

Sponsored by: Stratford Town Council

MS. DANCHO MOVED THAT IT BE RESOLVED THAT THE SECOND READING OF THE ABOVE ENTITLED ORDINANCE BE DISPENSED WITH AS COPIES THEREOF HAVE BEEN RECEIVED BY ALL COUNCIL MEMBERS, AND THAT THE SAME BE ADOPTED AS A SECOND READING AND THE FOREGOING BE AND IS HEREBY APPROVED EFFECTIVE THIRTY DAYS FROM PASSAGE; SECONDED BY MR. PIA. Discussion followed. THE MOTION PASSED 10-0 VIA ROLL CALL VOTE.

#### **4.3.2 Parks and Recreation Committee**

**The Parks and Recreation Committee** held a regular meeting on November 1, 2018 and referred the following item to the Town Council with a favorable recommendation:

- Giacorp Contracting Change Order in the amount of \$30,115 for installation of additional netting for the Ball Safety Netting Project at Penders Field

MR. O'BRIEN MOVED THAT IT BE RESOLVED THAT THE GIACORP CONTRACTING CHANGE ORDER IN THE AMOUNT OF \$30,115 FOR INSTALLATION OF ADDITIONAL NETTING FOR THE BALL SAFETY NETTING PROJECT AT PENDERS FIELD BE AND IS HERBY APPROVED; SECONDED BY MR. POISSON. THE MOTION PASSED 10-0.

#### **4.4 TOWN ATTORNEY'S REPORT**

##### **4.4.1 Caserta v. Town of Stratford (Executive session requested)**

MR. PIA MOVED TO SUSPEND THE COUNCIL RULES OF PROCEDURE TO AMEND THE AGENDA TO ADD THE MATTER OF KALAFATIS V. TOWN OF STRATFORD TO ITEM 4.4.1 AS PART OF EXECUTIVE SESSION; SECONDED BY MR. HARDEN. THE MOTION PASSED 10-0. MR. PIA MOVED TO ENTER INTO EXECUTIVE SESSION ON THE MATTERS OF CASERTA V. TOWN OF STRATFORD AND KALAFATIS V. TOWN OF STRATFORD TO DISCUSS PENDING LITIGATION. EXECUTIVE SESSION TO INCLUDE ALL COUNCIL MEMBERS, MAYOR LAURA HOYDICK, TOWN ATTORNEY CHRIS HODGSON, ASSISTANT TOWN ATTORNEYS BRYAN LECLERC AND JOHN FLOREK, CAO CHRIS TYMNIAK, AND CHIEF OF STAFF MIKE DOWNES; SECONDED BY MR. TICHY. MOTION PASSED 10-0.

*Executive Session convened at 9:00 pm.*

MR. PIA MOVED TO COME OUT OF EXECUTIVE SESSION; SECONDED BY MS. DANCHO. THE MOTION PASSED 10-0.

*Executive Session concluded at 9:11 pm.*

MR. PIA MOVED TO ACCEPT THE RECOMMENDATIONS OF THE TOWN ATTORNEYS AND AUTHORIZE THE TOWN ATTORNEYS TO PROCEED AS DISCUSSED IN EXECUTIVE SESSION; SECONDED BY MR. O'BRIEN. THE MOTION PASSED 10-0.

#### **5. UNFINISHED BUSINESS and/or OLD BUSINESS**

##### **5.1 TABLED ITEMS**

##### **5.2 TABLED ORDINANCES AND RESOLUTIONS**

5.3 TABLED APPOINTMENTS**6. ORDINANCES AND RESOLUTIONS**6.1 ORDINANCES**6.1.1 AN ORDINANCE REGARDING ROADSIDE MEMORIAL MARKERS** (#18-14)

*Appended as page 14*

Sponsored by: Stratford Town Council

MR. POISSON MOVED THAT IT BE RESOLVED THAT THE FIRST READING OF THE ABOVE ORDINANCE BE AND IS HEREBY DISPENSED WITH AS COPIES THEREOF HAVE BEEN PREVIOUSLY FURNISHED TO EACH MEMBER OF THE TOWN COUNCIL, AND THAT THE SAME BE ADOPTED AS A FIRST READING AND REFERRED TO THE ORDINANCE COMMITTEE FOR A PUBLIC HEARING; SECONDED BY MR. HARDEN. MOTION PASSED 10-0.

