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The meeting of the City Council was held on May 14, 2019 in the City Hall Council Chambers, 111 North Main Street at 7:07 p.m. Present: Mayor Zoppo-Sassu; Council Members Fortier, Hahn, Kelley, Mills, Preleski and Rosado.

1. MOMENT OF REFLECTION FOR NATIONAL LAW ENFORCEMENT APPRECIATION WEEK.

Mayor Zoppo-Sassu requested a Moment of Silence for National Law Enforcement Appreciation Week and in honor of three Bristol police officers who lost their lives in the line of duty, James McNamee, James Burns and Ernest Schilke.

2. PROCLAMATION IN RECOGNITION OF 100th ANNIVERSARY FOR AMERICAN LEGION POST 2.

Mayor Zoppo-Sassu read a Proclamation in recognition of the 100th Anniversary for the American Legion Post 2.

3. PRESENTATION OF 2019 YOUTH RECOGNITION AWARDS.

Matthew Gotowala, Youth Commission Chairperson, recognized four youths for their exceptional volunteer service in the Bristol community.

Mayor Zoppo-Sassu presented proclamations honoring Juan Calderon, Ashlynn Jefferson, Naduischa Valdes, and Julia Nelson.

4. APPROVAL OF MINUTES OF REGULAR CITY COUNCIL MEETING ON APRIL 9, 2019.

On motion of Council Member Fortier and seconded, it was unanimously voted: To approve the minutes of the regular City Council meeting on April 9, 2019.

5. PUBLIC PARTICIPATION.

Cindy Bombard, President of the Central Connecticut Chamber of Commerce stated the Bristol Technical Advisory Council was created in June, 2014 as a result of a shortage in the technical workforce and trades. She explained the program and noted it guides local students in the opportunities for technical, manufacturing or trade careers.

Thomas Griffin, 181 Oakridge Road commented on the Rails to Trails project, a bike trail which runs between New Haven and Northampton, Massachusetts. He suggested connecting the Pequabuck River to the trail in order to showcase the City of Bristol.

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6. ADOPTION OF CONSENT CALENDAR.

Mayor Zoppo-Sassu removed the item regarding the Senior Property Tax Relief Report from the Consent Calendar.

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

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

Communication presented from the Human Resources Department.

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

8. MOTOR VEHICLE, PERSONAL PROPERTY AND REAL ESTATE TAX REFUNDS IN AMOUNT OF \$66,326.26, APPROVED.

Request presented from the Tax Collector.

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

Motor Vehicle	\$ 23,331.38
Personal Property	1,272.75
Real Estate	<u>41,722.13</u>
Total	\$ 66,326.26

9. RECOMMENDATION FROM BOARD OF EDUCATION REGARDING SIDEWALK DEFERRAL AT 359 BROAD STREET OWNED BY SKYTOP MOTORS, LLC, PLACED ON FILE.

Recommendation presented from the Board of Education regarding the sidewalk deferral at 359 Broad Street.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To place on file the recommendation from the Board of Education to approve a sidewalk deferral at 359 Broad Street owned by Skytop Motors, LLC.

10. ADDRESS CORRECTED ON RECOMMENDATION FROM BOARD OF PUBLIC WORKS FROM APRIL 9, 2019 CITY COUNCIL MEETING AND APPROVAL TO DEFER SIDEWALKS ON PROPERTY OWNED BY SKYTOP MOTORS AT 359 BROAD STREET.

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

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As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To correct the address as Lot 39-65 Broad Street aka 359 Broad Street in the Board of Public Works referral letter placed on file at the April 9, 2019 City Council meeting. It was also voted to approve the deferral of sidewalks for Skytop Motors, subject to the construction of a sidewalk adjacent to the concrete driveway apron and the recording of a sidewalk caveat on the land records, as required by the Board of Public Works.

