

**MINUTES  
PLAINVILLE TOWN COUNCIL  
COUNCIL CHAMBERS – MUNICIPAL CENTER  
REGULAR MEETING  
July 19, 2021 – 7:00p.m.**

**I. PRESENTATIONS:**

**II. PUBLIC HEARING**

**III. MINUTES OF PREVIOUS MEETING**  
June 21, 2021, Special and Regular Meeting

**IV. ANNOUNCEMENTS – REPORTS**

**V. APPOINTMENTS/RESIGNATIONS**

1. Police Officer Appointment
2. Advisory Recreation & Park Board
3. Committee on Aging Re-Appointments
4. Fire Department Appointment
5. Appointments and Re-appointments to Boards and Commissions

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

**VII. REPORT OF TOWN ATTORNEY**

**VIII. REPORT OF TOWN MANAGER**

1. Review Conceptual Plans for Whiting Street Project
2. Sidewalk Construction Bid
3. Brownfields Grant Award – Former White Oak Property
4. Valley Water Updates (Rate Case & Land Sale)
5. Vehicle Disposal Request & Replacement Purchase
6. Connecticut Marijuana Legislation Discussion
7. COVID-19 Update
8. FY21 Preliminary Budget Results
9. Happenings

**IX. PUBLIC COMMENTS**

**X. OLD BUSINESS**

**XI. NEW BUSINESS**

1. Bid #2022-01E, Sidewalk Construction
2. Vehicle Disposal Request
3. Bid #2022-03 – Vehicle Replacement
4. 8-24 Referral to Planning & Zoning Commission – Valley Water parcel on Ledge Road.
5. Tax Refunds - Addendum

**XII. OTHER DISCUSSIONS OF INTEREST**

### **XIII. MATTER APPROPRIATE FOR EXECUTIVE SESSION**

#### **1. Personnel Matter – Police Chief Search**

### **XIV. ADJOURNMENT**

The Regular Meeting was called to order at 7:00 pm. Present were Chairwoman Pugliese, Vice Chairwoman Tompkins, Town Council members Wazorko, Morante, Gnazzo, Rocco, Underwood, Town Manager Lee, Assistant Town Manager Daskal, Town Attorney Mastrianni, and Town Clerk Porrini.

Vice Chairwoman Tompkins led the Pledge of Allegiance.

#### **I. PRESENTATIONS**

#### **II. PUBLIC HEARING**

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

Vice Chairwoman Tompkins motioned to approve the minutes of June 21, 2021, Special and Regular Meeting. The motion was seconded by Councilman Underwood and passed 7-0.

#### **IV. ANNOUNCEMENTS – REPORTS**

#### **APPOINTMENTS/RESIGNATION**

##### **1. Police Officer**

Vice Chairwoman Tompkins motioned to appoint Kelsey O'Donnell as a Police Officer effective August 4, 2021. The motion was seconded by Councilman Gnazzo and passed 7-0.

##### **2. Advisory Recreation & Park Board**

- a. Councilman Rocco motioned to ratify Town Manager Lee's acceptance of the resignation of Donna Martin from the Advisory Recreation and Park Board. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.
- b. Councilman Rocco motioned to ratify Town Manager Lee's acceptance of the resignation of William Bulger from the Advisory Recreation and Park Board. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.
- c. Councilman Rocco motioned to ratify Town Manager Lee's appointment of Danielle Angelillo, (D), 136 Tomlinson Avenue – to the Advisory Recreation and Park Board for a term ending May 1, 2025. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.

##### **3. Committee on Aging**

- a. Councilwoman Morante motioned to reappoint Susan DesRochers (D), 68 Cooke Street, to the Committee on Aging for the term ending August 1, 2024. The motion was seconded by Councilman Underwood and passed 7-0.
- b. Councilwoman Morante motioned to reappoint Mary McBain (D), 7 Bradley Street, #U3, to the Committee on Aging for the term ending August 1, 2024. The motion was seconded by Councilman Wazorko and passed 7-0.

- c. Councilwoman Morante motioned to reappoint Brenda Tella, (D) 51 Rockwell Avenue, to the Committee on Aging for the term ending August 1, 2024. The motion was seconded by Councilman Underwood and passed 7-0.

