



TOWN OF KILLINGLY

OFFICE OF THE TOWN MANAGER
172 Main Street
Killingly, CT 06239
Tel: 860 779-5335 Fax: 860 779-5382

PUBLIC HEARING ON ITEMS 14(a) & 14 (b) at 7:00 PM

Public Hearing – Virtual on WebEx

Phone – 1-408-418-9388

Access Code – 132 864 8885

TOWN COUNCIL MEETING

DATE: Tuesday, October 13, 2020

TIME: 7:00 PM

**PLACE: 172 Main Street, Killingly
(Council Members Only)**

Public can view the meeting on Facebook Live. Go to www.killinglyct.gov click on Facebook Live

1. CALL TO ORDER
2. PRAYER
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. ROLL CALL
5. ADOPTION OF MINUTES OF PREVIOUS MEETINGS
 - a) Special Town Council Meeting – September 1, 2020
 - b) Regular Town Council Meeting – September 8, 2020
6. PRESENTATIONS, PROCLAMATIONS AND DECLARATIONS
 - a) Recognizing Breast Cancer Awareness Month
 - b) Recognizing Fire Prevention Month
 - c) Recognizing First Responder Appreciation
7. UNFINISHED BUSINESS FOR TOWN MEETING ACTION
8. CITIZEN'S STATEMENT AND PETITION

Pursuant to Governor's Executive Order 7B, all public comment can be emailed to publiccomment@killinglyct.gov or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the

RECEIVED
TOWN CLERK KILLINGLY CT
2020 OCT -8 PM 4:06
Elizabeth M. Wilson

meeting will be posted on the Town's website www.killinglyct.gov.

9. COUNCIL/STAFF COMMENTS
10. APPOINTMENTS TO BOARDS AND COMMISSIONS
11. REPORTS FROM LIAISONS
 - a) Board of Education Liaison
 - b) Borough Council Liaison
12. DISCUSSION AND ACCEPTANCE OF MONTHLY BUDGET REPORTS
 - a) Summary Report on General Fund appropriations for Town government
 - b) System Object Based on Adjusted Budget for the Board of Education
13. CORRESPONDENCE/COMMUNICATIONS/REPORTS
 - a) Town Managers Report
14. UNFINISHED BUSINESS FOR TOWN COUNCIL ACTION
 - a) Consideration and action on an ordinance to authorize a transfer of up to \$45,000 from the Plan of Conservation and Development Reserve Account to the River Trail Capital Account
 - b) Consideration and Action on an ordinance to authorize a Purchase and Sale Agreement to sell Town property at 140 Main Street to PB Projects VII LLC.
15. NEW BUSINESS
 - a) Consideration and action on a resolution to authorize Fiscal Year 2019-2020 budgetary year end transfers.
 - b) Consideration and action on a resolution to authorize the transfer of Fiscal Year 2019-2020 unexpended funds from various departments to Special Reserves and Programs.
 - c) Consideration an action on a resolution authorizing the amendment to the Town Pension Plan
 - d) Consideration and Action on a Resolution to introduce and set a Public Hearing for November 10, 2020 on an ordinance to authorize the transfer of up to \$212,757 from the Highway Division unexpended funds for FY 19/20 to Road Renewal Capital Project Funds.
 - e) Consideration and action on a resolution to introduce and set a public hearing for November 10, 2020 on an ordinance amending Chapter 14 of the Killingly Code of Ordinances to modify the length of time an assessment deferral or tax abatement agreement may be.

- f) Consideration and action on a resolution to introduce and set a public hearing for November 2020 on an ordinance amending Chapter 12 of the Killingly Code of Ordinances to modify process to apply for a peddler or vendor permit.
- g) Consideration and action on a resolution to introduce and set a public hearing for November 2020 on an ordinance amending Chapter 15 of the Killingly Code of Ordinances to include Article IV – Illicit Discharge and Connection to Stormwater System
- h) Consideration and action on a resolution to authorize the Town Manager to sign a lease agreement with Hutchinson Precision Systems, Inc. for the use of a portion of the old borough treatment plant.

16. COUNCIL MEMBER REPORTS AND COMMENTS

17. EXECUTIVE SESSION

18. ADJOURNMENT

Note: Town Council meeting will be live streamed on Facebook and televised on Channel 22

15c. Discussion of Town Manager Evaluation

Mr. Kerttula made a motion, seconded by Mr. Wood to table agenda item 15c.

Voice vote: Unanimous. Motion passed.

16. Council Member Reports and Comments:

Mr. Grandelski reported on the WPCA and the Conservation Commission.

Mr. Wood reported on the Personnel Committee meeting.

Mr. Kerttula attended the Personnel Subcommittee and reported on the Permanent Building Commission.

Mr. Anderson reported on the Fiscal Subcommittee.

Mr. Lee attended the Personnel Subcommittee meeting.

17. Executive Session:

17a. Personnel Matter - Town Manager Evaluation

Tabled.

17b. Contract Negotiations - Lake Road Generating

Mr. Kerttula made a motion, seconded by Mr. Grandelski, to move to Executive Session with Town Manager Calorio to discuss the contract negotiations with Lake Road Generating.

Voice vote: Unanimous. Motion passed.

Moved to Executive session at 8:37 p.m. and returned at 9:02 p.m.

18. Adjournment:

Mr. Grandelski made a motion, seconded by Mr. Lee, to adjourn the meeting.

Voice Vote: Unanimous. Motion passed.

The meeting ended at 9:02 p.m.

Respectfully submitted,

Elizabeth Buzalski
Council Secretary

**KILLINGLY TOWN COUNCIL
SPECIAL TOWN COUNCIL MEETING**

DATE: TUESDAY, September 1, 2020

TIME: 7:00 P.M.

PLACE: TOWN MEETING ROOM
KILLINGLY TOWN HALL
(COUNCIL MEMBERS ONLY)

**AGENDA
KILLINGLY TOWN COUNCIL**

The Town Council of the Town of Killingly held a Special Meeting on Tuesday, September 1, 2020 at 7:00 p.m. in the Town Meeting Room of the Killingly Town Hall, 172 Main Street, Killingly, Connecticut. The agenda was as follows:

1. Call to Order

2. **Roll Call**
3. **Interviews of board/commission applicants**

4. **Citizens' Statements and Petitions**

Pursuant to the Town Council's Rules of Procedure, Article IV, Section 2, all presentations by citizens shall be limited to an aggregate of forty-five minutes (45) and each citizen's presentation shall not exceed five (5) minutes unless otherwise indicated by a majority vote of the Town Council.