11. MAYOR AUTHORIZED TO SIGN ANY LOCAL, STATE AND FEDERAL LAND USE, CONSTRUCTION AND ENVIRONMENTAL PERMITS REQUIRED FOR PLANNING AND CONSTRUCTION OF MEMORIAL BOULEVARD SCHOOL PROJECT.

Communication from the Public Works Director regarding the various land use and construction permits required to proceed with the planning and construction of the Memorial Boulevard School Project.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To authorize the Mayor to sign any and all local, state and federal land use, construction and environmental permits required for the planning and construction of the Memorial Boulevard School project.

12. MAYOR AUTHORIZED TO SIGN LICENSE AGREEMENT WITH FEDERAL REALTY INVESTMENT TRUST, OWNERS OF BRISTOL PLAZA ALLOWING CITY TO INSTALL A BUS SHELTER ADJACENT TO HEFBERN ROAD.

Communication from the Public Works Director regarding the installation of a bus shelter adjacent to Hefbern Road.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To authorize the Mayor to sign a License agreement with Federal Realty Investment Trust, a Maryland real estate investment trust (owners of Bristol Plaza) allowing the City to install a bus shelter adjacent to Hefbern Road. It was also voted to refer this matter to Corporation Counsel to prepare and/or review any necessary documents.

13. EXTENSION OF CONTRACT 2P16-080 DIAL-A-RIDE PROGRAM WITH HUMAN RESOURCES AGENCY OF NEW BRITAIN, INC. AT A PER TRIP COST OF \$15.47 FOR PERIOD THROUGH JUNE 30, 2022, APPROVED.

Communication presented from the Purchasing Agent regarding the extension of the Dial-A-Ride Program for the transportation of senior citizens and disabled persons.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To extend Contract 2P16-080 Dial-A-Ride

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Program with Human Resources Agency of New Britain, Inc. at a per trip cost of \$15.47 for the period through June 30, 2022 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said Contract.

14. RECOMMENDATION FROM HEARING AND ASSESSMENT COMMITTEE PLACED ON FILE AND APPROVAL TO DISCONTINUE WESTERN PORTION OF ARCADIA ROAD.

Recommendation presented from the Hearing and Assessment Committee regarding the discontinuance of a portion of Arcadia Road.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To place on file the recommendation from the Hearing and Assessment Committee and to approve the discontinuance of the western portion of Arcadia Road 360 feet, subject to retaining easements for all public utilities and construction of a hammerhead turn around complete with roadside barrier, fencing and grading of a level area within 5 feet of roadway pavement.

15. APPROVAL FOR FORESTVILLE MEMORIAL DAY PARADE COMMITTEE TO USE CITY OWNED PROPERTY LOT 41-8-1 AS A STAGING AREA FOR FORESTVILLE MEMORIAL DAY PARADE.

Recommendation from the Board of Public Works regarding a request from the Forestville Memorial Day Parade Committee to use City owned property.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To approve the Forestville Memorial Day Parade Committee to use the City owned property known as Lot 41-8-1 as a staging area for the Forestville Memorial Day Parade, subject to City receipt of an insurance certificate indicating required insurance.

16. REQUEST TO CITY DEPARTMENTS/DIVISIONS AND BOARD OF EDUCATION TO IDENTIFY AND PROVIDE A POINT OF CONTACT FOR SUSTAINABLECT ACTIONS, APPROVED.

Communication from the Public Works Facilities Manager regarding a request from the City Energy Commission.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To approve the request to City departments/divisions and the Board of Education to identify and provide a point of contact for SustainableCT actions and information gathering and forward that information to Dave Oakes in the Public Works Department.

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17. RENTAL RATES FOR DOUGLAS A. BEALS SENIOR CENTER EFFECTIVE JULY 1, 2019, APPROVED.

Communication from the Public Works Director regarding the new rental rates for the Douglas A. Beals Senior Center effective July 1, 2019.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To approve new rental rates for the Douglas A. Beals Senior Center effective July 1, 2019 as presented by the Director of Aging at the March 19, 2019 Building Committee meeting.