4. **Fire Department**

Councilman Gnazzo motioned to appoint Jonathan Camacho, 379 Emmett Street – Bristol as a Probationary Firefighter to the Plainville Fire Department. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.

5. **Capital Region Council of Governments Regional Planning Commission (CRCOG)**

Vice Chairwoman Tompkins motioned to reappoint Jennifer Bartiss-Earley, 74 South Washington Street, to the Capital Region Council of Governments Regional Planning Commission through December 31, 2021. The motion was seconded by Councilman Rocco and passed 7-0.

6. **Inland Wetlands Commission**

Councilman Gnazzo motioned to reappoint to the Inland Wetland Commission

Patricia LeBeau (D), 46 East Broad Street  
David Garewski (R), 17 Jude Road

for the new term ending 1/7/2023. The motion was seconded by Councilman Wazorko and passed 7-0.

7. **Planning and Zoning Commission**

Vice Chairwoman Tompkins motioned to reappoint to the Planning and Zoning Commission

Elmer Saucier (D), 8 Sunrise Terrace  
Glen Petit (R), 123 Redstone Hill

for the new term ending 1/2/2023. The motion was seconded by Councilman Underwood and passed 7-0.

8. **Recycling and Solid Waste Commission**

Vice Chairwoman motioned to reappoint Richard Ireland, Jr. (D), 21 East Maple Street, to the Recycling and Solid Waste Commission for the new term ending 2/1/2023. The motion was seconded by Councilman Underwood and passed 7-0.

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

No report was given.

VI. **REPORT OF TOWN ATTORNEY**

Town Attorney Mastrianni read a statement regarding a pending litigation matter with the Town of Plainville, and he has instructed town officials to refrain from commenting on the pending matter.

## **VII. TOWN MANAGER**

Town Manager Lee presented and discussed the following topics:

- **Review Conceptual Plans for Whiting Street Project**

John Bossi, Director of Technical Services is here this evening to give a presentation of the proposed preliminary sketch for the improvements to be made to Whiting Street next summer. The reconstruction and paving of the road will be from Broad Street to East Street (Route 10). The project includes the replacement of drainage pipes, catch basin improvements, removal of old trolley tracks and the repaving of the road.

The Town is anticipating that a LOTCIP Grant will be awarded in the amount of a \$2,324,400 to pay for the improvements from Broad Street to Fairview Ave. Town Road bonds will be used to mill and pave from Fairview to East Street. This is estimated to cost \$350,000. The State and CROG requires Towns to consider “complete street” concepts when performing a major road project. Complete streets mean ensuring all modes of transportation are considered in the planning and design of our transportation network.

- **Sidewalk Construction Bid**

On July 1st five bids were received for the replacement of sidewalks along Laurel Court and sections of Tomlinson Ave. The low bid was submitted by C.M.C. Contractors LLC of Greenwich. The next lowest bid was submitted by William Laydon Construction LLC of North Haven in the amount of \$177,825. The engineer’s estimate for the project was \$200,000. Town staff contacted the company and requested that they review their figures given the discrepancy with the second low bidder. C.M.C. confirmed that they were satisfied with their bid. Town staff then contact their references and did not uncover any reasons why C.M.C. Contractors could not fulfill the contract requirements. Town staff has determined C.M.C. Contractors to be the lowest responsible bidder and is recommending that they be awarded the sidewalk contract in the amount of \$129,100. There is an item under New Business regarding this recommendation.

- **Brownfields Grant Award – Former White Oak Property**

Late last month the Department of Economic & Community Development announced that the Town the Plainville was awarded a grant in the amount of \$1,170,000 for funding under the Brownfield Municipal Grant Program. The grant would be used cleaning up the contamination at 1 & 63 West Main Street for repurposing the former White Oak Corporation site into a mixed-use development consisting of medical office space, industrial condominiums, a community building, retail, housing, and parking.

Plainville was only one of 23 Towns to receive this funding which is intended to put vacant properties back into productive use. Town staff has met with DECD representatives to work on the details for a Financial Assistance Proposal that will outline the key terms of the grant funding as well as the conditions that the Town will need to meet to access the funding. I want to thank the Town Council for their leadership in moving forward with the redevelopment process and recognize Economic Development Director Cal Hauburger and Loureiro Engineering Associates of Plainville for putting together the grant application.

