

**MINUTES
PLAINVILLE TOWN COUNCIL
COUNCIL CHAMBERS – MUNICIPAL CENTER
REGULAR MEETING
April 20, 2020 – 7:00p.m.**

- I. PRESENTATIONS:**
- II. PUBLIC HEARING**
- Proposed amendments to Street, sidewalks & Driveways Ordinance-Article 1:
Street Openings
- III. MINUTES OF PREVIOUS MEETING**
April 6, 2020 Regular Meeting and April 7 and 9, 2020 Special Budget Meetings
- IV. ANNOUNCEMENTS – REPORTS**
- V. APPOINTMENTS/RESIGNATIONS**
1. Firefighter Appointment
 2. Appointments and Re-appointments to Boards and Commissions
- VI. BOARD OF EDUCATION LIAISON (3rd Monday Meetings Only)**
- VII. REPORT OF TOWN ATTORNEY**
- VIII. REPORT OF TOWN MANAGER**
1. Auditor Appointment
 2. Governor Lamont’s Executive Order 7S-Tax Deferment
 3. FY2021 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 I; Street Openings
2. Auditor Appointment
3. Consider action regarding Governor's Executive Order 7S
4. 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.

Also available remotely were Technical Services Director Bossi, Finance Director Buden, Revenue Collector LeGassey and Assessor Heering.

I. PRESENTATIONS

II. PUBLIC HEARING

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

Town Clerk Skultety read the following:

**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.

Town Manager Lee began by briefly describing the procedure for residents to call in and comment on the public hearing. He went on to summarize the purpose of the amendments.

Highlights of the ordinance are contractors will have to register with the Town before performing any work in the street or Right of Way. The fee for that is \$50.

Only licensed contractors will be allowed to register and shall supply the town an insurance surety bond for ten thousand (\$10,000) and a two thousand five hundred (\$2,500) cash bond. They will also have to supply a certificate of insurance.

The ordinance will also require a 48hour notice before digging in a street. Contractors will be required to install a transitional patch that would last for a year. The Town will create a permanent restoration fee process whereby the Town will make the permanent street repair after the work has been completed to ensure the work has been properly done.

The meeting was opened for public comments via email or call in. Moderator Ross stated there were no listeners and the hearing was closed.

III. MINUTES OF PREVIOUS MEETING

Councilwoman Tompkins motioned to approve the minutes of April 6, 2020 Regular Meeting and April 7 and 9, 2020 Special Budget Meetings. The motion was seconded by Councilman Cox and passed 7-0.

IV. ANNOUNCEMENTS – REPORTS

Chairwoman Pugliese mentioned she has been talking walks at Norton Park and reported the paving project there is moving along. She commended the Public Works Department for their work.

Councilman Wazorko reported he along with Councilman Gnazzo have been working with Town Manager Lee and Director of Finance Buden on General Fund Policy. They have met and will be seeking additional input for staff before finalizing a proposal and bringing it to the Town Council for consideration in May. This Unassigned Fund Balance Policy has been recommended by the auditors. A policy would solidify the Town's credit rating.

4/20/20

Discussion followed regarding the guidance of the policy.

Town Manager Lee mentioned the suggestion would be to have the policy reviewed every two (2) years in January, by the sitting Town Council.

V. APPOINTMENTS/RESIGNATION

1. Fire Department

Councilman Underwood motioned to appoint Rick Dohoney, 492 East Street, as a Probationary Firefighter to the Plainville Fire Department. The motion was seconded by Vice Chairwoman Tompkins and passed 7-0.

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

VII. REPORT OF TOWN ATTORNEY

VIII. REPORT OF TOWN MANAGER

Town Manager Lee presented and discussed the following topics:

- **Auditor Appointment**

In the information package for this evening's meeting is a memo from Finance Director Rob Buden recommending that the Town Council appoint Blum Shapiro of West Hartford to perform the FY20 Town audit. Mr. Buden points out that Blum did an outstanding job with the FY19 audit moving up the timelines to accommodate expected absences, that they work well with the Finance staff, and had a very competent team that performed the audit.

