

**MINUTES- DRAFT**  
**PLAINVILLE TOWN COUNCIL**  
**COUNCIL CHAMBERS – MUNICIPAL CENTER**  
**REGULAR MEETING**  
**September 12, 2022 – 7:00p.m.**

**I. PRESENTATIONS:**

**II. PUBLIC HEARING**

1. Use of Coronavirus State and Local Fiscal Recovery Funds associated with the American Rescue Plan Act for Robertson Airport Improvements in the amount of \$250,000.
2. Proposed amendments to ordinance – CHAPTER 318, Article II. OUTDOOR DINING

**III. MINUTES OF PREVIOUS MEETING**

August 15, 2022, Special and Regular Meeting

**IV. ANNOUNCEMENTS – REPORTS**

**V. APPOINTMENTS/RESIGNATIONS**

1. CRCOG Policy Board Appointment – Alternate Member
2. Fire Inspector Appointment
3. Firefighter Resignation
4. Appointments and Re-appointments to Boards and Commissions

**VI. BOARD OF EDUCATION LIAISON (3<sup>rd</sup> Monday Meetings Only)**

**VII. REPORT OF TOWN ATTORNEY**

**VIII. REPORT OF TOWN MANAGER**

1. Pality Discussion
2. Farmington Canal Heritage Trail Update
3. Fire Marshal Vehicle
4. ARPA Fund Recommendations
5. White Oak Redevelopment Project Update
6. Shuttle Meadow Pump Station Project Update
7. Financial Dashboard
8. Happenings

**IX. PUBLIC COMMENTS**

**X. OLD BUSINESS**

**XI. NEW BUSINESS**

1. Consider Use of Coronavirus State and Local Fiscal Recovery Funds associated with the American Rescue Plan Act
2. Consider Proposed Amendments to ordinance – CHAPTER 318, Article II. OUTDOOR DINING

3. Data License Agreement - Pality
4. Bid #2023-05, Fire Marshal Vehicle
5. Resolution regarding Brownfield funds for the White Oak Redevelopment Project
6. Amendment to Tighe & Bond Agreement regarding Shuttle Meadow Pump Station
7. Police Department Reserve Officer Policy
8. Establish public hearing regarding ARPA projects
9. Tax Refunds - Addendum

**XII. OTHER DISCUSSIONS OF INTEREST**

**XIII. MATTER APPROPRIATE FOR EXECUTIVE SESSION**

**XIV. ADJOURNMENT**

The regular meeting was called to order at 7:00 pm. Present were Chairwoman Pugliese, Vice Chairman Underwood, Council members Tompkins, Morante, Rocco, Catanzaro, Wazorko; Town Manager Paulhus, Town Attorney Chomick and Town Clerk Porrini.

Councilman Wazorko was absent.

Councilman Catanzaro led the Pledge of Allegiance

**I. PRESENTATIONS**

**II. PUBLIC HEARING**

\*\*Town Clerk Porrini read the following legal notice:

**LEGAL NOTICE  
TOWN OF PLAINVILLE  
TOWN COUNCIL PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Plainville Town Council will hold public hearings at 7:00 p.m. on Monday September 12, 2022, in the Council Chambers of the Municipal Center, One Central Square in Plainville to hear public comments regarding:

1. Use of Coronavirus State and Local Fiscal Recovery Funds associated with the American Rescue Plan Act for Robertson Airport Improvements in the amount of \$250,000.
2. Proposed amendments to ordinance – CHAPTER 318, Article II. OUTDOOR DINING

Copy of the proposed amendments are available for public inspection in the office of the Town Clerk.

Dated at Plainville, Connecticut this 8<sup>th</sup> day of September 2022.

Chairwoman Pugliese opened the meeting to public comments to the Use of Coronavirus State and Local Fiscal Recovery Funds associated with the American Rescue Plan Act for Robertson Airport Improvements in the amount of \$250,000.

The first public hearing was closed when no comments were made.

Chairwoman Pugliese opened the second public hearing for comments regarding proposed amendments

9/12/22

to ordinance – CHAPTER 318, Article II. OUTDOOR DINING

Hearing no comments Chairwoman Pugliese closed the second public hearing.

