

***PUBLIC NOTICE: For information on submitting remarks for the Public Comment Section please refer to page 3 of this Agenda. For meeting participation information, please also refer to page 3.**

AGENDA

**REGULAR MEETING
PLAINVILLE TOWN COUNCIL MEETING
COUNCIL CHAMBERS – MUNICIPAL CENTER
February 1, 2021 - 7:00pm**

I. PRESENTATIONS: - Farmington Canal Heritage Trail
Discussion with State DOT

II. PUBLIC HEARING

III. MINUTES OF PREVIOUS MEETING
January 19, 2021 Regular Meeting and January 28, 2021 Special Meeting

IV. ANNOUNCEMENTS – REPORTS

V. APPOINTMENTS/RESIGNATIONS

1. Fire Department
2. 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. White Oak Redevelopment Discussion
2. 2020 Grand List

3. Extension of Acceptable Recyclables Processing Agreement
4. COVID-19 Update
5. Happenings

IX. PUBLIC COMMENTS

X. OLD BUSINESS

XI. NEW BUSINESS

1. Memorandum of Understanding regarding Redevelopment of White Oak Properties
2. Extension of Acceptable Recyclables Processing Agreement
3. Establish Public Hearing regarding Town Manager's Proposed FY2022 Budget
4. Set Special Meetings regarding Town Council Proposed FY2022 Budget
5. Tax Refunds – Addendum

XII. OTHER DISCUSSIONS OF INTEREST

XIII. MATTER APPROPRIATE FOR EXECUTIVE SESSION

XIV. ADJOURNMENT

***PUBLIC NOTICE:**

Following are ways to submit remarks to the Town Council for the Public Comments:

1) Email: tcpubliccomments@plainville-ct.gov
Please submit by 4:00pm Monday, February 1st.

2) Voice Mail Message: 860-793-3256 (3-minute limit)

For either option, please be sure to include or state your name and address and that your remarks are for the **2/1/21 Public Comments**. Emails and voice mail messages will be relayed to the Town Council before or after the meeting, depending on when they are received.

PUBLIC PARTICIPATION INFORMATION – DAY OF MEETING:

- A link to access this meeting in real time via YouTube will be posted on the Town website the day of the meeting. Be advised, **streaming will begin at 7:00pm**. Please refer to our “Spotlight” section on the Home Page (www.plainvillect.com) for this information.
- For **Audio Only** participation, dial (Toll Free) 888-788-0099 or 877-853-5247 and enter Webinar ID: **810 0235 0835**

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

I. **PRESENTATIONS:** Carol Skultety Proclamation

Presentation to Town Council and Board of Education – Preliminary Discussion of FY 2022 Budget.

II. **PUBLIC HEARING**

III. **MINUTES OF PREVIOUS MEETING**
January 4, 2021 Regular Meeting

IV. **ANNOUNCEMENTS – REPORTS**

V. **APPOINTMENTS/RESIGNATIONS**
1. Conservation Commission Appointment
2. 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. Health Insurance Trust Fund
2. Next Steps Regarding White Oak Proposals
3. Temporary Committees to Consider Disbanding
4. COVID-19 Update
5. Financial Dashboard
6. Happenings

IX. **PUBLIC COMMENTS**

X. **OLD BUSINESS**

XI. **NEW BUSINESS**
1. Health Insurance Trust Fund Resolution
2. Consider Disbanding Temporary Committees
3. Tax Refunds - Addendum

XII. OTHER DISCUSSIONS OF INTEREST

XIII. MATTER APPROPRIATE FOR EXECUTIVE SESSION

XIV. ADJOURNMENT

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

Also in attendance via zoom were Board of Education Chairwoman Tyrrell, Board members Davenport, Hardy, Palmieri, St. Lawrence, Wells, White, Martinez, Superintendent LePage, Assistant Superintendent Levenduski and Director of Business Operations Adlerstein.

Town Manager Lee and Superintendent LePage reviewed a Budget Power Point Presentation for the Fiscal Year 2022. Covered topics included revenue sources, Education Cost Sharing (ECS) Grant, Unassigned Fund Balance, Health Insurance, Police Overtime and Capital Improvement items.

I. PRESENTATIONS

Carol Skultety Proclamation

Chairwoman Pugliese presented retiring Town Clerk Carol Skultety with a proclamation and thanked her for many years of service with the Town of Plainville.