5. **Old Business**

- a. Consideration and action on a resolution appointing Ulla Tiik-Barclay to the Town Council for the unexpired term of the currently vacant seat, said term to expire in December 2021

- b. Town Manager Evaluation

6. **New Business**

7. **Executive Session**

- a. Personnel Matter – Town Manager Evaluation

8. **Adjournment**

1. Chairman Anderson called the Special Meeting to order at 7:00 p.m.
2. On Roll Call, all counselors were present except Mr. LaPrade, Ms. George, and Ms. Walsh, who were absent with notification. Town Manager Calorio, Finance Director Hawkins, and Council Secretary Buzalski were also present.
3. Interviews for Boards/Commissions:
Councilors interviewed **Amelia Kellner**. Ms. Kellner is seeking reappointment to the Agriculture Commission as a Regular Member. This is a three-year term running from 11/2019 thru 10/2022.
Councilors interviewed **Michael LeHoux**, 90 Laurel Drive, Dayville, CT. Mr. LeHoux is interested in being appointed as a Regular Member of the Board of Recreation. The Regular term would run 1/2020 thru 12/2021.
Councilors interviewed **Patricia Daly-Beyl**, 306 Snake Meadow Rd, Killingly CT. Ms. Daly-Beyl is interested in being appointed as a Regular Member of the Housing Authority. The Regular term would run 1/2020 thru 12/2024.

4. Citizens' Statements and Petitions

None received.

5. Old Business:

- 5a. Consideration and action on a resolution appointing Ulla Tiik-Barclay to the Town Council for the unexpired term of the currently vacant seat, said term to expire in December 2021

Mr. Kerttula made a motion, seconded by Mr. Lee, to adopt the following:

**RESOLUTION APPOINTING ULLA TIIK-BARCLAY TO THE TOWN COUNCIL FOR
THE UNEXPIRED TERM OF THE CURRENTLY VACANT SEAT, SAID TERM TO
EXPIRE IN DECEMBER 2021**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that

Ulla Tiik-Barclay is hereby appointed to the Town Council in accordance with sections 206 and 502 of the Killingly Town Charter. Said appointment will expire with the appointment of the new Town Council in December 2021.

KILLINGLY TOWN COUNCIL
Jason Anderson
Chairman

Dated at Killingly, Connecticut,
this 1st day of September 2020

Discussion followed.

Voice vote: Unanimous. Motion passed.

Town Clerk Wilson swore in new Council Member Tiik-Barclay.

5b. Town Manager Evaluation

Mr. Grandelski made a motion, seconded by Mr. Wood, to table this agenda item.

Voice Vote: Unanimous. Motion passed.

6. New Business None

7. Executive Session None

8. Adjournment

Mr. Wood made a motion, seconded by Mr. Lee, to adjourn the meeting.

Voice Vote: Unanimous. Motion passed.

The meeting ended at 7:32 p.m.

Respectfully submitted,

Elizabeth Buzalski
Council Secretary

Ulla Tiik-Barclay is hereby appointed to the Town Council in accordance with sections 206 and 502 of the Killingly Town Charter. Said appointment will expire with the appointment of the new Town Council in December 2021.

KILLINGLY TOWN COUNCIL
Jason Anderson
Chairman

Dated at Killingly, Connecticut,
this 1st day of September 2020
Discussion followed.

Voice vote: Unanimous. Motion passed.

Town Clerk Wilson swore in new Council Member Tiik-Barclay.

5b. Town Manager Evaluation

Mr. Grandelski made a motion, seconded by Mr. Wood, to table this agenda item.

Voice Vote: Unanimous. Motion passed.

6. New Business None

7. Executive Session None

8. Adjournment

Mr. Wood made a motion, seconded by Mr. Lee, to adjourn the meeting.

Voice Vote: Unanimous. Motion passed.

The meeting ended at 7:32 p.m.

Respectfully submitted,

Elizabeth Buzalski
Council Secretary

**TOWN COUNCIL
KILLINGLY TOWN COUNCIL
REGULAR MEETING**

DATE: TUESDAY, September 8, 2020

TIME: 7:00 P.M.

PLACE: TOWN MEETING ROOM
KILLINGLY TOWN HALL
(Council Members only)

AGENDA

The Town Council of the Town of Killingly held a Regular Meeting on Tuesday, September 8, 2020 at 7:00 p.m. in the Town Meeting Room of the Killingly Town Hall, 172 Main Street, Killingly, Connecticut. The agenda was as follows:

1. CALL TO ORDER

2. **PRAYER**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG**
4. **ROLL CALL**
5. **ADOPTION OF MINUTES OF PREVIOUS MEETINGS**
 - a) Regular Town Council Meeting: 08/11/20
6. **PRESENTATIONS, PROCLAMATIONS AND DECLARATIONS**
 - a) Diaper Need Awareness Week Proclamation
 - b) Development of 140 Main Street, Parker Benjamin
7. **UNFINISHED BUSINESS FOR TOWN MEETING ACTION**
8. **CITIZEN'S STATEMENTS AND PETITIONS**

Pursuant to Governor's Executive Order 7B, all public comment can be emailed to publiccomment@killinglyct.gov or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website www.killinglyct.gov
9. **COUNCIL/STAFF COMMENTS**
10. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
11. **REPORTS FROM LIAISONS**
 - a) Board of Education Liaison
 - b) Borough Council Liaison
12. **DISCUSSION AND ACCEPTANCE OF MONTHLY BUDGET REPORTS**
 - a) Summary Report on General Fund Appropriations for Town Government
 - b) System Object Based on Adjusted Budget for the Board of Education
13. **CORRESPONDENCE/COMMUNICATIONS/REPORTS**
 - a) Town Manager Report
 - b) Ribbon Cutting for Brunet & Company Real Estate
 - c) NTE: Notice of Public Hearing
 - d) Resignation of Chasity Walsh
14. **UNFINISHED BUSINESS FOR TOWN COUNCIL ACTION**
 - a) Town Manager Evaluation
15. **NEW BUSINESS**
 - a) Consideration and action on a resolution to introduce and set a Public Hearing for October 13, 2020 on an ordinance to authorize a transfer from the Plan of Conservation and Development Reserve Account to the River Trail Capital Account
 - b) Consideration an action on a resolution authorizing the use of up to \$5,000 of the Economic Development Trust Funds for professional services in the development of an EPA grant application
 - c) Consideration and action on a resolution approving the transfer of fiscal year 2019-2020 unexpended funds from the Killingly Conservation Commission, Killingly Inland Wetlands and Watercourses Commission and Killingly Agriculture Commission appropriations to the Open Space Land Acquisition Fund
 - d) Consideration and Action on a Resolution to introduce and set a Public Hearing for October 13, 2020 on an ordinance to authorize a Purchase and Sale Agreement to sell Town property at 140 Main Street to PB Projects VII LLC.
16. **COUNCIL MEMBER REPORTS AND COMMENTS**
17. **EXECUTIVE SESSION**
18. **ADJOURNMENT**

