



TOWN COUNCIL REGULAR MEETING

Thursday, October 17, 2024 at 7:15 PM

Council Chamber Bristol Municipal Complex

AGENDA

This meeting is held in the Bristol Municipal Complex is open for in-person participation.

The meeting is live streamed on Town of Bristol YouTube channel.

Livestream link is available on the Town Website

Bristol Indiana - YouTube

This meeting will begin following the Bristol RDC meeting

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF INVOICES
5. APPROVAL OF AGENDA

REPORTS

6. APPROVAL OF MINUTES

- a. Approval of meeting minutes from September 17, September 19, and October 3, 2024

7. TOWN MANAGER

- a. Enforcement Response Plan for our pretreatment plants. As required by our IDEM permit

- b. Options for residual land

- c. Intelli-streets new quote \$668,726 | Total 36 street lights | 23 smart lights | 13 OOD (on-off-dim)

Wi-Fi coverage | LED panels | remote controlled outlets |speakers/announcements/music |
Color changing floodlights | Flower basket Brackets - waiting on a price, installed through the pole instead of brackets attached.

- d. Partial Pay App #3 - Commonwealth WWTP Improvement Project

Commonwealth recommends payment to Crosby Construction as follows:

Contractor Payment, Application No. 3 \$1,326,624.87

Commonwealth recommends payment to the project retainage accounts as follows

Contractor Payment, Application No. .3 \$69,822.36

Total \$1,396,447.23

e. Town Manager Updates

Water project - Main street and Kesco

Waste Water - pictures

NIPSCO - north of Division Street bridge

8. CLERK-TREASURER

9. TOWN MARSHAL

a. September reports

10. FIRE CHIEF

a. Monthly report

11. PARK BOARD

12. TOWN ATTORNEY

a. 2nd reading 10-17-2024-24 noise ordinance amendment

13. PRIVILEGE OF THE FLOOR (Public Comments to Council)

a. Please state your name and address | 3-minute guideline for comments

14. TOWN COUNCIL DISCUSSION ITEMS

a. Doug DeSmith

b. Dean Rentfrow

c. Cathy Burke

d. Gregg Tuholski

e. Jeff Beachy

NEXT MEETINGS:

November 7, 7:00 pm Council meeting

November 19, 7:00 pm Work session

November 21, 7:00 pm Council meeting

15. MOTION TO ADJOURN



Town of Bristol

Enforcement Response Plan

July 23, 2024

Introduction

This document will detail the enforcement response procedures used in controlling discharges to the Town of Bristol's Publicly Owned Treatment Works (POTW). The Wastewater Utility (Utility) institutes enforcement actions for discharge violations under the Town of Bristol's Sewer Use Ordinances (SUO) and has the primary responsibility to enforce all applicable pretreatment requirements under these ordinances.

If a Significant Industrial User's (SIU) noncompliance persists after notification by the Utility, the Indiana Department of Environmental Management (IDEM) and the United States Environmental Protection Agency (US EPA) has the authority to proceed to enforce directly against the industrial user or the Utility.

Action taken by the Town of Bristol may be preferable to actions taken by the Indiana Department of Environmental Management (IDEM) or the United States Environmental Protection Agency (US EPA). IDEM and the US EPA retain the authority to take its own enforcement action where the local authority is not willing to take timely or appropriate enforcement action.

This plan is tailored as recommended by IDEM, to include a range of enforcement responses available to Bristol. This plan addresses a broad range of pretreatment violations and is not intended to cover every type of violation. It was developed for guidance and is not intended to limit the enforcement discretion of any of the administering agencies.

If the Significant Industrial User (SIU) personnel appear to be attempting in good faith, to comply with pretreatment requirements, the enforcement actions should be on a more cooperative level than if the SIU personnel do not appear to be attempting to comply in good faith.

The General Pretreatment Regulations (40 CFR, Part 403.8 (f)(6)), require all POTW's to identify potential industrial users subject to the requirements of the pretreatment program and to identify the volume and characteristics of pollutants discharged by these industrial users.

In order to implement an effective Enforcement Response Plan (ERP), all industries subject to pretreatment regulations must be identified and regulated. Therefore, the Town of Bristol's Wastewater Utility has developed a systematic approach to identifying new users. This process, rather than being conducted on an annual basis, is ongoing in order to remain current with the industrial community in Bristol's Town Limits.

There is no single reliable source for the identification of new industrial facilities. Therefore, the discovery of new industries occurs as a result of a variety of regular and ongoing activities. The following is a list of resources used by the Wastewater Utility to identify new facilities and discover new uses for old facilities:

- I. Commercial/Industrial
- II. Top 10 Water Users List
- III. Newspaper Articles
- IV. Citizens' Reports
- V. Referrals from other agencies (Health Department, Other City Departments)
- VI. Contact from Potential Industrial Users
- VII. Site Visits
- VIII. Reports from other Industrial Users
- IX. Internet searches for industry

All industries that are subject to either a federal categorical pretreatment standard or determined to be significant with respect to the Town of Bristol's Sewer Use Ordinance (SUO) are issued an Industrial Wastewater Pretreatment Permit (IWP) from IDEM. They are then added to the list of regulated facilities. All facilities permitted by IDEM are considered Significant Industrial Users and are subject to all program requirements.

Additionally, an accurate characterization of the type, volume, and characteristics of discharge must be maintained for all permitted users. This is accomplished through the use of the following tools by Bristol's Wastewater Utility:

- ❖ Annual Inspections at each permitted industry.
- ❖ No less than semi-annually, per calendar year, measure the volume of flow and sample and analyze the discharge for all parameters contained in the IWP.
- ❖ Permit requirements to report change of ownership, new construction, change in production, and change of process.
- ❖ Review of self-monitoring and surveillance sampling data
- ❖ Information submitted on permit applications

- ❖ Observations from field personnel
- ❖ Water utility flow data

Compliance Monitoring Data

Compliance monitoring activities conducted by the Utility are necessary to document and identify violations that can be presented as legally defensible evidence in administrative actions and legal proceedings. SIU compliance with applicable regulations is evaluated and determined through:

- I. Inspections conducted by the Utility
- II. Self-monitoring data from the SIU
- III. Surveillance sampling and analysis conducted by the Utility
- IV. Evaluation of the SIU questionnaires by Utility personnel

Self-monitoring data is required of all permitted SIUs. The forms used are provided by the Utility and must be used for reporting purposes. If a facility prefers to use its own form, it must be submitted for approval to Bristol's Utility Director prior to use. No alternative form may be used without prior written approval. Each report shall be signed by the authorized industrial representative. The data included are used as evidence if violations are identified.

Inspections are conducted annually by the Utility staff. Extra inspections are conducted by the Utility staff to identify any potential problems or violations and to verify compliance. Standard inspection forms are used to ensure all areas have been evaluated and are signed and dated by the inspector. All non-compliance issues are noted on the forms and these items are discussed with the industry. Appropriate actions for the specific non-compliance will occur as described in the compliance matrix that is found later in this document.

Sampling conducted by the Utility staff or contracted lab and the related chemical analyses are the foundation of the program's compliance monitoring. It is critical that a stringent chain of custody procedures is followed along with strict adherence to standard operating procedures for sampling and analysis.

Personnel responsible for the collection of industrial samples are trained to collect those samples and properly complete chain of custody forms in the field for each sample collected. Laboratory personnel log in each sample and maintain the chain of custody in the laboratory.

Data Screening

The majority of data screened are evaluated and are generated through industrial self-monitoring and Utility staff sampling. The Town of Bristol's Utility Director or their designated representative, reviews all data generated by these activities.

Data is reviewed and evaluated as received so proper enforcement responses may be initiated if necessary. The time frames and specific responses are detailed in the Enforcement Response Section of this document. Included are those industries that fail to submit reports in a timely manner.

Test results of the Utility-conducted monitoring as well as industry self-monitoring data are computerized. Additionally, the paper files are maintained in the industry's non-computerized files as a cross reference.

Identification of Violations

Identification of pretreatment violations, regardless of their severity, will initiate the enforcement process. This includes those industries that fail to submit reports in a timely manner. Discovery of a violation may occur as a result of any number of activities. The list below represents the most common sources used to identify violations:

- I. Review of the Utility's industrial sampling results
- II. Review of the SIU's self-monitoring reports
- III. Slug/Accidental Spill reports
- IV. Notification of Violation to the Utility
- V. Site Visits/Inspections by Utility personnel
- VI. Observations by field personnel
- VII. Information provided by private citizens and public employees
- VIII. Review of Compliance Schedule requirements
- IX. Information provided by other agencies (like US EPA, IDEM, Elkhart County Health Department)

Once a violation is identified, it is the Utility Director's responsibility to implement the appropriate enforcement response action as required in this plan. When determining the appropriate enforcement response, particularly one which may include the imposition of civil fines, the specific procedures outlined in the Enforcement Response section must be followed. Additional criteria may be used to determine the response including:

- I. Magnitude of the violation
- II. Duration of the violation
- III. Effect of the violation on the POTW's receiving stream
- IV. Effect of the violation on the POTW and their compliance
- V. Compliance history of the industrial user

- VI. Good faith of the industrial user
- VII. Pollutants of particular importance to the POTW.

Enforcement Response

All violations identified by the Utility are reviewed, evaluated, and addressed by the appropriate enforcement response. The responses fall within the guidelines of the Enforcement Response Plan Guide.

The majority of enforcement actions begin with a phone call to the User which is followed by the issuance of a Notice of Violation with Compliance Order (NOV). The Notice of Violation describes the nature of the violation, orders the SIU to comply with the terms of its permit, and informs the SIU that any additional violations may result in escalated enforcement actions.

Once the SIU is notified of a violation or has the knowledge of a condition which is a violation, the SIU may be allowed up to fifteen (15) calendar days to respond to the NOV. This period will apply only to the initial violation. A violation that occurs after this period shall be evaluated according to the plan procedures. A repeat occurrence does not necessarily indicate the same condition, parameter, or procedural requirement was found in violation. It simply means that another violation occurred within a specific period of time. An industry receiving the results of self-monitoring or Utility sampling which are in violation has up to thirty (30) calendar days to correct whatever condition exists or existed which contributed to the violation. Therefore, each violation is evaluated separately for enforcement action. In addition, if a violation occurs during the thirty (30) day correction period, the industry must demonstrate good faith was exercised to prevent or mitigate further violations during that period.

Staff Responsibilities

Described below are the responsibilities of the Utility Director or their designated representative involved in sample collection and data screening, direction of enforcement actions, review of actions taken, and the overall management of the enforcement procedures.

- ❖ Coordinate special enforcement sampling events
- ❖ Response to spills, accidental discharge, and complaints
- ❖ Coordinate the activities of field personnel

- ❖ Review, audit, and input self-monitoring data
- ❖ Review utility-generated industrial data
- ❖ Conduct inspections
- ❖ Review new and updated permits
- ❖ Correspond with all industries regarding compliance and reporting issues
- ❖ Signatory for violation notices
- ❖ General oversight of the Pretreatment Program
- ❖ Issue civil fines for violations as outlined in this plan

Tracking System

SIUs are required to submit various reports and information as a result of a number of compliance activities. It is important that the utility has reliable procedures in place to track submission deadlines to help ensure SIUs provide the required information by the required dates. The staff logs in reports or required information as it is received.

The following items may be required from SIUs by a specific date:

- ❖ Industrial Permit Applications
- ❖ Self-Monitoring Reports
- ❖ Compliance Schedule Progress Reports
- ❖ Follow-up information subsequent to industrial inspections
- ❖ Written reports following spills, accidental or slug discharges
- ❖ Written response to notices of violations

A number of forms, reports, and correspondence required by a specific due date are tracked by Bristol Utilities. These documents are submitted periodically and are tracked using a variety of methods. The Utility Director tracks all deadlines associated with notices of violation, permit draft reviews, compliance schedules, and spill/slug reporting.

Scheduling Industrial Inspections

Each permitted facility is subject to an annual inspection. Facilities, however, may receive numerous inspections and visits during a given year in order to track compliance schedule activities, verify changes in discharges or processes, maintain a regulatory presence, or scrutinize facilities with discharges that may impact the POTW.

Inspections are scheduled by the Utility Director based on the date when the previous inspection was conducted. Other inspections or site visits are conducted as needed. Inspections may be

scheduled at the request of the SIU to verify compliance with certain requirements or to identify potential problems. Additional inspections may also be conducted as the result of a spill, accidental discharge, upset, surveillance sampling, or other special situations.