II. PUBLIC HEARING

III. MINUTES OF PREVIOUS MEETING

Vice Chairwoman Tompkins motioned to approve the minutes of January 4, 2021 Regular Meeting. The motion was seconded by Councilman Underwood and passed 7-0.

IV. ANNOUNCEMENTS – REPORTS

Chairwoman Pugliese read a statement submitted by Roberta Brown, Chair and Lynn Davis, Co-Chair of the Plainville Coalition for Positive Youth Development with an expressed message as a united community we strongly condemn all acts of violence and ask every member of the Plainville community to defend our democratic ideals and show our children that we resolve differences in a respectful and peaceful manner. Offensive language, name calling, and other displays of hatred have no place in our schools and community. No acts or incidents of prejudice, bigotry, or racism will be tolerated in Plainville.

Councilwoman Morante commented on upcoming Spring activities for the Conservation Commission and the Library is open and functioning well within COVID precautions.

V. APPOINTMENTS/RESIGNATION

1. Conservation Commission

Councilwoman Morante motioned to ratify Town Manager Lee's appointment of Eileen Ayala (U), 248 Farmington Avenue, to the Conservation Commission for the term ending January 15, 2024. The motion was seconded by Councilman Wazorko and passed 7-0.

2. Aviation Commission

- a. Councilman Underwood motioned to reappoint Robert Mastrianni, (R), 261 Camp Street, to the Aviation Commission for the new term 11/1/20 – 10/31/2023. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.
- b. Councilman Underwood motioned to reappoint Reade Clemens, (R), 87 Farmington Avenue, to the Aviation Commission for the new term 11/1/20 – 10/31/2023. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.
- c. Councilman Underwood motioned to reappoint David King, (L), 88 Trumbull Avenue, to the Aviation Commission for the new term 11/1/20 – 10/31/2023. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.

3. Housing Authority

Councilman Underwood motioned to reappoint Leona Bisson, (D), 216 Trumbull Avenue, to the Housing Authority for the new term 2/1/21 – 1/31/26. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.

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

VII. REPORT OF TOWN ATTORNEY

No report was given

VIII. TOWN MANAGER

• **Health Insurance Trust Fund**

At the December 21st Town Council meeting there was a discussion regarding the deficit in the Self-Insurance Health Fund. A plan was presented that would utilize future savings in the Debt Service line item to eliminate the deficit. Town staff has drafted a Resolution Regarding the Health Insurance Trust Fund for your consideration. There is an item under New Business regarding this Resolution.

• **Next Steps Regarding White Oak Proposals**

Loureiro Consultants presented at the last Town Council meeting their "Review & Evaluation" of the two proposals submitted for the re-development of the White Oak property. The Town Council was informed that the Planning & Zoning Commission, Economic Development Agency, and the Plainville Chamber of Commerce had endorsed the "Residential, Industrial, Retail, Community & Outdoor space" use proposal submitted by Manafort and others as opposed to the "Office, Industrial & Outside Storage" use proposed by D'Amato/Meyer.

CRCOG pointed out that the Manafort proposal “is in conformity with, and supportive of, the region’s plans and policies”. Since the last meeting seven letters/emails have been received from residents and business owners supportive of the Manafort proposal which are included in tonight’s packet.

Information about each of the proposals is posted on the Town website. Residents and business owners can provide feedback on the proposals as well. While the purchase price submitted by D’Amato was \$550,00 higher than the Manafort’s, the Loureiro report estimated that the Manafort proposal would result in \$357K more in building permit fees, \$100K more annually in sewer user fees and \$387,000 more annually in tax revenues when completed as proposed.

Town staff is preparing a pre-application to the Department of Economic & Community Development in mid-February for a remediation grant to clean-up the property. A full application for the grant is due by April 7, 2021.

Town staff is seeking Town Council thoughts on how they would like to proceed with this project.

- **Temporary Committees to Consider Disbanding**

Over the years the Town Council has created several “temporary” committees to address specific short duration projects. Town staff is recommending that the Town Council consider disbanding the following “temporary committees” as their work has been completed. They are: Clean Energy Task Force, Old Linden Street School Committee, 150th Anniversary Celebration Committee and the Complete Count Committee for the 2020 Census. There is an item under New Business regarding this recommendation.