- **Valley Water Updates (Rate Case & Land Sale)**

At the May 3rd meeting the Town Council learned that the parent company of Valley Water (namely, the New England Service Company) had entered an “Agreement and Plan of Merger” with the Aquarion Water Company of Bridgeport. Valley Water also sent a letter to the Public Utilities Regulatory Authority (PURA) requesting that their current application for a rate increase be “temporarily suspended” until such time as the merger is approved by the required regulatory agencies in CT, MASS., and New Hampshire. Valley Water also proposed that they “initiate discussions among the parties and report back to PURA...if a settlement is achievable” with regards to their proposed increase. Since that time Valley Water, Aquarion, the Office of Consumer Counsel and I have held several meetings with regards to a potential settlement for the rate increase.

As a result of those discussions, a “settlement proposal” has been submitted to the Public Utilities Regulatory Authority for their consideration. The settlement would reduce the proposed increase from an average of 36% to 21.6%. For the residential user that currently pays \$30 per month to Valley Water, the increase would be

reduced from \$11.18 to \$6.63. Additionally, for the residential user that currently pays \$40 per month, the increase would be reduced from \$14.15 to \$8.44. The cost for Fire Protection service - that is paid for through the Town Budget - would also be reduced from an annual cost of \$854,068 (proposed) to \$764,906. This is a reduction of \$89,162. Finally, Valley Water/Aquarion agreed to delay the increase in these rates until January 1, 2022. The proposed settlement agreement now goes to PURA for their approval. It should be noted that the proposed settlement is contingent on PURA approving the acquisition of Valley Water/New England Service Company by Aquarion of Bridgeport. Last November, the Town entered a "Non-Binding Letter of Intent" with Valley Water Systems, Inc. to purchase 47.91 acres of property located on Ledge Road near Crescent Lake. The purchase amount was \$325,000 contingent on a successful Open Space Grant award from the State of CT. If the grant is not successful, the purchase price would be \$300,000.

The deadline for the Open Space Grant is September 30th and the grant award is not expected to be announced until sometime close to the end of the year. According to the D.E.E.P., Towns can purchase the property after the September 30th application closing date and still be eligible for consideration for the Open Space Grant. Valley Water is planning to utilize the proceeds from this sale to contribute to the construction of the water softening system, thus lowering the potential monetary impact to Valley Water customers. Valley Water is requesting that the property be transferred in early October. To move forward on this purchase, the proposed purchase must be submitted for an 8-24 referral to the Planning & Zoning Commission.

There is an item under New Business that would make the referral to P&Z. It should be noted that the Town has secured a commitment from a third-party to contribute one-half of the purchase price for this 47.91-acre parcel which would limit Plainville's amount to no more than \$150,000. If an Open Space Grant is secured, the amount could be substantially less than this amount.

- **Vehicle Disposal Request & Replacement Purchase**

Superintendent of Buildings & Grounds Dave Emery is requesting permission to dispose of three Town vehicles at auction. These vehicles are: 1) 1996 ½ ton 4x4 Chevy pick-up (143,334 miles); 2) 2000 ¾ ton 4x4 Chevy pick-up (109,406) and 2005 Ford Crown Victoria (140,307 miles). All these vehicles have extensive body rot which make them unsafe to be on the road in their present condition. There is a motion under New Business regarding this recommendation. It is not anticipated that the auction would result in any significant revenue to the Town. Additionally, the FY22 C.I.P. included monies to replace a 4WD Utility Body plow truck assigned to the Buildings & Grounds Department. One of the trucks recommended for disposal was anticipated to last for one more year. Its replacement was scheduled for FY23.

Dave Emery is requesting that the truck scheduled for replacement next year (Ford 250 4x4 w/plow & sander) be purchased this year and push back the replacement of the Pick-up 4x4 w/utility body for next year. The State contract bid for the Ford truck w/plow is \$40,185.40 from Gengras Ford of Plainville. The amount budgeted in the current fiscal year (FY21) was \$44,000.

There is an item under New Business that would authorize the purchase of a Ford 250 4x4 w/plow & sander from Gengras Ford in the amount of \$40,185.40.