KILLINGLY TOWN COUNCIL

1. Vice Chairman Kerttula called the meeting to order at 7:00 p.m.
 2. Prayer by Mr. Wood.
 3. Pledge of Allegiance to the flag.
 4. Upon roll call all Councilors were present except Mr. Anderson, who arrived at 7:55 p.m. Mr. LaPrade, who was absent, and Ms. Walsh, who resigned effective September 1, 2020. Also present were Town Manager Calorio, Finance Director Hawkins, and Council Secretary Buzalski.
 5. Adoption of minutes of previous meetings
 - 5a. Mr. Grandelski made a motion, seconded by Ms. George, to adopt the minutes of the Regular Town Council Meeting of August 11, 2020.
Discussion followed.
Voice Vote: Unanimous. Motion passed.
 6. Presentations, proclamations and declarations:
 - 6a. Diaper Need Awareness Week Proclamation
- Mr. Kerttula read the following:

Office of the Town Manager
Town of Killingly, CT
Diaper Need Awareness Proclamation

Whereas, Diaper Need, the condition of not having a sufficient supply of clean diapers to ensure that infants and toddlers are clean, healthy and dry, can adversely affect the health and welfare of infants, toddlers, and their families; and

Whereas, national surveys report that one in three mothers experience diaper need while their children are less than three years of age and forty-eight percent of family's delay changing a diaper to extend their supply; an infant or toddler require an average of at least 50 diaper changes per week over the three years; and

Whereas, there are no government assistance programs for the purchase or provision of diapers, and a monthly supply of diapers can cost as much as six percent of a full time minimum wage worker's salary, therefore obtaining a sufficient supply of diapers can cause economic hardship to families; a supply of diapers is generally an eligibility requirement for infant and toddlers to participate in childcare programs and quality early education programs; and

Whereas, the people of Killingly recognize that addressing Diaper Needs can lead to economic opportunity for the states low-income families and can lead to improved health for families and their communities; and

Whereas, Killingly is proud to be home to various community organizations that recognize the importance of diapers in helping provide economic stability for families and distribute diapers to families through various channels; now

Therefore, I, Jason Anderson, Chairman of the Killingly Town Council, do hereby proclaim the
week

of September 21st through September 27th, 2020 as

Diaper Need Awareness Week

And encourage the citizens of Killingly to donate generously to the IHSP-Diaper Bank of NECT
which distribute diapers to families in need to help alleviate diaper need in Killingly and
Northeastern Connecticut.

IN TESTIMONY WHEREOF, I have hereto set my hand
And caused to seal of the Town of Killingly to be
affixed on this day 8th of September 2020.

Jason Anderson, Chairman Killingly Town Council

6b. Development of 140 Main Street, Parker Benjamin

Brian Lyman and Dimitrios Karouta from Parker Benjamin presented to the Council their plan
for development of 140 Main St, Danielson.

7. Unfinished Business for Town Meeting Action: None

8. Citizens' Statements and Petitions: None

9. Council/Staff Comments: None

10. Appointments to Boards and Commissions:

Mr. Grandelski made a motion, seconded by Mr. Wood, to reappoint **Amelia Kellner** to the
Agriculture Commission as a Regular Member for a three-year term. The term would run
November 2019 thru October 2022.

Discussion followed.

Voice vote: Unanimous. Motion passed.

Mr. Grandelski made a motion, seconded by Mr. Lee, to appoint **Michael LeHoux** as a Regular
Member of the Board of Recreation. The Regular term would run from January 2020 thru
December 2024.

Discussion followed.

Voice vote: Unanimous. Motion passed.

Mr. Wood made a motion, seconded by Mr. Lee, to appoint **Patricia Daly-Beyl** as a Regular
Member of the Housing Authority. The Regular term would run from January 2020 thru
December 2024.

Discussion followed.

Voice vote: Unanimous. Motion passed.

11. Reports from Liaisons:

11a. Report from the Board of Education Liaison:

No report - summer break.

11b. Report from the Borough Liaison:

No report - summer break.

12. Discussion and Acceptance of Monthly Budget Reports:

12a. Summary Report on General Fund Appropriations for Town Government:

Mr. Lee made a motion, seconded by Mr. Wood, to accept the summary report on general fund
appropriations for Town Government.

Discussion followed.

Voice Vote: Unanimous. Motion passed.

12b. System Object Based on Adjusted Budget for the Board of Education:

No report – summer break

13. Correspondence/Communications/Reports:

13a. Town Manager Report

Town Manager Calorio discussed her report and responded to comments and questions from Council Members. Topics included an invitation to the ribbon cutting for Brunet & Company Real Estate on Friday, September 18 at 12 p.m., a Notice of Public Hearing from CT DEEP on a wastewater disposal permit for NTE on October 1, and the resignation of Chastity Walsh.

14. Unfinished Business for Town Council Action:

14a. Town Manager Evaluation

Council members discussed the Town Manager Evaluation

15. New Business:

Mr. Kerttula made a motion, seconded by Mr. Wood, to add agenda item 15e, Consideration and action on a resolution appointing Tammy Wakefield to the Town Council for the unexpired term of the currently vacant seat, said term to expire in December 2021.

Discussion followed. Mr. Grandelski voiced his opposition, saying that the public was not given sufficient time to comment.

Voice vote: Majority in favor, Mr. Grandelski opposed. Motion passed.

15a. Consideration and action on a resolution to introduce and set a Public Hearing for October 13, 2020 on an ordinance to authorize a transfer from the Plan of Conservation and Development Reserve Account to the River Trail Capital Account

Mr. Grandelski made a motion, seconded by Mr. Kerttula, to adopt the following:

**RESOLUTION TO SET A PUBLIC HEARING FOR OCTOBER 13, 2020 ON AN
ORDINANCE AUTHORIZING A TRANSFER OF UP TO \$45,000 TO THE RIVER
TRAIL CAPITAL ACCOUNT FROM THE PLAN OF CONSERVATION AND
DEVELOPMENT RESERVE FUND**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the following ordinance be rescheduled for a public hearing on Tuesday, October 13, 2020 at 7:00 p.m. The public hearing will be held virtually on WebEx. Call information will be posted on the Town's website at www.killinglyct.gov:

**AN ORDINANCE AUTHORIZING A TRANSFER OF UP TO \$45,000 TO THE
RIVER TRAIL CAPITAL ACCOUNT FROM THE PLAN OF CONSERVATION
AND DEVELOPMENT RESERVE FUND**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that a transfer of up to \$45,000 be transferred to the River Trail Capital Project Account.