18. RECOMMENDATION FROM MEMORIAL BOULEVARD INTRADISTRICT ARTS MAGNET SCHOOL BUILDING COMMITTEE TO DISCONTINUE A PORTION OF WILLIS STREET, PLACED ON FILE.

Recommendation presented from the Memorial Boulevard Intradistrict Arts Magnet School Building Committee regarding the discontinuance of a portion of Willis Street.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To place on file the recommendation from the Memorial Boulevard Intradistrict Arts Magnet School Building Committee to discontinue a portion of Willis Street from the southern right of way of Memorial Boulevard to the northern right of way of South Street (approximately 600 linear feet).

19. RECOMMENDATION FROM WATER POLLUTION CONTROL TO DISCONTINUE STORM EASEMENT AT 179 MAXINE ROAD, PLACED ON FILE.

Recommendation presented from Water Pollution Control regarding a storm easement at 179 Maxine Road.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To place on file the recommendation from Water Pollution Control to discontinue the storm easement at 179 Maxine Road.

20. RELEASE OF STORM SEWER EASEMENT FOR 179 MAXINE ROAD IN FAVOR OF CITY OF BRISTOL, APPROVED.

Communication presented from the Asst. Corporation Counsel Conlin regarding a storm easement at 179 Maxine Road.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To release the storm sewer easement for 179 Maxine Road in favor of the City of Bristol which is recorded in the Bristol Land Records in Volume 349 at Page 347, to authorize the Mayor or Acting Mayor to execute the release and

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any other documents necessary, and to refer this matter to the Corporation Counsel to prepare and review all required documents.

21. APPROVAL OF GRANT APPLICATION FOR 2019 U.S. CONSUMER PRODUCT SAFETY COMMISSION'S "POOL SAFELY" FOR DEPARTMENT OF PARKS AND RECREATION AQUATICS DIVISION.

Communication presented from the Grants Administrator regarding an application for the 2019 U.S. Consumer Product Safety Commission's "Pool Safely" Grant.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to sign an application and any and all other documents relating to the 2019 U.S. Consumer Product Safety Commission's "Pool Safely" Grant for up to \$80,000 to be submitted by the Department of Parks and Recreation Aquatics Division and to refer this matter to the Board of Finance for any necessary action.

22. EXTENSION OF CONTRACT 2A14-071 ANNUAL REQUIREMENTS FOR LANDFILL MONITORING SERVICES WITH WSP USA INC. FOR PERIOD THROUGH JUNE 30, 2020 FOR \$25,055, APPROVED.

Communication presented from the Purchasing Agent regarding the Contract extension for the closed landfill monitoring.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To extend Contract 2A14-071 Annual Requirements for Landfill Monitoring Services with WSP USA Inc. for the period through June 30, 2020 in the amount of \$25,055 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said Contract.

23. CONTRACT 2019-107 PERMANENT PATCHING OF UTILITY TRENCHES IN CITY STREETS TO MARTIN LAVIERO CONTRACTOR, INC. FOR \$45,760, APPROVED.

Communication received from the Purchasing Agent regarding the permanent patching of utility trenches in City streets.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To award Contract 2019-107 Permanent Patching of Utility Trenches in City Streets to Martin Laviero Contractor, Inc. in the amount of \$45,760 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said Contract.

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24. CONTRACT 2P19-109 ONLINE FORMS AND DATA MANAGEMENT SOFTWARE TO BIZODO INC. DBA SEAMLESSDOCS, APPROVED.

Communication received from the Purchasing Agent regarding a contract for online forms and data management software.

As part of the Consent Calendar adoption and on motion of Council Member Fortier and seconded, it was unanimously voted: To award Contract 2P19-109 Online Forms and Data Management Software to Bizodo Inc. dba SeamlessDocs and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said Contract.

