

**MINUTES
PLAINVILLE TOWN COUNCIL
COUNCIL CHAMBERS – MUNICIPAL CENTER
SPECIAL MEETING
June 17, 2019 – 6:00p.m.**

6:00pm WORK SESSION: FY2020 Capital Budget

Councilwoman Pugliese called the Work Session to order at 6:00pm in the Council Chambers of the Municipal Center, One Central Square. Also present were Vice Chairwoman Tompkins, Council members Wazorko, Morante, Gnazzo and Carrier, Town Manager Lee, Assistant to the Town Manager Colby and Town Clerk Skultety. Also present were Finance Director Buden, Superintendent LePage, IT Director Ross and Director of Business and Operations Adlerstein

Town Manager Lee began by stating during the budget process it was anticipated that the BOE would receive \$130,000 from a School Security Grant as revenue, to offset items in the BOE CIP budget totaling \$310,473. The budget passed and then the Town was notified that the security grant was not approved leaving the revenue side of the approved CIP budget \$130,000 short as of July 1, 2019.

The recommendation is rather than reducing the CIP Budget by \$130,000, to transfer funds from other line items to make up the difference in next year's budget.

Discussion followed. No decisions were made.

6:45pm: TOWN COUNCIL PHOTO

**MINUTES
PLAINVILLE TOWN COUNCIL
COUNCIL CHAMBERS – MUNICIPAL CENTER
REGULAR MEETING
June 17, 2018 – 7:00p.m.**

I. PRESENTATIONS:

- Memorial Day Essay Winners
- Catherine Marx – 2020 Census/
Local Complete Count Committees

II. PUBLIC HEARING

1. Ordinance Establishing Fourth Quarter Transfers for the Fiscal Year Ending June 30, 2019

2. Additional Appropriation of \$290,000 from Unassigned Fund Balance
3. Illicit Discharge & Stormwater Connection Ordinance

III. MINUTES OF PREVIOUS MEETING

Minutes of June 3, 2019 Regular Meeting

IV. ANNOUNCEMENTS – REPORTS

V. APPOINTMENTS/RESIGNATIONS

1. Committee on Aging Resignation
2. Planning & Zoning Commission Resignation
3. Fire Department
4. Appointments and Re-appointments to Boards and Commissions

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

VII. REPORT OF TOWN ATTORNEY

VIII. REPORT OF TOWN MANAGER

1. Capitol Region Natural Hazard Mitigation Plan Update-Dave Murphy
2. Road Bond Discussion-Phase II
3. Murphy Road Recycling, LLC-Notice of Intent to Award
4. Financial Dashboard
5. Happenings

IX. PUBLIC COMMENTS

X. OLD BUSINESS

XI. NEW BUSINESS

1. Consider ordinance entitled, "Ordinance Establishing Fourth Quarter Transfers for the Fiscal Year Ending June 30, 2019"
2. Consider Additional Appropriations
3. Consider "Illicit Discharge & Stormwater Connection Ordinance"
4. Resolution regarding Capitol Region Natural Hazard Mitigation Plan Update
5. Introduction of and establishment of public hearing on proposed ordinance entitled "Ordinance Appropriation \$5,000,000 For The Phase II Road And Related Improvements Program, And Authorizing The Issue Of Bonds And Notes In The Same Amount To Finance The Appropriation"
6. Murphy Road Recycling, LLC – Notice of Intent to Award
7. Tax Refunds

XII. OTHER DISCUSSIONS OF INTEREST

XIII. MATTER APPROPRIATE FOR EXECUTIVE SESSION

1. Union Contract Negotiations (Potential Action Item)

XIV. ADJOURNMENT

The regular meeting was called to order at 7:00pm in the Council Chambers of the Municipal Center, One Central Square.

Vice Chairwoman Tompkins led the Pledge of Allegiance.

I. PRESENTATIONS:

Memorial Day Essay Winners

Student essay winners Daniel Kane (Toffolon), Emma Porteus (Wheeler) and Mikayla Dimmock (Plainville Middle School) read their essays to the Town Council.

Chairwoman Pugliese presented Dan Hurley with a proclamation and thanked him for his 34 year term as Memorial Day Parade Committee Chairman.

2020 Census/Local Complete Count Committees

Catherine Marx, Partnership Specialist and Mark Plumbly, Supervisor Partnership Specialist addressed the Town Council with a presentation for the 2020 Census. The goal is to count everyone once, only once and in the right place.

The census provides vital information for communities. Every 10 years, the results of the census are used to reapportion the House of Representatives determining how many seats each state gets. Communities rely on census statistics to plan for a variety of resident needs including new roads, schools and emergency services. Businesses use census data to help provide more local jobs and places to shop.