- **Covid-19 Update**

Individuals age 75 and older are currently able to schedule a COVID vaccine. The next eligible age group to schedule appointment most likely early February will be age 65 and older. Scheduling information will be available early March for frontline essential workers and individuals with underlying medical conditions.

- **Financial Dashboard**

The Financial Dashboard for the first half of the fiscal year was included in the meeting package information and was posted on the Town website.

- **Happenings**

Assistant Town Manager Daskal reported on activities in the Tax Office and Senior Center details can be found on the Town’s website: www.plainvillect.com

IX. PUBLIC COMMENTS

No comments were heard.

X. OLD BUSINESS

XI. NEW BUSINESS

1. Resolution regarding Health Insurance Trust Fund – See Addendum

Vice Chairwoman Tompkins motioned to adopt a resolution entitled “Health Insurance Trust Fund”. The motion was seconded by Councilman Gnazzo and passed 7-0.

2. Disband Inactive Temporary Committees

Vice Chairwoman Tompkins motioned to disband the following temporary committees due to inactivity. The motion was seconded by Councilman Gnazzo and passed 7-0.

- Clean Energy Task Force
- Old Linden Street School Committee
- 150th Town Anniversary Celebrate Committee
- Complete Count Committee

3. 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.

XII. OTHER DISCUSSIONS OF INTEREST

XIII. MATTER APPROPRIATE FOR EXECUTIVE SESSION

XIV. ADJOURNMENT

At 8:26 pm Vice Chairwoman Tompkins motioned to adjourn. The motion was seconded by Councilman Gnazzo and passed 7-0.

Respectfully submitted by,

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

Resolution Regarding the Health Insurance Trust Fund

Whereas: The Health Insurance Trust Fund Ordinance was adopted by the Town Council on May 5, 1992 and amended on December 17, 2012; and

Whereas: The purpose of the Trust Fund was to stabilize premiums for medical insurance coverage for employees of the Town and its Board of Education; and

Whereas: The Trust Fund successfully achieved its purpose for many years, however, it began to have a deficit balance in FY 2016 which continued for several years because of claims exceeding premium contributions for succeeding years; and

Whereas: The Trust Fund currently has a deficit of \$2,365,616; and

Whereas: The Town joined the State Partnership Plan on July 1,2018 to assist in stabilizing health insurance premiums for the Town and Board of Education employees.

Now, Therefore, Be It Resolved that we, the Plainville Town Council, take the following actions.

1. The Town Council adopts the following policy to address the \$2.37M deficit in the Trust Fund:
 - The Town Council continues to budget the Debt Service Line Item in the Town Budget at a minimum of the current level (\$4,430,350) until FY24.
 - The Town Council utilizes the anticipated surpluses in the Debt Service Line Item to eliminate the deficit in the Health Insurance Trust Fund.

Refunds		1/19/2021	
		Current Year	Amount
1	Corelogic, Coppell, TX		\$3,978.01
2	Bernard, Lionel & Brenda Plainville, CT		\$58.57
	Total		\$4,036.58
		Prior Years	Amount
1	Ford Credit Personal Property Tax, Detroit MI		\$565.28
	Total		\$565.28
		Sewer User Fee	Amount
1	Lindley, Daniel & Carly, 211 Trumbull Ave		\$60.43
	Total		\$60.43

**MINUTES
PLAINVILLE TOWN COUNCIL
SPECIAL MEETING
MUNICIPAL CENTER – Conference Room 302
THURSDAY JANUARY 28, 2021 – 2:30p.m.**

I. Call to Order

II. Executive Session

- 1. Discuss negotiations/strategies regarding Memorandum of Understanding for the White Oak Property**

III. Adjournment

I. Call to Order

Councilwoman Pugliese called the Special Meeting to order at 2:40pm. Also, in attendance were, Vice Chairwoman Tompkins, Council members Morante, Gnazzo, Rocco and Underwood, Town Manager Lee, and Assistant Town Manager Daskal. Councilman Wazorko was absent.

II. Executive Session began immediately, and discussion ensued regarding negotiations/strategies regarding Memorandum of Understanding for the White Oak Property.

Vice Chairwoman Tompkins exited the Executive Session at 3:35 pm.