25. SENIOR PROPERTY TAX RELIEF COMMITTEE REPORT ACCEPTED AND PLACED ON FILE.

Recommendation presented from the Senior Property Tax Relief Committee.

Mayor Zoppo-Sassu explained that the motion for the Senior Property Tax Relief report should be to accept and place it on file instead of adopting it. She stated more time was needed to review the report in order to include it in next year's budget.

On motion of Council Member Preleski and seconded, it was unanimously voted: To accept and place on file the Senior Property Tax Relief Committee Report.

26. AMENDMENT TO BRISTOL CODE OF ORDINANCES SEC. 13-106 THROUGH SEC. 13-121, REGARDING MASSAGE ESTABLISHMENTS, 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. 13-106 through Sec. 13-121, regarding Massage Establishments. 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.)

ARTICLE VII. MASSAGE ESTABLISHMENTS

Sec. 13-106. Purpose.

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.

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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.

HIRE OR REWARD – The receipt of compensation or fees of any type paid by any person or group of persons in exchange for the receipt of a massage in a massage establishment, whether directly or by virtue of membership or access.

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.

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

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, medical 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 hire or reward 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;

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- (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;
- (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;

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(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:
- (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.

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- 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.

- 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.

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- 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 unsanitized 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 'SOILED'.

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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

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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.

- 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 consent of the minor's parent or guardian.
- 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

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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.

- 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.

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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.

27. APPROVAL TO REFER MENTAL HEALTH COMMUNITY CONVERSATION TO DIVERSITY COUNCIL.

Mayor Zoppo-Sassu noted there needs to be a community conversation about mental health. She suggested referring this matter to the Diversity Council.

On motion of Council Member Fortier and seconded, it was unanimously voted: To refer to the Diversity Council that a community conversation about mental health be added to their agenda.

28. RESOLUTION AUTHORIZING MAYOR OR ACTING MAYOR TO EXECUTE 2019 BULLETPROOF VEST PARTNERSHIP GRANT TO U.S. DEPARTMENT OF JUSTICE, ADOPTED.

On motion of Council Member Rosado and seconded, it was unanimously voted: To bring on the table an item from the Police Commission.

Communication presented from Police Chief Gould regarding the 2019 Bulletproof Vest Partnership grant for \$33,000 and a City match of \$16,500.

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

BE IT HEREBY RESOLVED that the filing of an application for the 2019 Bulletproof Vest Partnership Grant to the U.S. Department of Justice is hereby approved and that the Mayor, Ellen Zoppo-Sassu, or Acting Mayor, and the Chief of Police or Acting Chief of Police are hereby authorized to execute such application and any and all other documents relating to this funding/grant, including but not limited to any final funding/grant documents, and that the previous execution and filing of said application by the Chief of Police are hereby ratified.

BE IT FURTHER RESOLVED that this matter be referred 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.

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29. RESCISSION OF OFFER FROM NICHOLAS D'EMANUELE TO PURCHASE 64 LAWNDALE AVENUE AND ACCEPTANCE OF OFFER BY ELCONN PROPERTIES TO PURCHASE 64 LAWNDALE AVENUE, APPROVED.

As recommended by the Real Estate Committee and on motion of Council Member Preleski, Chrm. and seconded, it was unanimously voted: To rescind the offer made by Nicholas D'Emanuele in the amount of \$65,238 for the purchase of 64 Lawndale Avenue and to return his deposit. It was also voted to accept the offer made by Elconn Properties in the amount of \$41,000 for the purchase of 64 Lawndale Avenue. It was further voted to refer this matter to the Corporation Counsel to prepare and/or review any necessary documents and to authorize the Mayor or Acting Mayor to execute any necessary documents to effectuate the same.