Industrial Pretreatment Enforcement Procedures

Pursuant to the Town of Bristol's Sewer Use Ordinance No. 50.04 (SUO), as amended, and the Town's National Pollutant Discharge Elimination System (NPDES) Permit No. IN0036846, this plan will use the following definitions to assign responsibilities for enforcement.

- ❖ Director: The person responsible for supervising the operation of the POTW, or that person's duly authorized representative.
- ❖ Board: The Town Council of the Town of Bristol.
- ❖ Control Authority: The Indiana Department of Environmental Management (IDEM) and the United States Environmental Protection Agency (US EPA).

Informal enforcement actions, oral telephone notices, notices of violations with compliance orders, site visits, and Cease and Desist orders are issued by the Director. Compliance schedules and civil fines may be issued by either the Board or the Control Authority, or both, based on the recommendation of the Director.

Violations and discrepancies identified during the review process are evaluated by the Director as to the necessary type of enforcement response. In order to ensure impartial treatment of violators and provide a uniform basis for selection of appropriate responses to violations, these established Enforcement Response Procedures should be followed unless mitigating circumstances can be shown.

This Enforcement Response Plan indicates the type of non-compliance, the circumstances which may dictate the type of response, and the range of responses for that particular category of non-compliance. This Enforcement Response Plan was developed with the intention of serving the following three main purposes:

- I. It recommends enforcement responses that are appropriate in relation to the severity and nature of the violation and the overall degree of non-compliance
- II. It facilitates a uniform application of enforcement responses to comparable levels in types of violations, and it can be used as a tool to review the appropriateness of the response
- III. It provides notice to the industrial community regarding the importance of the pretreatment program along with meeting standards and limits as well as the proper operation of equipment.

This Enforcement Response Plan groups various types of violations into the following four categories:

- I. Violations of monitoring, sampling, and reporting
- II. Violations of compliance schedule
- III. Violations of discharge limits
- IV. Violations detected through inspection or field monitoring

Types of Enforcement Responses

Using this Enforcement Response Plan, the Director will initiate the appropriate response to each suspect violation. The files will reflect the type of action taken and the response date. Initial responses to suspect violations may involve telephone inquiries with the industry contact person or an onsite visit to discuss and observe the problem. If a violation is confirmed, a notice of violation shall be issued to the user by the Director.

Informal Notice - IFN

The most widely used and common notification will be an informal notice. The Director has the authority to issue an informal notice to the user indicating the type of violation. An informal notice may consist of but not be limited to a documented phone call or email to the user.

Notice of Violation– NOV

This is a written notification to the Industrial User indicating the type of violation. A written User Response is required within 10 calendar days and must include a reason for the non-compliance and the steps being taken to eliminate any future violations of this nature.

If no response is received, a Cease-and-Desist Order may be issued.

Compliance Order - CO

The Director has the authority to issue an order to the user responsible for the discharge directing that user to come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer services may be discontinued unless adequate facilities, devices, or other appurtenances are installed and properly operated.

Cease and Desist Order – CD

The Director has the authority to issue a Cease-and-Desist Order which requires the discharge in question to be terminated immediately or water service may be terminated.

Administrative Fines – AF

Any user who is found to have violations under the SUO or any orders, rules, regulations, and permits issued, may be fined no more than \$2,500.00 per day per violation. The user may be fined no more than \$7,500.00 per day per violation for subsequent violations in accordance with IC-36-1-3-8 (a)(10)(B). Unpaid charges, fines and penalties shall, after 30 calendar days, be assessed an additional penalty of 12% of the unpaid balance and interest shall accrue thereafter at a rate of 1% per month.

Emergency Suspensions – ES

When a user is found to have actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons the Director may immediately suspend a user's discharge after informal notification to the user. The Director may immediately suspend a user's discharge after informal notification to the user if it threatens to interfere with the operation of the POTW or the environment.

Termination of Discharge – TD

The Director has the authority to issue a Termination of Discharge notice to the user. The user will be notified 14 days before the effective date of termination by first class mail to the billing address for the user.

Civil Penalties – CP

Civil Penalties are utilized to define courses of action that include civil suits for injunctive relief and civil penalties, or criminal suits (initiated by the State or Federal Government Agencies or the Town of Bristol). These types of actions would all involve the court system and would adhere to due process procedures.

Significant Non-Compliance (SNC)

Annually the Director will be responsible for reviewing the compliance file of all SIUs for the previous year to determine significant non-compliance of any SIU. On an annual basis, the names of all the SIUs found in significant non-compliance will be published on the Town of Bristol's website (bristolindiana.org). A definition of significant non-compliance follows.

Instances of Significant Non-Compliance (SNC) are Violations which meet one or more of the following criteria:

- I. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) or more of all the measurements taken for the same pollutant parameter during

- a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3 (I)
- II. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Fats, Oils, and Grease (FOG)m and 1.2 for all other pollutants except pH)
 - III. Any other violations of a Pretreatment Standard or Requirement that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Utility personnel or the general public)
 - IV. Any discharge of pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the Utility’s exercise of its emergency authority to halt or prevent such a discharge
 - V. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
 - VI. Failure to provide, within thirty (30) days after the due date, required reports, such as baseline monitoring reports, ninety-day (90-day) compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules
 - VII. Failure to accurately report non-compliance
 - VIII. Any other violation or group of violations, which may include a violation of best management practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

Enforcement Response Plan Examples

The following is an example of sampling, monitoring, and reporting Enforcement Response actions that will be taken when a violation is found to occur.

Non-Compliance	Circumstance	Range of Response
Failure to sample, monitor, or report	Isolated or infrequent	IFN, NOV
Failure to sample, monitor, report, and notify Utility and/or Control Authority	Frequent or user does not respond to NOV	IFN, NOV, AF, SNC
Failure to notify of effluent limit exceedance	Isolated or infrequent No effects known	IFN, NOV
Failure to notify of effluent limit exceedance	Frequent or continued violation	IFN, NOV, AF, SNC, CP
Failure to notify of effluent	Known environmental or	IFN, NOV, CD, AF, ES, SNC,

limit exceedance or spill discharge	Utility damage	CP
Failure to submit renewal permit application 180 days prior to permit expiration	Number of days will be considered	IFN, NOV
Reporting false information	Any instance	CP, Criminal Investigation Request

Non-compliance detected through inspections or field investigations

Non-Compliance	Circumstance	Range of Response
Violation of analytical procedures	Any instance	IFN, NOV, AF (with continuing violation)
Violation of analytical procedures	Evidence of negligence or intent – SNC	IFN, NOV, AF, SNC, CP (possible criminal action)
Violation of permit conditions	Any instance	IFN, NOV, AF (with continuing violation)
Violation of permit conditions	Evidence of negligence or intent – SNC	IFN, NOV, CD, AF, ES, SNC, CP (possible criminal action)

Discharge Limitations

Non-Compliance	Circumstance	Range of Response
Exceedance of Effluent Limits (categorical, local, or prohibited)	Infrequent or isolated	IFN, NOV
Exceedance of Effluent Limits	Infrequent or isolated, excluding TRC Limits	IFN, NOV, CP (if environmental harm results)
Exceedance of Effluent Limits	Violation(s) which are SNC	IFN, NOV, AF, SNC, CP
Reported Spill Discharge	Isolated, accidental, no known damage	IFN, NOV
Reported Spill Discharge	Isolated, accidental with known interference, pass through, or damage	IFN, NOV, AF, CP
Reported Spill Discharge	Recurring – SNC	IFN, NOV, AF, SNC, CP
Discharge without permit or	One time, no known	IFN, NOV

approval	damage	
Discharge without permit or approval	One time that results in damage	IFN, NOV, AF, CP, or request for criminal investigation
Discharge without permit or approval	Continuing violation with known damage	CD, CP, request for criminal investigation

Response Time Frames

- I. Initial Enforcement Action Responses involving contact with SIU and requesting information on corrective or preventative action will occur within fifteen (15) calendar days of becoming aware of the violation.
- II. Follow-up actions for continuing or recurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a NOV with milestones or deadlines.
- III. Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- IV. All violations meeting the criteria for Significant Non-Compliance will be published and addressed with an enforceable order within thirty (30) days of the identification of the Significant Non-Compliance.

Administrative Fine Matrix

Any violations not specifically noted below may be penalized an amount up to and including \$2,500.00 per offense per day. Unless otherwise noted, subsequent violations may be charged no more than \$7,500.00 per day per violation. The number of offenses shall be based upon those accumulating within a twelve-month period, not each calendar year.

Offense	First Offense	Second Offense	Third and Subsequent Offense(s)
Discharges			
Discharging wastewater containing metals in excess of established limits per parameter causing:			
a. No Damage	\$0	\$1,000	\$2,500
b. Damage	\$1,000	\$2,500	\$7,500
Discharging substances which obstruct the sewer causing:			
a. No Damage	\$0	\$1,000	\$2,500
b. Damage	\$1,000	\$1,000	\$2,500
Discharging noxious or malodorous substance that:			
a. Creates a public nuisance	\$0	\$0	\$2,500

Offense	First Offense	Second Offense	Third and Subsequent Offense(s)
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b. Prevents entry into the sewer	\$0	\$1,000	\$2,500
Discharging explosive or flammable substances causing:			
a. No Damage	\$0	\$1,000	\$2,500
b. Damage	\$1,000	\$2,500	\$7,500
Discharging wastewater with a pH in excess of established limits causing:			
a. No Damage	\$0	\$1,000	\$2,500
b. Damage	\$1,000	\$2,500	\$7,500
Discharging wastewater containing pollutants that pass through or interferes with the POTW	\$1,000	\$2,500	\$7,500
Process			
Failure to calibrate flow meter	\$0	\$1,000	\$2,500
Refusal to allow Utility to inspect User's facility/premises	\$0	\$2,500	\$7,500
Failure to provide, properly operate, or maintain pretreatment facilities	\$0	\$1,000	\$2,500
Failure to report a slug discharge or spill causing:			
a. No Damage	\$0	\$1,000	\$2,500
b. Damage	\$1,000	\$2,500	\$7,500
Providing false information	\$1,000	\$2,500	\$7,500
Tampering with samples, sampling equipment, or measuring devices	\$0	\$1,000	\$2,500

Administrative			
Failure to conduct required self-monitoring	\$0	\$1,000	\$2,500
Failure to respond to Notice of Violation	\$0	\$1,000	\$2,500
Failure to report significant changes in operation, pretreatment facilities, wastewater constituents or characteristics	\$0	\$1,000	\$2,500
Failure to submit self-monitoring report, resulting in SNC	\$0	\$1,000	\$2,500
Failure to obtain an Industrial Wastewater Discharge Permit, when required, before connecting to or discharging into the POTW (one-time penalty per connection)	1000	-	-
Failure to obtain a Special Waste Discharge Permit, when required, before discharging into the POTW	1000	-	-
Failure to maintain monitoring records*	1000	-	-

*Only one penalty for any specified time period

Adopted this _____ day of _____, 2024.

TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA

By: _____

Jeff Beachy, President

ATTEST:

By: _____

Cathy Antonelli, Bristol Clerk-Treasurer

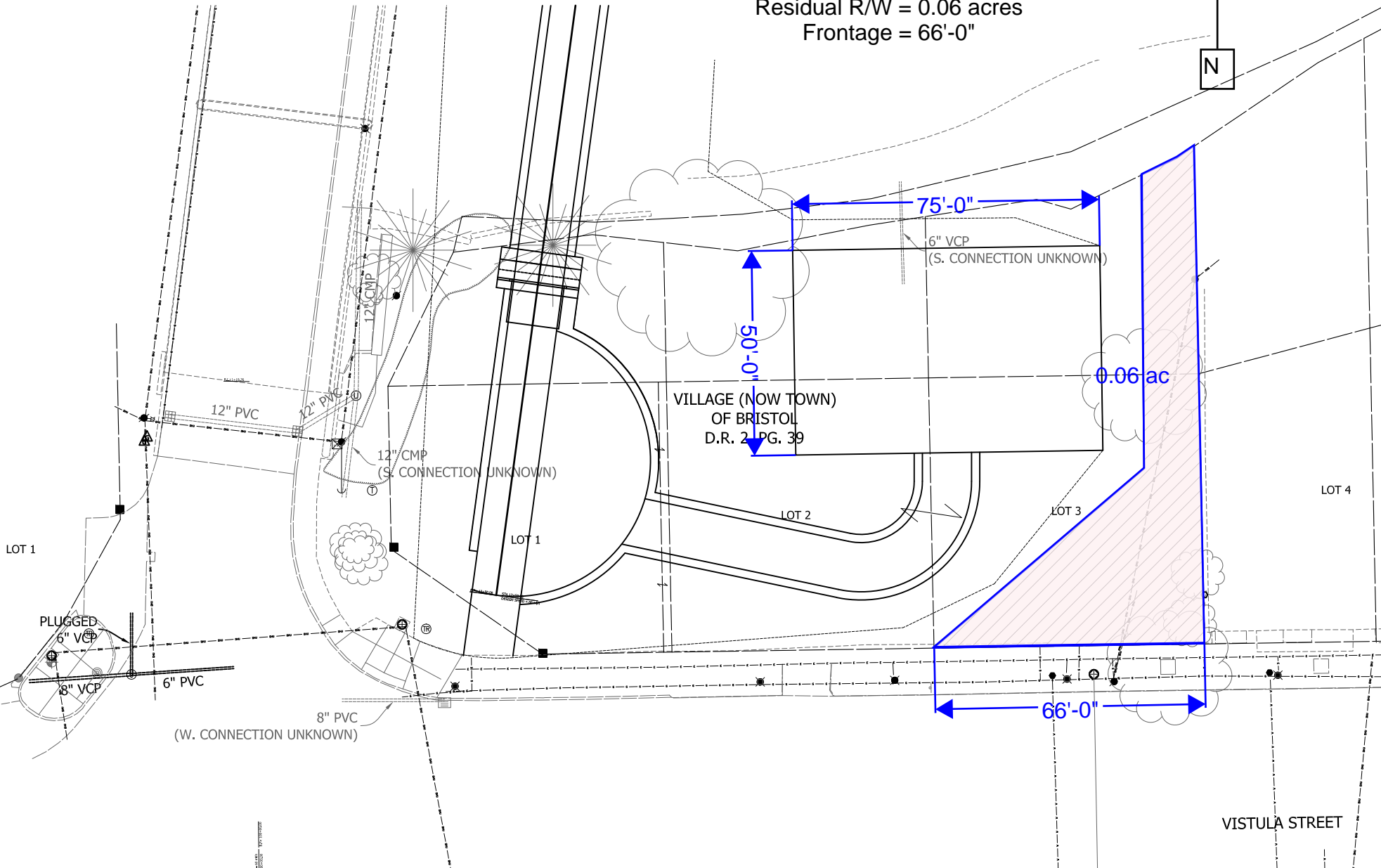
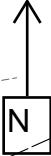




Alternative 1 - Original Scope of Overlook
(75' wide x 50' deep)

Section 7, Item b.

Residual R/W = 0.06 acres
Frontage = 66'-0"

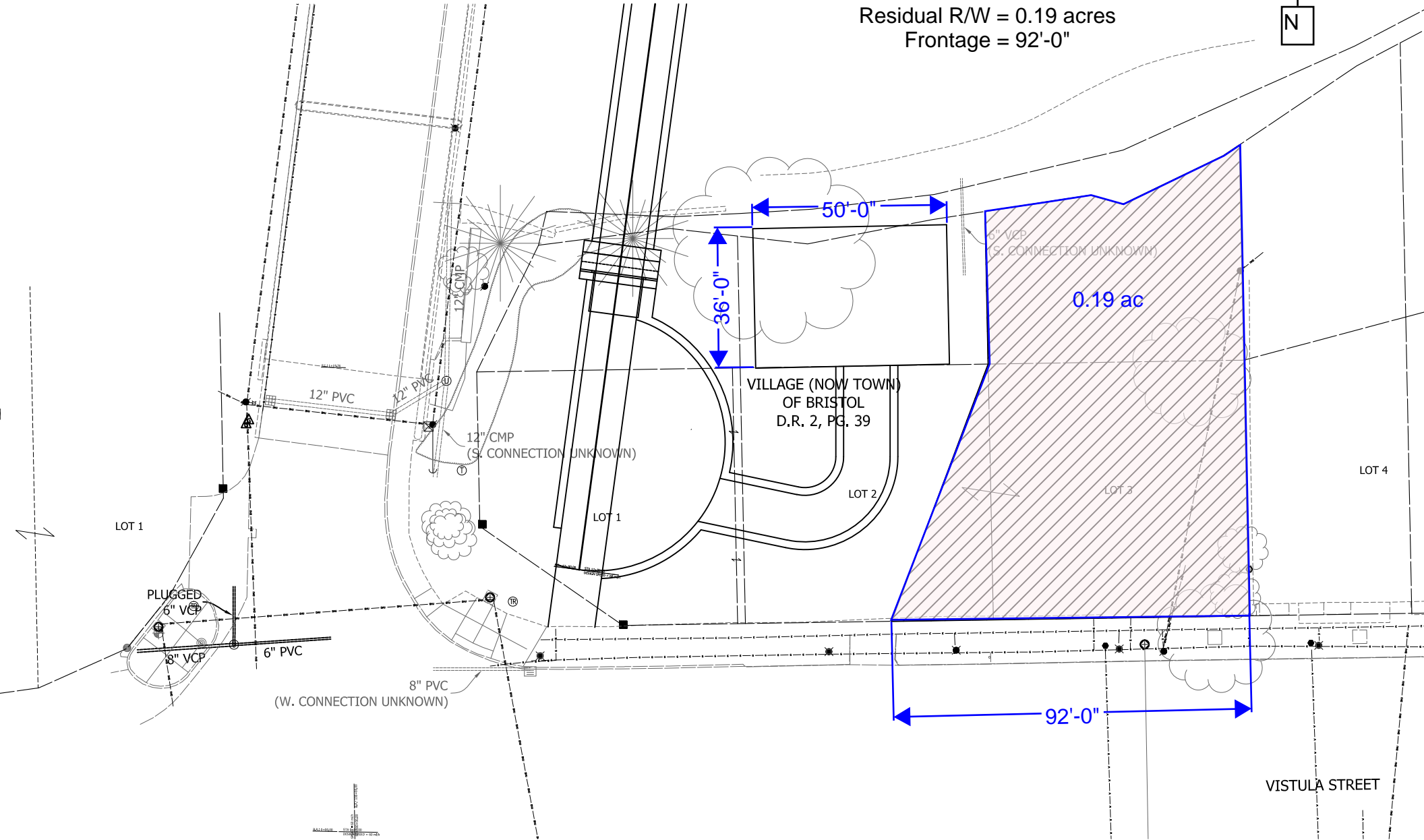


Alternative 2 - Reduced Area of Overlook
(50' wide x 36' deep)

Section 7, Item b.



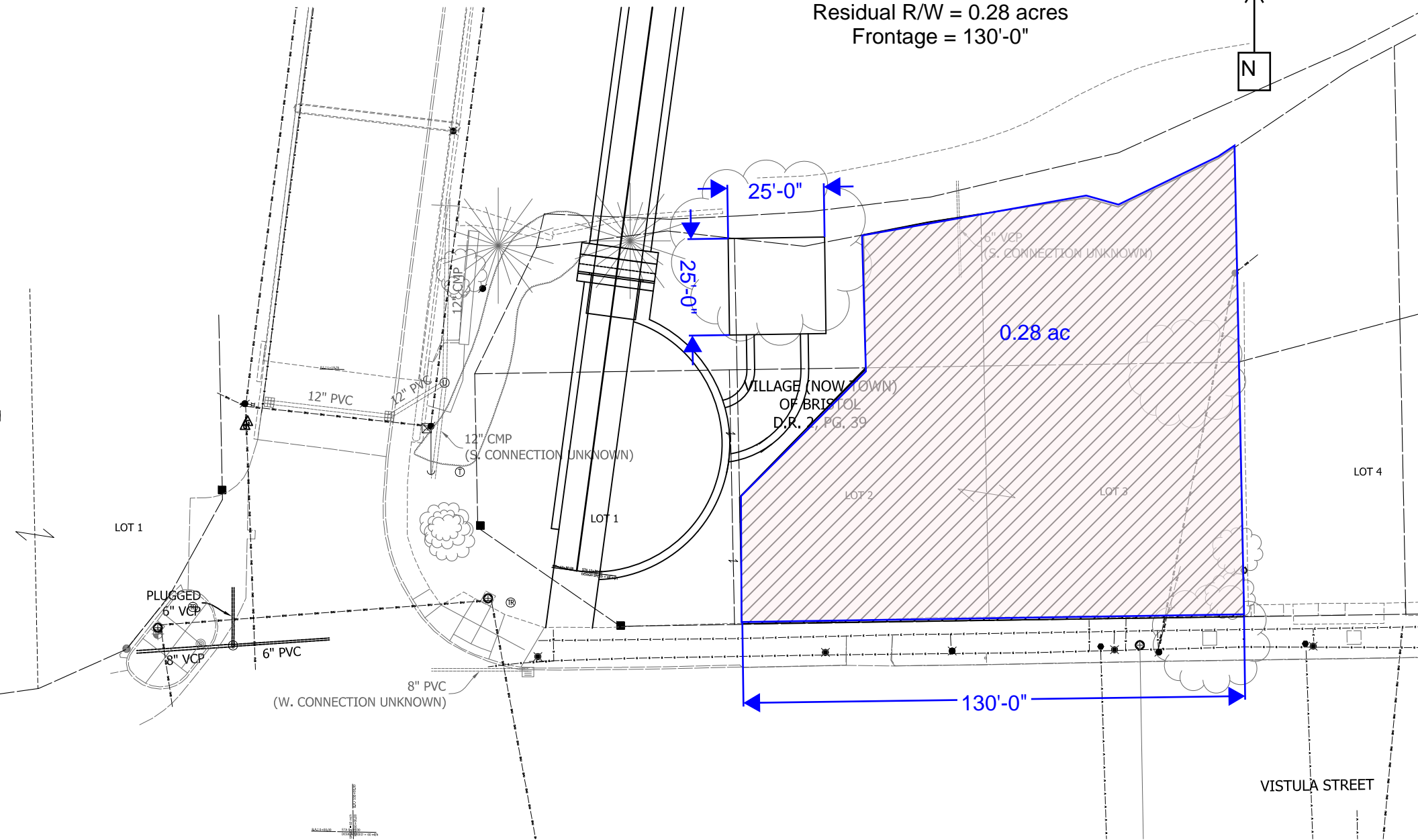
Residual R/W = 0.19 acres
Frontage = 92'-0"




Alternative 3 - Minimal Area Overlook
(25' wide x 25' deep)

Section 7, Item b.