- **Connecticut Marijuana Legislation Discussion**

SB 1201 was enacted during the June 2021 Special Session which legalizes adult use of cannabis. Among other things, the new law

- (a) creates a process for the erasure of previous marijuana related convictions,
- (b) establishes legal adult recreational use of cannabis by allowing individuals aged 21 or older to possess, use, or otherwise consume cannabis and cannabis products,
- (c) and establishes new laws, regulations, and control of cannabis products. In general, the bill limits possession to 1.5 ounces of cannabis plant material and 5 ounces of such material in a locked container in the person's residence or locked vehicle glove box or trunk (or equivalent cannabis product amounts or combined amounts).

In addition, beginning on July 1, 2023, the bill allows any individual age 21 or older to cultivate up to three mature and three immature cannabis plants in an individual's primary residence. There are three major areas of the bill that I would like to discuss this evening – namely – marijuana sales, marijuana growing facilities and regulation of cannabis use.

**Marijuana Sales** – If an Ordinance is enacted to prohibit marijuana sales in a municipality - Effective July 1, 2021, if at least 10% of a municipality's electors petition for a vote to allow certain marijuana sales, it must be done at least 60 days before a regular election. If met, the municipality must hold a referendum to determine whether to allow

- (1) the recreational sale of marijuana in the municipality or
- (2) the sale of marijuana in one or more of the cannabis establishment license types.

The bill does specify what specific language needs to be used in a referendum question. Currently Town staff is not aware of any residents circulating a petition under this provision. The bill allows municipalities to amend their zoning regulations or local ordinances to take the following actions regarding cannabis establishments:

- a) prohibit them from opening;
- b) reasonably restrict their hours and signage; or
- c) restrict their proximity to religious institutions, schools, charitable institutions, hospitals, veterans' homes, or certain military establishments.

Until June 30, 2024, the bill prohibits municipalities from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one retailer and one micro-cultivator for every 25,000 municipal residents.

**Marijuana Growing Facilities** – The State will limit the number of cultivator licenses in Connecticut. Before an applicant can apply for such a license, they must provide evidence of several items, one of which is "any necessary local zoning approval and permits for the cultivation facility" including all Department of Consumer Protection security requirements.

**Regulation of cannabis use** - Effective October 1, 2021, existing law allows municipalities to regulate activities deemed harmful to public health, including smoking, on municipally owned property. The bill broadens this to include property that a municipality controls but does not own. It specifies that this regulatory authority applies to

- (1) smoking tobacco or cannabis, including cannabis e-cigarette use (i.e., electronic delivery systems and vapor products) and
- (2) other types of cannabis use or consumption. It allows municipalities to ban cannabis smoking (including e-cigarette use) at outdoor sections of restaurants. Through regulations, municipalities may set fines for violations, up to (1) \$50 for individuals or (2) \$1,000 for businesses.

The Plainville Zoning Regulations currently allow for "Medical Marijuana Dispensing & Growing Facilities". The purpose of the regulation is to prevent a concentration of regulated medical marijuana dispensing and production facilities or establishments (regulated facilities) which may adversely affect existing and potential neighborhoods, property values, retail, wholesale and industrial trade, schools, public buildings, public parks, public and private recreation areas, and places of worship. Based on the current regulations and set back requirements to residential use property (100 ft), schools, public buildings, public parks, public & private recreation areas, and places of worship (500 ft.) any sales of medical marijuana pretty much limited to the CT Commons area.

It is anticipated that the Planning & Zoning Commission will consider changes to their regulations based on the new legislation that was passed during the Special Session.

Questions to be considered by the Town Council at this time are:

- 1). Should the Town Council consider an Ordinance prohibiting cannabis sale in Plainville? and

2). Consider an Ordinance prohibiting marijuana use in “municipally-owned property” (i.e., Town parks) or ban its use “at outdoor sections of restaurants”?

- **COVID-19 Update**

In a special session held last Wednesday, the State House of Representatives and Senate both approved extending the Governor’s emergency powers until September 30, 2021, for eleven Executive Orders. During the debate on this extension, it was pointed out that the positivity rate has jumped to 1.28%, its highest level since late May.