BE IT FURTHER ORDAINED that the source of said transfer shall be up to \$45,000 from the Plan of Conservation and Development Reserve Fund and the Town Manager has further certified that said sum of \$45,000 is unencumbered within the account specified

KILLINGLY TOWN COUNCIL
Jason Anderson
Chairman

Dated at Killingly, Connecticut
This 8th day of September 2020

Discussion followed.
Voice vote: Unanimous. Motion passed.

15b. Consideration an action on a resolution authorizing the use of up to \$5,000 of the Economic Development Trust Funds for professional services in the development of an EPA grant application

Mr. Kerttula made a motion, seconded by Mr. Grandelski, to adopt the following:

**RESOLUTION AUTHORIZING THE USE OF UP TO \$5,000 OF THE ECONOMIC
DEVELOPMENT TRUST FUNDS FOR PROFESSIONAL SERVICES IN THE
DEVELOPMENT OF AN EPA GRANT APPLICATION**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Town Manager be herein authorized to use up to \$5,000 in funding from the Economic Development Trust Fund for professional services in the development of an EPA grant application

KILLINGLY TOWN COUNCIL
Jason Anderson
Chairman

Dated at Killingly, Connecticut
this 8th day of September 2020

Discussion followed.
Voice vote: Unanimous. Motion passed.

15c. Consideration and action on a resolution approving the transfer of fiscal year 2019-2020 unexpended funds from the Killingly Conservation Commission, Killingly Inland Wetlands and Watercourses Commission and Killingly Agriculture Commission appropriations to the Open Space Land Acquisition Fund

Mr. Grandelski made a motion, seconded by Ms. George, to adopt the following:

**RESOLUTION APPROVING THE TRANSFER OF FISCAL YEAR 2019-2020
UNEXPENDED FUNDS FROM THE KILLINGLY CONSERVATION COMMISSION,
KILLINGLY INLANDS WETLANDS AND WATERCOURSES COMMISSION AND
KILLINGLY AGRICULTURE COMMISSION APPROPRIATIONS TO THE OPEN
SPACE LAND ACQUISITION FUND**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the unexpended funds for fiscal year 2019-20 from the Killingly Conservation Commission (account #09-50264) in the amount of \$1,529.91, the Killingly Inlands Wetlands and Watercourses Commission (account #09-50258) in the amount of \$400.63 and the Killingly Agriculture Commission (account #09-50298) in the amount of \$567.10 be transferred to the Open Space Land Acquisition Fund (account #23310).

KILLINGLY TOWN COUNCIL

Jason Anderson

Chairman

Dated at Killingly, Connecticut
This 8th day of September 2020

Discussion followed.

Voice vote: Unanimous. Motion passed.

15d. Consideration and Action on a Resolution to introduce and set a Public Hearing for October 13, 2020 on an ordinance to authorize a Purchase and Sale Agreement to sell Town property at 140 Main Street to PB Projects VII LLC

Mr. Grandelski made a motion, seconded by Ms. George, to adopt a Resolution to introduce and set a Public Hearing for October 13, 2020 on an ordinance to authorize a Purchase and Sale Agreement to sell Town property at 140 Main Street to PB Projects VII LLC.

Discussion followed. Because this item was to be discussed in Executive session, Mr.

Grandelski rescinded his motion and Ms. George rescinded her second.

Mr. Kerttula made a motion, seconded by Mr. Wood, to move agenda item 15e forward.

Voice vote: Unanimous. Motion passed.

15e. Consideration and action on a resolution appointing Tammy Wakefield to the Town Council for the unexpired term of the currently vacant seat, said term to expire in December 2021

Mr. Kerttula made a motion, seconded by Ms. George, to adopt the following:

**RESOLUTION APPOINTING TAMMY WAKEFIELD TO THE TOWN COUNCIL FOR
THE UNEXPIRED TERM OF THE CURRENTLY VACANT SEAT, SAID TERM TO
EXPIRE IN DECEMBER 2021**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that Tammy Wakefield is hereby appointed to the Town Council in accordance with sections 206 and

502 of the Killingly Town Charter. Said appointment will expire with the appointment of the new Town Council in December 2021.

KILLINGLY TOWN COUNCIL
Jason Anderson
Chairman

Dated at Killingly, Connecticut,
this 8th day of September 2020

Voice vote: Unanimous. Motion passed.

16. Council Member Reports and Comments:

Mr. Grandelski reported on the WPCA and the Conservation Commission meetings.

Mr. Kerttula reported on the Permanent Building Commission meeting.

Mr. Anderson added his comments on the Permanent Building Commission meeting.

Mr. Lee reported on the Solid Waste Subcommittee meeting.

Ms. George reported on the P&Z meeting, the Board of Ed contract negotiation meeting, and the Ag Commission meeting.

17. Executive Session:

Mr. Kerttula made a motion, seconded by Mr. Wood, to move to Executive Session with Town Manager Calorio and Economic Development Director St. Clair to discuss the potential sale of property at 140 Main Street.

Voice vote: Unanimous. Motion passed.

Moved to Executive Session at 9:20 p.m. and returned at 9:57 p.m.

Mr. Grandelski made a motion, seconded by Ms. George, to adopt the following:

RESOLUTION TO INTRODUCE AND SET A PUBLIC HEARING FOR OCTOBER 13, 2020 ON AN ORDINANCE TO AUTHORIZE A PURCHASE AND SALE AGREEMENT TO SELL TOWN PROPERTY AT 140 MAIN STREET TO PB PROJECTS VII, LLC.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the following ordinance be introduced and set down for Public Hearing on Tuesday, October 13, 2020 at 7:00 p.m. The public hearing will be held virtually on WebEx. Call information will be posted on the Town's website at www.killinglyct.gov:

ORDINANCE TO AUTHORIZE A PURCHASE AND SALE AGREEMENT TO SELL TOWN PROPERTY AT 140 MAIN STREET TO PB PROJECTS VII, LLC.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Town Manager is hereby authorized to enter into the Purchase and Sale Agreement with PB Projects VII, LLC, to purchase real estate known as 140 Main Street, Killingly, CT.