Residual R/W = 0.28 acres
Frontage = 130'-0"



Project Name		Sales Rep		Phone		Updated	
Intellistreets		Bristol, Indiana		Intellistreets		10/10/2024	
ORDER OF MAGNITUDE QUOTE							
 <p>% - Denotes product that requires Intellistreets Gateway Connection. ! - Denotes product that requires Intellistreets Node Connection. * - Denotes product that requires internet connection via 5G, LTE, fiber or ethernet. ^ - Denotes product that requires SaaS subscription after first year. # - Denotes product that requires feature specific pole modification/fabrication. (Does not include straight holes or tenons)</p> <p>0 <- Denotes Quantity for Manual Input</p> <p>All Products are at 120 Volts Single Phase Main. Contact Intellistreets when higher voltage is required. Intellistreets approval required on all Bills of Materials before issuing a formal quote. Valid for 120 Days.</p>							

POLES, LUMINAIRES & BASES									
TYPE	REQ	PART NUMBER	SUPPLIER	Description	(1-10)	(11-50)	(51 - 100)	Qty	Extension
POLES		8116-XXX	STERNBERG	Decorative Deerfield 16' Structural Series 16' x 6" x .250" wall, straight smooth profile, standard powder coat finish	TBD	\$ 3,100.00	TBD	36	\$ 111,600
LUMINAIRE		A880SRLED-910-24L-30-T3-MDL014	STERNBERG	Historic Luminaire with Roof Mounted Optics for Low Glare. Intellistreets enabled features with Switched Receptacle Relay.	TBD	\$ 5,150.00	TBD	23	\$ 118,450
LUMINAIRE		A880SRLED-24L-30-T3-MDL014	STERNBERG	Historic Luminaire with Roof Mounted Optics for Low Glare for use with OOD Module (IS-ODD-220)	TBD	\$ 3,150.00	TBD	13	\$ 40,950
Subtotal									\$ 271,000

INTELLISTREETS, CONTROLS & NETWORKING									
TYPE	REQ	PART NUMBER	SPEC. SHEET	Description	(1-10)	(11-50)	(51 - 100)	Qty	Extension
INTELLISTREETS GATEWAY	* ^ #	IS-GW-E-B	IS.2	Ethernet Gateway for Communication to Intellistreets Nodes (Concealed in Base, Requires Stealth Antennas)	\$ 4,000	\$ 3,800	CALL	4	\$ 16,000
STEALTH ANTENNAS		IS-GW-ANT	IS.26	(3) Stealth Antennas for Intellistreets Gateway with Extensions	\$ 1,455	\$ 1,382	\$ 1,313	4	\$ 5,820
ON/OFF/DIM		IS-ODD-220	IS.18	Synapse DIM10-220 Full Size Controller includes 3dB antenna	\$ 210	\$ 200	\$ 190	13	\$ 2,597
ON/OFF/DIM	* ^ #	IS-ODD-GW	IS.9	Synapse On/Off/Dim Gateway	\$ 3,450	CALL	CALL	1	\$ 3,450
POE NETWORK SWITCH	*	IS-NS-F-POE	IS.40	Blackbox POE Network Switch includes Fiber Ports and Power Supply	\$ 2,063	\$ 1,959	\$ 1,861	12	\$ 23,508
Subtotal									\$ 51,375

ACCESSORIES									
TYPE	REQ	PART NUMBER	SPEC. SHEET	DESCRIPTION	(1-10)	(11-50)	(51 - 100)	Qty	Extension
SWITCHED RECEPTACLE	I	IS-OUTLET	IS.5	Remote-Controlled GFCI Outlet - Intellistreets provides relay and software.	\$ 345	\$ 328	\$ 311	23	\$ 7,544
SWITCHED RECEPTACLE		IS-OUTLET-NS	IS.5	GFCI Outlet - Intellistreets provides relay and software.	\$ 225	\$ 225	\$ 225	13	\$ 2,925
LED BANNERS	* ^	IS-LED-BAN	IS.4	24" X 48" Double-Sided LED Banner with 4mm Pitch, Auto-Dim & Cloud Based Software. Mounting Arms Included. Requires 6" Round x .250" Wall Thickness Pole Approved by Intellistreets.	\$ 19,760	\$ 18,772	\$ 17,833	6	\$ 118,560
COLOR-CHANGING FLOOD LIGHT	! #	IS-FLOOD	IS.12	Color Changing Flood Light (85 Watts) - Includes Custom Swivel Bracket and Wireless 4-Color RGBW Color Mixing Software	\$ 2,565	\$ 2,437	\$ 2,315	23	\$ 56,045
PUBLIC ACCESS WI-FI	* ^ #	IS-WIFI-B	IS.17	Cisco MR86 Public Wi-Fi Access Point (Concealed in Base, Requires Stealth Antennas)	\$ 3,800	\$ 3,610	\$ 3,430	6	\$ 22,800
STEALTH ANTENNAS		IS-WIFI-ANT	IS.26.2	(4) Stealth Antennas for Public Access Wi-Fi	\$ 1,890	\$ 1,796	\$ 1,706	6	\$ 11,340
Subtotal									\$ 219,214

LABOR									
TYPE	DESCRIPTION			(1-10)	(11-50)	(51 - 100)	Qty	Extension	
SHOP ASSEMBLY	Labor to Assemble and Test All Luminaires and Accessories Functions. (Per Smart Pole or Other Installation Item)			\$ 1,465	\$ 1,465	\$ 1,465	23	\$ 33,695	

COMMISSIONING & COORDINATION									
TYPE	DESCRIPTION			(1-10)	(11-50)	(51 - 100)	Qty	Extension	
CLOUD SETUP	Setup fee for cloud management per gateway			\$ 1,500	\$ 1,500	\$ 1,500	5	\$ 7,500	
DESIGN AND DOCUMENTATION	Design Lighting Installation and Develop Working Drawings based on Hardware				3%		1	\$ 16,248	
TRAVEL AND LODGING	Travel and Lodging (As Needed for Site Visits & Install)			\$		2,500.00	1	\$ 2,500	
LOGISTICS	Logistics/Freight based on Hardware				6%		-	\$ 32,495	
COMMISSIONING	Commissioning includes Training based on Hardware				5%		-	\$ 27,079	
Subtotal									\$ 85,822

RECURRING MANAGEMENT SERVICES AND SOFTWARE UPDATES (SaaS)									
TYPE	DESCRIPTION			Monthly	Annual	Qty	Monthly	Annual	
GATEWAY SOFTWARE	Ongoing Management Services (Per Gateway)			\$ 67	\$ 804	5	\$ 335	\$ 4,020	
LED BANNER SOFTWARE	Software and Web Management for LED Banner			\$ 15	\$ 180	6	\$ 90	\$ 1,080	
PUBLIC ACCESS WI-FI	Software and Web Management for Public Access Wi-Fi			\$ 35	\$ 420	6	\$ 210	\$ 2,520	
Subtotals							\$ 635	\$ 7,620	

- BASIC TERMS AND WARRANTY WILL BE STATED IN THE SCOPE OF WORK AND QUOTE**
- 10% Design Deposit, 40% Procurement Deposit, 35% upon Material Receipt, balance upon commissioning
 - 7-year limited warranty on all defective LIGHTING parts. 3-year limited warranty on all defective Wi-Fi Access Points and Cameras. 10-Year limited warranty on all finishes and coatings. All other sensors and network devices are manufacturers warranty
 - On-site labor as stated in the Intellistreets quote OR Scope of Work (SOW)
 - Commissioning as stated in the quote
 - Shop drawings approval necessary before order
 - Owner to receive, store and protect all merchandise
 - Annual software maintenance, monitoring- first year billed in advance and annually
 - Travel and lodging as specified in the quote or billed at cost
 - Color of all exposed equipment to be textured black unless otherwise specified

- NOT INCLUDED**
- Any field installation services other than stated in the quote
 - Taxes, Permits, Freight, Duty
 - Small cell equipment or installation
 - Fiber terminations - IS provides fiber terminators, not the labor. IS responsibility ends at the network switch. Connections to the internet or backhaul by others
 - Cellular Service is responsibility of the client and not covered by SaaS Fees. Modem and SIM Card may be included, but billing will be directly to customer.
 - Prices are estimated and may vary upon release of final drawings and plans
 - Sealed drawings or electrical engineering
 - Below grade pier base details or engineering
 - Electrical or internet distribution systems

PROFESSIONAL SERVICES				
	Day Fee	Hourly	Qty	Extension
Plan view site plans must be submitted to IC for use as background drawings. IC will use these background drawings to place notes for the installing contractor to use. Notes will include an assigned digital address for each luminaire, accessories at each location, and any installation notes	Included		0	\$ -
Shop drawings for product submittal sheets are included in base price of equipment		Included	0	\$ -

CREATIVE LIGHTING DESIGN FEES - Under Separate Agreement				
	Day Fee	Hourly	Qty	Extension
Lighting design and engineering drawings in .DWG AND .PDF format. Lighting Design layouts, photometric analysis, one-line drawings for wiring of all Intellistreets modular components and load calculations for all Intellistreets assemblies, is billed hourly or as part of the quote in the SOW. Intellistreets does not seal electrical or structural engineering drawings.		\$ 165.00	0	\$ -

Summary																			
Project Notes	<table border="1"> <tr><td>Poles, Luminaires and Bases</td><td>\$ 271,000</td></tr> <tr><td>Intellistreets, Controls and Networking</td><td>\$ 51,375</td></tr> <tr><td>Accessories</td><td>\$ 219,214</td></tr> <tr><td>Labor</td><td>\$ 33,695</td></tr> <tr><td>Commissioning and Coordination</td><td>\$ 85,822</td></tr> <tr><td>First Year Cloud and Management Services</td><td>\$ 7,620</td></tr> <tr><td>Professional Services</td><td>\$ -</td></tr> <tr><td>Creative Lighting Design Fees</td><td>\$ -</td></tr> <tr><td>Total (Taxes Not Included)</td><td>\$ 668,726</td></tr> </table>	Poles, Luminaires and Bases	\$ 271,000	Intellistreets, Controls and Networking	\$ 51,375	Accessories	\$ 219,214	Labor	\$ 33,695	Commissioning and Coordination	\$ 85,822	First Year Cloud and Management Services	\$ 7,620	Professional Services	\$ -	Creative Lighting Design Fees	\$ -	Total (Taxes Not Included)	\$ 668,726
Poles, Luminaires and Bases	\$ 271,000																		
Intellistreets, Controls and Networking	\$ 51,375																		
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Recurring SaaS Fees to be Invoiced One Year Post-Commissioning																			
Recurring Monthly Management Services	\$ 635																		
Recurring Annual Management Services	\$ 7,620																		

- TERMS AND CONDITIONS**
- Intellistreets (IS) is a brand name for components, hardware, and software manufactured or assembled.
 - Intellistreets' drawings are diagrammatic for luminaire type and location of assembly's and associated devices. Exact installation requirements to comply with all codes and regulations to be provided by an Architect of Record, Civil, and structural engineers. The notes herein are meant to clarify the project design intent.
 - IS will provide documentation based on an agreed-upon scope of work and concomitant costs. The IS Scope of Work will take precedence if any contractual conflict occurs.
 - The Customer is to provide all electronic backgrounds necessary for designing Intellistreets lighting and control systems. Civil engineering electronic backgrounds indicating roads, intersections, and existing lighting assembly locations are a typical requirement.
 - IS drawings will include digital addressing, specification sheets, and installation instructions.
 - IS will provide Construction Administration from their offices over electronic and video methods.
 - Owner to insure, receive, store, protect and insure all merchandise after delivery.
 - Orders cannot be cancelled.
 - Outdoor storage is not recommended unless the material is protected from the elements.
 - On-site labor, as stated in the quote, or as authorized by the customer.
 - Commissioning, and training is included.
 - Shop drawings approval by Customer is necessary before ordering.
 - Annual software maintenance, monitoring, and cloud services are included in the Scope of Work and Quote, and annually thereafter, or as stated in the Quote.
 - Travel and lodging as specified in the Quote or billed at cost with prior customer approval.
 - It is recommended that the Customer purchase a small inventory of parts that can be used for emergencies such as accidents or Acts of God.
 - Demurrage fees will be incurred for storing equipment for more than 30 days at the factory, lab or rented facility.
 - Customer is required to provide all IP addresses and permissions to enable Intellistreets communications



SRF Disbursement Request Form

Section 7, Item d.