- **FY21 Preliminary Budget Result**

Preliminary information from Finance Director Rob Buden is that revenues will exceed budget expectations by at least \$1,500,000. A good portion of this is due to the building permit fees for the Americold project on Northwest Drive. He also indicated that he expects that General Government expenses will come in approximately \$400,000 less than what was budgeted overall. Finally, Supt. Of Schools Steve Lepage has informed Town staff that the Education budget will come in approximately \$750,000 less than what was budgeted for FY21. Based on these amounts, the results of the FY21 budget will increase the Unassigned Fund Balance by \$2,650,000.

- **Happenings**

Assistant Town Manager Daskal reported the on activities and programs for the Tax Office and Senior Center details can be found on the Town’s website: [www.plainvillect.com](http://www.plainvillect.com)

## **VIII. PUBLIC COMMENTS**

Joanne Edman, 166 West Main St spoke in opposition to Alignment C of the proposed Trail and commented on the selection for new Police Chief.

Chairwoman Pugliese read a letter the Council received in objection to the proposed Trail.

Mary Couture, 48 Milford Street, spoke in favor of the proposed Trail and mentioned landscaping conditions at the schools.

Benjamin Gediman, 5 Dickman Road, spoke regarding on-going litigation matter of the Town of Plainville and the selection for new Police Chief.

Zachary Ferguson, 40 Atherton Terrace spoke regarding on-going litigation matter of the Town of Plainville.

Jill Barry, 199 Cavan Lane, Glastonbury, (State Rep.) supported selection of Mark Catania for new Police Chief.

Lou Frangos, 10 Fairbanks St, questioned marijuana legislation and new bike path on Broad Street.

David Spencer, 127 Milford Street Ext., comments included low voter turnout for budget vote and tree concerns at Norton Park.

Edwin Hollenbeck, 44 Hilltop Road, spoke regarding on-going litigation matter of the Town of Plainville.

David Albert, 56 Hollyberry Lane, spoke regarding on-going litigation matter of the Town of Plainville and pavement concerns at Norton Park.

Suzanne Lacombe, 204 West Main Street, regarding on-going litigation matter of the Town of Plainville.

**IX. OLD BUSINESS**

**X. NEW BUSINESS**

**1. Bid#2022-01E, Sidewalk Construction**

Vice Chairwoman Tompkins motioned to award Bid#: 2022-01E Sidewalk Construction to C.M.C. Contractors Inc. of Greenwich, CT in the amount of \$129,100. The motion was seconded by Councilman Underwood and passed 7-0.

**2. Vehicle Disposal Request**

Vice Chairwoman Tompkins motioned to approve the disposal of vehicles as listed in Buildings and Grounds request dated July 12, 2021. The motion was seconded by Councilman Gnazzo and passed 7-0.

**3. Bid #2022-03 – Vehicle Replacement**

Vice Chairwoman Tompkins motioned to award Bid#: 2022-03 4WD Pickup with Plow to Gengras Ford, LLC of Plainville, CT, under State of Connecticut Contract #19PSX0161, in the amount of \$40,185.40. The motion was seconded by Councilman Underwood and passed 7-0.

**4. 8-24 Referral to Planning & Zoning Commission – Valley Water parcel on Ledge Road.**

Vice Chairwoman Tompkins motioned to submit an 8-24 referral to the Planning & Zoning Commission for acquisition from Valley Water Systems of a parcel of land located at 0 Ledge Road consisting of 47.91+/- acres land. The motion was seconded by Councilman Gnazzo and passed 7-0.

**5. Tax Refunds- See Addendum**

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

**XI. OTHER DISCUSSIONS OF INTEREST**

**XII. MATTER APPROPRIATE FOR EXECUTIVE SESSION**

**1. Personnel Matter – Police Chief Search**

**At 8:34 pm Vice Chairwoman Tompkins motioned to enter into Executive Session. The motion was seconded by Councilman Gnazzo and passed 7-0.**

All seven Council members were present for the executive session along with Town Manager Lee, Assistant Town Manager Daskal, and Town Attorney Mastrianni. Discussion was held regarding a Personnel Matter – Police Chief Search. A motion was made, seconded unanimously passed to end the executive session at 9:36 pm. No further action was taken.

**XIII. ADJOURNMENT**