BE IT FURTHER ORDAINED that said sale be herein adopted in reliance on the provisions of the Executive Order 7CC and Executive Order 7S, without submission to voters at Special Town Meeting, is necessary to permit the orderly operation of the Town of Killingly and that there is a need to act immediately and during the duration of the public health and civil preparedness emergency in order to avoid endangering public health and welfare, prevent significant financial loss, and that action is otherwise necessary for the protection of persons and property within the municipality, and

BE IT FURTHER ORDAINED that the purchase price shall be \$1,000 to be credited to the Economic Development Trust Fund.

KILLINGLY TOWN COUNCIL

Jason Anderson

Chairman

Dated at Killingly, Connecticut
this 8th day of September 2020

Voice vote: Unanimous. Motion passed.

18. Adjournment:

Mr. Grandelski made a motion, seconded by Mr. Lee to adjourn the meeting.

Voice Vote: Unanimous. Motion passed.

The meeting ended at 10:01 p.m.

Respectfully submitted,

Elizabeth Buzalski
Council Secretary

Item #6 (a)

**PROCLAMATION RECOGNIZING OCTOBER 2020 AS
BREAST CANCER AWARENESS MONTH**

WHEREAS, breast cancer is the second most diagnosed form of cancer for women in the United States and is expected to be detected in 1 out of 8 women in America every year; and

WHEREAS, early detection is vital to ensure the most effective diagnosis and treatment possible and can save lives; and

WHEREAS, it is vital to meet with your physician and discuss your individual risk, family history, other common risk factors, preventive care and regular screenings; and

WHEREAS, researchers, scientists, numerous nonprofit organizations, and breast cancer survivors are dedicated to discovering the cure for breast cancer and providing education about breast cancer. Today there is a 90% five-year survival rate; and

WHEREAS, all breast cancer survivors should be recognized for their determination and courage and acknowledge that these survivors give us hope for a better future for those affected by this disease;

NOW, THEREFORE, BE IT PROCLAIMED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the month of October hereby be recognized as Breast Cancer Awareness Month; and

BE IT FURTHER PROCLAIMED that all citizens learn the facts about breast cancer and along with practicing a healthy lifestyle, obtain regular breast cancer screenings.

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Dated at Killingly, Connecticut
this 13th day of October 2020

Item #6 (b)

**PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER 2020 AS
Fire Prevention Month
IN THE TOWN OF KILLINGLY**

WHEREAS, Fire Prevention Week is observed each year during the week of October 9th in tribute to the Great Chicago Fire, which began October 8th, 1871 causing devastating damage, homelessness, and left a city in mourning; and

WHEREAS, upon the 40th anniversary of the Great Chicago Fire, the Fire Marshals Association of North America determined that the anniversary be observed in ways to keep the public informed about the importance of fire prevention, specifically designating the week of October 9th as that is when most of the devastation had occurred. In 1920, President Woodrow Wilson signed the proclamation for the first Fire Prevention Day and in 1925, President Calvin Coolidge proclaimed Fire Prevention Week to be a national observance; and

WHEREAS, fire is a serious public safety concern locally and nationally, as homes are greater at risk from fire; and

WHEREAS, unattended cooking is the #1 cause of fires in the home. The 2020 Fire Prevention Week theme, "Serve Up Fire Safety in the Kitchen " reminds us how simple and safe actions can keep ourselves and those around us safe in the kitchen; and

WHEREAS, residents who have taken precautions such as installing new Smoke/CO alarms, routinely checking batteries in existing alarms, planning and practicing escape plans, having a fire extinguisher on hand are all proactive safety measures that can increase fire safety; and

WHEREAS, Killingly's Fire Departments and First Responder's are dedicated to reducing the occurrence of home fires and injuries through prevention education; and

NOW, THEREFORE, the Killingly Town Council does hereby proclaim the month of October 2020, as Fire Prevention Month. We urge our residents to cook mindfully and utilize everyday fire prevention for your safety and your surrounding communities.

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Dated at Killingly, Connecticut,
this 13th day of October 2020

PROCLAMATION RECOGNIZING APPRECIATION FOR ALL FIRST RESPONDERS

WHEREAS, courageous and dedicated men and women work to protect and aid the public during emergencies as both professional and volunteer first responders; and

WHEREAS, first responders include 911 dispatchers, law enforcement officers, professional and volunteer firefighters, professional and volunteer emergency medical services personnel and search and rescue teams and members of other organizations in the public safety sector; and

WHEREAS, every day, first responders risk their own safety in the performance of their duties to protect our citizens; and

WHEREAS, first responders are ready to aid the people 24 hours a day, seven days a week, regardless of inclement weather or other hazards; and

WHEREAS, first responders undergo extensive education and training, making significant personal sacrifices in order to achieve the expertise required to respond to emergency situations and contribute their excellent skills for the public good; and

WHEREAS, first responders have dedicated their lives to helping our community and families in times of crisis; and

WHEREAS, emergency medical services responded to approximately 4,300 calls; fire departments responded to 2,466 calls and police responded to 10,978 calls during fiscal year 2020; and

WHEREAS, first responders are faced with even more difficulty in providing services during the current pandemic and continue to persevere to provide outstanding services to our community,

NOW, THEREFORE, the Killingly Town Council, does hereby proclaim appreciation to all our first responders in the Town of Killingly for their selfless dedication to the people of our community.

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Dated at Killingly, Connecticut,
this 13th day of October 2020



TOWN OF KILLINGLY

FINANCE DEPARTMENT

172 Main Street, Killingly, CT 06239

Tel: 860-779-5339 Fax: 860-779-5363

Finance Department Budget Review

September 30, 2020

To: Mary Calorio, Town Manager

September 2020 Revenues

For the first month of the Town's fiscal year 2020-2021 collections appear to be within expectations at 40.20% of the overall budget for general town revenue. In the prior year, September 2019 revenue collections represented 37.02%. Property tax revenues, building permits and planning and zoning permits have all had favorable increases in collections as compared to this same time period in the prior year representing approximately a 5% and 20% increase respectively.

September 2020 Expenditures

Budget to actual results for total Town operations and debt service expenditures are currently at 16.01% for the month of September 2020 and compared to 13.28% in the prior year (September 2019). This increase over the prior year is primarily related to payroll as year to date September 30 reflects an extra payroll over the prior year which will even out over the course of the year. In addition, the new accounting software has the functionality to match employer sponsored employee benefit costs each pay period, whereas in the past these entries were made manually periodically throughout the year. During the first quarter of the new fiscal year, many subscriptions and services with annual renewal become due and payable and several other services are subject to a payment schedule which results in the payment of the first of four quarterly installments. Those expenditure line items with significant month to date utilization, but remain within budgeted expectations, are as follows:

Current Month Discussion:

1. Parks and Grounds – Contractual Services

Year to date costs reflect costs associated with River Trail to repair certain sections of fencing. At the current time overall costs for this line item are anticipated to remain within budgeted expectations.

