

***PUBLIC NOTICE:** For information on submitting comments for the Public Hearing and/or 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
April 20, 2020 - 7:00pm

I. PRESENTATIONS:

II. PUBLIC HEARING

- Proposed amendments to Streets, Sidewalks & Driveways Ordinance – Article 1: Street Openings

III. MINUTES OF PREVIOUS MEETING

April 6, 2020 Regular Meeting; April 7 and 9, 2020 Special Budget Meetings

IV. ANNOUNCEMENTS – REPORTS

V. APPOINTMENTS/RESIGNATIONS

1. Firefighter Appointment (Rick Dohoney)
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. Auditor Appointment
2. Governor Lamont's Executive Order 7S – Tax Deferment

3. FY 2021 Budget Update
4. White Oak Update
5. COVID-19 Update
6. Financial Dashboard
7. Happenings

IX. PUBLIC COMMENTS

X. OLD BUSINESS

XI. NEW BUSINESS

1. Consider proposed amendments to Streets, Sidewalks & Driveways Ordinance – Article 1: Street Openings
2. Auditor Appointment
3. Consider action regarding Governor’s Executive Order 7S
4. Tax Refunds – Addendum

XII. OTHER DISCUSSIONS OF INTEREST

XIII. MATTER APPROPRIATE FOR EXECUTIVE SESSION

XIV. ADJOURNMENT

***PUBLIC NOTICE:**

Following are ways to submit comments to the Town Council for the Public Hearing regarding “Proposed amendments to Streets, Sidewalks & Driveways Ordinance – Article 1: Street Openings” and/or Public Comments:

- 1) Email: tcpubliccomments@plainville-ct.gov Please submit by 5:00pm Monday, April 20.
- 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 pertain to the **4/20/20 Public Hearing** or **Public Comment**. Emails and voice mail messages will be relayed to the Town Council before or after the meeting, depending on when they are received.

For Public Hearing ONLY:

To actively participate in the Public Hearing during the meeting, dial (Toll Free) 888-788-0099 or 877-853-5247 Webinar ID: 827-8763-6988

It will be announced when the Public Hearing is open, and it will be explained how callers wishing to make remarks will take turns doing so.

PUBLIC PARTICIPATION INFORMATION – DAY OF MEETING:

- A link to access this meeting in real time via YouTube will be posted on the Town Website 15 minutes prior to the meeting start time. 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 Webinar ID: 827-8763-6988

**LEGAL NOTICE
TOWN OF PLAINVILLE
TOWN COUNCIL PUBLIC HEARING
APRIL 20, 2020**

NOTICE IS HEREBY GIVEN that the Plainville Town Council will hold a public hearing at 7:00 p.m. on Monday April 20, 2020 in the Council Chambers of the Municipal Center, One Central Square in Plainville to hear public comments on:

1. Proposed amendments to ordinance - Chapter 374 STREETS, SIDEWALKS AND DRIVEWAYS; ARTICLE I; Street Openings.

A copy of the proposed amendments is on file and available for public inspection during normal business hours in the office of the Town Clerk in the Plainville Municipal Center, One Central Square and online at www.plainvillect.com.

Dated at Plainville, Connecticut this 16th day of April 2020.

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

Lisa Metayer

From: John R. Bossi
Sent: Friday, April 17, 2020 9:22 AM
To: Robert E. Lee
Cc: Lisa Metayer; Robert Buden; Carol Skultety
Subject: Revised Street Opening Ordinance
Attachments: STREET OPENING ORDINANCE AMENDMENTS -just amendments.docx

Robert:

Attached is the revised text for the Street Opening Ordinance to be considered by the Town Council at their next meeting Monday April 20, 2020. Carol has informed me the text revision were published as required for the Public Hearing. If the Town Council were to approve and adopt the revised text the following schedule and tasks would need to be completed prior to rolling out the new requirements and process: The new program and requirements are suggested to begin on or about Monday June 15, 2020.

- Develop a new Street Opening Application Form
 - Part A Contractor Registration Form – Complete
 - Part B Work activity Form- May 1, 2020

- Preregistration of Contractors to Begin May 15, 2020 – Letter sent to all contractor securing Street Opening Permits within the last calendar year

- Develop a Schedule of Costs to be used to determine Restoration Prepayment Fee - June 1, 2020

- Develop Town Restoration Contract – December 1, 2020

The above noted tasks will be completed by the Department of Technical Services with input from the Roadway Division.

Below are other tasks that need to be completed which are outside the general functions of Public Works:

- Accounting Procedures for the Registration Cash Bond

- Establishing Insurance Coverage Minimum Limits

- Accounting Procedures Related to the Restoration Fee

The first two tasks need to be addressed prior to the registration of contractors. The last task needs to be completed before the program is initiated.

Chapter 347
STREETS, SIDEWALKS AND DRIVEWAYS
ARTICLE I
Street Openings

Proposed amended sections to read as follows:

§ 347-3 Application for Permit. Delete existing and replace with the following language:

A. The application for such permit shall be upon a form provide by the Department of Technical Services, Part A Registration of Contractors and Part B Type of Construction and Location.

B. Registration of Contractors and Requirements – Part A.

Any contractor or individual who performs any construction activity including the installation of driveways and sidewalks within any Town of Plainville Right of Way shall be registered with the Town of Plainville prior to commencing any such activity. Only licensed contractors, licensed individuals, governmental agencies or public service companies can be registered. Registrations shall be valid from January 1 to December 31 of each calendar year. Each calendar year all contractors or individuals shall renew their registration.

Registration forms may be obtained in the Town’s Engineering Department or on the Town’s Website. The requirements to become a registered contractor or individual shall be as follows:

1. Complete and submit a registration form along with a fifty (\$50.00) fee to the Town of Plainville;
2. Homeowners will not be able to register as a contractor. Only licensed professionals will be permitted to register as contractors. Licensed professionals are those contractors and/or individuals that hold and maintain a P1, P7, P-9 or HIC licenses in the State of Connecticut. Contractors and/or individuals holding and maintaining licenses from other states are not eligible;
3. The contractor and/or individual shall supply the Town an insurance surety bond with a Power of Attorney, certified check, passbook account for ten thousand (\$10,000.00) dollars and a two thousand five hundred (\$2,500.00) cash bond. The surety bond shall be on an approved form. All bonds shall be effective/valid for two (2) or more years after issuance; and
4. Provide a Certificate of Insurance. Coverage shall be effective for the entire calendar year with the following coverage:
 - Workers Compensation
 - Accident
 - Disease Policy Limit
 - Disease each Employee
 - Contractor Liability
 - General Aggregate -
 - Products Completed Ops Aggregate -

Personal Injury Advertising -
Each Occurrence - \$1,000,000.00
Fire Damage -
Medical Expense Limit
Automobile Liability
Bodily Injury & Property Damage Combined Single Limit

All insurance certificates shall be from carriers authorized to conduct business in the State Connecticut having A.M. Best Rating of A- or higher. The applicant agrees to hold harmless, indemnify, protect and defend the Town of Plainville, its agents, servants and employees from any liability for injuries and damages to the contractor, its employees, agents, subcontractors, guests, third parties and incidents to or resulting from any and all operations resulting from the contractor's activities. The limits of the coverage shall be set by the Town's Insurance Commission. Insurance coverage shall be maintained until the Town completes the final restoration or one year after the completion of the work whatever happens first.

Public utility companies shall not be required to post bonds if contrary to the Department of Energy and Environmental Protection Regulations. Public Utilities shall be billed directly for the actual cost incurred by the Town resulting from deficient work.

C. Type of Construction and Location Requirements – Part B.

Registered contractors or individuals shall describe the type of construction, location, estimate the magnitude of the impacted area on a form provided by the Town's Engineering Department or the Town's Website. A supplementary bond amount will be required for activities in which the impact will exceed more than one hundred (100) linear feet. The supplementary bond value will be calculated as follows: for each additional one hundred (100) linear feet of Right of Way disturbed or any part thereof an additional \$2,500.00 will be required.

D. Permanent Restoration Fee Process.

1. The permanent restoration of all excavations and utility trenches in any roadway maintained by the Town of Plainville shall be completed by the Town of Plainville and/or contractor retained by the Town of Plainville. All contractors working within the Town of Plainville's Right of Way shall secure a Street Opening Permit prior to any construction activities occurring within the Town's Right of Way and notify the Town of Plainville not less than forty-eight (48) hour prior to commencing any excavation.

2. At the time of issuance of the Street Opening Permit, the permittee shall deposit a fee equal to the estimated cost of the permanent trench restoration plus ten (10%) percent. The prepaid fee shall be calculated utilizing units and corresponding prices set by the Town of Plainville. Annually, the Town of Plainville shall set the yearly unit cost for construction items and activities related to trench pavement restoration. A schedule of these units and related costs will be attached to the Street Opening Permit to assist the permittee in determining the value of the prepaid restoration fee. The unit costs will be determined utilizing past unit costs and/or annual bid(s) received for permanent trench pavement restoration.

3. The contractor or individual shall estimate the costs related to the permanent trench restoration. Calculations shall be attached to the Street Opening Permit Application. Upon submission of the permit application, the Town will evaluate the contractor's estimate determining whether it's reasonable and acceptable or adjust the units and/or costs accordingly.

4. The trench restoration dimensions shall be estimated based on the length and width of the impacted area. The width shall be estimated as follows: pipe diameter plus twenty-four (24") inches plus twelve (12") for every average trench depth in excess on four (4) feet. Example width calculation – Installation of six (6") inch pipe at an average depth of five (5') feet: $6'' + 24'' + 12'' = 42''$ or 3.5 feet.

5. The contractor or individual shall be responsible to install, repair and maintain a transitional patch for a period up to one year after the completion of construction. The intent is that the transitional patch will experience one winter season. During the period between the installation of the transitional patch and commencing the process to complete the permanent patch, the permittee shall promptly correct all defects upon order of the Town of Plainville. Failure to promptly act, shall result in damage claims resulting from the defect and any costs incurred by the Town to rectify the matter. Any Town incurred costs will be taken from the cash bond posted with the registration form. The contractor's or individual's Contractor's Registration will be suspended until the posted cash bond is replenished to two thousand five hundred (\$2,500.00) dollars. Multiple infractions, (three or more in any eighteen (18) month time) may result in a temporary or permanent suspension of the contractor's or individual's registration.

6. Upon completion of the permanent trench restoration, the actual work activities shall be measured, and final costs tallied. The actual final cost will be compared to the prepaid estimated cost. Should the final cost exceed the prepaid estimate, the contractor shall be billed the difference. Failure to reimburse the Town for any billed additional costs within thirty (30) calendar days will result in forfeiting those funds from the cash registration bond and suspension of the ability to secure future permits until the cash bond is replenished. Should the owed value exceed the cash bond and the contractor fails to reimburse the Town the additional amount, the Town will invoke any and all penalties as prescribed by law. No permits shall be issued until the cash bond is replenished.

7. The Town shall maintain records of all issued Street Opening Permits. Such records may include the date the Street Opening Permit was issued, contractor or individual's contact information, location and extent of the construction activities, dates the contractor/individual notified the Town when construction was to commence and temporary pavement was installed, value of the prepaid restoration fee and actual cost of the restoration.

§ 347-6 Sidewalk Restoration.

- A. Whenever it is necessary to excavate or trench under or in the vicinity of a public sidewalk, whether stone, bituminous concrete or concrete, a temporary walkway shall be maintained. At the close of each workday, the sidewalk shall be restored in such a manner as to render the walk safe for public use. Upon the completion of construction activities, the applicant shall restore the disturbed sidewalk to its original condition. All restoration activities shall comply with

applicable Town regulations. The applicant shall be responsible for requesting inspections of the restoration activities by the Department of Technical Services at the required times.

provide a transitional sidewalk restoration. The intent of the transitional surface restoration is a semi-permanent surface, bituminous concrete, that would experience a winter season prior to final restoration. Such surface would be maintained by the permittee for a period up to one calendar year.

- B. The restoration activities **transitional sidewalk restoration** shall be completed within 30 calendar days of finishing the excavation. The sidewalk materials and installation method shall be in accordance with the regulations of the Planning and Zoning Commission.

C. **Section deleted entirely**

§ 347-7 Curb Restoration. Delete entirely and replace with the following text

Whenever it is necessary to disturb or remove the roadway curbing, the permittee shall be required to temporarily replace or repair the curbing with bituminous concrete.

§ 347-10 Permanent Restoration – Delete entirely

§ 347-10 Transitional Pavement Surface Restoration – New Section

- A. **A transitional pavement surface restoration shall commence within three (3) business days of the completion of the work. The contract shall notify the Town of Plainville at least forty-eight (48) hours in advance of the start of any work related to the installation of the transitional pavement surface restoration.**
- B. **The intent of the transitional pavement surface restoration is a semi-permanent restoration that would experience a winter season prior to the final pavement restoration. Such a pavement restoration would be maintained by the permittee for a period up to one calendar year.**
- C. **Installation of the transitional pavement surface restoration shall begin by removing all the temporary patch material, whether hot or cold mix bituminous concrete. The edges of the impacted area shall be recut not less than twelve (12”) inches wider than the original impacted area to create reasonably straight longitudinal and traverse lines. The width of the cutback shall be increased beyond twelve (12”) inches to remove any unsound pavement as directed by the Town of Plainville. Additionally, all rounded edges shall be recut square.**
- D. **The subgrade shall be regraded and compacted providing enough depth for the bituminous base and wearing courses. The thickness of the new pavement shall be four (4”) inches or equal to the existing pavement thickness whatever is greater. If required, the permittee shall add or remove subgrade material as necessary to establish the proper grades. During grading, care shall be taken not to disturb or undermine the adjacent pavement or subgrade material. Any areas disturb during subgrade preparation shall be repaired as directed by the Town of Plainville. Mechanical compaction shall continue until the density of the compacted material achieves ninety-five (95%) percent of the theoretical dry density.**

- E. Emulsified asphalt tack coat shall be applied to all cut edges prior to the installation of the new bituminous pavement.
- F. A least two courses of hot mix bituminous concrete shall be installed. The type and thickness of each course shall be determined by the Town of Plainville. The installation of bituminous concrete shall only occur when weather conditions are favorable. Pavement installed during unfavorable weather conditions shall be ordered removed by the Town of Plainville. The pavement shall be shaped and compacted to conform to the existing crown of the roadway. Compaction shall continue on each course until the density of the pavement achieves ninety-five (95%) percent of the theoretical density. The finish surface shall meet the existing pavement in a neat and true manner.
- G. All materials used for the transitional pavement surface restoration shall conform to the applicable Town Standards or applicable specifications in the most current State of Connecticut Department of Transportation document "Standards for Roads, Bridges and Incidental Construction".

~~§ 347-11 Roadway Preparation – Delete entirely~~

~~§ 347-12 Permanent Pavement – Delete entirely~~

~~§ 347-13 Sealing Joints – Delete entirely~~

§ 347-14 Exception to Restoration Requirements.

- B. Delete existing and amend to read
The permittee shall be required to provide funds for an overlay of the entire roadway width at a thickness of 1 ½ inches of bituminous concrete if the area of the permanent restoration exceeds 1/3 of the total area of the roadway.

C. Delete Section entirely

~~§ 347-15 Maintenance Period – Delete entirely~~

§ 347-17 Authority of the Director of Technical Services/Town Engineer.

**MINUTES
PLAINVILLE TOWN COUNCIL
COUNCIL CHAMBERS – MUNICIPAL CENTER
SPECIAL MEETING
April 6, 2020 – 6:30p.m.**

6:30pm WORK SESSION: Street, Sidewalks & Driveway Ordinance
- Street Openings

The Special Meeting via Zoom Meeting was called to order at 6:30pm. Present remotely, were Chairwoman Pugliese, Vice Chairwoman Tompkins, Council members Wazorko, Morante, Gnazzo, Cox, Underwood, Town Manager Lee, Town Attorney Mastrianni, Town Clerk Skultety. Coordinating the live feed was Director of IT Ross.

Technical Services Director Bossi signed in and addressed the Town Council. He stated the purpose of the amendments is to improve the street opening permit process. He went on to explain the current steps and the proposed changes.

In summary, permits would include a Registration Fee of \$50 and a Cash Surety of \$2,500. The Contractor prepays New Restoration Fee. Once the work has been completed the Contractor installs and maintains a Transitional Pavement Restoration Patch for a period up to one year.

The Town will retain a contractor to perform all permanent patches on a yearly basis. The new Restoration Fee will offset those related costs to the Town.

Amendments would require review by the Town Attorney and a public hearing.

It was the consensus to have a public hearing on April 20.

**MINUTES
PLAINVILLE TOWN COUNCIL
COUNCIL CHAMBERS – MUNICIPAL CENTER
REGULAR MEETING
April 6, 2020 – 7:00p.m.**

I. PRESENTATIONS:

II. PUBLIC HEARING

III. MINUTES OF PREVIOUS MEETING

March 12, 2020 Special Meeting; March 16, 2020 Special and Regular Meeting and March 31, 2020 Special Meeting

IV. ANNOUNCEMENTS – REPORTS

V. APPOINTMENTS/RESIGNATIONS

1. Appointments and Re-appointments to Boards and Commissions

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

VII. REPORT OF TOWN ATTORNEY

1. Governor Lamont’s Executive Order 71

VIII. REPORT OF TOWN MANAGER

1. LEA White Oak Report Discussion
2. Road Bond-Pavement Milling
3. Governor Lamont’s Executive Order 7S
4. Happenings

IX. PUBLIC COMMENTS

X. OLD BUSINESS

XI. NEW BUSINESS

1. Establish public hearing for 2020 Neighborhood Assistance Act
2. Resolution regarding Fair Housing
3. Fair Housing Policy Statement
4. Title VI Equal Opportunity Statement
5. Bid #2020-11B, Pavement Milling
6. Possible action FY2021 Budget (or parts thereof)
7. Motion regarding Governor Lamont’s Executive Order 7I
8. Tax Refunds

XII. OTHER DISCUSSIONS OF INTEREST

XIII. MATTER APPROPRIATE FOR EXECUTIVE SESSION

XIV. ADJOURNMENT

The Regular Meeting was virtually called to order at 7:00pm. Present remotely, were Chairwoman Pugliese, Vice Chairwoman Tompkins, Council members Wazorko, Morante, Gnazzo, Cox, Underwood, Town Manager Lee, Town Attorney Mastrianni and Town Clerk Skultety. Coordinating the live feed was Director of IT Ross.