Each year, the federal government distributes hundreds of billions of dollars to states and communities based on U.S. Census Bureau data.

More information is available at www.census.gov/2020census

Members for the Local Complete Count Committee will be discusses at a later meeting.

II. PUBLIC HEARING

Town Clerk Skultety 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 a public hearing at 7:00 p.m. on Monday June 17, 2019 in the Municipal Center to consider:

1. Proposed Ordinance entitled "Ordinance Establishing Fourth Quarter Transfers for the Fiscal Year Ending June 30, 2019."
2. An additional appropriation of \$290,000 from Unassigned Fund Balance
3. Proposed ordinance entitled "Illicit Discharge & Stormwater Connection Ordinance"

Copies of said proposed ordinances and appropriations are available for public inspection in the office of the Town Clerk.

Dated at Plainville, Connecticut this 13th day of June 2019

Chairwoman Pugliese opened the first public hearing topic for comments.

1. Proposed Ordinance entitled "Ordinance Establishing Fourth Quarter Transfers for the Fiscal Year Ending June 30, 2019."

John Kisluk, 65 Forestville Ave commented on various items and unexpended funds.

2. An additional appropriation of \$290,000 from Unassigned Fund Balance

John Kisluk commented on the police overtime and retirement

Joanne Edman, 166 West Main St spoke off topic

3. Proposed ordinance entitled "Illicit Discharge & Stormwater Connection Ordinance"

John Kisluk commented on the ordinance

No more comments were made and the hearing was closed.

III. MINUTES OF PREVIOUS MEETING

Councilwoman Tompkins motioned to approve the minutes of June 3, 2019 Regular Meeting. The motion was seconded by Councilman Cox and passed 7-0.

IV. ANNOUNCEMENTS – REPORTS

Councilwoman Morante attended the Committee on Aging and mentioned the new Senior Transportation Service and that they will be having a booth at the 150th celebration.

She attended the Conservation Commission meeting and reported the Trail Day hike had a good turnout. They also have been following and are pleased with the State's regulations on fracking.

Vice Chairwoman Tompkins attended the Chamber of Commerce meeting and gave the "State of the Town" report.

Chairwoman Pugliese congratulated the 2019 Plainville High School graduates for their hard work.

V. APPOINTMENTS/RESIGNATION

1. Committee on Aging

Councilwoman Morante motioned to accept with regret the resignation of Anna Smedick from the Committee on Aging. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.

2. Planning & Zoning Commission

Vice Chairwoman Tompkins motioned to accept with regret the resignation of Andrew Chapman from the Planning & Zoning Commission. The motion was seconded by Councilman Cox and passed 7-0.

3. Fire Department

Councilman Cox motioned to:

- A. remove Ashley Gentner and Andrew Moore from the Fire Department due to lack of participation;
- B. accept with regret the resignation of Matthew Ferguson from the Fire Department.

4. Housing Authority

Vice Chairwoman Tompkins motioned to:

- A. accept with regret the resignation of Desiree Gorski from the Housing Authority;
- B. appoint Deanna Tino (I), 22 Pearl Street, to the Housing Authority for the term ending January 31, 2024.

The motion was seconded by Councilman Cox and passed 7-0.

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

VII. REPORT OF TOWN ATTORNEY

VIII. REPORT OF TOWN MANAGER

Town Manager Lee presented and discussed the following topics:

- **Capitol Region Natural Hazard Mitigation Plan Update – Dave Murphy**

The Capital Region Council of Governments is updating the Natural Hazard Mitigation Plan for the region's 38 cities and towns. The purpose of the Plan is to identify natural hazards likely to affect the Capital Region and its nearly one million residents, assess vulnerabilities to these hazards, and set forth mitigation strategies that will reduce the loss of life and property, economic disruptions, and the cost of post-disaster recovery for the region's communities.

Milone & McBroom was contracted by CRCOG to put together the Update to the Hazard Mitigation Plan.

Mr. Dave Murphy, Project Manager from Milone & McBroom continued with a detailed overview of the Plan.

Some notables are; Plainville adopted floodplain regulations in March, 2018. The recently completed Pequabuck River Flooding Study was commissioned by Plainville in partnership with Bristol and Plymouth and made possible by a \$200,000 grant from the Economic Development Administration. The study included major revisions to the hydrology and hydraulics originally used to generate the special flood hazard area for the river and identified measures to reduce the impact of flooding. Specific recommendations from the study have been incorporated into the Hazard Mitigation Plan. Plainville has not used the results of the study to apply to FEMA for map revisions.

FEMA has recently completed updated mapping of Quinnipiac River flood zones; this has led to changes in the flood risk status of over 50 properties. The Town has worked with affected members of the community and with banks to help them interpret changes and understand the impacts.