30. NOTICE OF TERMINATION OF FAMILY CENTER, INC. LEASE AT 296 RIVERSIDE AVENUE, APPROVED.

As recommended by the Real Estate Committee and on motion of Council Member Preleski, Chrm. and seconded, it was voted: To authorize the Corporation Counsel's Office to send a Notice of Termination to the Family Center, Inc. for their lease at 296 Riverside Avenue with a 180 day provision to vacate. It was also voted to authorize the Mayor or Acting Mayor to execute any necessary documents to effectuate the same.

(Council Members Mills and Rosado "Abstained" from voting on this matter.)

31. MAYOR AUTHORIZED TO SIGN LICENSE AGREEMENT WITH FEDERAL REALTY INVESTMENT TRUST (OWNERS OF BRISTOL PLAZA) ALLOWING CITY TO INSTALL A BUS SHELTER ADJACENT TO HEFBERN ROAD.

Recommendation presented by the Real Estate Committee regarding a bus shelter adjacent to Hefbern Road.

On motion of Council Member Hahn and seconded, it was unanimously voted: To authorize the Mayor to sign a License agreement with Federal Realty Investment Trust, a Maryland real estate investment trust (owners of Bristol Plaza) allowing the City to install a bus shelter adjacent to Hefbern Road. It was also voted to refer this matter to Corporation Counsel to prepare and/or review any necessary documents and to authorize the Mayor or Acting Mayor to execute any necessary documents to effectuate the same.

(This motion was voted on and approved previously in the Consent Calendar of this meeting.)

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32. RECOMMENDATION OF REAL ESTATE COMMITTEE TO DISCONTINUE PORTION OF WILLIS STREET FROM MEMORIAL BOULEVARD TO SOUTH STREET, PLACED ON FILE.

As recommended by the Real Estate Committee and on motion of Council Member Hahn and seconded, it was unanimously voted: To endorse the discontinuance of a portion of Willis Street from Memorial Boulevard to South Street, subject to retaining easements for all public utilities and to authorize the Mayor or Acting Mayor to execute any necessary documents to effectuate the same.

Assistant Corporation Counsel Steeg explained that the motion should be modified to recommend instead of endorse the discontinuance. The City Council was still waiting for the recommendation from the Hearing and Assessment Committee before they could approve it.

On motion of Council Member Fortier and seconded, it was unanimously voted: To reconsider the motion regarding the discontinuance of a portion of Willis Street.

On motion, as amended, of Council Member Fortier and seconded, it was unanimously voted: To place on file the recommendation to discontinue a portion of Willis Street from Memorial Boulevard to South Street, subject to retaining easements for all public utilities and to authorize the Mayor or Acting Mayor to execute any necessary documents to effectuate the same.

33. REVISION OF ENDORSEMENT BY CITY COUNCIL AT APRIL 9, 2019 CITY COUNCIL MEETING TO U.S. BOARD OF GEOGRAPHIC NAMES REQUESTING RENAMING OF NEGRO HILL BROOK TO FREEMAN HILL BROOK.

Mayor Zoppo-Sassu explained that the renaming of the brook to Pigeon Hill Brook was approved at the April City Council meeting. After publication of that action by the City Council and the Town of Burlington some previous research was brought forth regarding Amos Freeman who conducted business in Bristol and Burlington. It was suggested that the City endorse the renaming of the brook as Freeman Hill Brook.

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

34. APPOINTMENTS.

The following appointments were presented:

CITY ARTS & CULTURE COMMISSION

Andrea Adams – Reappointment – term to May, 2022.

Confirming motion by Council Member Fortier.

Motion passed in voice vote.

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CITY ENERGY COMMISSION

Dennis Sirianni – Reappointment – unexpired term to January, 2022.

Confirming motion by Council Member Hahn.

Motion passed in voice vote.

INLAND WETLANDS COMMISSION

David Rooks – Reappointment – term to May, 2022.

Mayor’s Appointment – No confirming motion required.

Sebastian Panioto – Reappointment – term to May, 2022.

Mayor’s Appointment – No confirming motion required.

ACTING MAYOR

David Preleski – Reappointment – term to July, 2019.