I. PRESENTATIONS

II. PUBLIC HEARING

III. MINUTES OF PREVIOUS MEETING

Councilwoman Tompkins motioned to approve the minutes of March 12, 2020 Special Meeting; March 16, 2020 Special and Regular Meeting and March 31, 2020 Special Meeting. The motion was seconded by Councilman Cox and passed 7-0.

IV. ANNOUNCEMENTS – REPORTS

V. APPOINTMENTS/RESIGNATION

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

VII. REPORT OF TOWN ATTORNEY

Town Attorney Mastrianni spoke to the Governor’s Executive Order 7I. Section 13. In summary, the order suspends the “in person” requirement for the adoption of municipal budgets as well as mill rates and authorizes the legislative body to set those rates.

This order would eliminate the All-Day vote previously set for May 28.

Attorney Mastrianni went on to mention the sale of the Aiudi Tax Liens has been delayed due to virus and limited court schedules. Late May or early June is now the projection.

VIII. REPORT OF TOWN MANAGER

Town Manager Lee presented and discussed the following topics:

- **LEA White Oak Report Discussion**

Sara Burkhalter-Sweeney and Sam Butcher from Loureiro signed into the meeting and gave an update to the report entitled “*Former White Oak Development Plan*”. Loureiro has completed their Environmental Study of the White Oak Property.

Scenarios included open-space, recreational areas, commercial/retail and residential. Environmental conditions and remediation costs were briefly discussed.

Town Manager Lee commented that the agreement with Mr. Toffolon was to acquire the property for back taxes owed. The Town is in the process of engaging an environmental attorney with grant funds.

Plans are for the Town Council to consider approving the transfer. A collaboration with DEEP and Legal Counsel would determine the best use for liability relief going forward.

The Environmental Attorney would address the Town Council at a May meeting.

- **Road Bond – Pavement Milling**

Town staff is recommending that the Town Council award a bid to Garrity Construction of Bloomfield for pavement milling services. Garrity has done this work in Town for several years and have agreed to hold their price to the same rates they have charged for the last two years.

The monies for this work will come from the Road Bond Program.

- **Governor Lamont’s Executive Order 7S**

Last week Governor Ned Lamont issued Executive Order 7S entitled “*Property Tax Deferral*”. This order requires municipalities to participate in one or both programs regarding tax deferrals.

The first program authorizes Towns to “*provide property tax deferral to eligible residents, businesses, non-profits and other eligible taxpayers a 90-day deferral of any taxes on real property, personal property or motor vehicles*”. This includes sewer user charges as well.

To be eligible, taxpayers must attest to or document significant economic impact by COVID-19. The second program authorizes Towns to charge an interest rate of 3% per annum for any delinquent portion of the principal of any taxes on real property, personal property, or motor vehicles (including sewer use charges) for ninety days from the time when it became due and payable until the same is paid.

Following the ninety days, the portion that remains delinquent shall be subject to interest and penalties as previously established (18%) on the principal portion of the taxes owed. There is no eligibility requirement for the Low Interest Rate Program.

Financial institutions and mortgage services that hold property tax payments in escrow on behalf of the borrower shall continue to remit property taxes to the municipality.

Towns must notify the Secretary of the Office of Policy & Management which program(s) they are electing to participate in by April 25, 2020.

- **Happenings**

Town Manager Lee reviewed programs and activities which included the 2020 Census, WPC, Tax & Assessing, Library, Bulky Waste and Senior Center. More information can be found on the Town’s website at www.plainvillect.com.

IX. PUBLIC COMMENTS

Chairwoman Pugliese mentioned at this time the Town Council will not be taking any public comments over the phone. She stated the Council has received an email from John Kisluk and a voice/email message from Roberta Lauria.

X. NEW BUSINESS

Councilman Wazorko motioned to add agenda NEW BUSINESS item:

***8. Street Opening Ordinance Amendment**

The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.

1. Establish public hearing for 2020 Neighborhood Assistance Act

Vice Chairwoman Tompkins motioned to establish a public hearing on Monday, May 18, 2020, at 7:00pm to hear public comment on applications regarding the 2020 Neighborhood Assistance Act. The motion was seconded by Councilman Wazorko and passed 7-0.

2. Resolution regarding Fair Housing-See Addendum

Vice Chairwoman Tompkins motioned to adopt a resolution entitled "Fair Housing Resolution". The motion was seconded by Councilman Gnazzo and passed 7-0.

3. Fair Housing Policy Statement

Councilman Wazorko motioned to re-appoint Town Manager Robert E. Lee as the Fair Housing Officer and authorize him to sign and implement the "Fair Housing Statement". The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.

4. Title VI Equal Opportunity Statement

Vice Chairwoman Tompkins motioned to authorize Town Manager Lee to sign and implement the Title VI Equal Opportunity Statement. The motion was seconded by Councilman Underwood and passed 7-0.

5. Bid #2020-11B, Pavement Milling

Councilwoman Morante motioned to waive the bid process and award Bid #2020-11B, Paving Milling, to Garrity Construction, Bloomfield, CT, for an amount not to exceed \$125,000. The motion was seconded by Councilman Wazorko and passed 7-0.

6. FY2021 Budget Action Regarding

Town Manager Lee reviewed updated budget changes and projections for the FY2021 Budget. Discussion followed. No action was taken.

7. Motion regarding Governor Lamont's Executive Order 7I

Vice Chairwoman Tompkins motioned to cancel the All-Day-Vote (Town Meeting) of May 28, 2020 per Governor Lamont's Executive Order 7I issued March 21, 2020. The motion was seconded by Councilman Underwood and passed 7-0.

8. *Street Opening Ordinance Amendment

Councilman Wazorko motioned to establish a public hearing on Monday, April 20, 2020, at 7:00pm to hear public comment regarding amendments to "Chapter 347- Streets, Sidewalks and Driveways" Article I, Street Openings. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.

9. Tax Refunds-See Addendum

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

XI. OTHER DISCUSSIONS OF INTEREST

XII. MATTER APPROPRIATE FOR EXECUTIVE SESSION

XIII. ADJOURNMENT

The meeting adjourned at 8:00pm.

Respectfully submitted by,

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

1-2020

**FAIR HOUSING RESOLUTION
TOWN OF PLAINVILLE**

Whereas,

All persons are afforded a right to full and equal housing opportunities in the neighborhood of their choice; and

Whereas, Federal fair housing laws require that all individuals, regardless of race, color, religion, sex, handicap, familial status or national origin, be given equal access to all housing-related opportunities, including rental and homeownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas, Connecticut fair housing laws require that all individuals, regardless of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability, sexual orientation, or gender identity or expression be given equal access to all housing-related opportunities, including rental and home ownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas, The Town of Plainville is committed to upholding these laws, and realizes that these laws must be supplemented by an Affirmative Statement publicly endorsing the right of all people to full and equal housing opportunities in the neighborhood of their choice.

NOW THEREFORE, BE IT RESOVED, That the Town of Plainville hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase, obtain financing and enjoy all other housing-related services of their choice on a non-discriminatory basis as provided by state and federal law; and

BE IT FURTHER RESOLVED, That the chief executive officer of the Town of Plainville or his designated representative is responsible for responding to and assisting any person who alleges to be the victim of an illegal discriminatory housing practice in the Town of Plainville and for advising such person of the right to file a complaint with the State of Connecticut Commission on Human Rights and Opportunities (CHRO) or the U.S. Department of Housing and Urban Development (HUD) or to seek assistance from the CT Fair Housing Center, legal services, or other fair housing organizations to protect his or her right to equal housing opportunities.

	Refunds	4/6/2020 Current Year	Amount
1	Inman, Eileen, 129 Milford St A-2		\$848.19
	Total		\$848.19

PLAINVILLE TOWN COUNCIL
MUNICIPAL CENTER, ONE CENTRAL SQUARE
BUDGET SPECIAL MEETING MINUTES
APRIL 7, 2020

The Plainville Town Council held a Special Meeting on Tuesday April 7, 2020 in the Municipal Center, One Central Square for the purpose of considering and acting upon the FY 2021 budget as proposed by the Town Manager.

The Special Meeting via Zoom Meeting was called to order at 6:30pm. Present remotely, were Chairwoman Pugliese, Vice Chairwoman Tompkins, Council members Wazorko, Morante, Gnazzo, Cox, Underwood, Town Manager Lee, Finance Director Buden, Superintendent LePage and Town Clerk Skultety. Coordinating the live feed was Director of IT Ross.

201-Police- Councilman Wazorko motioned to approve Department 201-Police for \$4,615,457 reflecting an increase of \$104,928. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.

820-Employee Benefits – Councilman Wazorko motioned to approve Department 820-Employee Benefits for \$3,864,266 reflecting an increase of \$167,602. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.

8100-520 –Library Fund Revenue- Interfund Transfer – Vice Chairwoman Tompkins motioned to approve \$639,951 as an Interfund Transfer from the General Fund reflecting a \$(10,000) decrease. The motion was seconded by Councilman Wazorko and passed 7-0.

8100-520- Library Fund – Vice Chairwoman Tompkins motioned to approve Department 520-Library Fund expenditures for \$745,142 reflecting an increase of \$11,895. The motion was seconded by Councilman Wazorko and passed 7-0.

The meeting adjourned at 7:40pm.

Respectfully submitted by,

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

PLAINVILLE TOWN COUNCIL
MUNICIPAL CENTER, ONE CENTRAL SQUARE
BUDGET SPECIAL MEETING MINUTES
APRIL 9, 2020

The Plainville Town Council held a Special Meeting on Thursday April 9, 2020 for the purpose of considering and acting upon the FY 2021 budget as proposed by the Town Manager.

The Special Meeting via Zoom Meeting was called to order at 6:30pm. Present remotely, were Chairwoman Pugliese, Vice Chairwoman Tompkins, Council members Wazorko, Morante, Gnazzo, Cox, Underwood, Town Manager Lee, Finance Director Buden, Superintendent LePage and Town Clerk Skultety. Coordinating the live feed was Director of IT Ross.

315-Municipal Building Maintenance- Councilwoman Morante motioned to revisit and approve Department 315-Municipal Building Maintenance for \$1,411,200 reflecting a decrease of \$(24,200). The motion was seconded by Councilman Wazorko and passed 7-0.

840-Interfund Transfers Out- Vice Chairwoman Tompkins motioned to approve \$1,074,463 to fund the Capital Reserve Fund. The motion was seconded by Councilman Gnazzo and passed 7-0

840-Capital Budget – Vice Chairwoman Tompkins motioned to approve Department 840-Capital Budget for \$ 1,187,600. The motion was seconded by Councilman Gnazzo and passed 7-0.

8100-520-Library Fund – Councilwoman Morante motioned to revisit and approve Department 520-Library Fund expenditures for \$750,142 reflecting an increase of \$16,895. The motion was seconded by Councilman Gnazzo and passed 7-0.

910- Board of Education – Vice Chairwoman Tompkins motioned to approve the Board of Education’s expenditure budget for \$39,144,267 reflecting an increase of \$915,162. The motion was seconded by Councilman Underwood and passed 7-0.

Total FY21 Town of Plainville Expenditure Budget –

Vice Chairwoman Tompkins motioned to approve and recommend the General Government Fiscal Year 2021 budget including Debt Service and Capital Projects, for \$ 23,354,931 reflecting a decrease of \$(196,786). The motion was seconded by Councilman Underwood and passed 7-0.

Vice Chairwoman Tompkins motioned to approve and recommend a total Town Budget for Fiscal Year 2021 for \$62,499,198 reflecting an increase of \$718,376. The motion was seconded by Councilman Underwood and passed 7-0.

The meeting was adjourned at 7:43pm

A public hearing will be scheduled for May 4, 2020.

Respectfully submitted by,

Carol A. Skultety
Plainville town Clerk & Clerk of the Town Council

**APPOINTMENTS TO BOARDS AND COMMISSIONS PENDING
AS OF 4/20/20**

No Appointments due

VACANCIES WITHIN BOARDS AND COMMISSIONS PENDING AS OF 4/20/20

AVIATION COMMISSION: (page 8)

2 vacancies 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 1/15/21

1 vacancy for term ending 1/15/22

1 vacancy for term ending 1/15/24

HOUSING AUTHORITY: (page 13)

1 vacancy for term ending 1/31/21

INLAND WETLANDS COMMISSION: (page 14)

2 vacancies for alternate term ending 1/7/22

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

1 vacancy for regular term ending 2/1/22

ZONING BOARD OF APPEALS: (page 20)

1 vacancy for alternate term ending 10/5/20

**FINANCE
DEPARTMENT**

Memo

To: Robert Lee, Town Manager
From: Rob Buden, Finance Director
Date: April 14, 2020
RE: Auditor

The Finance Department would like to request the Town Council appoint the auditing firm of Blum Shapiro to perform the annual town audit for the period July 1, 2019 through June 30, 2020.

The firm did an outstanding job last year moving up timelines due to my medical absence, works well with our Finance staff, and has a very competent team working on our audit. Their audit fee is lower than other firms based on the RFQ we did for the 2019 audit and fits into our proposed budget.

I will be attending the Town Council meeting on Monday April 20, 2020 if further information is needed.

Thank you for this consideration.

M E M O

To: Town Council

From: Robert E. Lee, Town Manager 

Date: April 14, 2020

Re: Executive Order 7S – Suspension & Modification of Tax Deadlines and Collection Efforts

Property taxation is a state function granted within certain parameters to local municipalities. Due to COVID-19 the state deems it necessary to make some changes to the normal deadlines and procedures. *There will be two programs designed to offer support to eligible taxpayers who have been affected by COVID-19. The state has established the "Deferment Program" and the "Low Interest Rate Program."*

Deferment Program:

Think of this program as an extended grace period program. What is "deferred" is not the tax itself but rather the last day to pay without interest. **The deadline is deferred, not the tax.** Eligible taxpayers are entitled to defer their payment deadline until 3 months from the tax due date, instead of the usual 30 days.

Any tax that comes due between March 10, 2020 and July 1, 2020, inclusive, can be covered by this plan. For semiannual and annual towns: the next installment comes due on July 1, 2020. This plan covers installments that come due up through and including July 1, 2020. For the July 1, 2020 installment, instead of the last day to pay being August 3, 2020 (August 1 falls on a Saturday), the last day to pay will instead be October 1, 2020 (3 months from July 1) because the last day to pay is being deferred, or the grace period is being extended.

The plan covers any real estate, motor vehicle or personal property tax, and any municipal water, sewer or electric rate, charge or assessment.

"Eligible" taxpayers, businesses, nonprofits, and residents (that covers everybody) are those that "attest to or document significant economic impact by COVID-19, and / or those that document they are providing relief to those significantly affected by COVID-19." (See attached Application)

Municipalities may extend eligibility to other categories of taxpayers, businesses, nonprofits and residents, upon approval of the legislative body or by the Board of Selectmen in towns where the town meeting is the legislative body. This means the town is free to 'open up' the extended grace period to others not specifically mentioned in the EO. For example, a municipality could decide to offer the extended grace period to ALL taxpayers, period, without distinction. This is a decision up to the towns. If a municipality decides to "open up" the eligibility, the need for applications may be moot.

Town staff is not recommending that the Town Council allow "*for the extended grace period to ALL taxpayers, period, without distinction*".

This program does not address taxes that are already past due. It is not an amnesty or waiver of interest or other charges on taxes that are already delinquent.

Low Interest Rate Program:

This is another option for towns to consider. It can be offered in conjunction with the deferment program, or instead of it. This program does not say a taxpayer can have an extended grace period with no interest at all. Rather, it addresses the rate of interest that is to be charged on a delinquent or past due bill. Interest is normally charged at the rate of 1.5% per month, 18% per year from the due date of the tax, with a portion of a month being considered a full month. However, **this program will allow for a lower rate of interest: .25% per month, or 3% per year, from the due date of the tax, for a period of up to 3 months only.**

This program provides a 'window' of 3 months from the due date where taxpayers would be able to pay at a reduced interest rate. They would not have an extended grace period, but they would be paying significantly less interest if they pay late.

For semiannual and annual towns: the next installment comes due on July 1, 2020. This plan covers installments that come due up through and including July 1, 2020. For the July 1, 2020 installment, the last day to pay will (still) be August 3, 2020 (August 1 is a Saturday) but if the taxpayer pays on August 4 or later, they will not be paying 1.5% per month interest, but rather only .25% per month interest. On August 4, 2020 the interest charged would not be 3%, but rather .25 x 2 months or .5% This plan would remain in force only for 3 months from the due date of July 1; it would end on October 2, 2020.

This program **does not require taxpayers to qualify based upon eligibility criteria** as with the deferment program.

Staff Recommendation: (R.E. Lee, R. Buden, Atty. Mastrianni, A. Heering, & A. LeGasse)

Town staff is recommending that the Town Council adopt the **Deferment Program Option for eligible taxpayers**. While the COVID-19 pandemic has had a significant impact

on many resident's lives in the form of furloughs, hours significantly reduced, and unemployment, there are also a significant number of residents that have not been impacted and can pay their taxes by the normal due date. Opening the Deferment Program to everyone (including those who have not been negatively impact by COVID-19) could cause cash flow problems for the Town causing additional costs to all taxpayers.

Additionally, the "*Application For Municipal Tax Relief Deferral Program Under Executive Order 7S*" is a simple form that can be filled out in a very short period.

The Application requires a resident: 1) Attest that the Household has suffered a reduction in income of at least 20% due to COVID-19 and 2) show a proof of residency (i.e. copy of driver's license, utility bill, or any other proof of residency).