Participant Information					
Name:	Town of Bristol Municipal Sewage Works	SRF Loan Number:	WW22532001		
UEI #:	NF3SQSFKCC57	CCR Number:	870T8	Request Number:	14
Mailing Address:	308 E. Vistula Street, PO Box 122				
City:	Bristol	State:	IN	ZIP Code:	46507-9489
Contact Person:	Mr. Mike Yoder	Contact Phone Number:	574-848-4853		
Authorized Representative:	Ms. Cathy Antonelli	Authorized Representative Phone Number:	574-848-7007		
If requesting reimbursement to the Participant by wire transfer please provide the following information:					
Bank Name:		Bank Routing Number:			
Account Name:		Account Number:			
Loan Information					
Description of work for which claim is being made (services, fees, type of work, etc.):	Partial Pay App #3				
Is any part of this claim funded by an alternate funding source?					<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If yes, please identify the source and amount of the claim funded by the alternate source (OCRA, SAP, Local					\$
Is any part of this claim funded by the Indiana Brownfields Program?					<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Has the Participant paid the request and is now seeking reimbursement?					<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Is any part of this claim a result of a change order? If yes, please attach the SRF change order approval letter.					<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Are there Green Project Reserve components involved in this request? If yes, please describe:					<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Are there any Lead Line replacement components in this request?					<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Loan Financial Information					
Original Loan Amount:		\$	28,265,000		
Total Amount of Previous Disbursements:		\$	2,525,727		
Balance Available After this Disbursement:		\$	24,412,648		
Amount to Contractor for this Request:		\$	1,326,625		
Is any part of this request a partial or final release of retainage to the contractor?					<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Contractor Name:	Robert E. Crosby, Inc. dba Crosby Construction	DUNS #:	103466145		
Mailing address:	2805 Freeman Street				
City:	Fort Wayne	State:	IN	ZIP Code:	46802
Wiring Information:					
Bank Name:	Lake City Bank	Bank Routing Number:	074903719		
Account Name:	RE Crosby Checking	Account Number:	1011496593		
Retainage Amount for this Request:		\$	69,822		
Participant requests that the retainage amount be held by SRF:					<input type="checkbox"/>
Participant requests that the retainage amount be sent to the Participant via check to the mailing address listed above:					<input type="checkbox"/>
Participant requests that the retainage amount be sent to the following bank:					<input type="checkbox"/>
Bank Name:		Bank Routing Number:			
Account Name:		Account Number:			
Total Amount of this Request:		\$	1,326,625		
The undersigned hereby certifies this request for disbursement is, to the best of my knowledge and belief, true and accurate and made in accordance with the conditions of the project agreement(s), that the certified payrolls received in connection with any enclosed construction invoices are in compliance with the Davis Bacon Act / US Department of Labor requirements of 29 CFR 5.5(a)(1), and are in compliance with SRF incentive programs.					
Authorized Representative Signature:		Date:			
For Internal Use Only:					
Approved By:		Date:		GPR Amount: \$	Lead Amount: \$

Revised on Feb. 7, 2019



October 15, 2024

Mr. Mike Yoder
Town Manager
Town of Bristol
303 E Vistula St
Bristol, IN 46507

**RE: Job Number S22145
WWTP Improvement Project
Contractor's Application for Partial Payment No. 3**

Dear Mr. Yoder:

Enclosed, please find the Contractor's Application for Partial Payment No. 3 for the WWTP Improvements Project.

Commonwealth Engineers, Inc. (Commonwealth) has reviewed the Contractor's Application for Payment and finds it to be complete and accurate. Therefore, Commonwealth recommends payment to Crosby Construction as follows:

- **Contractor Payment, Application No. 3: \$ 1,326,624.87**

Commonwealth recommends payment to the project retainage account as follows:

- **Contractor Payment, Application No. 3: \$ 69,822.36**

For summary reference purposes, the current record of recommended payments (including this recommendation) is:

Partial Payment No.	Payment to Contractor	Retainage Withheld	Total
1 (07/2024)	\$593,940.00	\$31,260.00	\$625,200.00
2 (08/2024)	\$274,468.30	\$14,445.70	\$288,914.00
3 (09/2024)	\$1,326,624.87	\$69,822.36	\$1,396,447.23
Total	\$2,195,033.17	\$115,528.06	\$2,310,561.23
Project Completion for this Division of work based on monetary value:			10%
Project Completion for this Division of work based on contract duration:			12%

Mike Yoder
Town of Bristol
Page 2 of 2
October 15, 2024

Section 7, Item d.

If you have any questions, comments, or concerns, please do not hesitate to contact us.

Sincerely,

COMMONWEALTH ENGINEERS, INC.

A handwritten signature in black ink that reads "Amy Mendoza". The signature is written in a cursive, flowing style.

Amy Mendoza, PE
Project Engineer

Enclosure

Contractor's Application for Payment

Section 7, Item d.

Owner: Town of Bristol Owner's Project No.: WW
 Engineer: Commonwealth Engineers, Inc. Engineer's Project No.: S22145
 Contractor: Crosby Construction Contractor's Project No.: 24105-01
 Project: WWTP Improvement Project
 Contract: WWTP Improvement Project

Application No.: 3 Application Date: 10/4/2024
 Application Period: From 8/30/2024 to 10/4/2024

1. Original Contract Price	\$ 24,293,749.00
2. Net change by Change Orders	\$ (277,020.00)
3. Current Contract Price (Line 1 + Line 2)	\$ 24,016,729.00
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 2,310,561.23
5. Retainage	
a. 5% X \$ 2,266,717.25 Work Completed	\$ 113,335.86
b. 5% X \$ 43,843.98 Stored Materials	\$ 2,192.20
c. Total Retainage (Line 5.a + Line 5.b)	\$ 115,528.06
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 2,195,033.17
7. Less previous payments (Line 6 from prior application)	\$ 868,408.30
8. Amount due this application	\$ 1,326,624.87
9. Balance to finish, including retainage (Line 3 - Line 4)	\$ 21,706,167.77

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment; (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective; (4) all items and amounts on the face of this Contractor's Application for Payment are correct; (5) all Work has been performed and/or material supplied in full accordance with the requirements of the referenced Contract, and/or duly authorized deviations, substitutions, alterations, and/or additions; (6) the foregoing is a true and correct statement of the Contract account up to and including the last day of the period covered by this Periodic Estimate, (7) no part of the "Balance Due This Payment" has been received, and (8) the undersigned and his subcontractors have - (check applicable line):

- a. Complied with all labor provisions of said Contract.
- b. Complied with all labor provisions of said Contract except in those instances where an honest dispute exists with respect to said labor provisions (if (b) is checked, describe briefly nature of dispute on an attached sheet).

Contractor: Crosby Construction

Signature:  Date: 10/9/24

Recommended by Engineer	Approved by Owner
By: <u>Amy Mendoza</u>	By: _____
Title: <u>Project Engineer</u>	Title: _____
Date: <u>10/16/24</u>	Date: _____

Approved by Funding Agency	
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner: Town of Bristol
 Engineer: Commonwealth Engineers, Inc.
 Contractor: Crosby Construction
 Project: WWTP Improvement Project
 Contract: WWTP Improvement Project

Owner's Project No.: WW 22532001
 Engineer's Project No.: S22145
 Contractor's Project No.: 24105-01

Application No.:		3		Application Period:		From 08/30/24 to 10/04/24		Application Date:		10/04/24	
Item No.	Description	C	Scheduled Value (\$)	D		E	F	G	H	I	
				(D + E) From Previous Application (\$)	Work Completed This Period (\$)						
Original Contract											
1	Bond / Insurance	242000	\$242,000.00					242,000.00	100%	-	
2	Mobilization / Demobilization	958000	\$479,000.00	431100				910,100.00	95%	47,900.00	
3	General Conditions / Supervision	600000	\$12,500.00	25000				37,500.00	6%	562,500.00	
4	Dewatering - Installation	151440							0%	151,440.00	
5	Dewatering Maintenance	355000							0%	355,000.00	
6	Demo - Existing Treatment Facility Structures	144335							0%	144,335.00	
7	Demo - Onsite Pipe Removal / Abandonment	70200							0%	70,200.00	
8	Demo - Reed Sludge Drying Beds	39000		39000				39,000.00	100%	-	
9	Demo - Lab / Office Building	40825							0%	40,825.00	
10	Demo - Maintenance Building	36800							0%	36,800.00	
11	Demo - Pavement / Sidewalks	11500							0%	11,500.00	
12	Concrete - Treatment Tank Slab	349280							0%	349,280.00	
13	Concrete - Treatment Tank Walls	1342250					\$ 6,003.92	6,003.92	0%	1,336,246.08	
14	Concrete - Treatment Tank Walkways / Top Slab	214760							0%	214,760.00	
15	Concrete - Grout Tank Slabs	87320							0%	87,320.00	
16	Concrete - UV Slabs	25370							0%	25,370.00	
17	Concrete - UV Walls	92040							0%	92,040.00	
18	Concrete - Cascade Slab	44530							0%	44,530.00	
19	Concrete - Cascade Walls	140300		22265				22,265.00	50%	140,300.00	
20	Concrete - Headworks Slab	33040							0%	33,040.00	
21	Concrete - Headworks Walls	257240							0%	257,240.00	
22	Concrete - Headworks Top Slab	140300							0%	140,300.00	
23	Concrete - ASH Modifications	43920							0%	43,920.00	
24	Concrete - Lab/Off Foundations	52900							0%	52,900.00	
25	Concrete - Lab/Off Slab	46000							0%	46,000.00	
26	Concrete - Maintenance Foundations	51750							0%	51,750.00	
27	Concrete - Maintenance Slab	57500							0%	57,500.00	
28	Concrete - Blower Pads	54280							0%	54,280.00	
29	Concrete - Generator Pad	11328							0%	11,328.00	
30	Concrete - Outfall Structure	38940							0%	38,940.00	
31	Concrete - Stoops / Sidewalks	47150							0%	47,150.00	
32	Concrete - Poles Bases	6900							0%	6,900.00	
33	Reinforcement - Material ONLY	402706					\$ 17,852.06	17,852.06	4%	384,000.00	
34	Reinforcement - Treatment Tank	421850							0%	421,850.00	
35	Reinforcement - UV	18300							0%	18,300.00	
36	Reinforcement - Cascade	27450		13725				13,725.00	50%	13,725.00	
37	Reinforcement - Headworks	27450							0%	27,450.00	

Section 7, Item d.

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner: Town of Bristol
 Engineer: Commonwealth Engineers, Inc.
 Contractor: Crosby Construction
 Project: WWTP Improvement Project
 Contract: WWTP Improvement Project

Owner's Project No.: WW 22532001
 Engineer's Project No.: S22145
 Contractor's Project No.: 24105-01

Application No.: 3		Application Period: From		to		Application Date: 10/04/24				
A Item No.	B Description	C Scheduled Value (\$)		D Work Completed (D + E) From Previous Application (\$)		E This Period (\$)	F Materials Currently Stored (not in D or E) (\$)	G Work Completed and Materials Stored to Date (D + E + F) (\$)	H % of Scheduled Value (G / C) (%)	I Balance to Finish (C - G) (\$)
		38	Reinforcement - Control / Maintenance Bldgs	27313						
39	Reinforcement - ASH Tanks	4313							0%	4,313.00
40	Masonry	270600							0%	270,600.00
41	Masonry Veneers	98185							0%	98,185.00
42	Treatment Tank - Stairs w/ HR	96380							0%	96,380.00
43	Treatment Tank - Top HR	111020							0%	111,020.00
44	Headworks - Stairs w/ HR	101260							0%	101,260.00
45	Headworks - Misc Metals / Grating	30256							0%	30,256.00
46	UV - Misc Metals / Grating	21960							0%	21,960.00
47	Cascade - Misc Metals / Grating	40260							0%	40,260.00
48	Pipe Bollards	41480							0%	41,480.00
49	Headworks - Roof Structure	62535							0%	62,535.00
50	Lab/Off - Pole Building	182900							0%	182,900.00
51	Lab/Off - Interior Framing	63000							0%	63,000.00
52	Maintenance - Pole Building	115000							0%	115,000.00
53	Canopy Structures	46000							0%	46,000.00
54	Drywall / Insulation	77000							0%	77,000.00
55	Doors / Frames / Hrdw	97680							0%	97,680.00
56	Access Hatches	45360							0%	45,360.00
57	Coiling Doors	79560							0%	79,560.00
58	Painting / Coatings	390000							0%	390,000.00
59	Flooring	22080							0%	22,080.00
60	Acoustical Ceilings	16215							0%	16,215.00
61	Casework	52000							0%	52,000.00
62	Toilet Accessories / Partitions / Lockers	39100							0%	39,100.00
63	Cascade Aerator	111838							0%	111,838.00
64	Chemical Feed Equipment / Storage Tank	118486							0%	118,486.00
65	Samplers Equipment	19054							0%	19,054.00
66	Influent Pumps	203583							0%	203,583.00
67	Sludge Pumps	47298							0%	47,298.00
68	Influent Screening	257888							0%	257,888.00
69	UV Equipment	257600					\$ 16,198.00	16,198.00	6%	241,402.00
70	SBR Equipment	1960555							0%	1,960,555.00
71	Davit Cranes	22500							0%	22,500.00
72	ASH Blowers	178361							0%	178,361.00
73	Fine Bubble Aerators	114000							0%	114,000.00
74	SCADA	480125							0%	480,125.00
75	Process Piping - Influent Pump Sta.	239448							0%	239,448.00

Section 7, Item d.