Executive Session ended at 4.00pm. No action was taken

III. Adjournment

At 4:00pm Councilman Underwood motioned to adjourn. The motion was seconded by Councilman Rocco and unanimously passed.

Respectfully submitted by,

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



V-1a.

PLAINVILLE FIRE COMPANY

INCORPORATED

77 West Main Street

Plainville, Connecticut 06062

Home of The Plainville Fire Company Hot Air Balloon Festival SM

Organized January 12, 1885

RECEIVED

JAN 25 2021

Cindy Perrini
TOWN CLERK

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22 January, 2021

The Honorable Town Council
Municipal Center
Plainville, CT. 06062

Dear Councilors:

Be advised that 1st Lieutenant William Gammon has accepted the resignation of William T. Costello from the Fire Company effective 11 January, 2021. Bill was a member of the Fire Company from 2 May, 1997 until 11 January, 2021.

We ask that you now acknowledge this resignation from the Plainville Fire Company.

Sincerely,

Allyn K. Kall, Secretary,
Plainville Fire Company

Cc Chief Thomas Moschini
1st Lieutenant William Gammon
File

V-161



PLAINVILLE FIRE COMPANY

INCORPORATED

77 West Main Street

Plainville, Connecticut 06062

Home of The Plainville Fire Company Hot Air Balloon Festival SM

Organized January 12, 1885

22 January, 2021

RECEIVED

JAN 25 2021

Cindy Porreine
TOWN CLERK

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The Honorable Town Council
Municipal Center
Plainville, CT. 06062

Dear Councilors:

Please be advised that 1st Lieutenant William Gammon accepted, with regret, the retirement of Douglas Doughty from the Fire Company after reaching the age of 65.

Doug joined the Fire Company on 18 April, 1977 serving more than 44 years of dedication to the Town of Plainville and the Fire Company until his retirement on 17 January, 2021.

We ask that you now acknowledge his retirement from the Fire Company.

Sincerely,

Allyn K. Kall, Secretary,
Plainville Fire Company

cc Chief Thomas Moschini
1st Lieutenant William Gammon
File

V-1c.

Lisa Metayer

Subject: Douglas Doughty

From: Fire Chief <firechief@plainville-ct.gov>

Sent: Tuesday, January 26, 2021 8:53 PM

To: Robert E. Lee <relee@plainville-ct.gov>; Lisa Metayer <metayer@plainville-ct.gov>

Subject: RE: Douglas Doughty

Dear Town Council,

On January 17th, 2021 Firefighter Douglas Doughty has reached the retirement age of 65. Firefighter Doughty has served the town as an outstanding firefighter for the past 44 years.

At this time, Firefighter Doughty would like to continue as Fire Police in the Department.

I am giving Doug the highest recommendation for this position. If anyone has any questions, please feel free to contact me. Thank you.

Thomas Moschini Sr.

Fire Chief

APPOINTMENTS TO BOARDS AND COMMISSIONS PENDING AS OF 2/1/21

CAPITAL REGION COUNCIL OF GOVERNMENTS REGIONAL PLANNING COMMISSION (CRCOG): (page 10)

1 appointment due for new term 1/1/21 - 12/31/21 incumbent is:
Jennifer Bartiss-Earley, 74 South Washington Street

TOWN MANAGER'S APPOINTMENT WITH TOWN COUNCIL RATIFICATION CONSERVATION COMMISSION: (page 10)

2 appointments due for new term 1/15/21 – 1/15/25 incumbents are:
Lisa Lozier (U), 17 Grant Avenue
Randall Paz (R), 36 Washburn Drive
Linel Nobel (D), 6 Peace Court

INLAND WETLANDS COMMISSION: (page 14)

3 appointments due for new regular member term 1/7/21 – 1/7/23 incumbents are:
Patricia LeBeau (D), 46 East Broad Street
David Garewski (R), 17 Jude Road

PLANNING & ZONING COMMISSION: (page 16)

2 appointments due for new regular member term 1/2/21 – 1/2/25 incumbents are:
Elmer Saucier (D), 8 Sunrise Terrace
Glen Petit (R), 123 Red Stone Hill

RECYCLING & SOLID WASTE COMMISSION: (page 17)

3 appointments for regular member for new term 2/1/21 – 2/1/23 incumbent is:
Richard Ireland, Jr. (D), 21 East Maple Street