### **III. MINUTES OF PREVIOUS MEETING**

**Vice Chairman Underwood motioned to approve the minutes of August 15, 2022, Special and Regular Meeting: The motion was seconded by Councilwoman Tompkins and passed 6-0.**

### **IV. ANNOUNCEMENTS – REPORTS**

#### **V. APPOINTMENTS/RESIGNATION**

##### **Capital Region Council of Governments (CRCOG)**

**Councilwoman Tompkins motioned to appoint the Town Manager as an Alternate Member to the Capital Region Council of Governments (CRCOG). The motion was seconded by Councilman Rocco and passed 6-0.**

##### **Fire Department**

- a. Vice Chairman Underwood motioned to appoint Steven Seahow as Fire Inspector for the Plainville Fire Department. The motion was seconded by Councilwoman Tompkins and passed 6-0.**
- b. Vice Chairman Underwood motioned to accept with regret the resignation of Erik Piotrowski from the Plainville Fire Department. The motion was seconded by Councilwoman Tompkins and passed 6-0.**

### **VI. BOARD OF EDUCATION LIAISON (3rd Monday Meetings Only)**

#### **VII. REPORT OF TOWN ATTORNEY**

No report was given.

### **VIII. TOWN MANAGER**

Town Manager Paulhus presented and discussed the following topics:

- **Pality Discussion**

Pality is CT based Company dedicated to simplifying state and local finance. They give towns the tools to bring transparency to public finance. As Pality explained in their presentation on 8/25, they picked 5 peer towns in CT, but we have the ability to decide which towns we want to use for comparisons. There are five major components of the "Dashboard" reporting: Contract Negotiations, Budgeting/Forecasting, Pension & OPEB, Economic Development, and Bond Financing. They also have the ability to look at salaries, benefits, pension as part of HR recruitment and retention, as well as crime and education statistics.

CCM is picking up 20% of the costs for municipalities, which lowers the annual cost from \$4,950 to \$3,960. Pality is seeking a 2-year contract agreement from each town. There is an item under New Business for the Town Council to approve the agreement with Pality for \$3,960.

The Town Attorney's office has reviewed the document and they have no concerns. However, they did highlight a few areas like picking the 5 towns and suggested a review of town amenities as outlined in Exhibit C.

- **Farmington Canal Heritage Trail Update**

The State D.O.T. has postponed the Public Information Meeting for Phase 2 of the Farmington Canal Heritage Trail Project in Plainville for Thursday, September 22, 2022, at 7:00 pm due to administrative delays at DOT. Work will continue the project as DOT looks ahead to the Spring of 2023 to reschedule the meeting.

On August 25th, the DOT had a surveying crew working near Whiting Street. The crew was working on the trail project related to gathering data on the alignment for Phase 3.

Finally, the Town was notified that CRCOG has been awarded a "FY22 Rebuilding American Infrastructure with Sustainability & Equity (RAISE) Grant" in the amount of \$16,366,554. This grant will be used for the "design and construction of two trails in the municipalities of Plainville and New Britain. The first trail will fill the last major gap in the Farmington Canal Heritage Trail and the second trail will connect the FCHT to the CTFastrak in New Britain". Phase 1 of the trail from Norton Park to Town Line Road is scheduled to begin construction in the Fall of 2023. Phase 2 from Northwest Drive to Rte. 72 is expected to begin construction in the Fall of 2024. The design of Phase 3 through the center of Plainville and the trail to connect to the CTFastrak has not yet started.

- **Fire Marshal Vehicle**

The CIP listed a replacement vehicle for the Fire Marshal and going through Gengras Ford off the state bid process (Bid#2023-05) the town was able to get a 2022 Ford F-150 which is available and ready for delivery with a quote of \$40,239.70. I think you'll agree from the spec's that this a solid and reliable vehicle for the Fire Marshall that will get the job done at a reasonable price.

The truck comes with a Leer 100R fiberglass cap, but the lead-time is 10-12 weeks. There is an item under New Business for the Town Council to approve the purchase of a vehicle from Gengras Ford, LLC of Plainville in the amount of \$40,239.70

- **ARPA Fund Recommendations**

- a. High School Boiler Project

The High School Boiler Project was prepared in July (2022) and was advertised as a "Design Build" project with a budget of \$600,000. Even though this was issued as a bid it likely should have been an RFP as the Town was seeking Design Build Proposals for a boiler system. Unlike a bid where there is typically a unit price and selection are based on the lowest bid, a design build takes some analysis to compare each proposal. I have the following summary of the four proposals.