The Application requires a business/ non-profit: 1) Attest that their revenue is expected to decrease at least 30% in the March to June 2020 period versus the March to June 2019 period at their property and 2) show a proof of ownership (i.e. copy of business license, utility bill, Secretary of State listing or any other proof of ownership).

The Plan would be to send out a mailing to the sewer users who have not yet made their second installment shortly after the Town Council has decided on the Deferment Program/Low Interest Loan Option (See attached). A notice would also be included in the July 1, 2020 tax bills when mailed. Residents could complete the Application on-line at the Town website (fillable form), print and return via mail/drop box or have form mailed to them. The form would have to be returned by Monday, August 3, 2020 to be eligible for the 7/1/20 tax bill (by Monday, June 1, 2020 for the 2nd installment of the sewer bill).

COVID 19 Property Tax Relief Program

Dear Plainville Taxpayers,

On April 20, 2020 the Plainville Town Council voted to adopt a deferral program for property tax relief during the COVID-19 pandemic. This program is an extended grace period program. What is “deferred” is not the tax but rather the last day to pay without interest. **The deadline is deferred, not the tax.** Eligible taxpayers are entitled to **defer their payment deadline until 3 months from the tax due date, instead of the usual 30 days.** An application is required for the deferment. The criteria to be eligible is as follows:

Resident: My household has suffered a reduction in income of at least 20% due to COVID-19. Since March 10, 2020, I have been either (1) been furloughed without pay; (2) had my hours significantly reduced; or (3) am unemployed. This has resulted in at least a 20% reduction in my household income.

Proof of Residency is attached (i.e. a copy of driver’s license, utility bill, or other proof of residency)

Per the Governor’s Executive Order 7S escrowed taxes are not eligible for the deferment.

Business / Non-Profit: Revenue is expected to decrease at least 30% in the March to June 2020 period versus the March to June 2019 period at this property.

Proof of Ownership is attached (i.e. copy of my business license, utility bill, Secretary of State listing, or other proof of ownership)

LANDLORDS:

Must attach documentation proving that the property has or will suffer a significant revenue decline, OR attach documentation proving that commensurate forbearance was offered to the tenants or lessees. “Commensurate forbearance, for purposes of this program, means either a) a deferral of 25% of rent (approximating the property tax portion of rent) for the ninety (90) days after its due date; b) a deferral of one month’s rent to be paid over the 90 day period, or c) forbearance substantially similar to (a) or (b) as determined by the tax collector. Documentation includes, but is not limited to, proof that some tenants or lessees have received forbearance or that the landlord has actively communicated with tenants or lessees to offer forbearance.

The DEADLINE to file an application for the May installment of the Sewer bill is June 1, 2020.

The Deadline to file for the July 1, 2020 Real Estate, Motor Vehicle and Personal Property taxes is July 1, 2020.

Applications can be found on the Town of Plainville Web Site at <https://www.plainvillect.com>.

Return applications to: Town of Plainville
Revenue Collector
One Central Square
Plainville, CT 06062

Please contact the Revenue Collector’s office with any questions: 860-793-0221 ext. 240, 244 or 245.

PLEASE PRINT LEGIBLY

MUNICIPALITY NAME _____

APPLICATION FOR MUNICIPAL TAX RELIEF DEFERRAL PROGRAM UNDER EXECUTIVE ORDER 7S

For deferral of real estate, motor vehicle, and personal property taxes and/or municipal electric, water and sewer charges due to a town, city, and/or borough between and including March 10, 2020 and July 1, 2020.

1. PROPERTY OWNER NAME			LAST	FIRST	MIDDLE INITIAL	DATE OF BIRTH
2. IF YOU ARE NOT THE OWNER, YOUR AUTHORITY TO MAKE THIS APPLICATION ON THE OWNER'S BEHALF (E.G., BUSINESS'S MANAGER, INDIVIDUAL POWER-OF-ATTORNEY, ETC.)						
3. MAILING ADDRESS		NUMBER AND STREET		MUNICIPALITY		STATE ZIP CODE
4. DAYTIME TELEPHONE WITH AREA CODE				EMAIL ADDRESS		
5. PROPERTY FOR WHICH DEFERRAL IS REQUESTED						
ADDRESS(ES) OF REAL ESTATE: _____						
YEAR, MAKE, MODEL OF VEHICLE(S): _____						
TYPE(S) OF PERSONAL PROPERTY: _____						

DEFERRAL PROGRAM: I request that the applicable real estate, motor vehicle, and personal property taxes and any municipal electric, water or sewer charges or assessments on the property identified above, which would otherwise be due between and including March 10, 2020 and July 1, 2020, be deferred until ninety (90) days after the original due date of each without interest or penalty. Deferral, for purposes of this program, means that the tax or charge can be paid up to 90 days after its due date without interest or penalty.

CHECK PROPER ELIGIBILITY:

- Resident:** My household has suffered a reduction in income of at least 20% due to COVID-19.
 - Since March 10, 2020, I have been either (1) been furloughed without pay; (2) had my hours significantly reduced; or (3) am unemployed. This has resulted in at least a 20% reduction in my household income.
 - Proof of Residency is attached (i.e. a copy of driver's license, utility bill, or other proof of residency)
- Business / Non-Profit:** Revenue is expected to decrease at least 30% in the March to June 2020 period versus the March to June 2019 period at this property.
 - Proof of Ownership is attached (i.e. copy of my business license, utility bill, Secretary of State listing, or other proof of ownership)

LANDLORDS - Fill Out this Section only if you are the landlord of the real estate listed above.

- Deferral Program.** If the municipality has adopted the Deferral Program, I request that the applicable real estate taxes and any municipal electric, water or sewer charges or assessments on the property identified above, which would otherwise be due between and including March 10, 2020 and July 1, 2020, be deferred until ninety (90) days after the original due date of each without interest or penalty.
 - I have attached documentation proving that the property has or will suffer a significant revenue decline, OR
 - I have attached documentation proving that commensurate forbearance was offered to the tenants or lessees.

"Commensurate forbearance, for purposes of this program, means either a) a deferral of 25% of rent (approximating the property tax portion of rent) for the ninety (90) days after its due date; b) a deferral of one month's rent to be paid over the 90 day period, or c) forbearance substantially similar to (a) or (b) as determined by the tax collector. Documentation includes, but is not limited to, proof that some tenants or lessees have received forbearance or that the landlord has actively communicated with tenants or lessees to offer forbearance.

CERTIFICATION:

- (A) I am aware of the amount and/or basis of the taxes, charges, and assessments that I am requesting to be deferred and I hereby irrevocably waive all rights to appeal or dispute them on any basis. I understand that the municipality's lien, priority, and enforcement rights will remain unaffected during and after this period.
- (B) I understand that this request, if approved, will not defer any taxes, charges, fees, or assessments I may owe the municipality which came due before March 10, 2020 or after July 1, 2020 or the interest and penalties applicable to them, or any other debt I may owe the municipality at any time.
- (C) I authorize the municipality and its agents to verify the statements above, and any certification information I have provided, from its records and other third parties. I consent to those third parties releasing relevant information to the municipality and its agents for this purpose upon the municipality's request and that a copy of this application shall be adequate evidence of my consent. I hold the municipality harmless in their collection of this data.
- (D) I understand that I must pay all taxes, charges, and assessments deferred in full (i) within ninety (90) days after the original due date or (ii) immediately, if the municipality determines that I am not eligible for deferment. I understand that if I fail to make payments as noted in this section, all interest, fees, and penalties will be applied to all unpaid portions retroactive to the original due date.

APPLICANT'S ATTESTATION	Under penalties of perjury, I hereby swear or affirm that that I have read and understood all of the statements above, that they are true and accurate, and that I have attached any and all additional information necessary to process my application herein. I attest that this application, and all attachments, are genuine and unaltered.
SIGNATURE OF APPLICANT X	Date signed (Mo., Day, Yr.) ____/____/____

**STOP! DO NOT WRITE BELOW THIS LINE
FOR TAX COLLECTOR'S USE ONLY**

DEFERRAL FOR: <input type="checkbox"/> Real Estate Tax <input type="checkbox"/> Motor Vehicle Tax <input type="checkbox"/> Supp. Motor Vehicle Tax <input type="checkbox"/> Personal Property Tax <input type="checkbox"/> Water Charges <input type="checkbox"/> Sewer Usage Charges <input type="checkbox"/> Sewer Assessment Charges <input type="checkbox"/> Electric Charge	
TAX COLLECTOR'S DETERMINATION	<input type="checkbox"/> I am satisfied that the applicant meets all the necessary statutory requirements <input type="checkbox"/> This claim is denied for the following reason(s):
SIGNATURE OF TAX COLLECTOR OR MEMBER OF TAX COLLECTOR'S STAFF X	Date signed (Mo., Day, Yr.) ____/____/____



OFFICE OF POLICY AND MANAGEMENT GUIDANCE
Executive Order No. 7S
Explanation of Purpose and Intent

Section 6, Executive Order 7S

Suspension and Modification of Tax Deadlines and Collection Efforts

Property taxation is a state function granted within certain parameters to local municipalities. Due to COVID-19 the state deems it necessary to make some changes to the normal deadlines and procedures. There will be two programs designed to offer support to eligible taxpayers who have been affected by COVID-19. The state has established the "Deferment Program" and the "Low Interest Rate Program."

The EO defines "municipality" as indicated in 7-148. This means only towns, cities and boroughs, and does not include special taxing districts and special services districts. Unless and until the EO is amended these programs and procedures apply only to "municipalities" as defined above, and NOT to special taxing districts.

The legislative body of each municipality must determine if they will offer one plan, or both plans. Municipalities can offer either plan or both but must offer at least one. In municipalities where the legislative body is the town meeting, the board of selectmen decides which program to offer. Towns must notify OPM by April 25 of their choice.

Section a: "Deferment Program"

Think of this program as an extended grace period program. What is "deferred" is not a tax but rather the last day to pay without interest. The deadline is deferred, not the tax. Eligible taxpayers ("eligible" will be defined later) are entitled to defer their payment deadline until 90 days from the tax due date, instead of the usual 30 days.

This will have different applications depending on when taxes or other charges (municipal sewer, utility, etc.) are 'due' in a given municipality. Any tax that comes due between March 10, 2020 and July 1, 2020, inclusive, can be covered by this plan.

For semiannual and annual towns: the next installment comes due on July 1, 2020. This plan covers installments that come due up through and including July 1, 2020. For the July 1, 2020 installment, instead of the last day to pay being August 3, 2020 (August 1 falls on a Saturday), the last day to pay will instead be October 1, 2020 (90 days from July 1) because the last day to pay is being deferred, or the grace period is being extended.

The plan covers any real estate, motor vehicle or personal property tax, and any municipal water, sewer or electric rate, charge or assessment.

For towns that have taxes or other charges coming due between March 10 and July 1 (quarterly billing towns, and towns that bill other charges between March and July): those bills are covered by this plan. For example, if an installment or bill became due and payable on April 1, 2020, instead of the last day to pay being May 1, 2020, the grace period would be extended for 90 days instead of 30, and the last day to pay would instead be July 1, 2020.

“Eligible” taxpayers, businesses, nonprofits, and residents (that covers everybody) are those that “attest to or document significant economic impact by COVID-19, and / or those that document they are providing relief to those significantly affected by COVID-19.” There is separate guidance about eligibility for this program and is detailed on the application forms provided by OPM.

Municipalities may extend eligibility to other categories of taxpayers, businesses, nonprofits and residents, upon approval of the legislative body or by the Board of Selectmen in towns where the town meeting is the legislative body. This means the town is free to ‘open up’ the extended grace period to others not specifically mentioned in the EO. For example, a municipality could decide to offer the extended grace period to ALL taxpayers, period, without distinction. This is a decision up to the towns. If a municipality decides to “open up” the eligibility, the need for applications may be moot.

This program does not address taxes that are already past due. It is not an amnesty or waiver of interest or other charges on taxes that are already delinquent.

Section b: “Low Interest Rate Program”

This is another option for towns to consider. It can be offered in conjunction with the deferment program, or instead of it. This program does not say a taxpayer can have an extended grace period with no interest at all. Rather, it addresses the rate of interest that is to be charged on a delinquent or past due bill. Interest is normally charged at the rate of 1.5% per month, 18% per year from the due date of the tax, with a portion of a month being considered a full month. However, this program will allow for a lower rate of interest: .25% per month, or 3% per year, from the due date of the tax, for a period of up to 90 days only.

This program provides a ‘window’ of 90 days from the due date where taxpayers would be able to pay at a reduced interest rate. They would not have an extended grace period, but they would be paying significantly less interest if they pay late.

Any tax, or municipal water, sewer, or electricity charge that comes due at any time between March 10, 2020 and July 1, 2020, inclusive, can be covered by this plan (section i).

For semiannual and annual towns: the next installment comes due on July 1, 2020. This plan covers installments that come due up through and including July 1, 2020. For the July 1, 2020 installment, the last day to pay will (still) be August 3, 2020 (August 1 is a Saturday) but if the taxpayer pays on August 4 or later, they will not be paying 1.5% per month interest, but rather only .25% per month interest. On August 4, 2020 the interest charged would not be 3%, but rather $.25 \times 2$ months or .5%. This plan would remain in force only for 90 days from the due date of July 1; it would end on October 2, 2020.

The plan covers any real estate, motor vehicle or personal property tax, and any municipal water, sewer or electric rate, charge or assessment.

For towns that have taxes or other charges coming due between March 10 and July 1 (quarterly billing towns, and towns that bill other charges between March and July): those bills are covered by this plan. For example, if an installment or bill became due and payable on April 1, 2020, the last day to pay will (still) be May 1, 2020, but if the taxpayer pays on May 2 or later, they will not be paying 1.5% per month interest but rather only .25% per month interest. On May 2, the interest charged would not be 3% but rather $.25 \times 2$ months, or .5%. This plan would remain in force only for 90 days from the due date of the tax or charge. Once the 90 days was up, the plan would no longer be in effect.

This program does not require taxpayers to qualify based upon eligibility criteria as with the deferment program. However, please refer to eligibility of landlords in Section c, below.

The EO provides that if there is a case where any tax, charge etc. is already subject to an interest rate that is less than 3% per year, then that lower rate will apply instead.

The EO also addresses past due charges that were already delinquent on March 10, 2020 (section ii). If a bill was already delinquent on or before March 10, 2020, it shall be subject to .25% per month, 3% per year interest for a period of 90 days from the EO (until July 1, 2020) only. For the time period from April 1, 2020 (the date of the EO) to July 1, 2020, the delinquent taxpayer pays .25% per month or portion thereof instead of the normal 1.5% per month – but ONLY on those last three months, and only if they are making a payment.

On July 2, 2020, unless this EO is extended or other directives are subsequently given, the 'window' closes, and interest once again goes back to the statutory rate of 1.5% per month from due date. ("Following the 90 days, the portion that remains delinquent shall be subject to interest and penalties as previously established.")

If a taxpayer has made a partial payment between April 1 and July 1, 2020, but has not paid in full, interest goes back to the former rate. If a taxpayer has not made any payment at all during that time, they lose the benefit of the 'window' and all of their interest is calculated at the rate of 1.5% per month from the due date, as if the opportunity for the reduced rate had not ever existed. ("Following the 90 days, the portion that remains delinquent shall be subject to interest and penalties as previously established.")

Section c: Eligibility of Landlords

The EO states that in order to be eligible for the extended grace period/ deferral program, a "landlord," or any taxpayer that rents or leases to tenants or lessees, must provide documentation to the municipality that the property being taxed has, or will, suffer a significant income decline, or that commensurate forbearance was offered to the tenants or lessees.

The EO states that in order to be eligible for the lower/reduced interest rate program, the landlord must offer 'commensurate forbearance' to tenants or lessees upon their request.

The application forms provided by OPM have more detail about this section and contains specific sections to be completed by landlords.

Section d: Escrow Payments

This section of the EO states that an individual taxpayer's eligibility for either program is irrelevant if the taxes on the property are paid on their behalf by an escrow agent, financial institution, mortgage service agent or bank. The escrow agents are still expected to remit tax payments on behalf of their customers according to the regular timetable - in other words, by August 3 for semiannual and annual towns. The EO states this is the case 'so long as the borrower remains current on their mortgage or is in a forbearance or deferment program.' The EO does not address what the expectation is if the borrower is NOT current or is NOT in such a program.

Section e: Liens Remain Valid

Nothing in the EO affects ANY PROVISION of the Connecticut General Statutes relating to the continuing, recording and releasing of property tax liens. Tax collectors still rely on the existence of the inchoate lien as of the date of assessment. Intent to lien notices are to be sent. Lien continuing certificates are still to be filed in the land records on the regular timetable. Liens are still to be released according to the regular timetable.

Finally, "...the precedence and enforcement of taxes, rates, charges and assessments shall remain applicable to any deferred tax, rate, charge or assessment or installment or portion thereof." Take this to mean 'deferred' as defined in section a. Even if a tax is deferred according to the program (extended grace period granted) the priority/precedence of that property tax remains in effect, is not lessened or reduced by virtue of participation in the extended grace period program, and will be subject to normal collection enforcement procedures once the 'deferral' (extended grace period) has concluded.

Section 11, Executive Order 7S
Suspension of Non-Judicial Tax Sales

Section 11 postpones all pending tax sales and redemption deadlines. Effective on April 1, 2020, any upcoming tax sales are automatically postponed for the duration of the emergency and can be rescheduled by the tax collector no sooner than thirty (30) days after the Governor declares the emergency has ended. Tax sale notices which went out before the EO remain valid. Adjournment notices can go out by first-class mail in the meantime, but the return-receipt notices and newspaper advertising required by General Statutes 12-157(a) should not be resumed until the new auction date is known, and their timing will be calculated from the new date.