Additionally, their audit fee was lower than the other firms that expressed interest with an RFP that was done for FY19.

Town Manager Lee concurs with Mr. Buden's recommendation as well.

- **Governor Lamont's Executive Order 7S – Tax Deferment**

On April 9th Governor Lamont issued an Executive Order mandating that CT municipalities consider two policies related to tax collections as a result of the COVID-19 pandemic.

The first policy is a ***Tax Deferment Program*** that would extend the grace period for paying taxes without a penalty for three months. Normally, taxpayers are required to pay taxes within one month from its due date.

The second policy is called a ***Low Interest Rate Program*** that would set the delinquent interest rate for all taxes due at 3% for a three-month period.

Town staff including Rob Buden, Ann Marie Heering, Ana LeGasse, Atty. Mike Mastrianni and myself reviewed both policies including an *Explanation of Purpose & Intent* issued by the Office of Policy and Management as well as a *Guidance Document* issued by the Council of Small Towns and the Connecticut Conference of Municipalities.

Towns are required to adopt one or both policies and notify OPM by April 25th which one (or both) were chosen.

Town staff is recommending that the Town Council adopt the Tax Deferment Program for eligible taxpayers. Eligible taxpayers are those who complete a form acknowledging that their household income has suffered a reduction in income of at least 20% due to COVID-19.

Additionally, Businesses and Non-Profits would have to acknowledge that their revenue was expected to decrease at least 30% during the period from March to June 2020 versus the same time period last year at their Plainville property. The tax deferment would apply to the second installment of the sewer bills due May 1st as well as the July 1st tax bills.

Town staff has come up with a plan to notify residents of this policy should the Town Council approve it this evening. This notification would include a Town-wide mailing, two CodeRED notifications, press releases, Town website notice and several A-Frame sign notifications placed throughout Town.

Town staff is not recommending the Low Interest Rate Program due to possible cash flow issues which could require the Town to do short term borrowing which would incur interest that would be paid by everyone. Additionally, if the program was extended beyond the three months, additional interest from short term borrowing could create more burden on all taxpayers. There is also concern in administering the program due to lack of specificity its description.

Assessor Heering reaffirmed the statements Town Manager Lee made. She realizes the office will have an additional burden with the program however it will also be a benefit to those affected by the COVID19 virus.

It was suggested to send out a reminder in September that the deferment date will be coming up in October.

- **FY 2021 Budget Update**

On April 7th the Town Council unanimously voted to recommend a Town budget that, if adopted, would result in a zero mill increase for FY21 beginning on July 1st. The proposed FY 21 Budget totals \$62.5M and represents an increase of \$718,376 or 1.16%.

The Town portion of the budget which includes General Government, Debt Service and Capital Improvement expenditures would decrease by almost \$200K or -0.84%.

The Board of Education Budget is proposed to increase by \$915K or 2.39%.

The overall Town Budget expenditure increase is approximately half the increase to the inflation rate for the last twelve months.

There will be a Public Hearing on Monday, May 4th beginning at 7:00 pm. This will be a virtual Public Hearing. Residents will have three opportunities to express their opinion on the proposed budget. They are: 1) Send an email to the Town Council at towncouncil@plainville-ct.gov; 2) send voice message via a phone number to be published later this month or; 3) participate via the phone during the Public Hearing on that evening. Information on how to participate during the meeting will be issued later.

Because of a previous Executive Order issued by Governor Lamont, Towns are prohibited from holding All-Day votes. As a result, after the Public Hearing, the Town Council will adopt the Budget and set the mill rate for FY21 in time for the tax bills to be mailed before July 1st.