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner: Town of Bristol
 Engineer: Commonwealth Engineers, Inc.
 Contractor: Crosby Construction
 Project: WWTP Improvement Project
 Contract: WWTP Improvement Project
 Owner's Project No.: WW 22532001
 Engineer's Project No.: S22145
 Contractor's Project No.: 24105-01

Application No.: 3		Application Period: From 08/30/24 to 10/04/24		Application Date: 10/04/24					
Item No.	Description	C Scheduled Value (\$)	D Work Completed (D + E) From Previous Application (\$)		E Work Completed This Period (\$)	F Materials Currently Stored (not in D or E) (\$)	G Work Completed and Materials Stored to Date (D + E + F) (\$)	H % of Scheduled Value (G / C) (%)	I Balance to Finish (C - G) (\$)
			E This Period (\$)						
76	Process Piping - SBR Piping	620388						0%	620,388.00
77	Process Piping - SBR Blowers	54420						0%	54,420.00
78	Process Piping - ASH Blowers	32652						0%	32,652.00
79	Process Piping - Headworks	32652						0%	32,652.00
80	Process Piping - UV	21768						0%	21,768.00
81	Process Piping - Sludge Holding Tank #1	65304						0%	65,304.00
82	Process Piping - Sludge Holding Tank #2	21768						0%	21,768.00
83	Process Valves - Influent PS	82824						0%	82,824.00
84	Process Valves - SBR Valve (Not by Aqua)	109620				3,790.00	3,790.00	3%	105,830.00
85	Process Valves - SBR Blower Valves	14616						0%	14,616.00
86	Process Valves - ASH Blower Valves	14616						0%	14,616.00
87	Process Valves - Sludge Holding Tank #1	21924						0%	21,924.00
88	Slide Gates - Headworks	19358						0%	19,358.00
89	Slide Gates - UV	38717						0%	38,717.00
90	Pipe Insulation - Headworks	31050						0%	31,050.00
91	Pipe Insulation - Sludge Holding Tank #1	51750						0%	51,750.00
92	Pipe Insulation - Sludge Holding Tank #2	69000						0%	69,000.00
93	Plumbing / HVAC - Headworks	136880						0%	136,880.00
94	Plumbing / HVAC - Lab/Off	325496						0%	325,496.00
95	Plumbing / HVAC - Maintenance	168432						0%	168,432.00
96	Plumbing / HVAC - Treatment Fac.	231768						0%	231,768.00
97	Electrical - Temp Electric / Structures	324000						0%	324,000.00
98	Electrical - New Lab/Off	215033						0%	215,033.00
99	Electrical - New Maintenance	149535						0%	149,535.00
100	Electrical - New Headworks	167122						0%	167,122.00
101	Electrical - New Treatment SBR	406827						0%	406,827.00
102	Electrical - New UV	106946						0%	106,946.00
103	Electrical - New WW / VV Structure	116571						0%	116,571.00
104	Electrical - Demolition	38506						0%	38,506.00
105	Electrical - Underground Conduit/Wire	563997						0%	563,997.00
106	Electrical - Generator / ATS	240100						0%	240,100.00
107	Electrical - Screen Equipment	66612						0%	66,612.00
108	Electrical - Blowers	80432						0%	80,432.00
109	Electrical - Pole Lights	25268						0%	25,268.00
110	Erosion Control	18000			13500			0%	80,432.00
111	Excavation / Backfill - Wet Well / VV	192760					13,500.00	0%	25,268.00
112	Excavation / Backfill - Treatment Facility	471200						75%	48,000.00
113	Excavation / Backfill - UV	52080					235,600.00	50%	235,600.00
								0%	52,080.00

Section 7, Item d.

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner: Town of Bristol
 Engineer: Commonwealth Engineers, Inc.
 Contractor: Crosby Construction
 Project: WWTP Improvement Project
 Contract: WWTP Improvement Project

Owner's Project No.: WW 22532001
 Engineer's Project No.: S22145
 Contractor's Project No.: 24105-01

Application No.: 3		Application Period: From		to		Application Date: 10/04/24			
Item No.	Description	C Scheduled Value (\$)	D Work Completed (D + E) From Previous Application (\$)		E This Period Completed (\$)	F Materials Currently Stored (not in D or E) (\$)	G Work Completed and Materials Stored to Date (D + E + F) (\$)	H % of Scheduled Value (G / C) (%)	I Balance to Finish (C - G) (\$)
			E This Period Completed (\$)						
114	Excavation / Backfill - Cascade	83235		62426.25			62,426.25	75%	20,808.75
115	Excavation / Backfill - Headworks	59520					-	0%	59,520.00
116	Excavation / Backfill - Control Bldg	21240					-	0%	21,240.00
117	Excavation / Backfill - Maintenance Bldg	29500					-	0%	29,500.00
118	Excavation / Backfill - Outfall Structures	9450					-	0%	9,450.00
119	Earth Retention - Treatment Facility	923614		\$461,807.00			461,807.00	50%	461,807.00
120	Earth Retention - Cascade	148000		\$29,600.00			29,600.00	20%	118,400.00
121	Backfill - Site / Existing Structures	112125					-	0%	112,125.00
122	Rough Grade / Top Soil	81650					-	0%	81,650.00
123	Auger Pipe Bollards	29325					-	0%	29,325.00
124	LS / WW / VV - Structures / Hatches	335500					-	0%	335,500.00
125	Oil / Water Separator	14375					-	0%	14,375.00
126	Site - Manhole Structures	91134					-	0%	91,134.00
127	Site - Storm Inlets	7021					-	0%	7,021.00
128	Site - 4"-8" Sewer	37496					-	0%	37,496.00
129	Site - 12" Forcemain	29264					-	0%	29,264.00
130	Site - 18" Influent	62066					-	0%	62,066.00
131	Site - 16" Effluent	75520					-	0%	75,520.00
132	Site - 24" Effluent (Headwall Str. Item #30)	221368					-	0%	221,368.00
133	Site - WW/VV 10" Piping	36600					-	0%	36,600.00
134	Site - 4" WAS	84913					-	0%	84,913.00
135	Site - 4" Sludge / Decant Lines	21830					-	0%	21,830.00
136	Site - 6" Air Lines	66541					-	0%	66,541.00
137	Site - 6"-8" Drain Lines	15576					-	0%	15,576.00
138	Site - 1"-3" Waterlines	62682					-	0%	62,682.00
139	Site - 4"-6" Waterlines	21240					-	0%	21,240.00
140	Live Tap / Patching	18703					-	0%	18,703.00
141	Asphalt	251575					-	0%	251,575.00
142	Stone Drives	69090					-	0%	69,090.00
143	Sidewalk Prep / Stone	10584					-	0%	10,584.00
144	Fencing	57600					-	0%	57,600.00
145	Landscaping / Seed	39600					-	0%	39,600.00
146	Primary Clarifier Liquid Sludge - Mobilize	14960					-	0%	14,960.00
147	Primary Clarifier Liquid Sludge (26,250 gals.)	32813					-	0%	32,813.00
148	Epoxy Injection Repair Type EI - 250 LF	18750					-	0%	18,750.00
149	Chem Grout Injection Type CG - 250 LF	26250					-	0%	26,250.00
150	Partial Depth Horiz Surface Type P - 500 SF	46500		\$46,500.00			46,500.00	100%	46,500.00
151	Partial Depth Vert Surface Type P - 500 SF	46500		\$46,500.00			46,500.00	100%	46,500.00

Section 7, Item d.

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner: Town of Bristol
 Engineer: Commonwealth Engineers, Inc.
 Contractor: Crosby Construction
 Project: WWTP Improvement Project
 Contract: WWTP Improvement Project

Owner's Project No.: WW 22532001
 Engineer's Project No.: S22145
 Contractor's Project No.: 24105-01

Application No.: 3		Application Period: From 08/30/24 to 10/04/24		Application Date: 10/04/24				
Item No.	Description	C Scheduled Value (\$)	D Work Completed		F Materials Currently Stored (not in D or E) (\$)	G Work Completed and Materials Stored to Date (D + E + F) (\$)	H % of Scheduled Value (G / C) (%)	I Balance to Finish (C - G) (\$)
			(D + E) From Previous Application (\$)	This Period (\$)				
152	Epoxy Injection Repair Type EI - 200 LF	15000					0%	15,000.00
153	Chem Grout Injection Type CG - 200 LF	21000					0%	21,000.00
154	Partial Depth Vert Surface Type P - 500 SF	46500		\$46,500.00		46,500.00	100%	-
155	Reed / Sludge Drying Beds - Mobilize	7500	7,500.00			7,500.00	100%	-
156	Reed / Sludge Drying Beds - 2,500 Tons	167500	167,500.00			167,500.00	100%	-
157	All Treatment Strs - Debris / Grit - Mobilize	13400					0%	13,400.00
158	All Treatment Strs - Debris / Grit - 100 CY	24000					0%	24,000.00
159	Allowance - ASH Tank Inspection	3000					0%	3,000.00
160	Allowance - Paint / Asbestos	10000		5,614.00		5,614.00	56%	4,386.00
161	Allowance - Decorative Masonry	100000					0%	100,000.00
162	MA-1 - Lift Station 1							
163	Excavation / Backfill	204060					0%	204,060.00
164	Lift Station Upgrades / Equipment	245100					0%	245,100.00
165	Electrical	48840					0%	48,840.00
166	MA-2 - Lift Station 3							
167	Excavation / Backfill	256500					0%	256,500.00
168	Lift Station Upgrades / Equipment	359100					0%	359,100.00
169	Electrical	54400					0%	54,400.00
170	MA-3 - Lift Station 8							
171	Excavation / Backfill	236493					0%	236,493.00
172	Lift Station Upgrades / Equipment	373350					0%	373,350.00
173	Electrical	55157					0%	55,157.00
174	MA-4 - Lift Station 10							
175	Excavation / Backfill	59,400.00					0%	59,400.00
176	Chemical Tank / Equipment	102,600.00					0%	102,600.00
177	Electrical	6,900.00					0%	6,900.00
178	Value Engineering	156,100.00		\$156,100.00		156,100.00	100%	-
179	MA-5 - Lift Station Upgrades SCADA							
180	Controls / Equipment	188,000.00					0%	188,000.00
181								
182								
183								
184								
185								
186								
Original Contract Totals		\$ 24,293,749.00	\$ 914,114.00	\$ 1,629,623.25	\$ 43,843.98	\$ 2,587,581.23	11%	\$ 21,706.

Section 7, Item d.

AFFIDAVIT

State of Indiana)
Elkhart County

Michael R. Mattingly being duly sworn states that he is the President of Robert E. Crosby, Inc. and having contracted with the **Town of Bristol** for a project known as **WWTP Improvements Project** located in Elkhart County, Indiana and does hereby further state on behalf of the aforementioned contractor that receipt of

\$0.00 is acknowledged and upon receipt of \$593,940.00, \$274,468.30 & \$1,326,624.87

Robert E. Crosby, Inc. will waive and release unto the Owner of said premises, any and all lien, right of lien or claim of whatsoever kind of character on the above described building and real estate, to and for said amount, on account of labor or material or both, furnished by the undersigned thereto through **October 4th, 2024.**

ROBERT E. CROSBY, INC.

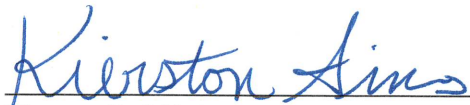


Michael R. Mattingly , President

Subscribed to and sworn to before me this 9th day of October, 2024 by Michael R. Mattingly, President of Robert E. Crosby, Inc.



KIERSTON SIMS, Notary Public
Allen County, State of Indiana
Commission Number NP0743180
My Commission Expires August 22, 2030



Notary Public



Bristol Police Department
September 2024

Traffic Enforcement:	Citations: 60
	Warnings: 63
Calls for Service:	461
Calls:	304
Vehicle Crashes:	Property Damage: 6
	Personal Injury: 2
	Fatal: 0
	Leaving Scene: 0
Criminal Enforcement:	Cases Taken: 44
	Cases closed by arrest: 12
	OWI: 4 Felony: 0
	Poss. Drugs and/or Paraphernalia: 0
Impounded Vehicles:	9
Miles Driven:	11,815

Criminal Enforcement: September brought us several investigations, having investigated 44 cases and 12 of those cases were closed by immediate arrest. Four OWI arrests, 3 thefts, 2 criminal mischiefs, 6 warrant arrests, 1 habitual traffic violator and 2 runaways, 1 burglary, 1 forgery and 1 battery. We continue to investigate several cases from this and previous months.

Traffic Enforcement: In September officers investigated 8 vehicle crashes. Officers issued 60 traffic citations, addressing speed, signal and sign violations. There were 10 of our citations that were for driving while license suspended or never receiving a license. They also issued 63 written warning tickets. As always, please drive defensively and never text and drive.