Section 11 also extends any six-month redemption deadline pending at the time the EO was signed, which was 9:00 p.m. on April 1, 2020. The length of the extension is equal to the number of days that the emergency is in effect, which will be March 10, 2020 through until whatever date the Governor declares it has ended. The interest rate the purchaser earns during the extended portion of the redemption period is 0.25% per month but remains at 1.5% per month for the regular part of the redemption period. The EO does not reinstate any redemption period which had already expired. This means any tax sale conducted before October 2, 2019 is not affected by EO unless its redemption period was extended by a bankruptcy filing or other law. Deeds and affidavits can still be recorded for tax sales whose redemption deadlines expired before then.



**OFFICE OF POLICY AND MANAGEMENT GUIDANCE
ON TAX PROGRAMS PURSUANT TO SECTIONS 6 AND 11 of
EXECUTIVE ORDER 7S**

1. What kinds of municipalities do the tax programs apply to?

Section 6 applies to all towns, cities, boroughs in Connecticut including their water pollution control authorities. These municipalities must adopt either or both programs created in the Order.

Note that a future EO may expand these programs to apply to all municipalities and quasi-municipal corporations, whether created by statute, ordinance, charter, legislative or special act, including but not limited to any town, city or borough, whether consolidated or unconsolidated, any village, school, sewer, fire, lighting, special services or special taxing districts, beach or improvement association, any regional water or resource recovery authority or any other political subdivision of the state or of any municipality having the power to make appropriations or to levy assessments or taxes. OPM is receiving input on this expansion and will update this guidance if the program is expanded to apply to quasi-municipal corporations.

2. What kinds of taxes and charges does Section 6 apply to?

Section 6 applies to unescrowed taxes on real estate, motor vehicles, and personal property as well as unescrowed municipal water, sewer, and electric charges.

Section 6 does not apply to trash and sanitation charges, landlord rental fees, fines, and other kinds of municipal assessments, penalties, and charges regardless of when they come due. It also does not apply to water, sewer, and electrical charges by private providers. All of these taxes and charges must therefore be paid normally.

3. What is the difference between the two Programs in Section 6?

Section 6 creates two Programs for relief from certain taxes and charges. Two programs are offered to provide municipalities flexibility, but also to ensure that all taxpayers have some type of tax relief available during the COVID-19 pandemic.

The Deferment Program effectively delays certain pay by dates (the last day to pay) by ninety (90) days for eligible taxpayers who apply and are approved as meeting the guidelines set forth by the Office of Policy and Management. All other

taxpayers who do not apply or who are not approved would remain responsible to pay their taxes and charges normally, unless a municipality votes to extend eligibility to such taxpayers. The EO makes clear that a municipality may extend eligibility to other categories of taxpayers, businesses, nonprofits and residents. Therefore it is up to each town whether to use the "Application for Municipal Tax Relief" available on OPM's website, or choose to create a different form reflecting eligibility standards approved by its local legislative body, except that landlords participating in the deferral program must provide documentation to the municipality that the relevant parcel has or will suffer a significant income decline or that commensurate forbearance was offered to their tenants or lessees in either case.

The Low Interest Program would reduce the interest rate for a three-month window to three (3) per cent for all taxpayers owing taxes and charges automatically.

Every town, city, and borough must adopt either Program, or both Programs and notify the Office of Policy and Management by filling out the OPM Certification Form, no later than April 25, 2020.

4. What are the requirements for landlords?

Landlords are not eligible for either Program for relief from taxes and charges on their rental or leased properties unless they pass on "commensurate forbearance" to their tenants or lessees.

Commensurate forbearance, for purposes of both programs, means either a) a deferral of 25% of rent (approximating the property tax portion of rent) for the ninety (90) days from the due date; b) a deferral of one month's rent to be paid over the 90 day period; or c) forbearance substantially similar to (a) or (b) as determined by the tax collector.

For the Deferment Program, the landlord must provide documentation that the property will suffer a significant revenue decline related to the COVID-19 emergency, or that commensurate forbearance was offered to tenants or lessees. Landlords are subject to auditing and may be asked by their municipality to provide their tenants' names and contact information, or other information identified by the municipality to confirm eligibility.

For the Low Interest Program, there is no documentation requirement for ease of administration, but landlords are subject to auditing and should not take advantage of this program unless they pass along to the tenants commensurate forbearance, when requested.

5. **When does the taxpayer have to submit their application?**

Deferment Program applications and any required documentation or related information must be submitted to the municipality no later than July 1, 2020 in any manner the municipality specifies, which may be in person, by mail and/or electronically. Each municipality shall utilize the guidance provided by the Office of Policy and Management for determining eligibility.

6. **How is interest calculated under the Programs?**

If a municipality adopts the Deferment Program, the interest will be zero for any tax or charge owed by an approved taxpayer which would otherwise come due between March 10 and July 1, 2020, inclusive so long as it is paid within ninety (90) days of the original due date. The practical effect of this Program is simply to extend the usual interest-free grace period to ninety (90) days. It would be as though the phrases "the first day of the month next succeeding the month in which" and "the same date of the month next succeeding the month corresponding to that of the month on which" in General Statutes 12-146 were both replaced with "the ninetieth day after." For water and sewer charges, it would be as though the words "thirty days" in General Statutes 7-239(b), 7-254(a), and 7-258(a) were replaced with "ninety days."

If a municipality adopts the Low Interest Program, interest is reduced automatically for everyone from 1.5% per month to a maximum of 0.25% per month on taxes and charges which come due between March 10 and July 1, 2020, inclusive. (If any tax or charge would otherwise accrue interest at a rate of less than 3% per annum, the lower rate continues to apply.) This Program also imposes the same cap on any delinquent taxes and charges which came due before March 10, 2020 and remain unpaid, but only to the extent of the interest which accrues on them between April 1, 2020 and July 1, 2020. Interest which had already accrued on delinquencies before April 1, 2020 remains unaffected. For example, if a tax which had previously come due on July 1, 2019 is paid in mid-May 2020, a municipality which adopted this Program would charge nine months of interest at 1.5% each plus two months of interest at 0.25% each. Regardless of whether a tax or charge was due before or after March 10, 2020, any portion not paid by July 1, 2020 accrues interest as it normally would, both within and outside the low-interest period. For example, if a tax due on July 1, 2019 is paid in mid-August 2020, the municipality would charge 14 months of interest at 1.5% each; no portion of the tax would remain entitled to the 0.25% per month interest rate. A tax due on July 1, 2020, however, would remain entitled to the normal one-month grace period which would apply normally (or 30 days for a sewer charge).

7. **Do the programs require refunding payments which the municipality has already received?**

Neither program requires any municipality to refund any payment, regardless of when it was made or how it was affected by either Program. If a payment is made which exceeds the correct amount due as affected by either Program, the normal overpayment procedures in General Statutes 12-129 apply.

8. **How does the suspension of tax sales in Section 11 affect notices of tax sales previously issued for auctions which were to take place after the date of the Order?**

Section 11 does not invalidate any notice issued under General Statutes Section 12-157 before the Order was signed. Although the Order itself postpones all pending tax sale auctions by operation of law, the municipality may issue adjournment notices in accordance with the second sentence of General Statutes Section 12-157(b) which state that the auction will be rescheduled to a date to be determined. In the interim, the other pre-auction notices which would otherwise be required by General Statutes Section 12-157(a) should not be issued. After the Governor declares the COVID-19 emergency to have ended, the tax collector may select a new auction date which is no less than 30 days later and issue any remaining pre-auction notices required by General Statutes Section 12-157(a) as calculated from that new date. If all three pre-auction notices required by General Statutes Section 12-157(a) had already been issued before the Order was signed, notice of the new auction date should be issued in accordance with the second sentence of General Statutes Section 12-157(b).

9. **Which tax sale redemption periods are extended by Section 11?**

Section 11 extends every six-month redemption period under General Statutes Section 12-157(f) which was in effect at the time the Order was signed. It does not reinstate any redemption deadline which had already expired before the Order was issued at 9:00 p.m. on April 1, 2020. This means that no tax sale which occurred before October 2, 2019 is affected by the Order except those for which the redemption deadline had already been extended by 11 U.S.C. Section 108 of the Bankruptcy Code or by another law or court order. For any tax sale procedure for which the redemption period expired before the Order was issued, Section 11 does not prohibit municipalities from depositing excess funds with the Superior Court under General Statutes Section 12-157(i), recording deeds or affidavits as provided in General Statutes Sections 12-157(f) or 12-167(a), or otherwise concluding the procedure as provided by law.



GUIDANCE DOCUMENT #4 April 13, 2020

Suspension and Modification of Tax Deadlines and Collection Efforts

On April 1st Governor Lamont released Executive Order 7S (“EO 7S”), supplemented by Executive Order 7W (“EO 7W”), issued on April 9th, which established two programs designed to offer support to eligible taxpayers who have been affected by COVID-19:

- Deferment Program;
- Low Interest Rate Program

Under EO 7S.6 these programs are **available to taxpayers in a municipality**, as defined in C.G.S. §7-148; in other words: towns, cities and boroughs, whether created by statute, ordinance, charter, or special act, whether consolidated or unconsolidated. EO 7W.1 expanded the coverage of EO 7S.6 to “...all taxes and water, sewer, or electric charges¹ for which a municipality, as defined in section 7-148 of the general statutes, collects for Quasi-Municipal Corporations, including but not limited to the following²:

- Villages
- School, Sewer, Fire, Lighting, Special Services or Special Taxing Districts
- Beach or Improvement Associations
- Regional Water or Resources Recovery Authority
- Any other political subdivision of the state or of any municipality having the power to make appropriations or to levy assessments or taxes

There are several general rules. Municipalities are **required to**:

- **participate in one or both** of these programs; and,

¹ According to the OPM Guidance **EO 7S.6 applies to**: “...unescrowed taxes on real estate, motor vehicles, and personal property as well as unescrowed municipal water, sewer, and electric charges.” At the same time **the EO does not apply to**: “...trash and sanitation charges, landlord rental fees, fines, and other kinds of municipal assessments, penalties, and charges regardless of when they come due. It also does not apply to water, sewer, and electrical charges by private providers. All of these taxes and charges must therefore be paid normally”.

² EO 7W.1 states: “Every quasi- municipal corporation which collects its own taxes or water, sewer, or electric charges and is located wholly within a municipality shall offer the same program or programs that the municipality offers, must accept the status of the taxpayer as determined by the municipality.”

- **notify the Secretary of the Office of Policy and Management (“OPM”) prior to April 25, 2020** which program or programs it elects to participate in³.

The **determination** of which program or programs will apply in a municipality is **made by the legislative body** or, if the legislative body is the town meeting, by the Board of Selectmen.

OPM has issued several documents pertinent to EO 7S

- OPM Guidance entitled “Executive Order No. 7S - Explanation of Purpose and Intent,” which will be woven into this guidance (“OPM Guidance”).
- Application for Municipal Tax Relief Deferral Program; and,
- Municipality Program Election

Are Refunds Required For Any Prior Payment on Taxes Due During the Period? According to question #7 of the OPM Guidance, neither program requires any municipality to refund any payment, regardless of when it was made or how it was affected by either Program. If a payment is made which exceeds the correct amount due as affected by either Program, the normal overpayment procedures in General Statutes 12-129 apply.

1. Executive Order 7S (Section 6a.) – Deferral Program (“Extended Grace Period”): EO 7S.6a creates the deferral program. The OPM Guidance refers to this program as follows

“...an extended grace period program. What is ‘deferred’ is not a tax but rather the last day to pay without interest. **The deadline is deferred, not the tax.** Eligible taxpayers...are entitled to **defer their payment deadline until 90 days from the tax due date, instead of the usual 30 days** (emphasis in OPM Guidance)”.

³ Note: Under EO 7W.1 quasi-municipal corporations, which do not collect the taxes and fees, shall not be subject to the notification requirement to the Secretary of the Office of Policy and Management under Executive Order No. 7S Section 6. On the other hand, “Every quasi-municipal corporation which collects any taxes or water, sewer, or electric charges and is located in multiple municipalities shall make its own determination as to which program or programs it shall elect, which may be either uniform for the whole quasi-municipality or be the same as those chosen by the respective forum municipalities, and shall provide the notice to the Secretary of the Office of Policy and Management as required for municipalities under Executive Order No. 7S Section 6. The provisions of Executive Order No. 7S, Section 6 regarding tax deferral and interest-rate reduction programs to offer support to eligible taxpayers, businesses, nonprofits and residents who have been economically affected by the COVID-19 Pandemic shall apply to benefit assessments under Connecticut General Statute Section 16a-40g.”

In effect, the program “...effectively deals...the last day to pay by ninety (90) days” only for those who apply for the program⁴.

What taxes are covered? This program covers “...any real estate taxes, personal property or motor vehicle taxes, or municipal water, sewer, electric rates, charges or assessments.”

Different Applications Depending on the Due Date of Taxes. The deferment begins on the date on which such tax or charge becomes due and payable. EO 7S.6a applies to any tax or charge that becomes due and payable between *March 10, 2020 and July 1, 2020* (“*Eligibility Period*”). Thus, the program applies to taxes bill installments due on⁵:

- April 1, 2020
- July 1, 2020

The following chart for **semiannual and annual towns** is based upon the OPM Guidance⁶:

Installment Due	Usual Grace Date 30 Days	Deferred Grace Date 90 Days
July 1, 2020	August 3, 2020 ⁷	October 1, 2020

In other words, if you pay on or before October 1, 2020, the taxpayer pays only the tax and no interest, because the grace date was extended.

The following chart for **quarterly billing towns** or towns with other charges during the Eligibility Period

Installment Due	Usual Grace Date 30 Days	Deferred Grace Date 90 Days
April 1, 2020	May 1, 2020	July 1, 2020

Who are “Eligible” taxpayers, businesses, nonprofits, and residents?

Again, according to the OPM Guidance “eligible...covers everybody” that can “attest to or document significant economic impact by COVID-19, and/or those

⁴ According to question #3 of the OPM Guidance.

⁵ EO 7W.1b sets forth a clarification of time “...,(b)ecause interest on past due taxes and water, sewer, or electric charges are calculated by the month, not by the day, and principal is typically due on the first of the month, not the tenth, the ninety (90) day periods referred to in Executive Order No. 7S, Section 6 are amended to three (3) months, and the references to due dates and delinquency dates on or prior to March 10 are amended to April 1.”

⁶ The Deferment Program does not cover taxes that are already “past due.” For example, the taxes due on January 1, 2020 includes the Eligibility Period; however, since this is a “grace period extension and the period passed on February 1, 2020, it does not qualify. As the OPM Guidance states: “It is not an amnesty or waiver of interest or other charges on taxes that are already delinquent.”

⁷ August 1, 2020 falls on a Saturday.

that document they are providing relief to those significantly affected by COVID-19.” The Applications for Municipal Tax Relief Deferral Program requires the following Eligibility attestations:

Resident	<p>Standard: Household suffered a reduction in income of at least 20% due to COVID-19.</p> <ul style="list-style-type: none"> • Since March 10, 2020, applicant has been either (1) furloughed without pay; (2) had hours significantly reduced; or, (3) been unemployed, resulting in a 20% reduction in household income. • Proof of Residency: Copy of driver’s license, utility bill or other proof of residence.
Business/ Non-Profit	<p>Standard: Business is expected to decrease, at least, 30% in the period March – June 2020 versus March – June 2019, <i>at this property</i> (emphasis added).</p> <ul style="list-style-type: none"> • Proof of Ownership: Business license, utility bill, Secretary of the State listing, other proof of ownership.

Breadth of the Program. EO 7S.6a. and the OPM Guidance, thereunder, states that “Municipalities may extend eligibility to other categories of taxpayers, businesses, nonprofits and residents, upon approval of the legislative body or by the Board of Selectmen in towns where the town meeting is the legislative body.” In other words, a municipality may “...’open up’ the extended grace period to others not specifically mentioned in the EO. For example, a municipality could decide to offer the extended grace period to ALL taxpayers, period, without distinction. This is a decision up to the towns. If a municipality decides to “open up” the eligibility, the need for applications may be moot.”

When do Applications have to be submitted? According to the OPM Guidance: “Deferment Program applications and any required documentation or related information must be submitted to the municipality no later than July 1, 2020 in any manner the municipality specifies, which may be in person, by mail and/or electronically. Each municipality shall utilize the guidance provided by the Office of Policy and Management for determining eligibility.”

2. Executive Order 7S (Section 6b): Low Interest Rate Program. Section 6b of Executive Order 7S (“EO 7S.6b”) sets forth another option municipalities may consider, either on its own or in tandem with the deferment program. Instead of deferring or extending the grace period with “no interest at all” EO 7s.6b “addresses the rate of interest that is to be charged on a delinquent or past due bill⁸.”

Unlike the deferment program, the low interest rate program “... **does not require taxpayers to qualify based upon eligibility criteria**⁹”. Although there are issues for landlord eligibility, discussed below. According to the OPM Guidance: “This program provides a ‘window’ of 90 days from the due date where taxpayers would be able to pay at a reduced interest rate. They would not have an extended grace period, but they would be paying significantly less interest if they pay late.”

The following chart shows the effect of the low interest rate program:

	Statutory Interest	EO 7S.6b Interest
Per Month	1.5%	.25%
Per Annum	18%	3%

Interest is calculated from the due date of the tax, for a period of ninety (90) days only.

The following chart for **semiannual and annual towns** is based upon the OPM Guidance:

Installment Due	Grace Period 30 Days	Lower Interest Period 90 Days from Due Date
July 1, 2020	August 3, 2020 ¹⁰	October 1, 2020
	No interest for 30 days	.25% per month for delinquent taxes paid during that period

⁸ OPM Guidance, which also indicates that “Any tax, or municipal water, sewer, or electricity charge that comes due at any time between March 10, 2020 and July 1, 2020, inclusive, can be covered by this plan” (See, 7S.6b(i)). The Guidance repeats: “The plan covers any real estate, motor vehicle or personal property tax, and any municipal water, sewer or electric rate, charge or assessment.” The plan covers any real estate, motor vehicle or personal property tax, and any municipal water, sewer or electric rate, charge or assessment.”

⁹ OPM Guidance.

¹⁰ August 1, 2020 falls on a Saturday.