Sav-Mor (\$519,000) This proposal calls for 2 Lochinvar boilers and 1 water heater. The total BTU's will equal 6 million. During the peak heating season of January/February the building requires 9 million BTU's. This system will not meet peak demand and if one boiler fails the system will be taxed. There is only one water heater which doesn't provide redundancy which all the other schools have.

Pro Mech (\$585,000) This proposal's optional bid has (3) Patterson-Kelly boilers (not Lochinvar) with the 9 million BTUs needed for peak season. However, the proposal calls for only one (1) water heater. The other three bidders went with Lochinvar boilers

McKenney (\$698,000) This proposal calls for three (3) 3 million BTU Lochinvar boilers that deliver the needed 9 million BTUs for winter heating season. The proposal also calls for two (2) hot water heaters which will provide redundancy.

West State (\$984,000) This proposal provides six (6) 1 million BTU Lochinvar boilers and 5 water heaters. The total 6 million BTU's will not meet demand and the 5 water heaters is over kill. The project is \$384,000 over budget.

The recommendation from the school administration is to go with McKenney and I concur with that decision based on meeting peak demand load and having redundancy with a three-boiler system and 2 water heaters. Additionally, McKenney is familiar with the school and has proven to be a good service provider. They have a positive track record with the schools.

While this is over budget, the town anticipates savings from the window replacement at the firehouse of (\$45,000) and the Toffolon Chillers project of (\$36,000).

b. Fire House Window Replacement

The recommendation by the ARPA Planning Committee called for an allocation of \$130,000 for window replacements at the Fire House.

In the interest of time, the town sought 3 quotes from local commercial vendors for the window replacements at the Fire House, with the following results: Plymouth Glass and Mirror at \$77,235; The Window Shop at \$84,500; and Kensington Glass and Framing at \$91,330.

The recommendation is to award the job to The Window Shop as they have the most complete bid for the required work and are proposing to replicate the existing exterior appearance. Plymouth Glass has proposed an "in glass" white grid that will not look like the existing windows. Their bid is \$7265 lower than Window Shop but including applied grids for appearance would add approximately \$6000 to their price. They also did not include caulking. This leaves Window Shop at \$1265 higher but given the quality of their work on past Town projects and their commitment to job performance and satisfaction, I believe it would be worth the extra cost. Kensington Glass's bid of \$91,330 includes grid as per drawing but leaves out caulking and sealing as well.

c. Sidewalk Repair and Replacement

A partial approval of \$410,000 was made on March 21, 2022, and the recommendation is to raise the approval level to \$600,000. There is an item under New Business for the Town Council to set a public hearing date for Monday, October 3, 2022, to discuss all three items a,b,c.

• **White Oak Redevelopment Project Update**

Earlier this month the State Department of Economic & Community Development finalized the Financial Assistance Proposal (FAP) for the Former White Oak Remediation & Redevelopment Project. This FAP will provide a State Grant of \$1,170,000 for the "remediation, abatement, and partial demolition of the former White Oak Corporation Office Center at 1 & 63 West Main Street".

There is an item under New Business for the Town Council to approve a resolution for Financial Assistance Proposal (FAP)

The proposal is for a mixed-use development consisting of approximately 13,500 sq. ft. of medical offices, approximately 16,800 sq. ft. of industrial condos, approximately 11,000 sq. ft. of retail space, approximately 175 multi-family housing units, an approximately 30,240 sq. ft. new mixed-use building, approximately 423 parking spaces, and approximately 7 acres of green space on the 15-acre parcel. This property has been vacant since 2003. The next step is for the Town to apply to be accepted into the Abandoned Brownfield Clean-up Program. (ABC). This program offers municipalities and developers, who are not responsible for contamination, to be afforded liability relief from responsibility to investigate and remediate off-site contamination provided that the project meet certain economic development thresholds and remediation is completed under a formal DEEP program.

Currently, Tighe & Bond, the Town's consultant for the remediation oversite, is preparing the application for the ABC program. Once accepted into the program, the Town will take title to the property. Manafort/Newport is expected to finish cleaning out the debris within the White Oak Building by next week.

The Town Council acted to "ratify the Tow Manager's execution of the Land Disposition and Development Agreement at the last meeting.