2. Public Library - Contractual Services

Costs related to data processing are renewed annually and are within budget expectations.

September 2020 Expenditures (Continued)

Prior Month Discussion:

1. **Town Council - Contractual Services**

Year to date costs represent annual dues for the Town's memberships and affiliations which become due and payable in July for the entire fiscal year. The year to date budget to actual is consistent with expectations and the prior year.

2. **Information Technology – Contractual Services**

Current expenditures for information technology included quarterly installments for many of the Town's IT products. Current costs to date remain with budgeted expectations.

3. **Registration/Elections - Contractual Services**

Year to date expenditures represent the costs associated with the annual maintenance contract for the Town's voter/elections systems is renewable each fiscal year in July. Additional expenditures were incurred in connection with the August Primary elections, which were postponed into this fiscal year due to COVID-19.

4. **Highway Maintenance- Materials and supplies**

Current expenditures reflect commitments for line striping, tree removal and paving projects on various Town roadways to be conducted during the summer/fall season. These are planned initiatives reflective of what has been approved in the current year budget.

5. **Animal Control – Contractual Services**

Animal control services are paid in quarterly installments. Costs are consistent with the prior year and are within current budget expectations.

6. **Human Service Subsidies**

A majority of the Town's human service subsidy contracts are paid in quarterly installments. Costs are consistent with the prior year and are within current budget expectations.

7. **Employee Benefits**

The Town's portion of the contributions made to certain employee's health savings accounts as required by contract are made in July and January each year. Current costs do date remain consistent within budgeted expectations.

8. **Insurance**

Insurance contracts are paid in quarterly installments. Costs are consistent with the prior year and are within current budget expectations.

TOWN OF KILLINGLY
Estimated Revenue Detail
Monthly Report Through September 2020

REVENUE ITEM	Fiscal Year		
	2020-2021		
	Budget	September	Percent
TAXES			
Current Property Taxes	35,545,708	15,851,688	44.60%
Back Taxes	600,000	221,059	36.84%
Penalty Fees	8,000	2,483	31.03%
Tax Interest	290,000	70,693	24.38%
Supplemental Motor Vehicle	375,000	-	0.00%
Remediation Financing	(150,595)	-	0.00%
TOTAL	\$36,668,113	16,145,923	44.03%
LICENSES & PERMITS			
Building Permits	200,000	96,092	48.05%
P&Z Permits	12,000	2,821	23.50%
Other Permits	7,000	3,115	44.50%
Airplane Tax	2,050	-	0.00%
TOTAL	\$221,050	\$102,028	46.16%
FINES & FEES			
Library Fines & Fees	14,500	1,131	7.80%
Alarm Reg Fees and Fines	4,000	1,475	36.88%
Animal Control Fines & Fees	500	1,310	262.00%
TOTAL	\$19,000	\$3,916	20.61%
USE OF MONEY & PROPERTY			
Interest Income	150,000	16,757	11.17%
Louisa E. Day Trust	60	-	0.00%
Thomas J. Evans Trust	30	-	0.00%
Communication Tower Lease	101,000	30,614	30.31%
TOTAL	\$251,090	\$47,371	18.87%
STATE GRANTS IN LIEU OF TAXES			
State-Owned Property	149,332	-	0.00%
Disability Exemption	4,000	-	0.00%
Distressed Municipalities-Manufacturing Exemption	9,500	-	100.00%
Municipal Stabilization Grant (New)	268,063	-	0.00%
	\$430,895	\$0	0.00%
OTHER STATE GRANTS			
Pequot/Mohegan Fund Grant	102,239	-	0.00%
Municipal Grants - In - Aid	976,064	-	0.00%
Adult Education	94,181	67,087	71.23%
TOTAL	\$1,172,484	\$67,087	5.72%

TOWN OF KILLINGLY
Estimated Revenue Detail
Monthly Report Through September 2020

REVENUE ITEM	Fiscal Year		
	2020-2021		
	Budget	September	Percent
CHARGES OF SERVICE			
Community Development	70,000	-	0.00%
Town Clerk	160,000	52,018	32.51%
Conveyance Tax	200,000	57,180	28.59%
Elderly Housing - Sewer PILOT	27,626	-	0.00%
Recreation	130,000	4,966	3.82%
District Collections	12,775	-	0.00%
TOTAL	600,401	114,164	19.01%
OTHER REVENUES			
Miscellaneous	85,000	36,639	43.11%
Sewer Assessment Fund	15,000	-	0.00%
Sewer Operating Fund	1,222,082	-	0.00%
PILOT - Telecommunications	50,000	-	0.00%
Law Enforcement - SRO Reimbursement	97,458	-	0.00%
School Capital Contribution	250,668	-	0.00%
TOTAL	1,720,208	36,639	2.13%
GENERAL TOWN REVENUE	\$41,083,241	\$16,517,128	40.20%
SCHOOL			
Educational Cost Sharing	15,245,633	-	0.00%
Vocational Agriculture	669,443	163,965	24.49%
Non-Public School - Health	22,871	-	100.00%
Tuition:			
Regular	1,516,536	-	0.00%
Special Ed-Voluntary	250,000	-	0.00%
Vocational-Agriculture	757,353	-	0.00%
TOTAL	\$18,461,836	163,965	0.89%
Fund Balance	600,000	-	0.00%
TOTAL REVENUES	60,145,077	16,681,093	27.73%

TOWN OF KILLINGLY
Estimated Expenditure Summary
Monthly Report Through September 2020

Expenditure	Fiscal Year 2020-2021			
	Budget	Transfers	September	Percent
GENERAL GOVERNMENT				
Town Council				
Contractual Services	34,300	-	6,342	18.49%
Materials and Supplies	1,000	-	141	14.06%
Total	\$35,300	\$0	\$6,483	18.36%
Town Manager				
Personnel Services	233,760	-	48,232	20.63%
Contractual Services	25,350	-	6,578	25.95%
Materials and Supplies	3,500	-	303	8.65%
Total	\$262,610	\$0	\$55,113	20.99%
Legal Services				
Contractual Services	99,200	-	2,179	2.20%
Total	\$99,200	\$0	\$2,179	2.20%
Town Clerk				
Personnel Services	159,485	-	38,845	24.36%
Contractual Services	30,600	-	4,492	14.68%
Materials and Supplies	1,800	-	652	36.24%
Total	\$191,885	\$0	\$43,989	22.92%
Finance				
Personnel Services	237,960	-	58,184	24.45%
Contractual Services	53,450	-	908	1.70%
Materials and Supplies	1,700	-	115	6.78%
Total	\$293,110	\$0	\$59,207	20.20%
Assessor				
Personnel Services	174,980	-	22,947	13.11%
Contractual Services	6,560	-	864	13.17%
Materials and Supplies	1,500	-	16	1.04%
Total	\$183,040	\$0	\$23,826	13.02%
Revenue Collection				
Personnel Services	189,790	-	46,753	24.63%
Contractual Services	36,270	-	2,178	6.00%
Materials and Supplies	2,300	-	355	15.45%
Total	\$228,360	\$0	\$49,286	21.58%
Registration/Elections				
Personnel Services	56,426	-	8,943	15.85%
Contractual Services	17,400	-	6,887	39.58%
Materials and Supplies	500	-	52	10.40%
Total	\$74,326	\$0	\$15,882	21.37%