In other words, if you pay on or before October 1, 2020, the taxpayer pays only the tax payment subject to interest of .25% per month as opposed to the usual interest of 3% per month. On October 2nd and thereafter, the statutory rate would, again, apply to the remaining delinquent tax owed.

The following chart for **quarterly billing towns** or towns with other charges during the Eligibility Period

Installment Due	Grace Period 30 Days	Lower Interest Period 90 Days from Due Date
April 1, 2020	May 1, 2020	.25% per month for delinquent taxes paid during that period

On or after July 2nd the statutory interest would be charged on the remaining delinquent tax. It should be noted that the EO states “that if there is a case where any tax, charge etc. is already subject to an interest rate that is less than 3% per year, then that lower rate will apply instead¹¹.”

Past Due Charges Delinquent on March 10, 2020. In the event a tax bill “...was already delinquent on or before March 10, 2020” EO 7S.6b (ii) states that “...it shall be subject to .25% per month, 3% per year interest for a period of 90 days from the EO (until July 1, 2020) only¹².” Thus, OPM concludes “...April 1, 2020 (the date of the EO) to July 1, 2020, the delinquent taxpayer pays .25% per month or portion thereof instead of the normal 1.5% per month – but ONLY on those last three months, and only if they are making a payment.”

Interest Rate Returns to 18% Per Year. The low interest rate programs ends under the following circumstances:

- “On July 2, 2020, unless this EO is extended or other directives are subsequently given, the ‘window’ closes¹³.”
- “Following the 90 days, the portion that remains delinquent shall be subject to interest and penalties as previously established¹⁴.”
- “If a taxpayer has made a partial payment between April 1 and July 1, 2020, but has not paid in full”¹⁵.

¹¹ OPM Guidance..

¹² OPM Guidance.

¹³ OPM Guidance (emphasis included by OPM).

¹⁴ EO 7S 6b.

¹⁵ OPM Guidance.

- If a taxpayer has not made any payment at all during that time, they lose the benefit of the ‘window’ and all of their interest is calculated at the rate of 1.5% per month from the due date, as if the opportunity for the reduced rate had not ever existed.

3. Executive Order 7S (Section 6c): Eligibility of Landlords.

EO 7S.6c establishes the following eligibility criteria for landlords or taxpayers that rent or lease to commercial, residential, or institutional tenants or lessees¹⁶ (“Landlord”):

Deferment/Grace Period
<p>The Landlord must provide documentation to the municipality that:</p> <ul style="list-style-type: none"> • the property being taxed has, or will, suffer a significant income or revenue¹⁷ decline, or; • commensurate forbearance was offered to the tenants or lessees¹⁸.
Low Interest Rate Program
<p>The Landlord must offer “commensurate forbearance” to tenants or lessees upon their request¹⁹.</p>

What is “commensurate forbearance?” According to the answer to question #4 on the OPM Guidance, “commensurate forbearance” for purposes of the tax deferment and low interest programs means, either:

- deferral of 25% of rent (approximating the property tax portion of rent) for the ninety (90) days from the due date;
- deferral of one month’s rent to be paid over the 90 day period; or
- forbearance substantially similar to (a) or (b) as determined by the tax collector.

¹⁶ OPM Guidance: “The application forms provided by OPM have more detail about this section and contains specific sections to be completed by landlords.

¹⁷ OPM Guidance.

¹⁸ According to question #4 of the OPM Guidance: “Landlords are subject to auditing and may be asked by their municipality to provide their tenants’ names and contact information, or other information identified by the municipality to confirm eligibility.”

¹⁹ According to question #4 of the OPM Guidance: “For the Low Interest Program, there is no documentation requirement for ease of administration, but landlords are subject to auditing and should not take advantage of this program unless they pass along to the tenants commensurate forbearance, when requested.

“Commensurate forbearance” is the common “eligibility” requirement for both programs.

4. Executive Order 7S (Section 6d): Escrow Payments. This EO 7S.6d requires financial institutions and mortgage servicers holding property tax escrows on behalf of borrowers to continue to make property tax payments to the municipality as long as the borrower is either current on their mortgage or is in a forbearance or deferment program with the mortgage lender. This requirement is effective regardless of whether the property owner is eligible for or participating in either the deferment program or the low interest rate program established under EO 7S.6a or b.

According to the OPM Guidance EO 7S.6d states that an individual taxpayer’s eligibility for either program is irrelevant if the taxes on the property are paid on their behalf by an escrow agent, financial institution, mortgage service agent or bank. In other words, “...escrow agents are still expected to remit tax payments on behalf of their customers according to the regular timetable”; that is by August 3 for semiannual and annual towns. However, the EO does not address what the expectation is if the borrower is not current or in such a program.

5. Executive Order 7S (Section 6e): Liens Remain Valid. In short, any tax liens which have been or will be filed, recorded, continued or released shall remain valid. As stated in the OPM Guidance “(n)othing in the EO affects ANY PROVISION of the Connecticut General Statutes relating to the continuing, recording and releasing of property tax liens.”

- Tax collectors still rely on the existence of the inchoate lien as of the date of assessment.
- Intent to lien notices are to be sent.
- Lien continuing certificates are still to be filed in the land records on the regular timetable.
- Liens are still to be released according to the regular timetable.
- The “...precedence and enforcement of taxes, rates, charges and assessments shall remain applicable to any deferred tax, rate, charge or assessment or installment or portion thereof.”

OPM takes the position that "...Even if a tax is deferred according to the program (extended grace period granted) the priority/precedence of that property tax remains in effect, is not lessened or reduced by virtue of participation in the extended grace period program, and will be subject to normal collection enforcement procedures once the 'deferral' (extended grace period) has concluded."

6. Executive Order 7S (Section 11): Non-Judicial Liens. Section 11 of Executive Order 7S ("EO 7S.11") prohibits a municipality or other entity from conducting a tax sale until at least thirty (30) days after the end of the declaration of emergency. Tax sales for which notices had been filed prior to March 10, 2020 are to be adjourned by the tax collector to a date to be determined by the tax collector. The adjournment shall be to a date no earlier than thirty (30) days after the end of the declaration of emergency. If a tax sale had been conducted prior to March 10, 2020, the six month redemption period is extended by the number of days during which the public health emergency exists. Redemption interest during the pendency of the public health emergency shall accrue at three percent (3%) per annum.

According to the OPM Guidance EO 7S.11 "...postpones all pending tax sales and redemption deadlines":

- Effective on April 1, 2020, any upcoming tax sales are automatically postponed for the duration of the emergency and can be rescheduled by the tax collector no sooner than thirty (30) days after the Governor declares the emergency has ended.
- Tax sale notices which went out before the EO remain valid.
- Adjournment notices can go out by first-class mail in the meantime, but the return-receipt notices and newspaper advertising required by General Statutes 12-157(a) should not be resumed until the new auction date is known, and their timing will be calculated from the new date."
- Any six-month redemption deadline pending at the time the EO was signed, which was 9:00 p.m. on April 1, 2020 are extended.
- The length of the extension is equal to the number of days that the emergency is in effect, which will be March 10, 2020 through until whatever date the Governor declares it has ended.

- The interest rate the purchaser earns during the extended portion of the redemption period is 0.25% per month but remains at 1.5% per month for the regular part of the redemption period. The EO does not reinstate any redemption period which had already expired.
- This means any tax sale conducted before October 2, 2019 is not affected by EO unless its redemption period was extended by a bankruptcy filing or other law.
- Deeds and affidavits can still be recorded for tax sales whose redemption deadlines expired before then.

Town Council FY21 Budget Recommendation

Expenditures	FY 20	FY 20	Difference		Revenues	FY 20	FY 20	Difference	
	Approved	TC Recomd	FY20 to FY21	% Change		Approved	TC Recomd	FY20 to FY21	% Change
General Government	2,432,631	2,488,246	55,615	2.29%	Property Taxes	48,351,648	49,030,869	679,221	1.40%
Public Safety	4,986,036	5,152,301	166,265	3.33%	Licenses & Permits	307,250	358,250	51,000	16.60%
Public Works	4,144,398	4,237,405	93,007	2.24%	Fines & Fees	305,950	314,250	8,300	2.71%
Health & Human Svcs.	1,802,018	1,917,850	115,832	6.43%	Use of Money	77,500	77,500	0	0.00%
Civic & Cultural	164,124	160,050	(4,074)	-2.48%	Intergovernmental Revenues	11,401,779	11,662,811	261,032	2.29%
Employee Fringe Benefits	3,696,664	3,864,266	167,602	4.53%	Other Revenues	360,000	375,000	15,000	4.17%
Sundry	791,613	790,613	(1,000)	-0.13%	Sundry & Interfund Transfers	976,695	680,518	-296,177	-30.32%
Sub-Total	18,017,484	18,610,731	593,247	3.29%					
Debt Service	4,734,233	4,430,350	(303,883)	-6.42%					
Capital Fund Contribution	800,000	313,850	(486,150)	-60.77%					
Total General Govt.	23,551,717	23,354,931	(196,786)	-0.84%					
Board of Education	38,229,105	39,144,267	915,162	2.39%					
TOTALS	61,780,822	62,499,198	718,376	1.16%	TOTALS	61,780,822	62,499,198	718,376	1.16%

Value of Mill @ 97.4%	1,375,581
Net Expenditure Increase	0
Mill Increase	0.00
Current Mill rate	34.62
Proposed Mill Rate	34.62
Percentage Change	0.00%

Revenue Changes	
Intergovernmental	261,032
Other Revenues	15,000
License & Permits	51,000
Fines & Fees	8,300
Grand List Increase	529,221
Sundry & Transfers In	-296,177
Personal Property Audits	150,000
New Revenues For FY21	718,376

Town of Plainville, Connecticut
Proposed Town of Plainville Revenue Budget Detail - Fiscal Year 2020 - 2021
As of April 9, 2020

Town of Plainville Revenue	2018 - 2019		2019 - 2020		2020 - 2021			
	Actual Received	Budgeted	Received Date	Estimated	Estimated Budget	Increase/(Decrease) \$	%	
Property Taxes								
41010	Current taxes	\$ 45,850,663	\$ 47,096,148	\$ 46,662,184	\$ 47,096,148	\$ 47,625,369	\$ 529,221	1.12%
	Personal prop audits	-	-	-	-	150,000	150,000	100.00%
41015	Prior taxes	642,084	525,000	568,223	570,000	525,000	-	0.00%
41020	Motor vehicle supp	629,461	400,000	501,866	505,000	400,000	-	0.00%
41040	Suspense	31,709	25,000	13,379	17,500	25,000	-	0.00%
41050	Interest	554,718	300,000	277,978	280,000	300,000	-	0.00%
41060	Liens/misc	35,984	5,500	3,539	5,000	5,500	-	0.00%
	Total Property Taxes	47,744,619	48,351,648	48,027,169	48,473,648	49,030,869	679,221	1.40%
Licenses & Permits								
42110	Building permits	461,626	300,000	180,656	225,000	350,000	50,000	16.67%
42111	Building permits - State fee	493	250	85	195	250	-	0.00%
42120	Police permits	10,700	6,000	7,579	8,000	7,000	1,000	16.67%
42940	Dog licenses	7,486	1,000	799	1,000	1,000	-	0.00%
	Total Licenses & Permits	480,305	307,250	189,119	234,195	358,250	51,000	16.60%
Fines & Fees								
43114	Condo fees	48,056	50,000	47,064	50,000	50,000	-	0.00%
43115	Building fees	655	1,200	492	750	750	(450)	-37.50%
43116	Bounced check fees	1,080	1,000	1,180	1,300	1,000	-	0.00%
43117	MV delinquent fee	25,841	21,500	20,313	21,500	21,500	-	0.00%
43120	Police fines	1,350	1,500	1,700	2,300	1,000	(500)	-33.33%
43125	Police fees	77,444	75,000	85,492	100,000	100,000	25,000	33.33%
43126	Impound fees	555	1,500	775	900	1,000	(500)	-33.33%
43130	Town Clerk filing fees	3,957	2,000	2,038	2,300	2,000	-	0.00%
43135	Vital statistics	15,545	11,000	11,451	13,000	11,000	-	0.00%
43140	Recording fees	75,088	82,000	61,456	75,000	75,000	(7,000)	-8.54%
43150	Planning & Zoning fees	7,201	7,000	5,302	7,000	7,000	-	0.00%
43160	ZBA fees	3,859	3,000	693	1,500	3,000	-	0.00%
43185	Senior Center fees	9,700	8,000	5,800	6,500	8,000	-	0.00%
43190	Senior Center health fees	10,000	10,000	6,000	10,000	11,000	1,000	10.00%
43195	Trash container fees	4,088	3,000	4,247	4,500	3,750	750	25.00%
43196	Tipping fees	13,480	17,250	8,065	13,800	17,250	-	0.00%
43198	Miscellaneous fees	1,146	11,000	210	1,000	1,000	(10,000)	-90.91%
	Total Fines & Fees	299,045	305,950	262,278	311,350	314,250	8,300	2.71%

Town of Plainville, Connecticut
Proposed Town of Plainville Revenue Budget Detail - Fiscal Year 2020 - 2021
As of April 9, 2020

Town of Plainville Revenue	2018 - 2019		2019 - 2020		2020 - 2021		
	Actual Received	Budgeted	Received Date	Estimated	Estimated Budget	Increase/(Decrease) \$	%
Use of Money							
44110 Investment income	\$ 107,458	\$ 75,000	\$ 46,270	\$ 68,000	\$ 75,000	\$ -	0.00%
44114 Condo fee interest	4,244	2,500	246	750	2,500	-	0.00%
Total Use of Money	111,702	77,500	46,516	68,750	77,500	-	0.00%
Intergovernmental Revenue							
45304 Education cost sharing grant	10,356,873	10,561,076	5,288,622	10,577,244	10,812,066	250,990	2.38%
45310 PILOT - State property	8,596	8,596	8,596	8,596	8,596	-	0.00%
45418 PILOT - veteran's exemption	22,660	22,000	20,968	2,968	22,000	-	0.00%
45420 PILOT - elderly freeze	1,961	2,000	-	-	-	(2,000)	-100.00%
45435 PILOT - totally disabled	3,703	3,600	3,847	3,847	3,600	-	0.00%
45445 Plane registration	8,700	8,200	12,110	12,110	10,200	2,000	24.39%
45500 Pequot grant	27,635	27,635	18,423	27,635	27,635	-	0.00%
45530 Youth services grant	27,717	27,000	32,783	32,783	32,042	5,042	18.67%
45542 Misc. State grants	63,725	35,000	45,814	45,814	40,000	5,000	14.29%
45543 Telecommunications	34,748	40,000	34,062	34,062	40,000	-	0.00%
45545 Grants for municipal projects	541,936	541,936	-	541,936	541,936	-	0.00%
45570 LoCIP	-	124,736	-	-	124,736	-	0.00%
Total Intergovernmental	11,098,254	11,401,779	5,465,225	11,286,995	11,662,811	261,032	2.29%
Other Revenues							
48212 Conveyance tax	295,621	175,000	161,077	200,000	200,000	25,000	14.29%
48217 PILOT - Housing Authority	15,000	35,000	10,000	25,000	25,000	(10,000)	-28.57%
48262 Taxpayer reimbursements	-	-	-	-	-	-	0.00%
48298 Miscellaneous - BOE	-	-	6,893	6,893	-	-	0.00%
48299 Miscellaneous - other	433,354	150,000	127,932	150,000	150,000	-	0.00%
Total Other Revenues	743,975	360,000	305,902	381,893	375,000	15,000	4.17%
Sundry & Interfund Transfers In							
49101 Interfund transfer in - WPCF	335,747	342,462	256,846	342,462	350,168	7,706	2.25%
49102 Use of fund balance	-	300,000	-	-	300,000	-	0.00%
49106 Interfund transfer in - Other Funds	325,003	-	-	-	-	-	0.00%
49107 Sale of fixed assets	2,655	-	14,500	14,500	-	-	0.00%
49108 Interfund transfer in - Debt Management	-	334,233	250,675	334,233	30,350	(303,883)	-90.92%
Total Sundry & Interfund Transfers In	663,405	976,695	522,021	691,195	680,518	(296,177)	-30.32%
Total Town of Plainville Revenue	\$ 61,141,305	\$ 61,780,822	\$ 54,818,230	\$ 61,448,026	\$ 62,499,198	\$ 718,376	1.16%

**PROPOSED TOWN OF PLAINVILLE, CONNECTICUT
GENERAL GOVERNMENT & BOE EXPENDITURE BUDGET SUMMARY**

		2019 - 2020				2020 - 2021				
General Government		Actual Expended 2018 - 2019	Budgeted	Spent To Date	Estimated	Dept Request	Manager Request	Council Approved	Council App Inc/(Dec)	
									\$	%
101	Town Council	\$ 75,120	\$ 74,309	68,480	\$ 74,394	\$ 75,659	\$ 72,309	\$ 72,309	\$ (2,000)	-2.69%
111	P&Z Commission	3,008	3,450	2,049	3,400	3,450	1,450	1,450	(2,000)	-57.97%
112	ZBA	3,251	3,100	1,953	2,800	3,150	600	600	(2,500)	-80.65%
113	Inland/Wetlands Comm	1,649	2,000	1,296	2,000	2,000	1,000	1,000	(1,000)	-50.00%
114	BOAA	1,231	2,128	1,201	2,128	2,300	2,150	2,150	22	1.03%
116	Conservation Commission	1,291	2,400	963	2,400	2,400	2,400	2,400	-	0.00%
119	Veteran's Council	9,221	10,683	9,344	10,683	11,005	11,005	11,005	322	3.01%
121	Recycling Commission	669	810	199	810	896	810	810	-	0.00%
130	Probate Court	8,844	8,000	8,000	8,000	8,000	8,000	8,000	-	0.00%
131	Town Manager	263,050	280,749	222,024	266,215	286,732	286,732	286,732	5,983	2.13%
132	Human Resources	91,810	95,853	74,767	98,657	103,523	102,923	102,923	7,070	7.38%
133	Elections	71,472	63,710	49,180	63,962	67,395	66,745	66,745	3,035	4.76%
134	Town Attorney	136,285	139,039	105,820	139,211	142,137	141,437	141,437	2,398	1.72%
135	Town Treasurer	5,915	6,034	4,525	6,034	6,170	6,170	6,170	136	2.25%
136	Finance	199,315	229,895	178,611	227,789	236,295	236,295	236,295	6,400	2.78%
137	Tax & Assessing	217,709	257,692	180,719	215,256	377,208	376,258	386,258	128,566	49.89%
138	Revenue Collection	123,893	138,813	109,810	141,256	-	-	-	(138,813)	-100.00%
150	Town Clerk	195,281	206,532	171,259	206,532	211,552	210,932	210,932	4,400	2.13%
155	Data Processing	192,731	202,314	176,701	202,464	217,590	201,615	201,615	(699)	-0.35%
160	Insurance	534,211	566,405	574,426	574,508	597,320	597,320	597,320	30,915	5.46%
165	General Admin Services	78,236	79,690	63,053	81,230	80,320	91,520	91,520	11,830	14.85%
170	Economic Development	69,137	59,025	46,178	58,819	60,600	60,575	60,575	1,550	2.63%
Total General Government		2,283,329	2,432,631	2,050,558	2,388,548	2,495,702	2,478,246	2,488,246	55,615	2.29%