STRONG FUND COMMITTEE: (page 19)

2 appointments due for new term 7/1/20 – 7/1/21 incumbents are:
Josephine Forcella (D), 25 Hough Street
Bruce Morris (R), 19 Farmstead Lane

VACANCIES WITHIN BOARDS AND COMMISSIONS PENDING AS OF 2/1/21

AVIATION COMMISSION: (page 8)

1 vacancy for alternate term ending 10/31/21

CENTRAL CONNECTICUT TOURISM DISTRICT: (page 10)

1 vacancy for term 10/1/18 – 9/30/21

CONSERVATION COMMISSION: (page 10) *Town Manager's appointment with Town Council ratification

1 vacancy for term ending 1/15/22

1 vacancy for term ending 1/15/25

INLAND WETLANDS COMMISSION: (page 14)

1 vacancy for regular term ending 1/7/23

2 vacancies for alternate term ending 1/7/22

1 vacancy for alternate term ending 1/7/23

PLANNING & ZONING COMMISSION: (page 16)

2 vacancies for alternate term ending 12/1/23

RECYCLING & SOLID WASTE COMMISSION: (page 17)

2 vacancies for regular term ending 2/1/21

2 vacancies for alternate term ending 3/1/21

ZONING BOARD OF APPEALS: (page 20)

1 vacancy for alternate term ending 10/5/23

1 vacancy for alternate term ending 10/5/24

1 vacancy for alternate term ending 10/5/25

TOWN OF



PLAINVILLE

ONE CENTRAL SQUARE, PLAINVILLE, CONNECTICUT 06062-1955

Ann Marie Heering
CCMA II, Assessor

2020

	# of Accounts	Gross Assessment	Exemptions	Total Net Assessment
Real Estate	7,155	1,171,897,393	7,298,490	1,164,598,903
Personal Property	1,143	140,289,590	31,541,410	108,748,180
Motor Vehicle	17,493	161,303,692	5,385,392	155,918,300
Final Total	25,791	1,473,490,675	44,225,292	1,429,265,383

Real Estate Exempt 191 118,116,320

2019

	# of Accounts	Gross Assessment	Exemptions	Total Net Assessment
Real Estate	7,152	1,165,148,040	7,267,550	1,157,880,490
Personal Property	1,098	140,023,540	34,752,950	105,270,590
Motor Vehicle	18,126	154,730,200	5,580,590	149,149,610
Final Total	26,376	1,459,901,780	47,601,090	1,412,300,690

Real Estate Exempt 184 116,963,840

Difference between 2019 and 2020

	# of Accounts	Gross Assessment	Exemptions	Total Net Assessment
Real Estate	3	6,749,353	30,940	6,718,413
Personal Property	45	266,050	(3,211,540)	3,477,590
Motor Vehicle	(633)	6,573,492	(195,198)	6,768,690
Final Total	(585)	13,588,895	(3,375,798)	16,964,693

Real Estate Exempt 7 1,152,480

Percent difference

	Gross Assessment	Exemptions	Total Net Assessment
Real Estate	0.58%	0.43%	0.58%
Personal Property	0.19%	-9.24%	3.30%
Motor Vehicle	4.25%	-3.50%	4.54%
Final Total	0.93%	-7.09%	1.20%

Tax dollar difference based on current mill rate

REAL ESTATE & PERSONAL PROPERTY (34.62)	10,196,003	\$	352,985.62
MOTOR VEHICLE (34.62 MILLS)	6,768,690	\$	234,332.05
		\$	587,317.67

2016 - 2020

GROSS GRAND LISTS

	2016**	2017	2018	2019
REAL ESTATE	1,151,208,280	1,271,344,371	1,278,844,720	1,282,434,020
MOTOR VEHICLE	145,367,550	149,805,188	149,889,710	154,730,200
PERSONAL	125,641,400	130,942,920	134,271,500	140,023,540
TOTALS	1,422,217,230	1,552,092,479	1,563,005,930	1,577,187,760

NET GRAND LISTS

	2016**	2017	2018	2019	
REAL ESTATE	1,145,313,122	1,147,688,531	1,153,288,860	1,157,880,490	
MOTOR VEHICLE	141,943,920	144,694,288	145,218,590	149,149,610	
PERSONAL	93,816,340	96,512,040	98,114,380	105,270,590	
TOTALS	1,381,073,382	1,388,894,859	0.57% 1,396,621,830	0.56% 1,412,300,690	1.12%