Thirteen properties at risk of flooding on Robert Street Extension and Forestville Avenue have been acquired and demolished since adoption of the 2016-2021 Hazard Mitigation Plan for the Former Central Connecticut Region ("2016 HMP"), bringing the total number to 26 since 2011. Two residential homes and one structure, owned by the Town, remain.

The Town POCD will be updated within the next couple of years; a RFP to complete the update was posted in 2018.

The Town has improved its GIS capabilities to assist with emergency response and preparedness.

Plainville Planning Office undertook a Town-wide awareness effort following the most recent update of the FEMA Flood Insurance Rate Maps.

- **Road Bond Discussion – Phase II**

The Bond Council has drafted an “*Ordinance Appropriating \$5M for Phase II Road and Related Improvements Program And Authorizing The Issue of Bonds & Notes In The Same Amount To Finance The Appropriation*”.

There is an item under **New Business** to conduct a Public Hearing on the proposed Ordinance for July 15th at 7:00 P.M. in the Town Council Chambers.

- **Murphy Road Recycling, LLC – Notice of Intent to Award**

Recently, the Bristol Policy Board sought Request for Proposals for the recycling of materials as required by state statute. The current contract with Murphy Road of Enfield is scheduled to end on June 30th.

Murphy Road LLC of Enfield was the only response received by the Bristol Policy Board. Murphy Road is the current contractor and they operate a recycling facility in Berlin.

The Policy Board is currently negotiating the terms of a proposed contract for the next two years. Preliminary cost to dispose of recycling is \$80 per ton with adjustments made based upon the market prices/revenues for the various materials.

The Policy Board anticipates that the contract negotiations will not be completed before the June 30th and that it will be necessary to have “Notice of Intent to Award” for Murphy Road to continue to receive recycled materials from the 13 communities beyond that date.

There is an item under **New Business** that would authorize the Town Manager to sign the Notice of Intent to Award a contract to Murphy Road Recycling, LLC.

- **Financial Dashboard**

Assistant to the Town Manager Colby reviewed the Financial Dashboard with the Town Council. It can also be viewed on the Town website.

- **Happenings**

Assistant to the Town Manager Colby reported on Town activities and events regarding the Senior Center and 150th Celebration. More information may be obtained at www.plainvillect.com

IX. PUBLIC COMMENTS

John Kisluk, 65 Forestville Ave is working hard to sell the anniversary coins and commented on the increased cost for recycling.

Nicole Palmieri, 20 Julie Rd comments included school Night of Excellence, PHS graduation, a reception for Dr. Brummett and the use of realized savings from the BOE budget to prepay gas costs.

Lou Frangos, 10 Fairbanks St commented on the additional appropriations for the police overtime.

Joel Edman, 63 Hollyberry Ln spoke against the trail and the work that has already begun.

Joanne Edman, 166 West Main St spoke against the trail and the football field

David Spencer, 127 Milford St Ext spoke about the 1st Amendment and his right to sing a song

Roberta Lauria 18 Perron Rd comments included the trail and the May 16 incident

Dave Albert, 56 Hollyberry Ln complimented the concession stand and the police bike patrol officer in Norton Park.

X. NEW BUSINESS

1. **Consider ordinance entitled, "Ordinance Establishing Fourth Quarter Transfers for the Fiscal Year Ending June 30, 2019"**

Councilman Cox motioned to adopt an ordinance entitled, "Ordinance Establishing Fourth Quarter Transfers for the Fiscal Year Ending June 30, 2019". The motion was seconded by Vice Chairwoman Tompkins and passed 7-0. – See Addendum

2. **Consider Additional Appropriations**

Vice Chairwoman Tompkins motioned to appropriate \$290,000 from Account #0100-000-32110-0000, Unassigned Fund Balance, to the accounts outlined for the Fiscal Year 2019 Budget. The motion was seconded by Councilman Cox and passed 7-0. – See Addendum

3. **Consider ordinance entitled, "Illicit Discharge & Stormwater Connection Ordinance"**

Councilman Cox motioned to adopt an ordinance entitled, "Illicit Discharge & Stormwater Connection Ordinance". The motion was seconded by Councilman Cox and passed 7-0. – See Addendum

4. **Resolution regarding Capitol Region Natural Hazard Mitigation Plan Update**

Councilwoman Tompkins motioned to adopt a resolution entitled "A Resolution Adopting the Capitol Region Natural Hazard Mitigation Plan Update, 2019-2024". The motion was seconded by Councilman Cox and passed 7-0. – See Addendum

5. **Introduction of and establishment of public hearing on proposed ordinance, "Ordinance Appropriation \$5,000,000 For The Phase II Road And Related**

Improvements Program, And Authorizing The Issue Of Bonds And Notes In The Same Amount To Finance The Appropriation"