		2019 - 2020				2020 - 2021				
Public Safety		Actual Expended 2018 - 2019	Budgeted	Spent To Date	Estimated	Dept Request	Manager Request	Council Approved	Council App Inc/(Dec)	
									\$	%
201	Police	4,384,969	4,510,529	3,721,967	4,555,655	4,841,597	4,583,457	4,615,457	104,928	2.33%
205	Animal Control	85,412	87,877	68,918	87,238	90,717	90,217	90,217	2,340	2.66%
206	EMS	15,823	15,850	15,848	15,848	15,775	15,775	15,775	(75)	-0.47%
210	Fire	311,845	352,795	270,724	381,475	412,852	412,852	412,852	60,057	17.02%
215	Civil Preparedness	17,893	18,985	13,802	16,185	18,000	18,000	18,000	(985)	-5.19%
Total Public Safety		4,815,942	4,986,036	4,091,259	5,056,401	5,378,941	5,120,301	5,152,301	166,265	3.33%

		2019 - 2020				2020 - 2021				
Public Works		Actual Expended 2018 - 2019	Budgeted	Spent To Date	Estimated	Dept Request	Manager Request	Council Approved	Council App Inc/(Dec)	
									\$	%
305	Roadways	852,819	948,271	775,930	958,281	980,611	1,009,951	989,951	41,680	4.40%
310	Buildings & Grounds	1,056,523	1,065,994	888,907	1,111,938	1,118,578	1,117,142	1,117,142	51,148	4.80%
315	Municipal Bldg Maint	1,417,498	1,435,400	1,046,294	1,347,045	1,421,200	1,421,200	1,411,200	(24,200)	-1.69%
320	Motor Vehicle & Equip	144,705	135,474	127,516	141,516	171,674	139,674	139,674	4,200	3.10%
323	Transfer Station	59,642	92,433	36,060	92,433	94,691	93,561	93,561	1,128	1.22%
325	Technical Services Admin	154,067	171,300	138,646	174,177	177,150	177,150	177,150	5,850	3.42%
330	Engineering	67,791	80,020	63,629	80,020	81,745	81,745	81,745	1,725	2.16%
360	Building Inspector	83,716	66,320	53,138	72,200	74,150	73,782	73,782	7,462	11.25%
370	Fire Marshal	69,269	75,086	77,120	84,800	76,000	75,800	75,800	714	0.95%
380	Planning	78,901	74,100	54,143	74,100	77,400	77,400	77,400	3,300	4.45%
Total Public Works		3,984,931	4,144,398	3,261,383	4,136,510	4,273,199	4,267,405	4,237,405	93,007	2.24%

**PROPOSED TOWN OF PLAINVILLE, CONNECTICUT
GENERAL GOVERNMENT & BOE EXPENDITURE BUDGET SUMMARY**

		Actual		2019 - 2020		2020 - 2021				
		Expended		Spent To		Dept	Manager	Council	Council App Inc/(Dec)	
Health & Human Services		2018 - 2019	Budgeted	Date	Estimated	Request	Request	Approved	\$	%
410	Health & Sanitation	\$ 119,320	\$ 119,509	\$ 89,632	\$ 119,509	\$ 118,956	\$ 117,193	\$ 117,193	\$ (2,316)	-1.94%
412	Health & Welfare	53,865	53,865	46,174	53,865	53,865	53,865	53,865	-	0.00%
415	Solid Waste	1,094,875	1,147,000	955,442	1,250,644	1,245,170	1,245,170	1,245,170	98,170	8.56%
420	Senior Center	291,190	329,836	254,234	329,836	342,590	342,590	342,590	12,754	3.87%
430	Social Services	27,637	29,200	23,031	29,200	29,850	29,850	29,850	650	2.23%
440	Youth Services	107,643	122,608	90,337	126,608	129,182	129,182	129,182	6,574	5.36%
	Total Health & Human Serv	1,694,530	1,802,018	1,458,850	1,909,662	1,919,613	1,917,850	1,917,850	115,832	6.43%
<hr/>										
		Actual		2019 - 2020		2020 - 2021				
		Expended		Spent To		Dept	Manager	Council	Council App Inc/(Dec)	
Civic & Cultural		2018 - 2019	Budgeted	Date	Estimated	Request	Request	Approved	\$	%
510	Recreation	141,131	164,124	143,979	182,951	160,050	160,050	160,050	(4,074)	-2.48%
	Total Civic & Cultural	141,131	164,124	143,979	182,951	160,050	160,050	160,050	(4,074)	-2.48%
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		Actual		2019 - 2020		2020 - 2021				
		Expended		Spent To		Dept	Manager	Council	Council App Inc/(Dec)	
Employee Fringe Benefits		2018 - 2019	Budgeted	Date	Estimated	Request	Request	Approved	\$	%
820	Fringe Benefits	3,518,415	3,696,664	3,359,484	3,719,160	3,926,901	3,926,901	3,864,266	167,602	4.53%
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		Actual		2019 - 2020		2020 - 2021				
		Expended		Spent To		Dept	Manager	Council	Council App Inc/(Dec)	
Sundry		2018 - 2019	Budgeted	Date	Estimated	Request	Request	Approved	\$	%
830	Unclassified	20,772	30,000	9,366	30,000	30,000	30,000	30,000	-	0.00%
840	Xfers Out - Other Funds	1,144,171	761,613	571,210	761,613	761,613	765,613	760,613	(1,000)	-0.13%
	Total Sundry	1,164,943	791,613	580,576	791,613	791,613	795,613	790,613	(1,000)	-0.13%
	Subtotal Town Gov't	17,603,221	18,017,484	14,946,089	18,184,845	18,946,019	18,666,366	18,610,731	593,247	3.29%
<hr/>										
		Actual		2019 - 2020		2020 - 2021				
		Expended		Spent To		Dept	Manager	Council	Council App Inc/(Dec)	
Debt Service		2018 - 2019	Budgeted	Date	Estimated	Request	Request	Approved	\$	%
710	Debt Service	4,017,440	4,734,233	4,142,169	4,781,783	4,430,350	4,430,350	4,430,350	(303,883)	-6.42%
	Subtotal Debt Serv	4,017,440	4,734,233	4,142,169	4,781,783	4,430,350	4,430,350	4,430,350	(303,883)	-6.42%
<hr/>										
		Actual		2019 - 2020		2020 - 2021				
		Expended		Spent To		Dept	Manager	Council	Council App Inc/(Dec)	
Sundry		2018 - 2019	Budgeted	Date	Estimated	Request	Request	Approved	\$	%
840	Xfers Out - Capital Fund	800,000	800,000	600,000	800,000	800,000	800,000	313,850	(486,150)	-60.77%
	Subtotal Capital	800,000	800,000	600,000	800,000	800,000	800,000	313,850	(486,150)	-60.77%
	Total Gen Gov't Budget	22,420,661	23,551,717	19,688,258	23,766,628	24,176,369	23,896,716	23,354,931	(196,786)	-0.84%
<hr/>										
		Actual		2019 - 2020		2020 - 2021				
		Expended		Spent To		Superintendent	BOE	BOE/Council	Council App Inc/(Dec)	
Board of Education		2018 - 2019	Budgeted	Date	Estimated	Request	Approved	Approved	\$	%
910	BOE	37,320,783	38,229,105	28,371,496	38,025,105	39,227,677	39,227,677	39,144,267	915,162	2.39%
	Total BOE Budget	37,320,783	38,229,105	28,371,496	38,025,105	39,227,677	39,227,677	39,144,267	915,162	2.39%
	Total Town Budget	\$ 59,741,444	\$ 61,780,822	\$ 48,059,754	\$ 61,791,733	\$ 63,404,046	\$ 63,124,393	\$ 62,499,198	\$ 718,376	1.16%



ALFRED E. SMITH, JR.
203.772.7722 DIRECT TELEPHONE
203.772.7723 DIRECT FACSIMILE
ASMITH@MURTHALAW.COM

April 10, 2020

Mr. Cal Hauburger
Interim Economic Development & Special
Projects Coordinator
Town of Plainville
One Central Square
Plainville, CT 06062

Re: One and Sixty-Three West Main Street, Plainville

Dear Mr. Hauburger:

On behalf of Murtha Cullina LLP, thank you selecting us to provide legal services to the Town of Plainville related to the environmental status and possible disposition of the property known as One and Sixty-Three West Main Street, Plainville, Connecticut (the "Property"). I will serve as your primary contact at our firm.

This letter, the enclosed Standard Terms of Engagement for Legal Services, Plainville's RFP and our response to the RFP will describe the basis on which our firm will provide legal services.

Our client will be the Town of Plainville (the "Town"). The Town is first seeking an opinion concerning the applicability of the Connecticut Transfer Act to a possible sale of the Property and an evaluation of the extent it would be possible and beneficial to participate in one or more the State's programs encouraging the development of "Brownfield" sites. This would include an assessment of the liability, if any, of the Town in participating in those programs as either a temporary owner or a "facilitator" with respect to the Property. We would perform this task for a fixed fee of \$4,500.

Subsequent tasks could include seeking an exemption from the Transfer Act (if feasible), preparing applications or other documentation needed to apply for the identified liability relief program(s) and legal services associated with the Transfer of the property. Those tasks will be handled on an hourly rate basis with each attorney billing at a blended rate of \$350 per hour. I expect that I would perform approximately 75% of the work. My usual hourly rate is \$625. Our fees will be based on the amount of time spent on the matter by attorneys multiplied by the \$350 hourly billing rate for this matter.

Murtha Cullina LLP
265 Church Street
New Haven, CT 06510
T 203.772.7700
F 203.772.7723

Mr. Cal Hauburger
April 10, 2020
Page 2

As noted above, I will be the primary billing attorney on this matter. My contact information is:

Alfred E. Smith, Jr.
Rate: \$350/hr.
asmith@murthalaw.com
T: 203.772.7722

Our billing rates are subject to change from time to time, usually at the beginning of the calendar year. In performing legal services in this matter, we may also incur costs for which you will be responsible.

We will send bills monthly for fees and costs. Payment of our bills is due upon receipt. If our bills are not timely paid, we reserve the right to terminate our representation by sending you written notice.

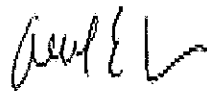
We are waiving our usual requirement for a retainer. We reserve the right to request a retainer at a later date. Any retainer would be held and credited against our final bill, and any excess will be refunded to you.

Additional information about these subjects and other important matters appears in the enclosed Standard Terms of Engagement for Legal Services, which are incorporated as part of this letter and which you should review before agreeing to our engagement.

Please indicate your acceptance of the terms of this letter and the Standard Terms of Engagement for Legal Services by signing and returning a copy of this letter.

We are honored that you have entrusted this matter to our firm. If at any time you have questions about the progress of your matter, the way in which it is being staffed or any other issue, please contact me right away. We look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Alfred E. Smith, Jr.", with a stylized flourish at the end.

Alfred E. Smith, Jr.
A Partner

Attachment

Mr. Cal Hauburger
April 10, 2020
Page 3

ACCEPTED AND AGREED TO:
Town of Plainville

By _____

duly authorized

Date: April ____, 2020

Standard Terms of Engagement for Legal Services

This document sets forth the standard terms of engagement of Murtha Cullina LLP (“we,” “us,” or “the Firm”) as attorneys for the client identified in the accompanying engagement letter (“you”). The engagement letter sets forth specific terms, and those terms control if the engagement letter conflicts with these standard terms. The following standard terms are an integral part of our agreement with you. Therefore, we ask that you review this document carefully and contact us promptly if you have any questions. We suggest that you retain this document in your file.

Whom We Represent

We represent you in this engagement. Unless we say so in our engagement letter or unless we agree later in writing, we do not represent anyone else. If you want us to represent others, please talk to us about that, and if there is no conflict or other obstacle, we will provide you with a new engagement letter that identifies whom we represent.

Potential Conflicts

The Firm represents many other clients. Because we do not represent affiliates or family members who are not specifically identified as clients in the engagement letter, for conflict of interest purposes, we may represent another client with interests adverse to any such affiliate or family member without obtaining your consent.

In addition, it is possible that during the time we are representing you some of our present or future clients may have disputes with you. You agree that we may represent a party with interests directly adverse to yours, so long as that adverse representation is not substantially related to the matters we have been engaged to handle on your behalf, and so long as we believe that our responsibilities to you and the other client would not be materially limited by the concurrent representations. We agree that, in such circumstances, we will inform you of the concurrent representations and our conclusion regarding the potential conflict. We further agree that your prospective consent to these concurrent representations shall not apply if, as the result of our representation of you, we have obtained proprietary or other confidential, non-public information that, if known to another client, could be used by the client in another matter to your material disadvantage.

How Fees Are Established

Unless an alternative fee agreement has been made with you in the engagement letter, we will bill you based on the amount of time spent by attorneys and paralegals in rendering necessary services in the matter multiplied by their individual hourly billing rates for the matter. We record the time spent on your work, including conferences (both in person and over the telephone), negotiations, factual and legal research and analysis, litigation, document preparation and revision, travel on your behalf, and other related matters. We record our time in units of tenths of an hour. The hourly rates of our lawyers and paralegals are adjusted annually to reflect current levels of legal experience, changes in overhead costs, and other relevant factors.

We are sometimes requested to estimate the amount of fees and costs likely to be incurred in connection with a particular matter that is billed on an hourly basis. When possible, we furnish such an estimate based upon our professional judgment, but when we do so it is always with the understanding that it is not a maximum or fixed fee quotation. The ultimate cost frequently is more or less than the amount estimated.

Costs

As part of our representation, we may incur outside costs or internal expenses on your behalf, and these must be paid by you on a timely basis. Whenever such costs are incurred, we itemize and bill them. It is the general policy of the Firm to bill for all costs incurred for outside vendors, experts and consultants, online research, court and agency fees, process server fees, photocopying of over 100 pages, courier services, overnight delivery services, transcripts, witness fees, and travel expenses. We generally request that outside service providers directly bill our clients for individual charges in excess of \$500, or we may forward the provider's invoices for such charges to the client for direct payment. We will not advance payment of individual charges of over \$2,500. We do not charge for long distance telephone calls, faxes, routine postage, and photocopying of under 100 pages.

Billing Arrangements and Terms of Payment

We bill you on a regular basis, ordinarily each month, for both fees and costs. Payment is due upon receipt. Billing on a transactional matter cannot be postponed until closing without our prior written agreement.

Interest on unpaid fees and disbursements may be assessed at the maximum rate permitted by state law but not exceeding one percent per month, beginning 30 days after the date of the bill.

If your account becomes delinquent, you agree to bring the account current promptly. If the delinquency continues and you do not arrange satisfactory payment

terms, we will withdraw from the representation (subject to the approval of a court or other tribunal, if necessary) and pursue collection of your account. You agree to pay the costs of collecting the debt, including court costs, filing fees, and reasonable attorneys' fees.

Termination

You may terminate our representation at any time by notifying us in writing.

Subject to the rules of professional responsibility in the jurisdictions in which we practice, we may withdraw from representation if you fail to abide by these standard terms of engagement or the terms of the engagement letter, if you misrepresent or fail to disclose material facts, if you fail to respond to communications from us or to provide us with current information about how to contact you, or due to a conflict of interest with another client. We try to identify in advance and discuss with our client any situation that may lead to our withdrawal and, if withdrawal becomes necessary, we will promptly give you written notice of our withdrawal. We will not withdraw unless withdrawal can be accomplished in accordance with the applicable rules of professional conduct.

The termination of our services does not affect your responsibility for payment of fees for legal services rendered and costs incurred before termination and in connection with an orderly transition of the matter.

Conclusion of Representation; Retention and Disposition of Documents

Unless previously terminated, our representation of you for a matter concludes upon our sending our final statement for services rendered for that matter.

At your request, your papers and property will be returned to you upon receipt of payment for outstanding fees and costs. We may retain copies pertaining to the matter for our files. Any documents retained by the Firm may be transferred to the persons responsible for administering our records retention program. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained by us within a reasonable time after conclusion of a matter. We may also transfer the information on the documents to electronic media.

In retaining and disposing of documents and other records, we will be guided by the Firm's Policy on Records Management. Under that policy, most records in a matter will be returned to you or destroyed within 10 years after we have concluded our representation in that matter.

Post-Engagement

You are engaging us to provide legal services in connection with a specific matter. After completion of that matter, changes may occur in the applicable laws or regulations that could have an impact upon your future rights and liabilities. Unless you engage us again to advise you on that particular matter, the Firm has no continuing obligation to advise you with respect to future legal developments concerning that particular matter.