** DENOTES REVALUATION YEAR

TOP TEN TAXPAYERS

	NAME	NATURE OF BUSINESS	NET ASSESSMENT AS OF OCTOBER 1, 2020	PERCENT OF NET
1.	DT CONNECTICUT COMMONS LLC	INVESTOR	49,626,390	31.88%
2.	TILCON	CONTRACTORS	25,235,300	16.21%
3.	MANAFORT BROTHERS (MBA LLC)	CONTRACTORS	14,409,970	9.26%
4.	CONNECTICUT LIGHT AND POWER	UTILITY	13,805,580	8.87%
5.	VALLEY WATER	UTILITY	12,560,150	8.07%
6.	DOC-201	INVESTOR	9,240,910	5.94%
7.	CARLING TECHNOLOGIES	MANUFACTURER	8,645,330	5.55%
8.	YANKEE GAS	UTILITY	7,602,280	4.88%
9.	MOTT METALURGICAL CORP	MANUFACTURER	7,390,670	4.75%
10.	GEMS SENSORS	MANUFACTURER	7,171,690	4.61%

Law Offices of Edward F. Spinella, Esq., LLC

December 21, 2020

Mark Bobman, Executive Director
Bristol Resource Recovery Facility Operating Committee
27 West Main Street
New Britain, CT 06051

Re: Extension of Acceptable Recyclables Processing Agreement (Agreement)

Dear Mark:

I represent Murphy Road Recycling, LLC (MRR).

The current Agreement expires June 30, 2021. Pursuant to Section 8.01, Term, MRR offers to extend the Agreement for at least two years. As we discussed, the Operating Committee and the Executive Committee on behalf of the participating member towns and MRR will negotiate some revisions to the Agreement.

I request that each participating member sign a copy of this letter to signify acceptance of the extension of the Agreement with the condition that MRR and each participating member will make reasonable efforts to execute a revised Agreement on or before February 1, 2021.

Sincerely,


Edward F. Spinella, Esq.

Participating Member Town

FIRST AMENDMENT TO ACCEPTABLE RECYCLABLES PROCESSING AGREEMENT

This FIRST AMENDMENT TO ACCEPTABLE RECYCLABLES PROCESSING AGREEMENT (the “Amendment”) dated as of February [REDACTED], 2021 (the “Amendment Effective Date”), by and between the [Town/City] of [REDACTED] (the “Participating Municipality”), having a principal place of business at [REDACTED], the Bristol Resource Recovery Facility Operating Committee (“BRRFOC”), having a principal place of business at 27 West Main Street, New Britain, CT 06051, and Murphy Road Recycling, LLC (“Contractor”), having a principal place of business at 15 Mullen Road, Enfield, CT 06082 (each a “Party” and collectively, the “Parties”).

W I T N E S S E T H

WHEREAS, the Participating Municipality, BRRFOC and the Contractor entered into an Acceptable Recyclables Processing Agreement dated as of July 17, 2019 (the “Original Agreement”), providing generally for the Participating Municipality to deliver or cause to be delivered Acceptable Recyclables to the Contractor’s facility and the Contractor to accept, process and dispose of such Acceptable Recyclables; and

WHEREAS, the Parties desire to amend the Original Agreement to extend the Term effective immediately and make additional changes effective as of July 1, 2021 (the “Amendment Commencement Date”).

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, hereby agree as follows:

1. All references in the Original Agreement to “this Agreement” or the “Agreement” shall mean the Original Agreement as amended hereby.
2. Except as specifically provided herein, capitalized terms used herein shall have the meanings given to them in the Original Agreement.
3. Any provision of the Original Agreement that is not expressly amended or affected by this Amendment shall remain in its original form and in full force and effect during the Term, as amended hereby.
4. [MRR Revision] Effective as of the Amendment Commencement Date, Section 1.01.7 is hereby amended by replacing subpart (D) with the following:

(D) the imposition or increase after the Effective Date of any tax, assessment, governmental charge, levy or surcharge of any nature, such as that provided in Connecticut General Statutes § 22a-232, or the imposition or amendment after the Effective Date of any requirement obligating the Contractor, or any owner or operator of the Acceptance Facility, or any of its respective affiliates, to establish, maintain or increase reserves, security, or other financial assurances of any nature whatsoever by a

governmental, quasi-governmental or other regulatory authority or agency on or in respect to the operation, ownership, possession or use of the Acceptance Facility, any equipment used to construct, maintain, operate or test the Acceptance Facility, satisfying its obligations hereunder, or the collection, storage, transportation, processing or disposal of waste, Residue, or any Acceptable Recyclables under the Direct Control of the Participating Municipality at any facility.