6.2 RESOLUTIONS**6.2.1 RESOLUTION REGARDING CT STATE TARGETED RESPONSE TO THE OPIOID CRISIS GRANT**

Sponsored by: Stratford Town Council

**WHEREAS**, the *Town of Stratford* is eligible to receive a grant from the **RYASAP** for the *CT State Targeted Response to the Opioid Crisis* in an amount not to exceed \$5,000; and

**WHEREAS**, it is desirable and in the public interest that the *Town of Stratford* enter into a grant agreement with the **RYASAP**.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:**

1. That it is cognizant of the availability of a grant from the **RYASAP** for the *CT State Targeted Response to the Opioid Crisis* in an amount not to exceed \$5,000; and
2. That it hereby authorizes, directs and empowers the Mayor or her designee to submit a grant application with RYASAP, to execute any contract with the **RYASAP** in connection with the grant, to provide such additional information as may be required, to implement the program once the award is secured, and to execute such other contracts and documents as maybe necessary under this program.

MR. HARDEN MOVED TO APPROVE ITEM 6.2.1 – RESOLUTION REGARDING CT STATE TARGETED RESPONSE TO THE OPIOID CRISIS GRANT; SECONDED BY MR. TICHY. THE MOTION PASSED 10-0.

**6.2.2 RESOLUTION REGARDING LOCAL PREVENTION COUNCIL GRANT**

Sponsored by: Stratford Town Council

**WHEREAS**, the *Town of Stratford* is eligible to receive a grant from the *RYASAP* for the *Local Prevention Council* in an amount not to exceed \$7,141.55; and

**WHEREAS**, it is desirable and in the public interest that the *Town of Stratford* enter into a grant agreement with the *RYASAP*.

**NOW THEREFORE, BE IT RESOLVED BY THE Town Council:**

1. That it is cognizant of the availability of a grant from the *RYASAP* for the *Local Prevention Council Grant* in an amount not to exceed \$7,141.55; and
2. That it hereby authorizes, directs and empowers the Mayor or her designee to submit a grant application with *RYASAP*, to execute any contract with the *RYASAP* in connection with the grant, to provide such additional information as may be required, to implement the program once the award is secured, and to execute such other contracts and documents as maybe necessary under this program.

MR. CANN MOVED TO APPROVE ITEM 6.2.2 – RESOLUTION REGARDING LOCAL PREVENTION COUNCIL GRANT; SECONDED BY MR. TICHY. THE MOTION PASSED 10-0.

### **6.2.3 RESOLUTION REGARDING AIRNOW AIR QUALITY FLAG PROGRAM GRANT**

Sponsored by: Stratford Town Council

**WHEREAS**, the **U.S. EPA, Region 1** is authorized and has made funds available in the amount of \$25,000.00 to extend financial assistance to municipalities in the form of grants; and,

**WHEREAS**, funds under this grant will be used to implement a **Town of Stratford AirNow Air Quality Flag Program** with the expectations of engaging 60 organizations, including schools, and

**WHEREAS**, it is both desirable and in the public interest that the **Town of Stratford** execute a grant agreement with **U.S. EPA, Region 1** to accept funding in connection with this project.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:**

1. That it is cognizant of the **Town of Stratford's** grant application and contract with **U.S. EPA, Region 1** for funds in the amount of \$ 25,000.00 to implement a community level **AirNow Air Quality Flag Program**.

2. That it hereby authorizes, directs and empowers the Mayor, Laura R. Hoydick, or her designee to execute and deliver such application and agreement (including amendments to, or rescission of such agreement), and any and all related documents necessary to apply for and obtain funding from the **U.S. EPA, Region 1** in the name of and on behalf of the **Town of Stratford**, for the continuous development of regional emergency preparedness plans, and to provide such additional information to execute all other contracts and documents as maybe necessary under this program.

MS. DANCHO MOVED TO APPROVE ITEM 6.2.3 – RESOLUTION REGARDING AIRNOW AIR QUALITY FLAG PROGRAM GRANT; SECONDED BY MR. TICHY. THE MOTION PASSED 10-0.