Councilman Cox motioned to establish a public hearing On Monday, July 15, 2019 at 7:00pm in the Municipal Center to hear public comment regarding a proposed ordinance entitled, "Ordinance Appropriating \$5,000,000 For The Phase II Road And Related Improvements Program, And Authorizing The Issue Of Bonds And Notes In The Same Amount To Finance The Appropriation". The motion was seconded by Vice Chairwoman Tompkins and passed 7-0. – See Addendum

6. Murphy Road Recycling Notice of Intent to Award

Councilwoman Tompkins motioned to authorize Town Manager Lee to sign a Notice to Award a contract to Murphy Road Recycling, LLC, substantially as proposed in the response to the solicitation RFP #2019-BR01, as presented at a meeting of the Town Council on June 17, 2019. The motion was seconded by Councilman Cox and passed 7-0.

7. Tax Refunds

Councilman Cox motioned to approve the tax refunds as listed on the Addendum. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.

XI. OTHER DISCUSSIONS OF INTEREST

XII. MATTER APPROPRIATE FOR EXECUTIVE SESSION

1. Union Contract Negotiations

At 9:05 Vice Chairwoman Tompkins motioned to enter into Executive Session to discuss Union Contract Negotiations. The motion was seconded by Councilman Cox and passed 7-0.

Executive Session began. All seven Town Council members were in attendance along with Town Manager Lee and Assistant to the Town Manager Colby. Discussion ensued regarding contract negotiations for the Public Works Union.


At 9:50pm Vice Chairwoman Tompkins motioned to adjourn the Executive Session. The motion was seconded by Councilman Wazorko and passed 7-0.

Councilman Carrier motioned to ratify the Public Works Union Contract for the term 7/1/19 – 6/30/22. The motion was seconded by Councilman Gnazzo and passed 7-0.

XIII. ADJOURNMENT

At 9:51pm Vice Chairwoman Tompkins motioned to adjourn. The motion was seconded by Councilman Gnazzo and unanimously passed.

Respectfully submitted by,


Carol A. Skultety, Town Clerk
& Clerk of the Town Council

6-2019

Illicit Discharge and Stormwater Connection Ordinance

1. Purpose and General Provisions
 - A. This chapter is adopted to provide for the health, safety and general welfare of the citizens of Plainville, Connecticut through the regulation of non-storm water discharges to the Town's storm drainage system to the maximum extent practical as required by Federal and State law.
 - B. This chapter establishes methods for controlling the introduction of pollutants into the Town's drainage system in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
 - C. The objectives of this chapter are:
 - 1) To regulate the contributions of pollutants to the Town's drainage system by stormwater discharges by any user;
 - 2) To prohibit Illicit Connections and Discharges to the Town's municipal separated drainage system;
 - 3) Prevent non-stormwater discharges generated as a result of spills, inappropriate dumping or disposal from entering the Town's municipal separated drainage system; and to
 - 4) To establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance with the requirements of the National Pollutant Discharge Elimination System and this Ordinance.

2. Definitions

The terms listed below shall have the defined meaning within this chapter:

Accidental Discharge

Any discharge which occurs by chance and without planning or thought prior to the occurrence.

Authorized Enforcement Agency

Employees or designated agents of the Town assigned to enforce this ordinance.

Best Management Practices (BMPs)

A schedule of activities, prohibition of practices, general good housekeeping practices, prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or conveyance systems. BMPs also include treatment

practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials.

Clean Water Act

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

Construction Activity

Activities subject to NPDES Construction Permits. Currently these include construction project resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

Hazardous Materials

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

Illegal Discharge

Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 8. of this ordinance.

Illicit Connections

An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drainage system and any connections to the storm drain from indoor drains and sinks regardless of whether said drain or connection had been previously allowed, permitted or approved by an enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approve by the Town.

Industrial Activity

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

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.

A permit issued by EPA (or by the State of Connecticut under the authority delegated pursuant to 33 USC § 1342 (b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

Non-Stormwater Discharge

Any discharge to the Town's stormwater drain system that is not composed entirely of stormwater.

Person

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

Pollutant

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

Premise

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

Storm Drainage System

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

Stormwater

Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan

A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater

Any water or other liquid waste other than uncontaminated stormwater discharged from a Water Pollution Control Facility.

3. Applicability

This Ordinance shall apply to all water entering the Town's storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

4. Responsibility for Administration

The Town Manager or his/her designated agent shall administer, implement and enforce the provisions of this ordinance. Any powers granted, or duties imposed upon the Town may be delegated in writing by the Town Manager to persons or entities acting in the beneficial interest of or in the employment of the Town.