TOWN OF KILLINGLY
Estimated Expenditure Summary
Monthly Report Through September 2020

Expenditure	Fiscal Year 2020-2021			
	Budget	Transfers	September	Percent
Town Comm. & Service Agencies				
Contractual Services	80,793	-	37,203	46.05%
Total	\$80,793	\$0	\$37,203	46.05%
Planning and Development				
Personnel Services	248,670	-	59,674	24.00%
Contractual Services	7,670	-	467	6.09%
Materials and Supplies	1,200	-	24	1.96%
Total	\$257,540	\$0	\$60,165	23.36%
Information Technology				
Contractual Services	213,000	-	60,301	28.31%
Total	\$213,000	\$0	\$60,301	28.31%
Town Hall Building				
Personnel Services	16,380	-	4,067	24.83%
Contractual Services	63,880	-	12,490	19.55%
Materials and Supplies	2,900	-	811	27.96%
Capital Outlay	14,206	-	-	0.00%
Total	\$97,366	\$0	\$17,367	17.84%
Economic Development				
Personnel Services	126,900	-	30,366	23.93%
Contractual Services	8,000	-	133	1.66%
Materials and Supplies	500	-	141	28.16%
Total	\$135,400	\$0	\$30,639	22.63%
Highway Division Supervision				
Personnel Services	198,950	-	46,360	23.30%
Contractual Services	9,070	-	1,281	14.12%
Materials and Supplies	750	-	98	13.10%
Capital Outlay	7,666	-	-	0.00%
Total	\$216,436	\$0	\$47,738	22.06%
Engineering				
Personnel Services	346,925	-	76,392	22.02%
Contractual Services	14,350	-	547	3.81%
Materials and Supplies	8,600	-	2,188	25.44%
Capital Outlay	11,074	-	-	0.00%
Total	\$380,949	\$0	\$79,127	20.77%
Central Garage				
Personnel Services	234,450	-	56,602	24.14%
Contractual Services	129,800	-	10,709	8.25%
Materials and Supplies	288,700	-	32,407	11.23%
Capital Outlay	6,067	-	-	0.00%
Total	\$659,017	\$0	\$99,717	15.13%
Highway Maintenance				
Personnel Services	853,895	-	175,091	20.50%
Contractual Services	58,000	-	4,691	8.09%
Materials and Supplies	325,833	-	206,477	63.37%
Capital Outlay	374,451	-	-	0.00%
Total	\$1,612,179	\$0	\$386,259	23.96%

TOWN OF KILLINGLY
Estimated Expenditure Summary
Monthly Report Through September 2020

Expenditure	Fiscal Year 2020-2021			
	Budget	Transfers	September	Percent
Highway Winter Maintenance				
Personnel Services	115,000	-	-	0.00%
Contractual Services	9,000	-	-	0.00%
Materials and Supplies	247,400	-	-	0.00%
Total	\$371,400	\$0	\$0	0.00%
Recreation Admin. & Program				
Personnel Services	388,992	-	92,290	23.73%
Contractual Services	56,950	-	3,875	6.80%
Materials and Supplies	19,000	-	507	2.67%
Capital Outlay	3,053	-	-	0.00%
Total	\$467,995	\$0	\$96,672	20.66%
Parks and Grounds				
Personnel Services	158,330	-	38,663	24.42%
Contractual Services	54,225	-	15,583	28.74%
Materials and Supplies	45,200	-	6,994	15.47%
Capital Outlay	18,613	-	-	0.00%
Total	\$276,368	\$0	\$61,241	22.16%
Public Library				
Personnel Services	409,557	-	96,713	23.61%
Contractual Services	135,860	-	53,980	39.73%
Materials and Supplies	14,500	-	1,817	12.53%
Capital Outlay	3,901	-	-	0.00%
Total	\$563,818	\$0	\$152,509	27.05%
Civic & Cultural Activities				
Contractual Services	3,500	-	-	0.00%
Total	\$3,500	\$0	\$0	0.00%
Community Center				
Personnel Services	17,500	-	3,970	22.69%
Contractual Services	129,800	-	10,191	7.85%
Materials and Supplies	8,500	-	1,330	15.65%
Total	\$155,800	\$0	\$15,492	9.94%
Other Town Buildings				
Contractual Services	13,535	-	1,782	13.17%
Materials and Supplies	1,000	-	-	0.00%
Total	\$14,535	\$0	\$1,782	12.26%
Building Safety & Inspections				
Personnel Services	295,175	-	71,430	24.20%
Contractual Services	7,050	-	791	11.22%
Materials and Supplies	1,950	-	217	11.15%
Capital Outlay	26,371	-	-	0.00%
Total	\$330,546	\$0	72,439	21.91%
Animal Control				
Contractual Services	54,454	-	13,614	25.00%
Materials and Supplies	60	-	-	0.00%
Total	\$54,514	\$0	13,614	24.97%

TOWN OF KILLINGLY
Estimated Expenditure Summary
Monthly Report Through September 2020