Please report any suspicious activity when you see it. Our continued work together can only make our community better and safer. Thanks to all for your continued support and cooperation.

Together we can make a better community

Respectfully,
Stephen M. Priem, Marshal

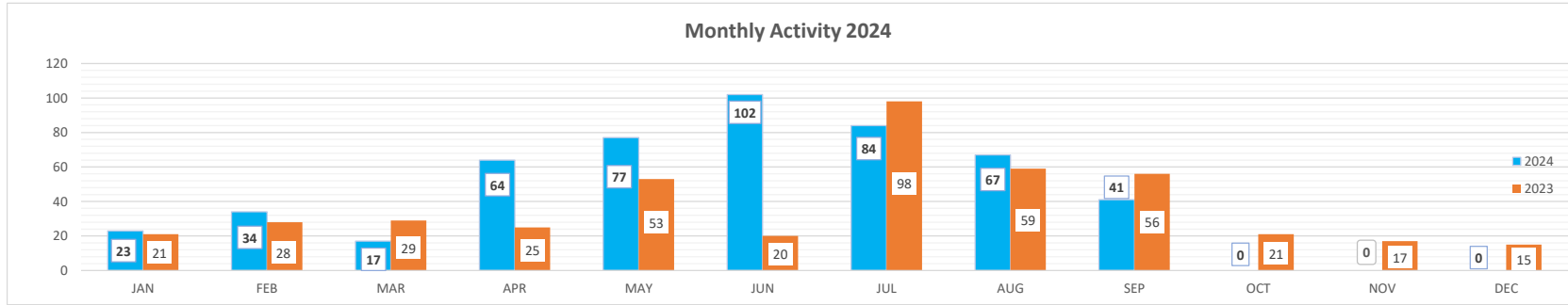
Code Enforcement Dashboard 2024

Section 9, Item a.

Measure	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Current 2024	2023	Warning Issued	Notice Issued	Parking Citation	Impound	Violation Corrected	Unfounded	Open
Abandoned & Junk Vehicles (Property)	0	3	0	2	1	0	0	0	0	0	0	0	6	18	6	0	0	0	6	0	0
Abandoned & Junk Vehicles (Street)	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Animals	1	3	0	0	2	0	2	0	0	0	0	0	8	11	8	0	0	0	7	1	1
Bicycles & foot scooters	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Golf Carts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
High Grass	0	0	0	14	37	40	26	16	8	0	0	0	141	144	141	1	0	0	139	1	1
Illegal Parking	11	20	8	18	14	27	34	20	19	0	0	0	171	140	171	0	0	0	171	0	0
Improper disposal of trash	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Litter & Dumping	0	0	0	0	0	0	2	0	0	0	0	0	2	23	2	1	0	0	2	0	0
Loud Noise or disturbing the peace	1	0	0	1	1	0	0	0	0	0	0	0	3	2	3	0	0	0	2	1	0
Nuisance issues	0	2	5	4	1	2	0	0	0	0	0	0	14	26	14	0	0	0	11	3	0
Snowmobiles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Snow and Ice from sidewalk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Signs and devices	2	0	3	21	15	28	8	24	7	0	0	0	108	35	108	0	0	0	108	0	0
Trash on property	2	2	0	2	0	3	3	2	1	0	0	0	15	3	15	1	0	0	15	0	0
Trees & Bushes	0	1	0	0	6	0	1	1	1	0	0	0	10	6	10	0	0	0	9	1	0
Weeds & Rank Vegetation	0	0	0	0	0	0	1	0	0	0	0	0	1	1	1	0	0	0	1	0	0
Vehicles for sale on grass	1	0	1	0	0	0	0	0	2	0	0	0	4	9	4	0	0	0	4	0	0
Other	5	3	0	2	0	2	7	4	3	0	0	0	26	22	26	0	0	0	24	2	0
TOTAL	23	34	17	64	77	102	84	67	41	0	0	0	509	442	509	3	0	0	499	9	2

Citizens' complaints	6	4	2	6	11	3	10	4	7	0	0	0	53
Code enforcement officer	17	30	15	58	65	99	74	63	34	0	0	0	455

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Chicken Permits Issued	0	0	0	1	0	0	0	0	0	0	0	0	1



2023 21 28 29 25 53 20 98 59 56 21 17 15



BRISTOL FIRE DEPARTMENT

405 E. ELKHART STREET
BRISTOL, IN. 46507

Office 1-574-848-4155 / Fax 1-574-848-0459



Section 10, Item a.

Nicholas J. A. Kantz Fire Chief

James A. Hanes Jr. Assistant Chief

October 2024 Operations Report:

We responded to 104 calls in September.

We had 433 responses in September.

Staffing:

We are short 1 Fulltime Firefighter/EMT.

We are short 1 Fulltime Firefighter/Paramedic.

Additional:

We have ladder testing and pump testing scheduled at the end of the month.

Tower 83 – has been in the shop for preventative maintenance and repairs. All the hydraulic lines have to be replaced because they are leaking due to rust. We had to have the hydraulic cylinder rebuilt and a couple of valves in the pump need rebuilt. We are looking at a price of \$40,000.00-\$60,000.00 to get this truck fixed so it passes its upcoming tests.

We started our picture fundraiser. You will receive a letter in the mail from Bristol Fire Department with a request for a \$35.00 donation, in turn you receive a free 8X10 picture. If you have not received a letter in the mail, please call us or stop by and we will get you one.

**Thank you,
Nicholas J.A. Kantz
Fire Chief**

Filter statement

Filters Alarm Date Range 9/1/24 to 9/30/24

Total Incidents & False Alarms

Total Incidents w/false alarms included

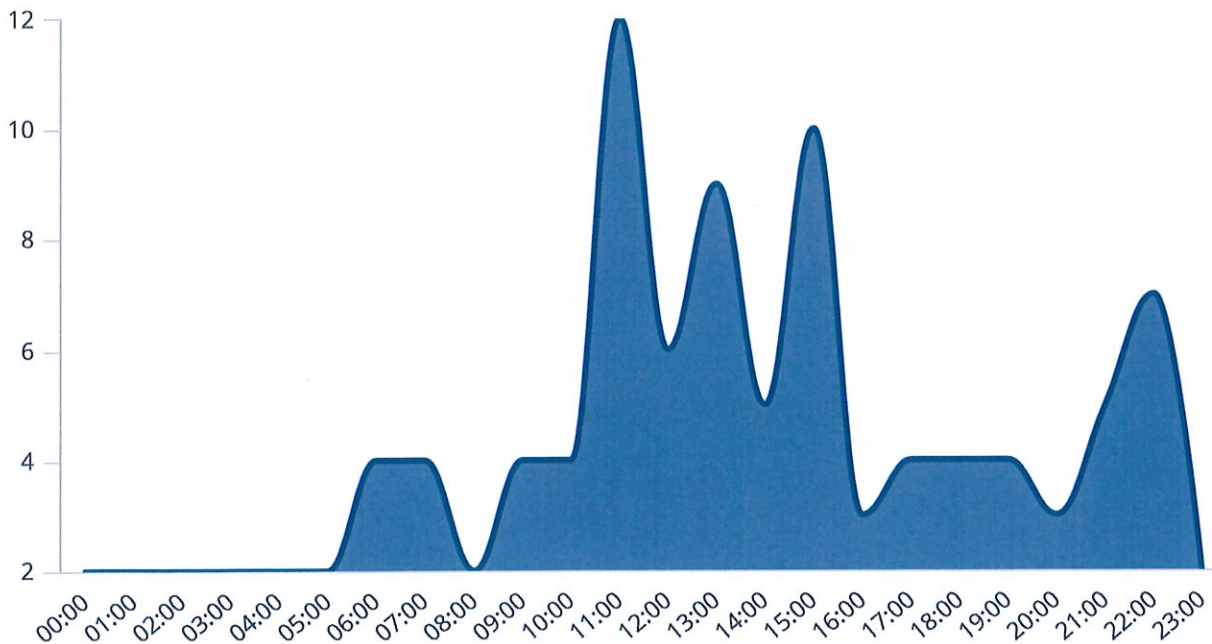
104

Percent of Incidents with False Alarm

Percent of False Alarm Calls

6.73%

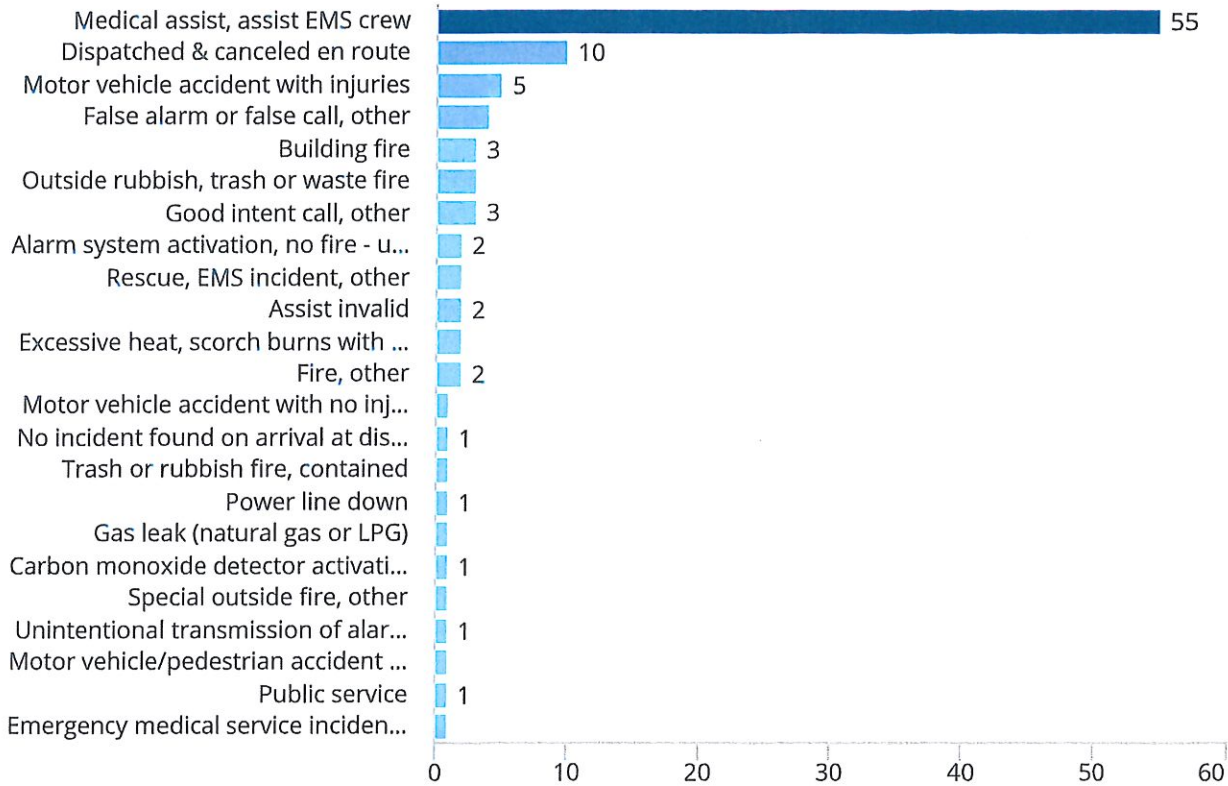
Incidents over Time



Filter statement

Filters **Alarm Date Range** 9/1/24 to 9/30/24

Breakdown of False Alarm Incidents by Type



Total Number of Incidents

of unique Incident Number

104

ORDINANCE NO. 10-17-2024-24

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AMENDING SECTIONS OF CHAPTER 95 OF TITLE IX OF THE CODE OF ORDINANCES FOR THE TOWN OF BRISTOL, INDIANA

WHEREAS, the Town of Bristol, Indiana (the “Town”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the “Council”); and

WHEREAS, the Town pursuant to Indiana Code § 36-8-2-8 may regulate the introduction of any substance or odor into the air, or any generation of sound; and

WHEREAS, the Town pursuant to Indiana’s Home Rule statutes, Indiana Code § 36-1-3-1, et seq., the Town may exercise any power or perform any function necessary to the public interest in the context of its municipal or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity; and

WHEREAS, the Council has determined that the creation of excessive noise and sound within the corporate limits of Town is a detriment to the public health, safety and welfare and the quality of life of the citizens of the Town; and

WHEREAS, it is the policy of the Town to prevent excessive noise and sound in order to preserve, protect and promote the health, safety and welfare and the quality of life of its citizens; and

WHEREAS, Chapter 95 of Title IX of the Code of Ordinances for the Town (the “Code”) concerns the regulation of loud and unnecessary noises in the Town; and

WHEREAS, the Council has seen fit to amend certain provisions of the Code relating to loud and unnecessary noises for the benefit of the residents and industries of the Town; and

WHEREAS, pursuant to Sec. 95.51(C) of the Code, the Town has advertised the proposed revisions to the Code provided for in this Ordinance for more than one (1) month prior to adoption.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, meeting in regular session, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. As of the effective date of this Ordinance, Section 95.50 of the Code, entitled “Sound Pressure Level or Noise Measurement”, is hereby deleted and replaced in its entirety by new Section 95.50 entitled “Definitions” as set forth on Exhibit A attached hereto and incorporated herein.