- **Shuttle Meadow Pump Station Project Update**

Back in April 2022, Tighe & Bond submitted their Pump Station Evaluation & Conceptual Design which was followed by a work session to review the scope of the project. The Shuttle Meadow wastewater pump station is located at 66 Shuttle Meadow Road and serves the southern section of Town, mostly 200 residential homes. Last upgraded in 2000, it consists of a below ground cylindrical steel structure containing two pumps each having a nameplate capacity of 1230 gpm.

The pump chamber is accessible through a steel access tube. An eight-foot diameter concrete structure serves as a wet well for the pumps. The station also includes a 60-kW natural gas fired generator and a grinder which is installed in the wet well. The final agreement for the design work at the Shuttlemeadow station appears as an item under New Business for the Town Council to approve.

As you will see this AMENDMENT amends the AGREEMENT by and between Tighe & Bond and the Town of Plainville dated November 9, 2021, resulting from the selection of Engineering Services from RFP #2022-09, entitled the Shuttle Meadow Pump Station Evaluation and Conceptual Design. The total not to exceed amount of this work is \$223,250.

- **Financial Dashboard**

- **Happenings**

Town Clerk Porrini reported on programs and activities with Town Departments. More information can be found at [www.plainville.com](http://www.plainville.com).

**IX. PUBLIC COMMENTS**

**X. OLD BUSINESS**

**XI. NEW BUSINESS**

**1. Consider Use of Coronavirus State and Local Fiscal Recovery Funds associated with the American Rescue Plan Act**

Vice Chairman Underwood motioned to authorize the use of Coronavirus State and Local Fiscal Recovery funds associated with the American Rescue Plan Act for Robertson Airport Improvements in the amount of \$250,000. The motion was seconded by Councilwoman Tompkins and passed 6-0.

**2. Consider Proposed Amendments to ordinance – CHAPTER 318, Article II. OUTDOOR DINING**

Vice Chairman Underwood motioned to adopt an Amendment to delete Chapter 318, Article II, Outdoor Dining, from General Code. The motion was seconded by Councilwoman Tompkins and passed 6-0.

**3. Data License Agreement - Pality**

Vice Chairman Underwood motioned to approve and authorize the Town Manager to execute the Data License Agreement with Pality, contingent upon review of the Town Attorney. The motion was seconded by Councilwoman Tompkins and passed 6-0.

**4. Bid #2023-05, Fire Marshal Vehicle**

Vice Chairman Underwood motioned to award Bid #2023-05, Fire Marshal Vehicle, under State Contract #19 PSX 0161 to Gengras Ford, Plainville, CT, in the amount of \$40,239.70. The motion was seconded by Councilwoman Tompkins and passed 6-0.

**5. Resolution regarding Brownfield funds for the White Oak Redevelopment Project**

Councilwoman Morante motioned to adopt the following resolution:

WHEREAS, pursuant to CGS Section 32-763, the CT Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest that the Town of Plainville make an application to the State for \$1,170,000 in order to undertake the Former White Oak Remediation and Re-development Project and to execute an Assistance Agreement

NOW, THEREFORE, BE IT RESOLVED BY THE Town Council

That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by CGS Section 32-763

That the filing of an application for State financial assistance by Town of Plainville in an amount not to exceed \$1,170,000 is hereby approved and that Plainville Town Manager Michael Paulhus is directed to execute and file such application with the CT Department of Economic and Community Development, to provide such additional information , to execute such other documents as may be required, to execute an Assistance Agreement with the State of CT for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of Town of Plainville

The motion was seconded by Vice Chairman Underwood and passed 6-0.

**6. Amendment to Tighe & Bond Agreement regarding Shuttle Meadow Pump Station**

Vice Chairman Underwood motioned to approve and authorize the Town Manager to execute the “Amendment for Design Phase Engineering Services” with Tighe & Bond regarding the Shuttle Meadow Wastewater Pump Station. The motion was seconded by Councilwoman Tompkins and passed 6-0.

**7. Establish public hearing regarding ARPA projects**

Vice Chairman Underwood motioned to establish a public hearing in the Municipal Center at 7:00pm on Monday, October 3, 2022, to hear public comment regarding the use of Coronavirus State and Local Fiscal Recovery funds associated with the American Rescue Plan Act. The motion was seconded by Councilwoman Tompkins and passed 6-0.