Mayor’s Appointment – No confirming motion required.

VETERANS COUNCIL

Scott Rosado as Council Liaison – Appointment – no term.

Mayor’s Appointment – No confirming motion required.

SUPERINTENDENT WATER DEPARTMENT

Robert Longo – Reappointment – term to May, 2023.

Confirming motion by Council Member Fortier.

Motion passed in voice vote.

35. AWARD OF CONTRACT 2C19-002 LEXINGTON ST STORM DRAINAGE PHASE II TO R.R. HILTBRAND CONSTRUCTION LLC FOR \$378,239, APPROVED.

Communication presented from the Purchasing Agent regarding the Lexington Street Storm Drainage Phase II.

On motion of Council Member Fortier and seconded, it was unanimously voted: To award Contract 2C19-002 Lexington St Storm Drainage Phase II to R.R. Hiltbrand Construction LLC in the amount of \$378,239 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said Contract.

36. AWARD OF CONTRACT 2C19-104A ROADWAY RECONSTRUCTION/ DRAINAGE AND MISCELLANEOUS WORK TO TABACCO & SON BUILDERS, INC. FOR \$949,500, APPROVED.

Communication presented from the Purchasing Agent regarding improvements to the storm drainage infrastructure.

On motion of Council Member Fortier and seconded, it was voted: To award Contract 2C19-104A Roadway Reconstruction/Drainage and Miscellaneous Work to

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Tabacco & Son Builders, Inc. in the amount of \$949,500 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said Contract.

(Council Member Preleski "Abstained" from voting on this matter since he has represented this company.)

37. AWARD OF CONTRACT 2C19-104B ROADWAY RECONSTRUCTION/ DRAINAGE AND MISCELLANEOUS WORK TO MARTIN LAVIERO CONTRACTOR, INC. FOR \$1,004,990, APPROVED.

Communication presented from the Purchasing Agent regarding improvements to the storm drainage infrastructure.

On motion of Council Member Hahn and seconded, it was unanimously voted: To award Contract 2C19-104B Roadway Reconstruction/Drainage and Miscellaneous Work to Martin Laviero Contractor, Inc. in the amount of \$1,004,990 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said Contract.

38. AWARD OF CONTRACT 2C19-105 DRAINAGE IMPROVEMENTS AT SUMMER STREET TO MARTIN LAVIERO CONTRACTOR, INC. FOR \$124,844, APPROVED.

Communication presented from the Purchasing Agent regarding drainage improvements at Summer Street.

On motion of Council Member Fortier and seconded, it was unanimously voted: To award Contract 2C19-105 Drainage Improvements at Summer Street to Martin Laviero Contractor, Inc. in the amount of \$124,844 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said Contract.

39. AWARD OF CONTRACT 2019-108 SIDEWALK REPAIR PROGRAM TO MARTIN LAVIERO CONTRACTOR, INC. FOR \$126,525, APPROVED.

Communication presented from the Purchasing Agent regarding the curbing and sidewalk repair program.

On motion of Council Member Fortier and seconded, it was unanimously voted: To award Contract 2019-108 Sidewalk Repair Program to Martin Laviero Contractor, Inc. in the amount of \$126,525 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effect said Contract.

40. EXECUTIVE SESSION TO DISCUSS MATTER OF CITY OF BRISTOL VS. TSKP STUDIO, LLC, ET AL, DOCKET NO. X07-HHD-CV17-6084696-S, REMOVED FROM AGENDA.

Mayor Zoppo-Sassu stated the Executive Session to discuss the matter of the City of Bristol vs. TSKP Studio, LLC, et al, Docket No. X07-HHD-CV17-6084696-S was removed from the agenda.

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41. ADJOURNMENT.

At 8:28 p.m., on motion of Council Member Preleski and seconded, it was unanimously voted: To adjourn.

ATTEST: _____

Therese Pac
Town & City Clerk

UNOFFICIAL