**6.2.4 RESOLUTION REGARDING CLEAN VESSEL ACT GRANT FOR PUMP-OUT BOAT**

Sponsored by: Stratford Town Council

**WHEREAS**, the Connecticut Department of Energy and Environmental Protection is authorized to extend financial assistance to municipalities in the form of grants through the Clean Vessel Act Grant Program; and

**WHEREAS**, the Town of Stratford operates a pump-out boat program to maintain good water quality in the Lower Housatonic River and vicinity, including Milford Harbor; and

**WHEREAS**, funding through the Clean Vessel Act Grant Program will be used to reimburse the Town of Stratford for 75% of the operation and maintenance costs associated with its pump-out boat program; and

**WHEREAS**, it is desirable and in the public interest that the Town of Stratford, enter into contracts with the Connecticut Department of Energy and Environmental Protection in an amount not to exceed \$32,321.25 for the purpose of operating the Town's pump-out boat program.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:**

1. That it is cognizant of the Town's grant application and contract with the Connecticut Department of Energy and Environmental Protection for funds through the 2019 Clean Vessel Act Grant Program to operate a pump-out boat program in the Lower Housatonic River and vicinity; and
2. That it hereby authorizes, directs, and empowers the Mayor, Laura R. Hoydick, or her designee, to execute such application and agreement (including amendments to, or rescission of such agreement), and any and all related documents necessary to apply for and obtain funding from the Connecticut Department of Energy and Environmental Protection in the name of and on behalf of the Town of Stratford for such funds, and to provide such additional information to execute all other contracts and documents as maybe necessary under this program.

MS. DANCHO MOVED TO APPROVE ITEM 6.2.4 – RESOLUTION REGARDING CLEAN VESSEL ACT GRANT FOR PUMP OUT BOAT; SECONDED BY MR. PERILLO. THE MOTION PASSED 10-0.

**7. NEW BUSINESS****7.1 APPOINTMENTS****7.1.1 Arts Commission – 3 year term**

MR. PIA MOVED THAT IT BE RESOLVED THAT

- A. JEFF SOKOLOWSKI BE AND IS HEREBY APPOINTED A MEMBER OF THE ARTS COMMISSION TO THE SEAT OF LENNY KOVALIK EXPIRED APRIL 9, 2018 AND
- B. THERESA MANUS BE AND IS HEREBY APPOINTED A MEMBER OF THE ARTS COMMISSION TO THE SEAT OF DEBRA GILBERT TAYLOR (RESIGNED) EXPIRING APRIL 9, 2019 AND

- C. BRUCE HIRSCH BE AND IS HEREBY REAPPOINTED A MEMBER OF THE ARTS COMMISSION TO THE SEAT OF BRUCE HIRSCH EXPIRED NOVEMBER 6, 2018;

SECONDED BY MS. DANCHO. THE MOTION PASSED 10-0.

**7.1.2 Library Association Board – 3 year term**

RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed a member of the Library Association Board to the seat of Margaret M. Sheahan (resigned) expiring January, 2019

**7.1.3 Inland Wetlands and Watercourses – 4 year term. (Council Chair appoints)**

- A. RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed a member of the Inland Wetlands and Watercourses Commission to the seat of Albert Schlager expired September 9, 2017
- B. RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed a member of the Inland Wetlands and Watercourses Commission to the seat of James Tucciarone (deceased) expiring January 13, 2019

**7.1.4 Planning Commission – Alternate Member – 3 year term**

RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed an alternate member of the Planning Commission to the vacant seat expiring January, 2019

**7.1.5 Waterfront and Harbor Management Commission – 5 year term**

MR. PIA MOVED THAT IT BE RESOLVED THAT FRANK LECARDO BE AND IS HEREBY APPOINTED A MEMBER OF THE WATERFRONT AND HARBOR MANAGEMENT COMMISSION TO THE SEAT OF JAMES TUCCIARONE (DECEASED) EXPIRING MAY 31, 2021; SECONDED BY MS. DANCHO. THE MOTION PASSED 10-0.

**7.1.6 Waterfront and Harbor Management Commission – Alternate Member – 2 year term**

RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed an alternate member of the Waterfront and Harbor Management Commission to the seat of Reese Mitchell expiring May 31, 2021

**7.1.7 Longbrook Park Commission – 3 year term**

- A. RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed a member of the Longbrook Park Commission to the seat of Jon Merriam (resigned) expired November 6, 2018

B. MR. TICHY MOVED THAT IT BE RESOLVED THAT ROGER SALLS BE AND IS HEREBY REAPPOINTED A MEMBER OF THE LONGBROOK PARK COMMISSION TO THE SEAT OF ROGER SALLS EXPIRED NOVEMBER 6, 2018; SECONDED BY MR. PERILLO. THE MOTION PASSED 10-0.