**8. Police Department Reserve Officer Policy**

Vice Chairman Underwood motioned to approve the Police Department Reserve Officer Policy – General Order #54. The motion was seconded by Councilwoman Tompkins and passed 6-0.

9. **Tax Refunds- See Addendum**

Vice Chairman Underwood motioned to approve the tax refunds as listed on the Addendum. The motion was seconded by Councilwoman Tompkins and passed 6-0.

**XII. OTHER DISCUSSIONS OF INTEREST**

**XIII. MATTER APPROPRIATE FOR EXECUTIVE SESSION**

**XIV. ADJOURNMENT**

At 8:04 pm Vice Chairman Underwood motioned to adjourn. The motion was seconded by Councilwoman Tompkins and passed 6-0.

Respectfully submitted by,

Cindy A. Porrini, Town Clerk  
& Clerk of the Town Council

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<b>Refunds</b>	<b>9/12/2022</b>	
	<b>Current Year</b>	<b>Amount</b>
1	Blumes, George, 88 Westwood Ave	8.03
2	Woolverton, Gene, 137 1/2 W Main St	8.92
3	Woolverton, Gene & Jeanne, 137 1/2 W Main St	147.69
4	Woolverton, Gene & Jeanne, 137 1/2 W Main St	8.92
5	Allen, David, 164 Rockwell Ave	12.81
6	Joseph, Gerald & Evelyn, 19 Eastwood Dr	9.31
7	Cianchetti, Jeffrey & Nicholas, 34 Pequod Rd	91.34
8	Burbank, Annette & Donald, 16 Sunrise Terr	23.00
9	Honda Lease Trust, Torrance, CA, 90501	383.33
10	Bartley, Michael, 5 Timber Hill Rd	108.62
11	Viacava-Lynch, Claudia, 2090 Stanley St, Apt 205 New Britain CT 06053	100.56
12	Fitzgerald, Constance, 69 Lawlor St	57.57
13	Goodemote, Jonathan, 46 Maple St 2nd Fl	12.29
14	Carrier Group Inc, 68A So Canal St	154.70
15	Mike Albert LTD, Cincinnati, OH 45241	108.07
16	Firman, Gary & Marcia, 15 McKernan Dr	9.37
17	Albright, Judith, 10 Bruce Ave	15.29
18	Possidento Therrien Elct, 93 Whiting St	47.83
19	Plachta, Krystof, Beata, 44 Carol Dr	54.67

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20	Upadhyaya, Benjamin, 127 Miford St Ext Apt 9B	14.65
	<b>Total</b>	<b>\$1,376.97</b>
<b>Previous Year</b>		
1	Staire, Cynthia & Clifford, 86 Bohemia St	87.43
2	VW Credit Leasing LTD, Libertyville, IL 60048	199.58
3	VW Credit Leasing LTD, Libertyville, IL 60048	171.21
4	VW Credit Leasing LTD, Libertyville, IL 60048	346.81
5	Phelps, Dianne, 708 Delano Ave, Vestal NY, 13850	251.04
	<b>Total</b>	<b>\$1,056.07</b>

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### 3-2022

#### Chapter 318. Restaurants

#### Article II. Outdoor Dining (Reserved)

{Adopted 10-18-2004}

#### § 318-6. Purpose.

~~The purpose of this article is to permit the private use of public property for outdoor restaurant and cafe seating in the Central Commercial Zone. It is the belief that such activities in a safe and orderly manner will enhance the vitality of the downtown area.~~

#### § 318-7. Definitions.

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

#### ~~CENTRAL COMMERCIAL ZONE~~

~~As defined and located by the Plainville Planning and Zoning Regulations and Zoning Map.~~

#### ~~OUTDOOR DINING AREA~~

~~An open air seating area on or within a public right of way such as a sidewalk and provided by a restaurant located on adjacent property where restaurant patrons can eat or drink in compliance with all State Liquor Control Commission regulations.<sup>[2]</sup>~~

#### ~~PUBLIC PROPERTY~~

~~Any portion of the Town's right of way not specifically used for vehicle travel.~~

#### ~~RESTAURANT~~

~~A public establishment operated primarily for the serving of food to the general public. Such restaurant may serve liquor on public property as long as the establishment complies with all applicable State Liquor Control Commission regulations.~~