4. [BRRFOC Revision] Effective as of the Amendment Commencement Date, Section 1.01.17 is hereby amended by adding “or operated” following “transfer station owned.”

5. [MRR Revision] Effective as of the Amendment Commencement Date, Section 1.01.20 is hereby amended to add “pandemics” to subpart (ii) and to add the following at the end of the definition:

The Parties acknowledge that the COVID-19 coronavirus, and various national, state, and local government-issued orders, rules and regulations with respect thereto, whether currently issued or issued in the future, has impacted and may continue to impact the Contractor’s workforce, suppliers, customers, facilities, general operations, and access to goods, materials, and services (collectively, the “COVID-19 Impact”). Any delay in performance of the Contractor’s obligations under this Agreement that is substantially a result of the COVID-19 Impact will be deemed an Event of Force Majeure.

6. [MRR Revision] Effective as of the Amendment Effective Date, Section 1.01.27 is hereby amended by replacing “June 30, 2021” with “June 30, 2023.”

7. [BRRFOC Revision] Effective as of the Amendment Commencement Date, Section 1.01.44 is hereby amended to add “a” before “minimum.”

8. [BRRFOC Revision] Effective as of the Amendment Commencement Date, Section 3.01(f) is hereby deleted in its entirety, and Section 3.01(g) is hereby renumbered as Section 3.01(f).

9. [MRR Revision] Effective as of the Amendment Commencement Date, Section 4.01(d) is hereby amended to read as follows:

If the Contractor determines that the Participating Municipality or its Designated Hauler has delivered a load that contains more than 25% Contaminants, the Contractor will engage the offending Participating Municipality to make appropriate efforts to decrease the Contaminants. If a load verifiably exceeds 25% Contaminants, such load may be rejected by the Contractor, such that the Contractor does not take Title to said material, with fees of one hundred fifteen dollars (\$115.00) per ton, including tip fees, for processing and disposal. Additionally, the Contractor may assess penalties against the offending Designated Hauler and the Participating Municipality as specified in the Haulers’ Rules or this Agreement. If a load verifiably exceeds 15% but less than or equal to 25% Contaminants, then the percentage of Contaminants in said load will be rejected, such that the Contractor does not take Title to said material, with fees of one hundred

fifteen dollars (\$115.00) per ton, including tip fees, for processing and disposal. The Contaminant fees described above are set forth in Table 5.2 of Exhibit 5, as amended.

- 10. [MRR Revision] Effective as of the Amendment Commencement Date, Section 4.01(e) is hereby amended by replacing “law” in the third sentence with “Applicable Law.”
- 11. [BRRFOC Revision] Effective as of the Amendment Effective Date, Section 5.01(c) is hereby amended by revising the first clause of the first sentence to read as follows:

On or before July 22, 2019 and July 22, 2020 and June 1, 2021 and June 1, 2022,
- 12. [MRR Revision] Effective as of the Amendment Commencement Date, Section 5.01(d) is hereby amended by replacing “provided” with “delivered.”
- 13. [BRRFOC Revision] Effective as of the Amendment Effective Date, Section 8.01 is hereby amended by replacing each instance of “June 30, 2021” with “June 30, 2023.”
- 14. [MRR Revision] Effective as of the Amendment Commencement Date, Exhibit 5 is hereby amended to read in its entirety as follows:

CHARGES
MURPHY ROAD RECYCLING, LLC

MRR shall charge the Participating Municipality a BPF of \$82.50 per Ton of Acceptable Recyclables for the period of July 1, 2021 – June 30, 2022. MRR shall charge the Participating Municipality a BPF of \$85.00 per Ton of Acceptable Recyclables for the period of July 1, 2022 – June 30, 2023.

MRR shall calculate a monthly ACR based on Table 5.1 below to determine the rebate or charge per Ton to the Participating Municipality for each month.