A Proposal to Provide Legal Services
to the **Town of Plainville**

March 30, 2020

ALFRED E. SMITH, JR.
203.772.7722 DIRECT TELEPHONE
asmith@murthlaw.com

March 30, 2020

Mr. Robert Lee
Town Manager
Town of Plainville
One Central Square
Plainville, CT 06062

Re: RFP 2020-03 One & Sixty-Three West Main Street, Plainville, CT

Dear Mr. Lee:

On behalf of Murtha Cullina LLP, I am pleased to respond to your inquiry regarding legal services related to the environmental status and possible disposition of the property known as One and Sixty-Three West Main Street, Plainville, Connecticut (the "Property"). For the reasons set forth above, we believe that Murtha Cullina is uniquely qualified to assist the Town of Plainville in this matter.

We understand that the Town is first seeking an opinion concerning the applicability of the Connecticut Transfer Act to a possible sale of the Property. Based on the conclusion reached, the Town would also seek guidance concerning the extent it would be possible and beneficial to participate in one or more of the State's programs encouraging the development of "Brownfield" sites. This would include an assessment of the liability, if any, of the Town in participating in those programs as either a temporary owner or a "facilitator" with respect to the Property.

Murtha Cullina, with extensive and experienced practices in both environmental and municipal law, is capable of providing deep and practical expertise in the two areas in which this project intersects. Our environmental group is one of the most highly regarded practices in Connecticut and New England. Chambers, an independent international law firm research firm, has ranked our practice in "Band 1." We were the first Connecticut firm to achieve that distinction.

While municipal practices are not ranked in Chambers, we believe that our municipal practice is similarly qualified. At the present time, the firm serves as general counsel or town attorney for eight Connecticut municipalities: Avon, Cheshire, Cromwell, Lisbon, Portland, Rocky Hill, South Windsor and Sterling; as general counsel

Mr. Robert Lee
March 30, 2020
Page 2

to the Connecticut Conference of Municipalities ("CCM") and as special counsel to more than 30 towns, cities and quasi-municipal agencies.


I would be primarily responsible for this matter, as my individual practice aligns well with this task. I have practiced environmental law since I was admitted to the Bar in 1986. During that time, I have been involved in countless transactions involving the Transfer Act, including a dozen or more formal legal opinions concerning the applicability of the Transfer Act to particular transactions. I have also worked closely with CTDEEP and CTDECD regulators with respect to the various Brownfields programs on behalf of municipalities and private entities. I am ranked "Band 1" by Chambers and appear on all of the "Best Lawyers" and "Superlawyers" lists in the area of environmental law.

With respect to municipal law, I am the Town Attorney for Avon and Cheshire, and have served as special environmental counsel for Lisbon, Meriden, Portland, Rocky Hill and Woodbridge. In doing so, I am familiar with the Brownfields programs as they relate to municipalities. I would be assisted, as necessary, by other experienced attorneys in our environmental, municipal and real estate practices.

We propose to handle this matter in phases. The first phase would be the preparation of the Transfer Act applicability opinion. This would involve a review of the relevant environmental reports and other publicly available information, and the preparation of the opinion. We would perform this task for a fixed fee of \$4,500.

Based on the results of that opinion we would be in a position to offer an informed estimate of the nature and potential costs of the subsequent tasks. Also, based on our review of the Transfer Act issue, an exemption to the Act may be available based on affidavits or other statements from involved individuals. The work involved in securing an exemption would be handled as a separate matter under a different fee structure.

Thank you for considering Murtha Cullina for this important work. Please feel free to contact me with questions or if you would like to discuss this further.



Alfred E. Smith, Jr.
Murtha Cullina LLP

Table of Contents

LETTER OF TRANSMITTAL	
CONTACT INFORMATION.....	2
I. Background Statement.....	1
I. Key Personnel	1
II. Scope of Services	3
III. References	7
IV. Cost Proposal.....	7
V. Cost Containment.....	8
VI. Other Conditions.....	9
APPENDIX A - ATTORNEY RESUMES	11
APPENDIX B – MUNICIPAL/QUASI-GOVERNMENT ENTITITES SERVED IN THE PAST FIVE YEARS	14
APPENDIX C – CERTIFICATION OF BIDDER	18
APPENDIX D – NON-COLLUSIVE STATEMENT	20

CONTACT INFORMATION

The primary contact for this proposal is:

Alfred E. Smith, Jr.
Murtha Cullina LLP
265 Church Street
New Haven, CT 06510
Phone 203.772.7722
asmith@murthalaw.com

Murtha Cullina LLP's primary address is:

265 Church Street
New Haven, CT 06510

Phone: 203.772.7700
Fax: 203.772.7723

I. Background Statement

Murtha Cullina LLP (“Murtha”) attorneys individually, and as a firm, strive to combine the highest legal skills with a creative, results-oriented commitment to meeting client objectives. We currently represent municipalities in a wide variety of areas, making us particularly well qualified to assist the Town in each of the areas called upon by its Request for Proposal.

FIRM BACKGROUND

With nearly 100 attorneys in six offices in Connecticut, Massachusetts and New York, Murtha Cullina offers a full range of legal services to municipalities and other public and private organizations. Murtha’s largest office is in Hartford, with offices in New Haven and Stamford, Connecticut, Boston and Woburn, Massachusetts and White Plains, New York. The experience of the firm's attorneys is comprehensive, extending to virtually every type of legal service that is likely to be required by the Town.

Murtha Cullina was established in 1936. We build quality long-term relationships with our clients based on excellent service, proactive advice and mutual respect. We serve as trusted counselors and advocates for our clients, operating through a combination of practice groups, industry groups and client teams that are channeled to the client by the relationship partners. This allows lawyers from all parts of the firm to work together across departmental and geographic lines in a cohesive manner.

The firm's general practice areas include municipal law, environmental law, labor and employment, general corporate, finance, real estate, health care, communications and utilities, litigation, tax, energy and pension matters. The firm's Government Affairs Group provides administrative and legislative lobbying services throughout Connecticut.

We serve our clients best by understanding their operations and objectives and by achieving efficiencies through the use of technology, collaboration, early case and matter assessment, strategic budgeting, and other techniques. Advice and counseling are a key part of our practice. By making ourselves readily available to our clients to help solve problems as they arise, we can arrive at practical solutions and avoid litigation.

I. Key Personnel

Our attorneys strive to combine the highest level of legal skills with a creative, results-oriented and cost-effective commitment to meeting our clients’ objectives. Each client of our Firm has a designated relationship partner, whose job is to serve as the client’s primary contact. If Murtha Cullina is selected as Counsel, Al Smith, will serve as the principal relationship partner in the Firm. As the relationship partner, Mr. Smith not only will work directly with the Town, but also will handle all billing and staffing of matters and

will be accountable for ensuring that each task entrusted to the Firm is completed on time, within any previously agreed upon budget and at a very high level of professional quality.

Proposed Environmental Attorney and Primary Contact:

Alfred E. Smith, Jr., Partner

Practicing Attorney for 34 years

Immediate Past Chair of the Regulatory Department

Former Managing Partner of Murtha Cullina LLP

Member of Municipal Law and Environmental Practice Groups

As the particular matter dictates, other attorneys may be called upon to assist. Examples of Firm attorneys who may be asked to assist are set forth below. Full biographies can be found in Appendix A. This list is not exhaustive as all attorneys of the Firm will be available as necessary to meet the Town's legal needs.

Additional Assigned Attorneys:

Patricia L. Boye-Williams, Partner

Practicing Attorney for 17 years

Member of Environmental and Municipal Practice Groups

Joseph D. Szerejko, Associate

Practicing Attorney for 5 years

Member of Municipal and Land Use Practice Groups

License to Practice in Connecticut:

This statement affirms that Murtha Cullina LLP and all assigned key professional staff have passed the State of Connecticut Bar examination and are qualified to practice law in the State of Connecticut. All members of the Town service team identified herein, are licensed to practice law in the State of Connecticut and are members in good standing of the Connecticut Bar Association.

II. Scope of Services

Below is a narrative regarding the collective firm experience and qualifications of the firm attorneys relevant to the practice areas identified in the RFP. It is by no means exhaustive and we would appreciate the opportunity to meet with you to further discuss the broad range of services we provide to our clients.

Municipal Law

Representative of its commitment to a vibrant municipal law practice, Murtha Cullina has a Municipal Law Practice Group. The Municipal Law Practice Group includes eight principal attorneys whose individual practices are focused on serving our municipal clients.

Our Municipal Law Practice includes attorneys with vast experience representing municipal clients. At present, our firm serves as Special Counsel and/or Town Attorney to 30 towns in Connecticut. We serve as General Counsel or Town Attorney for eight Connecticut municipalities, including the Towns of Avon, Cheshire, Cromwell, Lisbon, Portland, Rocky Hill, South Windsor and Sterling. We are Special Counsel to 30 other towns in the areas of land use, environmental law, economic development, water and sewer matters, litigation, state legislation, renewable energy, and labor and employment law. In addition, we are General Counsel to the Connecticut Conference of Municipalities (CCM). We represent several quasi-municipal entities as well, including transit districts, regional water authorities and other public utilities. A list of municipal and quasi-municipal clients is attached as Appendix B.

Environmental Law

We appreciate the rapidly changing landscape for our clients. The firm has extensive experience in state and federal environmental regulation relating to air, water, solid and hazardous waste, pesticides, and remediation of contaminated sites.

We represent clients in all aspects of environmental law, including business and property transactions, particularly those involving the Connecticut Transfer Act, air and water pollution, solid and hazardous waste management, chemical regulation, coastal resource management, wetland regulation, and other land use controls. We counsel clients on compliance matters, assist with permitting, negotiate environmental issues in business transactions, and defend clients in citizens' suits and state and federal enforcement actions. Our Environmental Group provides a full range of counseling, administrative and litigation services in a variety of specific areas, such as site remediation (including Brownfields Redevelopment and Superfund), energy projects, permitting, regulatory compliance and enforcement.

We have extensive experience advising and representing municipalities regarding land use and other municipal matters, including advising local agencies on land use matters,

and litigating administrative appeals and land use enforcement matters on behalf of towns.

Brownfields Remediation

Any transaction involving the transfer of real estate, stock or business assets has the potential to trigger significant environmental liability issues. Our environmental lawyers bring years of experience to such projects. We help clients identify and address liabilities associated with both known and unknown environmental conditions to minimize risks and maximize options. We understand the different and frequently overlapping federal (Superfund and RCRA) and state transfer and remediation laws that impact those sites and help our clients to clean up these sites in concert with redevelopment plans. Available tools include prospective purchaser agreements, covenants not to sue, innocent purchaser "safe harbors" and Environmental Land Use Restrictions. Other vital tools are insurance products such as pollution legal liability and cost cap policies that, properly selected and negotiated, can effectively minimize risks of toxic tort and other third-party actions and cost overruns. We also assist our clients in identifying and taking advantage of Brownfields grant and loan programs that are available from state and federal agencies.

The "Superfund" statute, passed by Congress in 1980, has dramatically affected the business community over the past four decades, as millions of dollars have been applied to address historic disposal and release practices. We have been involved in Superfund actions since the beginning of the program, representing myriad large and small clients in minimizing the liabilities relating to their generator, transporter, or site owner or operator status. Such representations have ranged from Superfund sites involving a half dozen "potentially responsible parties" ("PRPs") to larger sites with hundreds or even thousands of such PRPs. Our experience includes helping PRPs perform remedies, assisting PRPs in obtaining partial or full "cash out" settlements, and pursuing and defending cost recovery and contribution actions.

Given New England's rich manufacturing tradition, many properties and businesses confront the legacy of historic releases of manufacturing processes, such as petroleum, solvents, plating wastes and pesticides. When land or assets change hands, buyers, lenders and sellers must identify and evaluate environmental risks, negotiate appropriate contract terms and comply with applicable laws. Our Environmental Practice Group counsels clients in all aspects of such transactions. We pride ourselves in facilitating transactions through creative solutions that protect our clients from known and unknown liabilities. Often, solutions involve working hand-in-hand, not just with environmental consultants and parties to a transaction, but also agency personnel at various levels to best identify, allocate and manage risks. Our expertise involves the consideration and application of all available tools, including qualification to the maximum extent possible under the regulatory liability "safe harbors" and use of sophisticated risk transfer mechanisms such as cost-cap and pollution legal liability insurance products.

Below is a sampling of representative work that we have handled for a variety of clients in the areas identified in this RFP:

Representative Projects (CT Liability Relief Programs and Brownfields):

We help clients assess and manage environmental risks under environmental laws, such as the federal "Superfund" and similar state laws that enable the assertion of claims against waste generators, transporters and site owners. We provide the sophisticated guidance, assistance and defense required to comply with laws, regulations, permit requirements and the like in all aspects and at all stages of compliance and enforcement processes.

We regularly assist our clients in planning and overseeing the work of environmental engineers and consultants in investigating and remediating Brownfields under federal and state-based programs. Typically, these efforts involve considerable strategizing concerning the breadth of work necessary to meet applicable cleanup standards and other remediation guidance.

- Assisted a CT municipality in acquiring a Brownfield property through the Connecticut Brownfields Remediation and Revitalization Program ("BRRP"). We worked closely with state and local officials to manage site investigation and remediation consistent with the Town's intended use.
- Worked with a private developer to acquire a former CTDOT transportation facility and develop a multi-use "business incubator" facility.
- Assisted an out-of-state developer in acquiring and developing a creative remediation plan to convert a former munitions factory into a large residential complex.
- Played lead role in the state's first municipal Brownfields project. Our client was able to acquire a blighted property, secure state funding for remediation, and transfer to a neighboring manufacturer, allowing the company to remain and grow in Connecticut. This breakthrough transaction occurred prior to the development of a formal Brownfields program. The creative solutions brokered by our attorneys became the basis for our current brownfields laws.
- Represented Fortune 100 company in obtaining clean closure, termination of interim status under RCRA, and final cleanup under the Transfer Act. This is only the second site in Connecticut to achieve final approval allowing the site to exit the RCRA regulatory program.
- Represented a retail company who was negotiating with a city and a large petroleum company to clean up a former tank farm and convert it to a distribution center.

- Assisted solid waste management authority in transferring environmental remediation liabilities for Brownfield site to an environmental consulting firm backed by a pollution legal liability insurance policy and other securities. The Site is being remediated under Connecticut's Property Transfer Act.
- Assisted large aluminum company in transferring environmental remediation liabilities for brownfield site to an environmental consulting firm. The transaction included both pollution legal liability and cost cap insurance policies to control risks and back the cleanup obligations of the contracted firm.
- Represented the past owner/operator of a manufacturing facility that was sold for redevelopment as a shopping center. As part of the transaction, we negotiated an agreement with the developer pursuant to which our client accepted responsibility under the Transfer Act for remediating the property in compliance with remediation standards and TSCA PCB requirements in conjunction with the redevelopment process. To minimize remediation costs, we obtained state and federal approval for the on-site reuse of PCB contaminated materials, using ELURs to document the location of contaminated materials.
- Represented a major affordable housing developer in connection with multiple projects including purchase and redevelopment of old industrial mill properties.
- Represented Fortune 100 company in connection with the investigation and remediation of a former ammunition manufacturing facility, which is the largest undeveloped industrial / commercial site in Fairfield County. Activities included negotiating a corrective action consent order with U.S. EPA, obtaining approval of a corrective action management unit (CAMU) and development of final remediation standards, and placement of one of the first ELURs approved under Connecticut's Remediation Standard Regulations.

III. References

Thomas W. Sparkman, First Selectman Town of Lisbon One Newent Road Lisbon, CT 06351 (860) 376-3400	Town Attorney since 1999
Susan Bransfield, First Selectman Town of Portland 33 East Main Street Portland, CT 06480 (860) 342-6715	Town Attorney since 2012
Kemp Will, Environmental Strategies Director Resight Holdings LLC 7921 Southpark Plaza, Suite 109 Littleton, CO 80120 Office: (303) 972-6633 Cell: (720) 903-0724	Environmental Counsel since 2017
David Salinas, CEO & Co-Founder District New Haven & Digital Surgeons 470 James Street New Haven, CT 06513 (203) 672-6201 x103	Environmental Counsel since 2016

IV. Cost Proposal

We propose to handle this matter in phases. The first phase would be the preparation of the Transfer Act applicability opinion. This would involve a review of the relevant environmental reports and other publicly available information, and the preparation of the opinion. We would perform this task for a fixed fee of \$4,500.

Based on the results of that opinion we would be in a position to offer an informed estimate of the nature and potential costs of the subsequent tasks. Also, based on our review of the Transfer Act issue, an exemption to the Act may be available based on affidavits or other statements from involved individuals. The work involved in securing an exemption would be handled as a separate matter under a different fee structure.

V. Cost Containment

In addition to client service, we pride ourselves on providing legal services of the highest quality in the most efficient manner possible. As a result, we do not charge low hourly fees and then assign matters to associates or others who will take much longer and bill that time to answer your questions. While we might request the assistance of knowledgeable associates and paralegals from time to time, the vast majority of the time your request for legal services will be managed and responded to by Mr. Smith or another highly knowledgeable member of the firm.

Thus, costs are managed and controlled, in part, by taking advantage of the experience of all of the firm's attorneys through our intra-firm communications network. Municipal work is directed to the person most qualified to produce the highest quality result at the lowest cost possible. Because of our commitment to cost control, we are known for providing high quality legal services at an overall cost that is often less than the fees charged by firms at lower hourly rates. We understand that municipalities, especially in this economic climate, need quality legal services fast and at the lowest cost possible. We are committed to providing that to the Town.

We also can implement procedures and policies designed to control both the flow and cost of legal services such as monthly tracking of requests for service and other controls at your direction.