5. Severability

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

6. Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this Ordinance are defined as the minimum standards; therefore, this Ordinance is not intended nor imply that compliance by any person will ensure that there will be no contamination, pollution nor unauthorized discharge of pollutants.

7. Connection to Town Drainage System Authorization Process ****

The Town has developed a permit system to regulate the issuance of authorization to connect to the Town's drainage system. A prospective permittee shall submit to the Department of Technical Service a written request to connect to the drainage system. Such request shall include the following items if deemed appropriate: a description of the type and volume of the discharge, the source of the discharge, a sketch showing the proposed drainage connection and any other related construction include pertinent details, calculations the existing drainage system has adequate capacity to accommodate the discharge, certification and or evidence the discharge is not contaminated and any other documents, sketches or test results deemed pertinent by the Town Engineer.

8. Discharge Prohibitions

No person shall discharge or cause to be discharge into the Town's storm drain system or watercourses any materials, including but not limited to pollutants or water containing any pollutants that cause, may cause or contribute to a violation of applicable water quality standards other than stormwater. Additionally, no person shall throw, drain or otherwise discharge, cause or allows other under its control to throw, drain or otherwise discharge into municipal drainage system any pollutants or waters containing any pollutants other than stormwater.

The commencement or continuation of any illicit discharge to the Town's stormwater drainage system is prohibited except for those described below:

Exempt illicit discharges are as listed: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, (not including active ground water dewatering systems), crawl space pumps, air conditioning condensation, springs non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated –typically

less than one PPM chlorine), firefighting activities and any other water source not containing pollutants.

Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

Dye testing is an allowable discharge however it requires the tester to notify the authorized enforcement agency no less than twenty-four in advance of such activities.

No prohibition shall apply to any non-stormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all the requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the Town's storm drain system.

Connection to the Town's drainage system without first securing a permit and approval shall be prohibited. The construction use maintenance or continued existence of unpermitted connections to the Town's stormwater system is prohibited. This prohibition expressly includes without limitations any unpermitted connections made in the past which discharge illicit materials regardless of whether the type of discharge was permissible under law or practices applicable or prevailing at the time of connection. Additionally, a person is considered to be in violation of this Ordinance if the person connects a pipe conveying sewage to the Town's drainage system or allows such a connection to continue.

9. Guidance for the Proper Disposal of Common Exempt Non-Stormwater Sources

All vehicle washing should be performed in a manner which prevents the direct discharge of soap washwater to a stream, river, wetland or other surface waterbody. Washwaters should not be directed toward a stormwater catch basin because the vast majority of these structures discharge directly into a surface waterbody without any treatment. Vehicle washing should be performed in an area large enough to contain all the washwater and allowed to seep into the grass, gravel and/or soil.

Disposal of residential swimming pool and/or hot tub wastewater shall be done only when the concentration level of the disinfectant agent has achieved a non-detectable level. At that point the wastewater should be directed to an area where it can seep into the ground.

10. Notification of Accidental Discharges and Spills

When any person responsible for a facility, activity or operation or responsible for emergency response at a facility, activity, or operation has information of any known or suspected release of pollutants or non-stormwater discharge from that facility or operation which are resulting or may result in illicit discharges or pollutants into stormwater, the municipal drainage system, state waters, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment and clean-up of such release so as to minimize the effects of the discharge. Should the release be of hazardous materials, emergency response agencies and/or appropriate agencies shall be notified immediately.

Said person shall notify the Town of Plainville no less than twenty-four hours after the event of the nature, quantity and time of the occurrence of the discharge. Notification in person, phone, fax, email shall be confirmed by written notice addressed and mailed to the Town Manager within three business days of the discharge event. In the event the discharge of prohibited material emanates from a commercial or industrial establishment, the owner/operator of the establishment shall retain an on-site written record of the discharge and actions taken to prevent its recurrence. Such records shall be retained for at least three year from the date of the completion of the corrective action.

Failure to provide notification of a release as outlined above shall be a violation of the ordinance.

11. Suspension/Termination of Access to Discharge into the Towns Drainage System

The Town Manager or his/her designate agent may without prior notice temporarily suspend a permittee's access to discharge into the Town's drainage system when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and or substantial danger to the environment, or health or welfare of persons, or to waters of the United States. If the permittee fails to comply with the suspension order issued, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize the risks or dangers to the water of the United States or any impacted individual.

Any person discharging to the Town's drainage system in violation of this Ordinance may have their access suspended or terminated if such action would abate or minimize an illicit discharge. The authorized enforcement agency shall notify the permittee of the violation and subsequent enforcement action. The permittee shall be ordered to disconnect such connection to the Town's drainage system until the abatement is completed and notified by the authorized enforcement agency that reconnection can proceed. The permittee may petition the authorized enforcement agency for a reconsideration and hearing. Any suspended or terminated connection reconnected prior to the approval of authorized enforcement agency shall be subject to further enforcement actions. The Town reserves the right to disconnect any connection which was connected without approval of the authorized enforcement agency.

12. Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town of Plainville (the authorized agency), the authorized enforcement agency prior to allowing of discharges to the Town's drainage system.

13. Screening/Monitoring of Discharges

The Town of Plainville shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

Facility operators shall allow the Town of Plainville (the authorized agency), ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of

records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

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

The Town of Plainville has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Town of Plainville, authorized enforcement agency, and shall not be replaced. The costs of clearing such access shall be borne by the operator.

Unreasonable delays in allowing the Town of Plainville, access to a permitted facility are a violation of the stormwater discharge permit and this ordinance. A person or operator of a facility with a NPDES permit to discharge stormwater associated with an industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

If the Town of Plainville, has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

14. Requirements to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices

The Town of Plainville will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited material or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise which is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal drainage system. Compliance with all terms and conditions of a valid NPDES permit authoring the discharge of stormwater associated with industrial activity, to the extent practical, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan SWPP as necessary for compliance with requirements of the NPDES permit.

15. Water Resource Protection

Every person owning property or leasing a property containing a water resource shall keep and maintain that part of the water resource within the property free of trash, debris and other substances that may or would pollute, contaminate or significantly degrade the water resource. Additionally, the owner/lessee shall maintain in proper working condition any existing privately-owned structures within or adjacent to the water resource such that the structure operates as intended and will not be a hazard to the use, function or physical integrity of the watercourse.

16. Notification of Spills

As soon as any person responsible for a facility or operation, or responsible for the emergency response of a facility or operation has information of any known or suspected release of materials which may result in an illegal discharge or pollutants discharging into stormwater, storm drain or waters of the US, said person shall take the necessary steps to ensure the discovery, containment, and clean-up of such release. If such release is of a hazardous material(s) said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. Should the release be of non-hazardous materials, said person shall notify the Town of Plainville's authorized enforcement agent in person or by telephone email and or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by a written notice addressed and mailed to the Town within three business days of the phone notice. If the discharge of the prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall retain an on-site record of the incident including actions taken to prevent future occurrences on site for a period of at least three (3) years after the event.

17. Enforcement

If and when the Town Manager or his/her designated agent discovers a violation of this ordinance, the Town of Plainville shall issue a written Notice of Violation. The Notice of Violation shall contain the following information: The name and address of the legal owner of the property, the name and address of the violator if different from the owner, the legal street address where the violation is occurring, a description of the violation, notification the owner/violator has the responsibility to remedy the violation within a specified time, a statement the violating practices or operation shall cease and desist immediately, additional conditions related to remedying the violation such as but not limited to preparing a written remediation plan, providing future performance monitoring, elimination of illegal connection(s) and discharge(s), remediation/restoration of impacted/degraded resources, potential financial impacts resulting from the violations, a statement of potential actions/penalties should the violator fail to remedy the violation within the specified time, and a statement that the violation may be appealed to the Plainville Town Council or its designee by filing written notice within ten (10) calendar day from the date of the written Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination and or requirements of the Notice of Violation to the Plainville Town Council or its designee. This Notice of Appeal must be received by the Plainville Town Council or its designee within ten (10) calendar days of the date of the Notice of Violation. A hearing on the appeal before the Plainville Town Council or its designee shall be scheduled and be initiated within thirty (30) calendar days of receipt of the Notice of Appeal. At the hearing the alleged violator or his/her designee will be afforded the opportunity to present evidence and defend their assertions that the Notice of Violation is flawed. Upon consideration of the alleged violator evidence the Plainville Town Council will render a

final decision. Such decision may be to affirm the Notice of Violation as delivered, modify the Notice of Violation based on the evidence presented at the hearing or rescind the Notice of Violation in its entirety.

If the violation has not been addressed pursuant to the requirements set forth in the Notice of Violation or in the event of an Appeal within the specified set period from the date of the decision rendered by the Plainville Town Council, the Town may enter upon the subject private property and may take measures necessary to abate the violation. If the Town of Plainville or its designated agents are refused access to any part of the premise from which access is needed to abate the violation, the Town of Plainville may seek issuance of a court order from any court of competent jurisdiction.

Within forty-five (45) calendar days after abatement of the violations, the owner of the property will be notified by the Town of Plainville's authorized enforcement agent of a costs incurred to the Town as related to the abatement actions including any administrative costs. The property owner may file a written protest to the Town Manager objecting to the assessment or to the amount of the assessment with thirty (30) calendar days of the date of the Notification. A hearing on the abatement assessment appeal before the Town Council or its designee shall take place within sixty (60) calendar day from the date of receipt of the Notice of Appeal. At this hearing the violator shall have the opportunity to present facts and testimony of why in their opinion the assessment is unfair. A decision by the Town Council or its designee whether to uphold the assessment or modify it shall be made within thirty (30) calendar days. The decision shall be final.