**7.1.8 Parks and Recreation Committee – 2 year term**

MR. O'BRIEN MOVED THAT IT BE RESOLVED THAT ALTERNATE MEMBER DREW BODINGTON BE AND IS HEREBY APPOINTED A MEMBER OF THE PARKS AND RECREATION COMMITTEE TO THE SEAT OF WALTER STELMACK (RESIGNED) EXPIRING DECEMBER, 2019, SECONDED BY MR. TICHY. THE MOTION PASSED 10-0.

**8. ADJOURNMENT**

MR. POISSON MOVED TO ADJOURN; SECONDED BY MR. HARDEN. THE MOTION PASSED 10-0. THE MEETING ADJOURNED AT 9:19 PM.

ATTEST: Margo Paquette  
Margo Paquette, Council Clerk



## **AN ORDINANCE REGARDING ILLICIT DISCHARGE AND CONNECTION STORMWATER (#18-13)**

Sponsored by: Stratford Town Council

### **SECTION 1. PURPOSE/INTENT.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Stratford through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To prohibit and eliminate illicit connections and discharges to the municipal separate storm sewer system
- (2) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

### **SECTION 2. DEFINITIONS.**

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater. Waters consisting of rainfall runoff, including snow or ice melt, during a rain event.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

### **SECTION 3. APPLICABILITY.**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the terms of this ordinance.

### **SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.**

The authorized enforcement agency, the Conservation office of the Public Works Department, shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

### **SECTION 5. SEVERABILITY.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

### **SECTION 6. COMPATIBILITY WITH OTHER REGULATIONS**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

### **SECTION 7. ULTIMATE RESPONSIBILITY.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

### **SECTION 8. DISCHARGE PROHIBITIONS.**

#### Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this ordinance: uncontaminated ground water discharges including, but not limited to, pumped ground water, foundation drains, water from crawl space pumps and footing drains; irrigation water including, but not limited to, landscape irrigation and lawn watering runoff; residual street wash water associated with sweeping; discharges or flows from firefighting activities (except training); the noncommercial washing of private vehicles; and naturally occurring discharges such as rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), springs, diverted stream flows and flows from riparian habitats and wetlands.

(b) Any non-stormwater discharge to the MS4 authorized by a permit issued pursuant to Section 22a-430 or 22a-430b of the Connecticut General Statutes is also authorized under this ordinance.

Prohibition of Illicit Connections.

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

**SECTION 9. SUSPENSION OF MS4 ACCESS.**

(a) Suspension due to Illicit Discharges in Emergency Situations

The authorized enforcement agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States.

(b) Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing in accordance with this ordinance. In the event the violator is aggrieved by the decision of the authorized enforcement agency, the violator may exercise such remedies as they may have in equity or at law.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

**SECTION 10. ACCESS TO FACILITIES**

(a) This section shall not apply to private residences

(b) (1) The authorized enforcement agency shall be permitted to enter and inspect facilities subject to regulation under this ordinance, with consent or upon judicial order as applicable, as often as may be necessary to determine compliance with this ordinance. Facility operators shall allow the [authorized enforcement agency] ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(1) The authorized enforcement agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(2) Unreasonable delays in allowing the authorized enforcement agency access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(3) If the authorized enforcement agency has been refused access to any part of the premises from which

stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, then the authorized enforcement agency may seek issuance of a search warrant or injunctive relief from any court of competent jurisdiction.

#### **SECTION 11. WATERCOURSE PROTECTION.**

Every person owning property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

#### **SECTION 12. ENFORCEMENT.**

##### **A. Notice of Violation.**

Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine or penalty to recoup costs incurred by the authorized enforcement agency, and/or any additional fines or penalties authorized under the Connecticut General Statutes.
- (f) Suspension of any discharge to the MS4 system consistent with Section 9 of this ordinance; and

##### **B. Abatement of Violation.**

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Where elimination is not possible within 60 days of source confirmation, a schedule for its elimination will be set for no more than 180 days.

Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

##### **B. Contents of Notice of Violation.**

Each Notice of Violation shall contain:

- (1) The name or entity of the person responsible for the violation;
- (2) The address of the person responsible for the violation and a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation and what section of this ordinance was violated;
- (4) The date of the violation or if the violation is continuous, then the range of dates;
- (5) A narrative statement of the facts constituting the alleged violation;
- (6) That the person responsible for the violation has a right to appeal within the time specified and in the manner provided in Section 13 of this ordinance.