No Charges for:

Secretarial

Incidental Photocopying

Facsimile

Messenger service

Computer Legal Research

Travel expenses

The following items are charged at cost with no mark-up:

- Courier services (such as UPS)
- Outside copying services.
- Court fees, Marshal/Service of Process Fee

VI. Other Conditions

A. Insurance

Murtha Cullina LLP has professional liability insurance coverage under Attorneys' Liability Assurance Society, Inc., Policy ALA#1207, with an annual limit of \$20,000,000 per claim and \$40,000,000 in the aggregate. The firm has the right, under stated conditions, to purchase extended reporting rights upon termination of such policy by ALAS. The self-insured retention under this policy is \$500,000 each claim, up to an annual aggregate of \$1,000,000 and \$100,000 each claim thereafter. The current policy effective date is from January 1, 2020 to January 1, 2021. Attorneys' Liability Assurance Society, Inc., is located at Suite 5700, 311 South Wacker Drive, Chicago, Illinois 60606-6622.

B. Hold Harmless Agreement

Murtha Cullina LLP agrees to hold the Town of Plainville, its officers, employees and agents, harmless and indemnify it under the terms of its existing insurance policy for any damages deemed by a court of law as owed for claims arising out of the negligence of its attorneys in providing services to the Town under this Proposal.

C. Non-Discrimination

Murtha Cullina is an equal employment opportunity and affirmative action employer. Equal employment and affirmative action have been and continue to be guiding principles at the Firm. The Firm is committed to having a work environment without discrimination. We recognize that equal employment opportunity requires affirmative steps to ensure the full utilization of people of all backgrounds who possess the best available skills.

Employment opportunities and employment decisions for potential and current Firm personnel are based solely on personal capabilities and qualifications, without regard to race, color, religious creed, sex/gender, national origin, genetic information, citizenship status, ancestry, age, sexual orientation, gender identity or expression, marital status, domestic partner status, civil union status, pregnancy, disability, veteran status or other classifications that are deemed to be protected under federal, state and/or local laws. This Equal Employment Opportunity and Affirmative Action Policy applies to all aspects of employment, including recruitment and hiring, benefits, compensation, supervision, training, promotion, use of facilities, transfer, demotion, layoffs, reinstatement, termination, and all other terms and conditions of employment.

The Firm will continue to inform its employment sources of this policy and recruit applicants from schools, employment agencies, and other sources to locate qualified minority and female candidates. All advertisements for personnel will state that the Firm is an Affirmative Action, Equal Opportunity Employer.

This Policy is consistent with the objectives of the National Policy as stated by the President of the United States and as defined by Title VII of the Civil Rights Act of 1964,

Executive Order 11246, 11375, Revised Order 4 and the implementation of Rules and Regulations of the Office of Federal Contract Compliance. The Firm will comply with all applicable laws and regulations pertaining to equal employment opportunity, nondiscrimination and affirmative action.

To implement this policy, an Affirmative Action Compliance Program has been established. As the Firm's Affirmative Action Officer, Amy McDuff is responsible for ensuring compliance and continued implementation of the Firm's Equal Employment Opportunity and Affirmative Action Policy.

D. Conflict of Interest

A check of the firm's conflict system has not identified any relationship with an existing client that would cause a conflict of interest to exist if we were selected to represent the Town.

APPENDIX A - ATTORNEY RESUMES



Alfred E. Smith, Jr.
Partner
265 Church Street
New Haven, CT 06510

asmith@murthalaw.com
203.772.7722

Al Smith is a former managing partner of the firm and formerly served as Chair of the Regulatory Department. Mr. Smith practices in the areas of environmental and municipal law. He has served as the Town Attorney for the Towns of Cheshire and Avon. He has extensive experience in all areas of environmental law. He regularly advises clients with respect to regulatory compliance issues and in connection with environmental issues associated with real estate and corporate transactions. Mr. Smith has written and spoken on many environmental law issues including the impact of bankruptcy proceedings, fiduciary liability under environmental laws, employee and community “right-to-know,” air quality and “Brownfields” redevelopment. He regularly counsels municipal clients in matters ranging from governance to finance and land use. He also has devoted substantial time in representing clients in the development, permitting, and operation of energy generating facilities including those using fossil fuels, refuse and renewable sources. Mr. Smith is a former adjunct professor at the University of New Haven Graduate School, where he taught environmental law.

Mr. Smith has served as a member of the Town Plan and Zoning Commission of the Town of Woodbridge, and was Chair of the Charter Revision Commission.



Patricia L. Boye-Williams

Partner
185 Asylum Street
Hartford, CT 06103

pboyewilliams@murthalaw.com
860.240.6168

Patti Boye-Williams practices in the firm's Environmental and Renewable Energy Practice Groups. She advises clients on a variety of regulatory compliance matters arising under RCRA, the Clean Water Act, the Clean Air Act, CERCLA and related state laws. Additionally, Patti has represented both renewable energy developers and renewable energy off-takers, including municipalities, in a variety of matters including: representation before PURA and the Connecticut Siting Council, the negotiation of power purchase agreements, and analysis of proposals to develop large scale solar arrays.

Patti has significant experience managing environmental aspects of complex corporate and real estate transactions, including evaluating the impact of the Connecticut Property Transfer Act on these transactions. She has counseled clients regarding compliance with remediation requirements under both federal and state laws, including the remediation of hazardous building materials (for example the remediation of PCBs in caulk and paint). Her CERCLA experience includes representing PRPs at multi-party Superfund sites throughout the country, including counseling clients with regards to settlement with state and federal entities, as well as other PRPs. She has also advised clients regarding the impact of bankruptcy on environmental liabilities and successfully represented policyholders in insurance disputes stemming from historical environmental contamination.

Patti is a former Assistant Attorney General at the Connecticut Office of the Attorney General. As an Assistant Attorney General, she advised and represented the Department of Energy and Environmental Protection, Department of Agriculture and the Connecticut Agricultural and Experiment Station.

Before becoming an Assistant Attorney General, Patti was an associate at Jenner & Block LLP in Chicago where she was a member of the Firm's Environmental & Workplace Health and Safety Law and Climate Change and Clean Technology Practice Groups. While there, she advised clients on a variety of matters involving compliance with environmental laws as well as climate change issues.



Joseph D. Szerejko

Associate
185 Asylum Street
Hartford, CT 06103

jszerejko@murthlaw.com
860.240.6186

Joseph D. Szerejko is a member of the Litigation Department and the Municipal and Land Use Practice Groups.

Joseph represents municipalities and municipal officials in various litigation matters, including but not limited to land use enforcement matters, tax appeals and all types of administrative appeals. He regularly advises our municipal clients on issues of general governance, freedom of information and statutory interpretation.

In law school, Joseph was an Executive Editor of the Connecticut Law Review. He also served as the Interscholastic Competition Director on the Connecticut Moot Court Board and was a contracts, sports law and labor law research assistant for Professor Lewis S. Kurlantzick. He was the recipient of several CALI Excellence awards including awards for Legal and Cultural Issues in Cyberspace, Complex Litigation and Copyright in the Digital Age.

After law school and prior to joining Murtha Cullina, Joseph clerked at the Connecticut Appellate Court for the Honorable Christine E. Keller. Before joining Murtha Cullina LLP, Joseph worked for a private law firm in Bridgeport, Connecticut.

APPENDIX B – MUNICIPAL/QUASI-GOVERNMENT ENTITIES SERVED IN THE PAST FIVE YEARS

The Firm Serves as General Counsel or Town Attorney to the Following:

Avon, Town of
Cheshire, Town of
Cromwell, Town of
Lisbon, Town of
Portland, Town of
Rocky Hill, Town of
South Windsor, Town of
Sterling, Town of
Connecticut Conference of Municipalities
Ansonia Water Pollution Control Authority

**The Firm Serves/Has Served as
Special Counsel to the Following:**

Ansonia Water Pollution Control Authority
Ansonia, City of
Ashford, Town of
Avon Board of Education
Barkhamsted, Town of
Bethlehem, Town of
Bolton, Town of
Borough of Fenwick
Borough of Fenwick Planning & Zoning Commission
Branford Inland Wetlands Commission
Branford Planning & Zoning Commission
Branford Water Pollution Control Authority, Town of
Branford Zoning Board of Appeals
Branford, Town of
Bridgewater, Town of
Canterbury, Town of
Canton, Town of

Charter Oak Communities
City of Groton
City of New Haven
Colchester, Town of
Columbia, Town of
Connecticut Conference of Municipalities
Connecticut Housing Finance Authority
CTTRANSIT
Coventry, Town of
Double A Transportation
East Hampton, Town of
Essex, Town of
Fall River, City of
Farmington, Town of
Glastonbury, Town of
Goshen, Town of
Greater Hartford Transit District
Griswold, Town of
Hartford, City of
Hebron, Town of
Kent Planning and Zoning Commission
Kent, Town of
Killingly Water Pollution Control Authority
Lebanon, Town of
Lebanon Water Pollution Control Authority
Ledyard, Town of
Litchfield, Town of
Madison, Town of
Manchester, Town of
Mansfield, Town of
Marlborough, Town of
Meriden, City of
Middlebury, Town of

Middlefield, Town of
Middletown, City of
Monroe, Town of
New Hartford Water Pollution Control Authority
New Haven, City of
New Haven Parking Authority
New Milford, Town of
Newington, Town of
North Haven, Town of
North Stonington, Town of
Norwich Department of Public Utilities
Norwich, City of
Old Lyme, Town of
Orange, Town of
Plymouth, Town of
Plympton Conservation Commission
Plympton Open Space Committee
Pomfret, Town of
Portland, Town of
Preston Board of Finance
Putnam, Town of
Ride Share Company
Old Lyme, Town of
Sherman, Town of
Simsbury, Town of
South Central Connecticut Regional Water Authority (SCCRWA)
Cheshire, Town of
Stafford Springs, CT, Town of
Stamford, City of
Sutton Conservation Commission
Trumbull, Town of
Union, Town of
Wallingford, Town of

Washington, Town of
Washington Inland Wetlands & Conservation Commission
Washington Planning Commission
Washington Zoning Board of Appeals
Washington Zoning Commission
West Hartford, Town of
West Haven, City of
Westbrook, Town of
Weston Planning and Zoning Commission
Westport, Town of
Wilmington, Town of
Windham Water Pollution Control Authority
Windsor, Town of
Woburn Development and Financial Corporation
Woburn Golf And Ski Authority
Woburn Redevelopment Authority

APPENDIX C – CERTIFICATION OF BIDDER

TOWN OF PLAINVILLE

**AFFIRMATIVE ACTION STATEMENT
CERTIFICATION OF BIDDER**

Concerning Equal Employment Opportunities and/or Affirmative Action Policy

The bidder certifies that it:

- 1) Is in compliance with the equal opportunity clause as set forth in the Connecticut State Law.
- 2) Does not maintain segregated facilities.
- 3) Has filed required employer's information reports.
- 4) Lists job openings with Federal and State Employment Services.
- 5) It is in compliance with the American with Disabilities Act.

Check Appropriate One:

- Yes/bidder certifies to having an Affirmative Action Program.
 Not applicable/bidder employs 10 or less people.

Murtha Cullina LLP

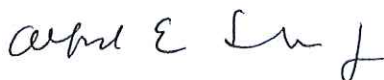
Company Name

March 30, 2020

Date

Alfred E. Smith, Jr., Partner

Name & Title (Printed)



Signature

APPENDIX D – NON-COLLUSIVE STATEMENT

**TOWN OF PLAINVILLE
NON-COLLUSIVE STATEMENT**

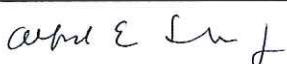
RFP for: Town Liability Relief Options for Department of Economic & Community Development Brownfield Assessment Grant: One & Sixty-Three West Main Street, Plainville, CT

The undersigned firm, having fully informed themselves regarding the accuracy of the statements made herein certifies that:

- a. The proposal has been arrived at by the firm independently and has been submitted without collusion with, and without any agreement, understanding, or planned common course of action with any other vendor of materials, supplies, equipment or services described in the request for proposals designed to limit independent bidding or competition, and;
- b. The bidder has not communicated the contents of the proposal to its employees or agents to any person not an employee or agent of the firm or its surety on any bond furnished with the proposal and will not be communicated to any such person prior to the official opening of the proposal.

The undersigned firm further certifies that this statement is executed for the purpose of inducing the Town of Plainville to consider the proposal and make an award in accordance therewith.

Please complete & sign

Legal Name of Firm	Murtha Cullina LLP
Business Address	265 Church Street, New Haven, CT 06510
Name & Title of Authorize agent	Alfred E. Smith, Jr., Partner
Signature	
Date	March 30, 2020
Phone # & Fax #	Phone: 203.772.7722 / Fax: 203.772.7723

EXPENDITURES Through March 31, 2020

Town Budget	
Budget Total = \$	61,780,822
Through 3/31/20 \$	43,916,692
% Spent =	71.08%
2 Year Avg. =	69.12%

Gen. Govt. Budget	
Budget Total = \$	23,551,717
Through 3/31/20 \$	18,231,706
% Spent =	77.41%
2 Year Avg. =	74.62%

Board of Ed. Budget	
Budget Total = \$	38,229,105
Through 3/31/20 \$	25,684,986
% Spent =	67.19%
2 Year Avg. =	65.48%

Police OT			
Budget Amount =	\$550,000		
Through 3/31/20	\$	512,279	% Spent = 93.14%
2 Year Avg. =	\$	458,058	2 Year Avg. = 101.79%
Difference =	\$	54,221	

Hauler Tonnages - MSW	
Tip Fee = \$65.54/5,000 tons budgeted	
Through 3/31/20	4386.82
2 Year Avg. =	3779.69
Difference	607.13

Represents Approx. \$40K

Roadways OT			
Budget Amount =	\$71,400		
Through 3/31/20	\$	82,787	% Spent = 115.95%
2 Year Avg. =	\$	53,755	2 Year Avg. = 76.80%
Difference =	\$	29,032	

Hauler Tonnages - Recycling	
BUDGETED - \$40.00 tip fee / 1,600 tons = \$64,000	
Through 3/31/20	1040.59
Expenditures to Date	\$90,138
Current Deficit	26,138
Current Tip Fee =	\$86.74

Buildings & Grounds OT			
Budget Amount =	\$18,040		
Through 3/31/20	\$	23,148	% Spent = 128.31%
2 Year Avg. =	\$	17,999	2 Year Avg. = 118.62%
Difference =	\$	5,149	

Roadways Snow OT			
Budget Amount =	\$51,000		
Through 3/31/20	\$	27,634	% Spent = 54.18%
2 Year Avg. =	\$	52,868	2 Year Avg. = 118.63%
Difference =	\$	(25,234)	

Buildings & Grounds Snow OT			
Budget Amount =	\$24,408		
Through 3/31/20	\$	16,272	% Spent = 66.67%
2 Year Avg. =	\$	27,201	2 Year Avg. = 114.65%
Difference =	\$	(10,929)	

REVENUES Through March 31, 2020

All Revenues (Amended)		
Budget Total =	\$	61,780,822
Through 3/31/20	\$	54,817,454
Difference	\$	(6,963,368)
% Received =		88.73%
2 Year Avg. =		88.76%

Current Taxes (Amended)		
Budget Total =	\$	47,096,148
Through 3/31/20	\$	46,663,032
Difference	\$	(433,116)
% Received =		99.08%
2 Year Avg. =		99.15%

AUDITED UNASSIGNED FUND BALANCE (6/30/19)		9,750,710	15.95%
FY 20 use of fund balance - budgeted			
	FY20 Tax Relief (budgeted \$300,000)	(300,000)	(300,000)
ESTIMATED UNASSIGNED FUND BALANCE (3/31/20)		9,450,710	15.00%

SPECIAL FUNDS Through March 31, 2020

Recreation Fund Budget Expenditures =		\$265,846
Through 3/31/20	\$	173,336
% Spent		65.20%
2 Year Avg.		71.34%

Robertson Airport Budget Expenditures =		\$93,700
Through 3/31/20	\$	99,942
% Spent		106.66%
2 Year Avg.		303.96%

WPCA Facility Budget Expenditures =		\$3,358,922
Through 3/31/20	\$	2,650,817
% Spent		78.92%
2 Year Avg.		77.94%

Plainville Library Budget Expenditures =		\$733,247
Through 3/31/20	\$	572,206
% Spent		78.04%
2 Year Avg.		77.69%

Recreation Fund Budget Revenues =		\$226,145
Through 3/31/20	\$	123,844
% Received		54.76%
2 Year Avg.		58.88%

Robertson Airport Budget Revenues =		\$120,000
Through 3/31/20	\$	90,001
% Received		75.00%
2 Year Avg.		61.69%
Robertson Airport Fund Balance =		\$473,368

WPCA Facility Budget Revenues =		\$3,875,500
Through 3/31/20	\$	3,788,852
% Received		97.76%
2 Year Avg.		100.84%

Plainville Library Fund Budget Revenues =		\$733,247
Through 3/31/20	\$	527,059
% Received		71.88%
2 Year Avg.		73.69%

Major Projects Report

3/31/2020

	Project Budget	Revenue To Date	Expenditures To Date	Project Balance	% Complete	Spent In March
Road Bond I	\$5,039,426	\$5,039,426	\$4,395,189	\$644,237	87.22%	\$ -
Road Bond II	\$5,000,000		\$53,127	\$4,946,873	1.06%	\$ 53,127
Phosphorus Removal Project	\$15,737,895	\$6,194,658	\$15,729,038	\$8,857	99.94%	\$ 117,629
Encumbrances To Date			-\$986,087	\$986,087		\$ (117,629)
		\$6,194,658	\$14,742,951	\$994,944		
		Referendum Amount = \$15,140,040/WPCA Budget Contribution = \$597,855				
Wheeler School Project	\$23,515,000	\$8,062,971	\$ 21,144,089	\$2,370,911	89.92%	\$ 451,413
PHS Parking Lot Project	\$1,745,000	\$1,745,000	\$1,608,667	\$136,333	92.19%	\$ -
Northwest Drive Rehabilitation	\$928,045	\$928,045	\$850,402	\$77,643	91.63%	\$ 831
PHS Turf Maintenance Fund	N/A	\$106,965	\$18,415	\$88,550	N/A	\$ 21

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Refunds	4/20/2020 Current Year	Amount
1	Nissan Infiniti LT, Dallas, TX	\$58.58
Total		\$58.58