- Section 3. As of the effective date of this Ordinance, Section 95.51 of the Code, entitled “Sound Pressure Level Limits in Db(A) For Single Noise or Sound Sources in Residential, Business, and Manufacturing Zones”, is hereby deleted and replaced in its entirety by new Section 95.51 entitled “Sound Levels by Receiving Land Use” as set forth on Exhibit B attached hereto and incorporated herein.
- Section 4. As of the effective date of this Ordinance, Section 95.52 of the Code, entitled “Noises Prohibited”, is hereby deleted and replaced in its entirety by new Section 95.52 entitled “Prohibited Noises; Noise Level Standards for Sound Amplification Systems and Motor Vehicles; Other Prohibited Noises” as set forth on Exhibit C attached hereto and incorporated herein.
- Section 5. As of the effective date of this Ordinance, Section 95.53 of the Code, entitled “Exemptions”, is hereby amended, and replaced in its entirety by new Section 95.53 as set forth on Exhibit D attached hereto and incorporated herein.
- Section 6. As of the effective date of this Ordinance, Section 95.56 of the Code, entitled “Noise Enforcement”, is hereby amended, and replaced in its entirety by new Section 95.53 as set forth on Exhibit E attached hereto and incorporated herein.
- Section 7. As of the effective date of this Ordinance, Section 95.55 of the Code, entitled “Other Noises Prohibited: Standards for Unnecessary Noises”, is hereby deleted in its entirety.
- Section 8. If any portion of this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.
- Section 9. All ordinances and parts of ordinances, and all Titles, Chapters and/or Sections of the Code that conflict with the provisions contained herein are hereby specifically repealed as of the effective date of this Ordinance.
- Section 10. This Ordinance shall be in full force and effect from and after its adoption in accordance with Indiana Law, and upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All acts pursuant to the adoption of this Ordinance are hereby ratified.

* * * * *

ADOPTED THIS ____ DAY OF _____, 2024.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Dean Rentfrow

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

EXHIBIT A

95.50 DEFINITIONS

95.50 DEFINITIONS

A. For the purposes of this ordinance, the following words, terms and phrases shall have the meanings set forth:

(1) “Commercial Area” shall mean any parcel of land zoned as B-1, B-2, or B-3 under the Zoning Ordinance.

(2) “dB(A)” shall mean the intensity of a sound expressed in decibels read from a calibrated sound level meter using the A-level weighting scale and the slow meter response, as specified by the American National Standards Institute (or its successor).

(3) “Decibel” shall mean a unit measure of sound level. The symbol is dB.

(4) “Domestic power equipment” shall mean any equipment or device rated at 20 horsepower or less and used for home or building repairs and grounds maintenance.

(5) “Emergency work” shall mean any activities performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by existing or imminent peril.

(6) “Industrial Area” shall mean any parcel of land zoned as M-1 or M-2 under the Zoning Ordinance.

(7) “Motor Vehicle” shall mean a vehicle that is self-propelled.

(8) “Person” shall mean any individual, association, partnership or corporation.

(9) “Premises” shall mean a tract of land including its buildings and structures.

(10) “Property line” shall mean the real or imaginary line and its vertical extension which separates the real property owned, leased or occupied by any person from contiguous real property owned, leased or occupied by any other person.

(11) “Public property” shall mean all real property which is owned or controlled by a governmental entity, and shall include any public rights-of-way, public buildings, parks and waterways.

(12) “Public right-of-way” shall mean any street, avenue, boulevard, highway, road, thoroughfare, sidewalk, alley or any other property which is owned or controlled by a governmental entity.

(13) “Residential area” shall mean any parcel of land zoned as R-1, R-2, R-3, or A-1 under the Zoning Ordinance.

(14) “Sound amplification system” shall mean any apparatus used for the amplification of sounds from any radio, tape player, cassette player, compact disc player, loudspeaker, sound amplifier, alarm or other sound-generating device, including any apparatus for the amplification of the human voice.

(15) “Unreasonable Noise” shall mean a sound that is of a volume, frequency or pattern that prevents, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of reasonable persons of ordinary sensitivities within the corporate boundaries of the Town, given the time of day or environment in which the sound is made.

(16) “Zoning Ordinance” shall mean the Elkhart County Development Ordinance as adopted by the Town Council and may be amended from time to time.

EXHIBIT B

95.51 SOUND LEVELS BY RECEIVING LAND USE

95.51 SOUND LEVELS BY RECEIVING LAND USE.

A. No person shall create cause to be created, permit to be created, or otherwise generate any source of sound in a manner that creates a sound level which exceeds the following limits for the receiving land use category when measured at the property line of the receiving land use as set forth in the following table:

SOUND LEVEL LIMITS BY RECEIVING LAND USE		
Receiving Land Use Category	Time	Sound Level Limit
Residential Area	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	70 dB(A)
Commercial Area	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	70 dB(A)
Industrial Area	All Times	80 dB(A)

B. The Town Council is empowered to review and adjust these levels.

C. This section does not apply to motor vehicles or sound amplification systems operated on public property.

EXHIBIT C

95.52 PROHIBITED NOISES; NOISE LEVEL STANDARDS FOR SOUND AMPLIFICATION SYSTEMS AND MOTOR VEHICLES; OTHER PROHIBITED NOISES

95.52 PROHIBITED NOISES; NOISE LEVEL STANDARDS FOR SOUND AMPLIFICATION SYSTEMS AND MOTOR VEHICLES; OTHER PROHIBITED NOISES.

A. Except as otherwise provided in this ordinance, it shall be unlawful for any person to cause or make any unreasonable noise or to allow any unreasonable noise to be caused or made in or on any real property or personal property within the Town limits occupied or controlled by that person.

B. Sound Amplification Systems.

(1) No person shall play, use, operate or permit to be played, used or operated any sound amplification system if it is located in or on any public property or any motor vehicle on a public street, alley, highway, park or other public property, if the sound generated is plainly audible to any other person measured at a distance at least 100 feet from the sound amplification system.

C. Motor Vehicle Noises.

(1) No person shall operate any motor vehicle on a public street, alley, highway, park or other public property in which the engine, muffler, exhaust and/or other noise control equipment have been altered, removed or maintained in such disrepair as to generate a sound plainly audible to any other person measured at a distance at least 100 feet from the motor vehicle.

(2) No Person shall operate or use any motor vehicle in such a manner to create unreasonable noise from squealing of tires or grating, grinding, rattling or other noises from disrepair.

(3) No person operating a motor vehicle containing a jake brake shall apply the jake brake within the Town limits.

(4) Except as used for warning purposes, no person shall use, operate or sound any horn or other signaling device on any motor vehicle on a public street, road, alley, highway, park or other public property for any unreasonable period of time.

(5) No person shall play, use, or operate or allow to be played, used, or operated in or on any motor vehicle any sound amplification system at a volume that is louder than necessary for the convenient hearing of persons who are inside the motor vehicle within which such device is played, used or operated.

D. Noises from Premises.

(1) No person shall play, use, or operate or allow to be played, used, or operated on a premises any sound amplification system in such a manner that the sound produced causes unreasonable noise heard beyond the boundaries of the premises by a person with normal hearing.

(2) No person shall keep any animal, including but not limited to dogs and birds, on a premises that causes unreasonable noise clearly audible to a person from any place other than the premises from which the animal is located.

E. No person shall create any unnecessary, loud, disturbing, or offensive noise on any street, sidewalk, or public place adjacent to any school, an institution of learning, library, or church while any of the same is in use.

F. Except as may otherwise be provided, measurement of the audible sound under this section shall be by the auditory senses and based upon direct line of sight.

EXHIBIT D

95.53 EXEMPTIONS

95.53 EXEMPTIONS.

- A. The sound levels in Sections 95.51 and 95.52 shall not apply to sounds emitted from:
- (1) Authorized emergency vehicles, public safety vehicles or from public safety officials acting in the scope of their authority.
 - (2) Vehicle horns, sirens or other devices used as a warning of danger or an emergency.
 - (3) Passing trains; provided, however, that excessive use of railroad train signaling devices will be considered violations of this Code section.
 - (4) Properly operating building alarms or vehicle alarms.
 - (5) Stationary emergency signaling devices, such as severe weather sirens.
 - (6) Any emergency work.
 - (7) Communication of any message in any public forum between the hours of 8:00 a.m. and 8:00 p.m.
 - (8) Any activity authorized by the Town Council or any other governmental body having jurisdiction and control over the property, including parades, festivals, sporting events, concerts or firework displays.
 - (9) Any recreational and educational activity including, but not limited to, school bands and neighborhood ball games; however, any recreational or educational activity taking place between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in Sections 95.51 and 95.52.
 - (10) Any construction equipment operated during the time period between 7:00 a.m. and 10:00 p.m., provided that such equipment shall be equipped with a properly installed muffler in good working order. Construction equipment operated between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in Sections 95.51 and 95.52.
 - (11) Any detonation of explosives used to fragment rock for mining, quarrying, excavation and construction.
 - (12) Any domestic power equipment operated during the time period between 7:00 a.m. and 10:00 p.m., provided that such equipment does not exceed a sound level of 80 dB(A) when

measured at a minimum of 25 feet from the noise source. Domestic power equipment operated between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in Sections 95.51 and 95.52.

(13) Licensed refuse collection vehicles operated during the time period between 7:00 a.m. and 10:00 p.m. Sounds emitted from licensed refuse collection vehicles operated between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in Sections 95.51 and 95.52.

(14) Aircraft.

(15) Noise sources within multi-family dwellings, offices, apartment complexes, condominiums, and similar structures occupied by more than one tenant which impact only those persons within the same dwelling, office, complex or building.

(16) Lawn maintenance and tree service equipment (i.e., chain saws, blowers, mowers) when operated between the hours of 9:00 a.m. and 7:00 p.m.

(17) Legal consumer fireworks properly used during the times allowed by the State of Indiana.

(18) Church or worship center bells sounded in conjunction with a function or service.

(19) Activities of a temporary duration permitted by law and for which a license or permit, has been granted by the Town in accordance with Section 95.54. Regulation of noises emanating from operations under the permit will be according to the conditions and limits stated on the permit or license.

(20) Emergency generators in an Industrial Area during a qualified emergency as declared by any local, state or federal agency with appropriate jurisdiction, or during such time as publicly available utilities are not available due to a declared outage.

EXHIBIT E

95.56 NOISE ENFORCEMENT

95.56 NOISE ENFORCEMENT.

A. This ordinance may be enforced by the authorized agents of the Town Council or by a law enforcement agency.

B. A citation may be issued for a violation under this ordinance, subjecting the violator to a fine up to Five hundred Dollars (\$500.00). Each day that a violation occurs is a separate offense.

C. The citation shall be filed with the Clerk-Treasurer or with any court of competent jurisdiction in Elkhart County, Indiana.

D. Upon written notices of a violation by the same person for the same offense three (3) times within a consecutive twelve (12) month period, when such noise is created by the same noise emitter or the same type of noise emitter, the noise creating device may be ordered by the enforcement officer to cease being used or operated until it can be brought into compliance with this Ordinance.

E. For the purposes of this ordinance, the violator shall be the person or persons who created, caused to be created, permitted to be created or otherwise generated any source of sound in a manner that creates a sound level exceeding the limits for the receiving land use category as established by this ordinance; the person or persons in possession of a sound amplification system played, used or operated in violation of this ordinance; or the person in control of a motor vehicle operating in violation of this ordinance.