#### **SECTION 13. APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency to the Chief Administrative Officer of the Town. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal before the Chief Administrative Officer of the Town or his/her designee shall take place within 10 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

**SECTION 14. ENFORCEMENT MEASURES AFTER APPEAL.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or if any time limitation set forth in the Notice of Violation has not been met, then the [authorized enforcement agency] may seek injunctive relief from the Superior Court set forth in Section 16 of this ordinance to enforce the orders specified in the Notice of Violation, including the assessment of penalties, fines, and administrative costs.

**SECTION 15. COST OF ABATEMENT OF THE VIOLATION.**

Within 30 days after abatement of the violation, the owner of the property, or lessee or other violator, will be notified of the cost of abatement, including administrative and legal costs. The owner of the property, or lessee or other violator, shall be responsible for any costs incurred by the Town in abating the violation, including all court costs and reasonable legal fees. The property owner, lessee or other violator may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the Town by reason of such violation.

**SECTION 16. INJUNCTIVE RELIEF.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**SECTION 17. FINES AND PENALTIES.**

The owner or agent of any premises where a violation of any provision of this ordinance has been committed or exists, or the lessee or tenant of an premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the premises in which such violation has been committed or exists, or any other person who commits, takes part or assists in any such violation or who maintains any premises in which any such violation exists shall be fined \$100.00 for each day that such violation continues; but, if the offense is willful, the person who commits such violation shall be fined \$250.00 for each day that such violation continues. Such fines or penalties may be enforced or collected in any manner applicable under federal, state or local law.

**SECTION 18. VIOLATIONS DEEMED A PUBLIC NUISANCE.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**SECTION 19. REMEDIES NOT EXCLUSIVE.**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**SECTION 20. ADOPTION OF ORDINANCE.**

This ordinance shall be in full force and effect 30 days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**AN ORDINANCE REGARDING ROADSIDE MEMORIAL MARKERS (#18-14)**

Sponsored by: Stratford Town Council

**I. PURPOSE**

The Town of Stratford intends to respect the wishes of those who have lost friends or relatives in tragic events. However, the Town Council has a responsibility to regulate the use of public sidewalks, roadways and rights of way in such a manner so as to provide safety for the public. Roadside memorials can be a physical impediment as well as a source of distraction to motorists and thus pose a danger to road and sidewalk users. Members of the public who erect roadside memorials may be putting themselves and others in danger in the process of doing so. However, roadside memorials can also be a necessary part of the grieving process and serve as a source of inspiration and a symbol of honor. The purpose of this ordinance is to balance those interests to benefit the public at large.

**2. REGULATION OF ROADSIDE MEMORIALS**

The placement of a roadside memorial shall be allowed along a public sidewalk, roadway or right of way owned and maintained by the Town of Stratford for a period not to exceed ninety (90) days under the following conditions:

- A. The roadside memorial shall not cause unsafe conditions for passing motorists, pedestrians or for people maintaining or visiting the roadside memorial, as determined by the Police Department.
- B. The roadside memorial and those visiting and/or maintaining the roadside memorial shall comply with all other applicable state laws and local ordinances.
- C. The roadside memorial shall not contain unattended candles, glass or other sharp or dangerous objects.
- D. The roadside memorial shall have no dimension exceeding three (3) feet in length, width, height or depth.
- E. The roadside memorial shall leave at least three (3) feet of clear width for pedestrians on any public sidewalk.
- F. The roadside memorial shall not encroach upon any public roadway.
- G. The roadside memorial shall be removed ninety (90) days after it has been on display.

**3. ENFORCEMENT**

The Town may remove the roadside memorial prior to the 90 day period for failure to comply with this ordinance or any other applicable law, or if deemed necessary for construction, maintenance or other municipal purpose. Prior to such removal the Town shall make reasonable efforts to contact those responsible for maintaining the roadside memorial and to notify those parties of the failure to comply. If the roadside memorial is not removed within 90 days after its erection, the Town shall remove any remaining items from the roadside memorial site and shall keep the items for thirty (30) days to allow the person(s) placing the roadside memorial to retrieve the items. Nothing in this provision shall prevent the Town from removing a roadside memorial immediately in response to a threat to public safety. Any items not retrieved within thirty (30) days may be disposed by the Town.