#### ~~SERVING AISLE~~

~~That space assigned to permit passage within the outdoor dining area.~~

~~[1]~~

~~Editor's Note: The definition of "cafe" which appeared in this section was repealed time of adoption of Code (see Ch. I, General Provisions, Art. II).~~

~~[2]~~

~~Editor's Note: Added at time of adoption of Code (see Ch. I, General Provisions, Art. II).~~

### § 318 8. Permit procedure.

~~A.~~ The applicant shall file with the Town Manager's office an application including a sketch showing the proposed area to be used. Such sketch shall show the limits of the dining area, remaining sidewalk, utility structures and/or other sidewalk obstacles and curbing. The permit application will be reviewed by the appropriate Town officials. A decision shall be rendered by the Town Council within 45 days of such filing. Any approval may be contingent upon site specific conditions in addition to the general requirements described below. A fee as provided in Chapter 215, Fees, will be assessed.<sup>[1]</sup>

~~[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).~~

~~B.~~ The permit duration shall be from April 1 to October 31 of each calendar year. Annual renewals may be submitted after January 15 of each year. The annual renewal shall consist of a filing statement stating the permittee will comply with the conditions of the previous year's approval, submission of the proper insurance documents and a fee as provided in Chapter 215, Fees.<sup>[2]</sup>

~~[2] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).~~

~~C.~~ Permits may be revoked by the Town for noncompliance with the conditions of the approval or general conditions described below.

~~D.~~ Permits shall be nontransferable.

### § 318 9. General requirements.

~~A.~~ The outdoor dining area shall not interfere with or create hazards or impair visibility for pedestrians or motorists.

~~B.~~ The operations and configurations of the outdoor dining area shall conform to all applicable health, Liquor Commission, fire, and building codes. Such Town and state governing agencies shall provide the Town Manager a written sign off prior to opening such dining area.<sup>[1]</sup>

~~[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).~~

~~C.~~ The outdoor dining area shall be configured in such a manner that does not restrict emergency access to the building.<sup>[2]</sup>

~~[2] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).~~

~~D.~~ The hours of operation for the outdoor dining area shall be from 10:00 a.m. to 10:00 p.m. daily.<sup>[3]</sup>

~~[3] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).~~

~~E.~~ Devices used for shading shall be a nonpermanent type and shall be safely anchored. No advertising shall be placed on such shading devices.

~~F.~~ The Town shall pre approve all furniture, shading devices, barriers and trash receptacles to be used and located in the outdoor dining area.<sup>[4]</sup>

~~[4] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).~~

~~G.~~ No outside audio systems shall be permitted.

~~H.~~ There shall be no food preparation or cooking within the outdoor dining area.

~~I.~~ The serving aisle shall be at least three feet in width.

~~J.~~ The permittee shall maintain the dining area in a clean and orderly fashion. All debris which may fall or be blown onto the sidewalk shall be removed in a timely manner. Proper trash receptacles shall be provided and maintained. The sidewalk area shall be cleaned on a daily basis. Failure to clean and maintain the outdoor dining area and surrounding vicinity shall be grounds to revoke the permit or reject future permit applications.

~~K.~~ A barrier or fence shall be placed between the dining area and sidewalk. Such barrier or fence shall be made of sufficient material to protect the pedestrian area from the dining space.

~~L.~~ A minimum five foot unobstructed pedestrian pass way as measured from the curb shall be maintained at all times. At locations where fire hydrants, utility poles, street signs and the like are found, the pedestrian unobstructed width may be reduced to 42 inches for a distance no greater than 10 linear feet. The Town will also consider the relocation of street furniture if practical. Any costs associated with such relocation shall be the responsibility of the permittee.<sup>[5]</sup>

~~[5] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).~~

~~M.~~ All permit approvals shall be contingent upon the applicant submitting to the Town Manager's office proof of the following insurance:

~~(1)~~

~~A minimum general liability policy of \$1,000,000 naming the Town as an additional insured; and~~

~~(2)~~

~~A liquor insurance policy or equivalent, in the minimum amount of \$1,000,000, naming the Town as an additional insured as required for all establishments serving alcohol.~~

~~N. All tables, chairs, serving equipment, trash receptacles and temporary barriers shall be removed from the public sidewalk when the outdoor dining area is not in use.]~~