If the amount due and payable is not paid or other arrangement negotiated within a period of thirty (30) calendar days of the date of the assessment or the final decision resulting for an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property. Such lien shall be subject to all applicable interest, attorney fees, court costs, sampling, follow-up screening and other related expenses as allowable by law.

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

18. Compensatory Action

In lieu of enforcement proceedings, penalties and remedies authorized by this Ordinance, the Town of Plainville's authorized enforcement agent may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, sponsored clean-ups or any other applicable educational or proactive remediation. Remedies listed within this Ordinance are not exclusive which are deemed appropriate for a specific circumstance under applicable Federal, State and local law.

19. Penalties

It shall be unlawful for any person to violate any provision of this ordinance. Should a person violate or continues to violate, ignoring the Notice of Violation, the Town of Plainville's

authorized enforcement agent may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform the abatement or remediate the violation.

The Town of Plainville's authorized enforcement agent may impose a civil penalty not to exceed \$100.00 for each day the violation remains unremedied beyond the period described in the Notice of Violation. For intentional and flagrant violation of this Ordinance, the Town of Plainville may refer the violation to the United States Environmental Protection Agency, (EPA), for enforcement of penalties under Sections 309 and 311 of Clean Water Act.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law

CERTIFICATE OF ADOPTION
TOWN OF PLAINVILLE TOWN COUNCIL

7-2019

**A RESOLUTION ADOPTING THE CAPITOL REGION NATURAL HAZARD
MITIGATION PLAN UPDATE, 2019-2024**

WHEREAS, the Town of Plainville has historically experienced severe damage from natural hazards and it continues to be vulnerable to the effects of those natural hazards profiled in the plan (e.g. *flooding, high wind, thunderstorms, winter storms, earthquakes, droughts, dam failure, and wildfires*), resulting in loss of property and life, economic hardship, and threats to public health and safety; and

WHEREAS, the Plainville Town Council approved the previous version of the Plan in 2014; and

WHEREAS, the Town of Plainville and Capitol Region Council of Governments developed and received conditional approval from the Federal Emergency Management Agency (FEMA) for the Natural Hazard Mitigation Plan Update, 2019-2024 under the requirements of 44 CFR 201.6; and

WHEREAS, public and committee meetings were held and public input was sought in 2017 and 2018 regarding the development and review of the Natural Hazard Mitigation Plan Update, 2019-2024; and

WHEREAS, the Plan specifically addresses hazard mitigation strategies and Plan maintenance procedure for the Town of Plainville; and

WHEREAS, the Plan recommends several hazard mitigation actions/projects that will provide mitigation for specific natural hazards that impact the Town of Plainville, with the effect of protecting people and property from loss associated with those hazards; and

WHEREAS, adoption of this Plan will make the Town of Plainville eligible for funding to alleviate the impacts of future hazards; now therefore be it

RESOLVED by the Town Council:

1. The Plan is hereby adopted as an official plan of the Town of Plainville;
2. The respective officials identified in the mitigation strategy of the Plan are hereby directed to pursue implementation of the recommended actions assigned to them;
3. Future revisions and Plan maintenance required by 44 CFR 201.6 and FEMA are hereby adopted as a part of this resolution for a period of five (5) years from the date of this resolution.
4. An annual report on the progress of the implementation elements of the Plan shall be presented to the Town Council.

ORDINANCE NO. 9-2019

**Town of
PLAINVILLE, CONNECTICUT**

**ORDINANCE APPROPRIATING \$5,000,000
FOR THE PHASE II ROAD AND RELATED
IMPROVEMENTS PROGRAM, AND
AUTHORIZING THE ISSUE OF BONDS
AND NOTES IN THE SAME AMOUNT TO
FINANCE THE APPROPRIATION**

Presented: _____, 2019

Public Hearing: _____

Adopted: _____

Published: _____

Effective Date: _____

BE IT ORDAINED by the Town Council of the Town of Plainville in meeting duly assembled:

SECTION 1. That the Town of Plainville appropriate FIVE MILLION DOLLARS (\$5,000,000) for costs related to the Phase II Road and Related Improvements Program, consisting of various road and related improvements as to be determined from time-to-time by the Town Council, and to the financing thereof. The project may include, without limitation, base rehabilitation and reconstruction, milling and repaving, and road surface restoration including chip and crack sealing; and other related work and improvements including, without limitation, restoration of adjacent sidewalks, landscaping restoration, and new or improved drainage as required or desirable. No portion of the project shall be undertaken until, if applicable, it has been referred to the Planning and Zoning Commission pursuant to Section 8-24 of the Connecticut General Statutes, Revision of 1958, as amended, and approved or deemed approved by the Commission, or if not approved or deemed approved by the Commission, subsequently approved by the Town Council. The appropriation may be spent for design, construction, acquisition and installation costs, right-of-way acquisition, materials, administrative, printing and permitting costs, engineering fees, consultant and legal fees, related improvements, repairs or renovations, net interest on borrowings and other financing costs, and other expenses related to the project. The Town Council shall determine the scope and particulars of the project and may reduce or modify the project scope; and the entire appropriation may be expended on the project as so reduced or modified.