- **White Oak Update**

In the meeting information package there is correspondence from Atty. Alfred E. Smith, Jr. of Murtha Cullina - Attorneys At Law describing the Scope of Work he will be performing as it relates to his opinion concerning the applicability of the Connecticut Transfer Act and the possible acquisition by the Town of the White Oak property located at One & Sixty Three West Main Street.

Atty. Smith will be participating in the May 4th Town Council meeting to detail his opinion and to respond to questions from the Town Council. His services total \$4,500 and will be paid entirely by the State Grant that was previously secured for the environmental study of the property that was performed by Loureiro Engineers. No action is required by the Town Council this evening.

- **COVID-19 Update**

Information regarding the COVID-19 Pandemic changes daily, if not an hourly basis. In a conference call with Health officials held last Friday, the State Health Department is now predicting that the peak will not be occurring in Connecticut until mid-May. The reason for this prediction is that the increase in testing will reveal more cases of those with the virus.

All Town buildings continue to be closed to the public; however, town business continues to operate, and phones are being answered and return calls are being made on a timely basis. Public Works is continuing with the road paving program and Buildings & Grounds continues to maintain public facilities including the parks.

It is unclear at this time when Town buildings will re-open to the public. The earliest – and this may change – is early July. It is still unclear whether summer programs will be allowed to be held.

The Presidential Preference Primary has been moved back to August 11th. Wings & Wheels at Robertson Airport scheduled for June 13th has been cancelled for this year. In addition, the Hot Air Balloon Festival scheduled for late August has been cancelled as well.

The Memorial Day Parade Committee will be meeting with the Health Director and Town Manager Lee tomorrow morning to discuss whether the Memorial Day Parade should be held. Southington has already cancelled their parade for this year.

Beginning this evening, the Governor has ordered that people must wear cloth covering their face and nose in public if unable to maintain a social distancing of at least six feet.

People looking for the latest information on the COVID-19 Pandemic can go to the Plainville Southington Health District webpage at www.pshd.org The Town website will also be updating information about the virus. That information can be found at www.plainvillect.gov Information can also be found on the Centers for disease Control & Prevention website at www.cdc.gov

- **Financial Dashboard**

A copy of the Financial Dashboard for the 3rd Quarter ending March 31st was included in the meeting information package and was also posted on the Town webpage.

Town Manager Lee reviewed the Financial Dashboard.

- **Happenings**

Town Manager Lee reviewed programs and activities which included the Youth Services; Healthy Plainville, 2020 Census, Tax & Assessing and Senior Center. More information can be found on the Town's website at www.plainvillect.com.

IX. PUBLIC COMMENTS

Email received from John Kisluk, 65 Forestville Ave commenting on the budget.

Call-in from Representative Bill Petit complimenting the Town Council on the budget

X. NEW BUSINESS

1. Consider proposed amendments to Streets, Sidewalks & Driveways Ordinance- Article I: Street Openings-See Addendum

Vice Chairwoman Tompkins motioned to adopt the proposed amendments to ordinance Chapter 374 Streets, Sidewalks and Driveways-Article I: Street Openings. The motion was seconded by Councilman Underwood and passed 7-0.

2. Auditor Appointment

Vice Chairwoman Tompkins motioned to appoint the firm of BlumShapiro to conduct an audit for the Town of Plainville for the fiscal year ending June 30, 2020. The motion was seconded by Councilman Wazorko and passed 7-0.

3. Consider action regarding Governor's Executive Order 7S

Vice Chairwoman Tompkins motioned to approve the offering of the "Deferment Program" to eligible taxpayers pursuant to Section 6 of Governor Lamont's Executive Order 7S and authorize the Town Manager Lee to notify the State of CT Office of Policy and Management. The motion was seconded by Councilman Cox. Discussion followed. The motion passed 7-0.

4. 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

Attorney Mastrianni, regarding the Tax Deferment Program wanted to clarify that taxpayers with mortgages that are escrowed with their banks, do not qualify for the deferment. The banks are required to pay taxes to the Town. It's estimated that 60% of real estate taxes are escrowed.

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

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.

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