Table 5.1

Single Stream Average Commodity Rate (ACR)		
<u>Commodity</u>	<u>Percent of Stream</u>	<u>Benchmark</u>
OCC	13.40%	P&PW New England Low OCC #11
Mixed Paper	46.00%	P&PW New England Low #54
Glass	19.00%	Fixed \$72.07/Ton charge + CPI
Steel Cans	2.00%	Recyclingmarkets.net Baled Low
Aluminum	0.25%	Recyclingmarkets.net Baled Low
Natural HDPE	0.60%	Recyclingmarkets.net Low
Colored HDPE	0.75%	Recyclingmarkets.net Low
PET	2.00%	Recyclingmarkets.net Low
Mixed Plastics #3-7	1.00%	Recyclingmarkets.net Low
Residue	15.00%	Fixed \$88.00/Ton charge + CPI
	100.00%	

The following Formula 5.1 will be utilized to calculate the monthly rebate or charge per Ton to the Participating Municipality:

Formula 5.1

$$\text{BPF} - \text{ACR} = \text{Rebate or Charge}$$

When the calculation results in a negative amount per Ton, this amount will be shared 50% to the Participating Municipality as a rebate and 50% will be retained by MRR.

Example for July 1, 2021 – June 30, 2022:

Calculated ACR	-\$5.00	\$55.00	\$82.50	\$100.00
BPF	\$82.50	\$82.50	\$82.50	\$82.50
ACR	-\$5.00)	-\$55.00	-\$82.50	-\$100.00
Charge to Participating Municipality	\$87.50	\$27.50	\$0.00	\$0.00
Rebate to Participating Municipality	\$0.00	\$0.00	\$0.00	\$8.75

The Parties acknowledge that if, as a result of an Event of Force Majeure, a Change-in-Law, or a material change in market conditions, including, but not limited to, a deletion or addition of the materials listed in Exhibit 1, the discontinuation of an index specified in Table 5.1, the lack of commercially reasonable market availability for one or more types of Acceptable Recyclables, changes in market specifications affecting the salability of one or more types of Acceptable Recyclables, changes affecting the recyclability of one or more types of Acceptable Recyclables, or changes in the quantity, quality, type or composition of the Acceptable Recyclables having the effect of materially altering the terms of the Original Agreement as amended, or preventing, precluding or substantially affecting the benefit(s) bargained for under the Original Agreement as amended, including profits of MRR and the fees charged or revenues paid under the Original Agreement as amended (each a “Material Change”), the Parties shall negotiate a modification of the formula set forth in Table 5.1. Notwithstanding anything in this Exhibit 5 or the Agreement as amended to the contrary, the Participating Municipality and the Contractor agree that, if due to an Event of Force Majeure, that is proven by the Contractor or agreed to by the Parties, the BPF per Ton will increase, the Parties shall immediately negotiate in good faith a change to the BPF per Ton to address the economic impact of the Event of Force Majeure. MRR agrees that it will continue to consider new, alternate markets for glass during the Term, taking into consideration the economics and practicability of using such markets. Each month, the Contractor will electronically provide the P&PW and recyclingmarkets.net indices to the BRRFOC.

Table 5.2

% of Contaminants	Fee*
15% or less	No additional charge
16% - 25%	(% of Contaminants x Weight of the Delivered Load) x \$115.00
26% or more	Weight of the Delivered Load x \$115.00

* The Contractor may assess penalties against the offending Designated Hauler and the Participating Municipality as specified in the Haulers' Rules or this Agreement, as amended.

IN WITNESS WHEREOF, the Parties have signed this Amendment as of the Amendment Effective Date.

Bristol Resource Recovery Facility Operating Committee

By: _____

Title: _____

Participating Municipality [XXXXXXXXXXXXXXXX]

By: _____

Title: _____

Contractor, Murphy Road Recycling, LLC

By: _____

Title: _____

XE 5

Refunds

2/1/2021

	Current Year	Amount
1	VW Credit Leasing LTD, Libertyville, IL	\$109.65
2	Windsor Federal Savings, Windsor, CT	\$1,613.99
	Total	\$1,723.64
	Prior Years	Amount
1	Schaffrick, Lori, 63 Wayne Drive	\$16.05
	Total	\$16.05