SECTION 2. That the Town issue bonds or notes in an amount not to exceed FIVE MILLION DOLLARS (\$5,000,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

SECTION 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed FIVE MILLION DOLLARS (\$5,000,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

SECTION 4. That the Town Manager and the Treasurer of the Town shall sign any bonds or notes by their manual or facsimile signatures. The Town Manager and the Treasurer are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to designate a bond counsel to approve the legality of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

SECTION 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Treasurer are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

SECTION 6. That the Town Manager and the Treasurer are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

SECTION 7. That the Town Manager, the Treasurer and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and obtain grants to finance the aforesaid appropriation.

6/17/2019

Sewer User Fee	Amount
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6/17/19
Page 22 of 22

ADDENDUM

**TOWN OF PLAINVILLE, CT
ORDINANCE ESTABLISHING FOURTH QUARTER TRANSFERS
FOR THE FISCAL YEAR ENDING JUNE 30, 2019**

BE IT ORDAINED by the Town Council of the Town of Plainville, in meeting duly assembled, that in accordance with Section 7 of Chapter VII of the Charter of the Town of Plainville, funds shall be and are hereby transferred from their original budgetary appropriation as follows

Transfers From:				
Department	Account Number	Account Description	Reason	Amount
Insurance	0100-160-52435-0000	Other contractual services	Not needed	\$ 15,240
Insurance	0100-160-52496-0000	Risk insurance	Lower premium	66,000
Insurance	0100-160-52497-0000	Workers comp insurance	Lower premium	74,360
Debt Service	0100-710-54723-0000	Debt - misc costs	Xfer to Debt Man Fund	382,558
Total Transfers From				\$ 538,158

Transfers To:				
Department	Account Number	Account Description	Reason	Amount
Town Council	0100-101-52410-0000	Advertising	More advertising	\$ 3,800
ZBA	0100-112-52410-0000	Advertising	More advertising	400
IWC	0100-113-51120-0000	Part time payroll	More meetings	200
Elections	0100-133-51120-0000	Part time payroll	More referendums/primaries	10,000
Police	0100-201-52430-0000	Recruitment & training	More new hires in academy	16,000
Police	0100-201-52435-0000	Other contractual services	More street line painting	18,000
Police	0100-201-52470-0000	Auto repair & maint	More auto repairs/older	17,000
Animal Control	0100-205-52435-0000	Other contractual services	New radio	2,200
Build & Grounds	0100-310-52340-0000	Repair & maint excl auto	More repairs/aging equip	17,000
Build & Grounds	0100-310-52450-0000	Maint contracts	Elevator contracts/State man	15,000
Build & Grounds	0100-310-52475-0000	Bldg & grounds repair	Safety repairs & PD roof rep	10,000
MV & Equip Pool	0100-320-52480-0000	Equip repair & maint	More equip repairs	16,000
Employee Benefits	0100-820-51211-0000	Medical insurance	Ins broker and retiree costs	30,000
Xfers Out	0100-840-55504-0000	Xfer to Debt Man Fund	FY 2019 budget	382,558
Total Transfers To				\$ 538,158

Dated at Plainville, Connecticut this 17th day of June 2019

Plainville Town Council

By Carol A. Skultety, Town Clerk
& Clerk of the Town Council

ADDENDUM

TOWN OF PLAINVILLE, CT
 ADDITIONAL APPROPRIATION FROM FUND BALANCE - GENERAL FUND
 2018 - 2019 BUDGET

Additional Appropriation From:

Department	Account Number	Account Description	Reason	Amount
Fund Balance	0100-000-32110-0000	Unassigned Fund Balance		\$ 290,000
		Total Additional Appropriation From		\$ 290,000

Additional Appropriation To:

Department	Account Number	Account Description	Reason	Amount
Police	0100-201-51140-0000	Overtime	Higher costs	\$ 250,000
Employee Benefits	0100-820-51206-0000	Police Retirement	Higher costs	40,000
		Total Additional Appropriation To		\$ 290,000

RECEIVED

JUN 20 2019

Carole Spivey
 TOWN CLERK