Expenditure	Fiscal Year 2020-2021			
	Budget	Transfers	September	Percent
Law Enforcement				
Personnel Services	524,875	-	76,011	14.48%
Contractual Services	507,968	-	6,375	1.25%
Materials and Supplies	27,900	-	2,863	10.26%
Capital Outlay	44,744	-	-	0.00%
Total	\$1,105,487	\$0	\$85,248	7.71%
Community Development				
Personnel Services	140,430	-	34,317	24.44%
Contractual Services	11,550	-	249	2.16%
Materials and Supplies	650	-	7	1.14%
Total	\$152,630	\$0	\$34,573	22.65%
Human Service Subsidies				
Contractual Services	553,369	-	173,449	31.34%
Total	\$553,369	\$0	\$173,449	31.34%
Employee Benefits				
Contractual Services	1,571,630	-	415,182	26.42%
Total	\$1,571,630	\$0	\$415,182	26.42%
Insurance				
Contractual Services	675,000	-	322,582	47.79%
Total	\$675,000	\$0	\$322,582	47.79%
Special Reserves & Programs				
Contractual Services	377,000	-	1,994	0.53%
Total	\$377,000	\$0	\$1,994	0.53%
General Town Operating Expenditures	\$11,694,103	\$0	\$2,521,259	21.56%
Debt Service	3,739,682	-	39,513	1.06%
Total	\$3,739,682	\$0	\$39,513	1.06%
Solid Waste Disposal Fund Subsidy	234,801	-	-	0.00%
	234,801	\$0	\$0	0.00%
Due To CNR Education	329,217	-	-	0.00%
	329,217	\$0	\$0	0.00%
TOTAL OPERATIONS & DEBT SERVICE	\$15,997,803	\$0	\$2,560,771	16.01%
General Fund - Education	44,147,274	-	4,408,742	9.99%
	44,147,274	\$0	\$4,408,742	9.99%
Total Expenditures	\$60,145,077	\$0	\$6,969,513	11.59%

Town of Killingly
Town Manager's Report
October 13, 2020

1. Update – COVID-19

Governor Lamont's Update from October 6th at 4pm. For comparison, I've also included the data from last month's report of September 1st at 4pm. A county-by-county breakdown includes:

Oct. 6 th at 4pm County	COVID-19 Cases		COVID-19 Deaths		COVID-19 Hospitalizations
	Confirmed	Probable	Confirmed	Probable	
Fairfield County	19,768	819	1,112	313	26
Hartford County	14,583	689	1,118	322	38
Litchfield County	1,823	88	120	21	2
Middlesex County	1,560	71	154	39	4
New Haven County	14,184	538	958	157	30
New London County	2,331	82	94	30	27
Tolland County	1,370	107	52	15	0
Windham County	1,059	13	15	1	2
<i>Pending address validation</i>	<i>151</i>	<i>5</i>	<i>0</i>	<i>0</i>	<i>0</i>
Total	56,829	2,412	3,623	898	129

Sept. 1 st at 4pm County	COVID-19 Cases		COVID-19 Deaths		COVID-19 Hospitalizations
	Confirmed	Probable	Confirmed	Probable	
Fairfield County	18,204	735	1,101	314	13
Hartford County	12,870	659	1,104	321	15
Litchfield County	1,640	73	118	20	1
Middlesex County	1,402	64	154	38	5
New Haven County	13,266	445	959	150	17
New London County	1,519	68	80	27	4
Tolland County	1,080	67	51	14	0
Windham County	797	10	14	1	1
<i>Pending address validation</i>	<i>105</i>	<i>2</i>	<i>0</i>	<i>0</i>	<i>0</i>
Total	50,883	2,123	3,581	885	56

Below are the case counts reported for Killingly:

	COVID-19 Confirmed Cases	COVID-19 Deaths
Cases in Killingly		
October 5, 2020	64	0
September 29, 2020	62	0
September 18, 2020	60	0
August 31, 2020	49	0
August 20, 2020	46	0

June 1, 2020	29	0
May 17, 2020	24	0
April 7, 2020	6	0

The State has started mass distribution of perishable food to food pantries across the state. Killingly will be the regional hub for the distribution much like we were for the PPE distribution. Food pantries and churches are encouraged to contact Red Cross to participate in the program. The distribution will take place each Wednesday at the Highway Garage. Those organizations that are receiving an order will be contacted on Tuesday, so they are ready to pick up on Wednesday. Unifi has donated the use of a refrigeration trailer for the duration of this distribution. The State plans to continue the distribution throughout the month of October.

2. Drought Update

A Stage 2 drought was declared for many counties in Connecticut, including Windham county, on August 26th. Conditions have continued to decline in our area. The U.S. Drought Portal is currently reflecting Killingly in Stage 3 drought conditions. Connecticut officially upgraded the drought status of Windham County to Stage 3 on October 6th. Some of our surrounding towns have residents and businesses with dry wells. We are closely monitoring our area as the drought continues. As of October 5th, we've had no reports of dry wells. Marina Capraro, Natural Resource Officer/Assistant Planner, is our Drought Coordinator. She is attending all meetings, monitoring the reported conditions and coordinating with other departments as needed. I've attached the most recent map of conditions.

To ensure drinking water supplies remain adequate if the drought persists, the Connecticut Interagency Drought Workgroup is recommending residents and businesses in Stage 3 counties voluntarily take the following measures:

- End outdoor irrigation and limit other outdoor uses of water
- Residents and businesses dependent upon private wells should limit water use to only essential needs to reduce the chance of well depletion.
- Prepare for using alternative water sources in the event wells, farm ponds, fire suppression supplies, or other critical water sources become depleted; and
- Avoid burning in or near woodlands or brushlands, and obey any municipal or state orders for outdoor burning bans

There are five stages of drought defined in the Connecticut Drought Response and Preparedness Plan. If rainfall continues to be in short supply, the Interagency Drought Workgroup may recommend elevating the affected counties to Stage 4, necessitating more stringent conservation and mitigation measures.

3. New Decal for Highway Vehicles

I'm excited to announce a new look coming to our Highway vehicles. The Highway crews have been working on developing a new decal for the vehicles. The current decals have faded significantly and are difficult to read from a distance. They were looking to have a decal that would be recognizable from afar and have some reflective component for safety. I've attached a sample of the decal that will be used going forward. New vehicles will be outfitted with this decal. The Highway staff can re-decal existing vehicles over time with minimal cost.

4. Personnel Update

I'd like to welcome Officer Sean McManaway to our law enforcement team. Officer McManaway comes to Killingly from a long and dedicated career in law enforcement as a major crime detective with the State of Connecticut. We are excited to welcome him to our constable team.

5. Channel 22 Update

The Town's Channel 22 connection is based out of the High School. Towns are allowed to have one connection point for no charge. We are working with the school staff to evaluate Atlantic Broadband's proposal to change the primary connection of Channel 22 from the school to the Town Hall. This would also include changing some of the equipment. Ultimately, we want to be certain the modification will result in quality improvements of the broadcasts on Channel 22.

6. Meetings Attended

Sustainable CT Board of Directors Meeting

CCM Labor Policy Committee Meeting

CCM Legislative Committee Meeting

CCM Municipal Law Policy Committee Meeting

Region 4 Law Enforcement Working Group Regular Meeting

Public Safety Committee Meeting



Drought.gov
U.S. Drought Portal

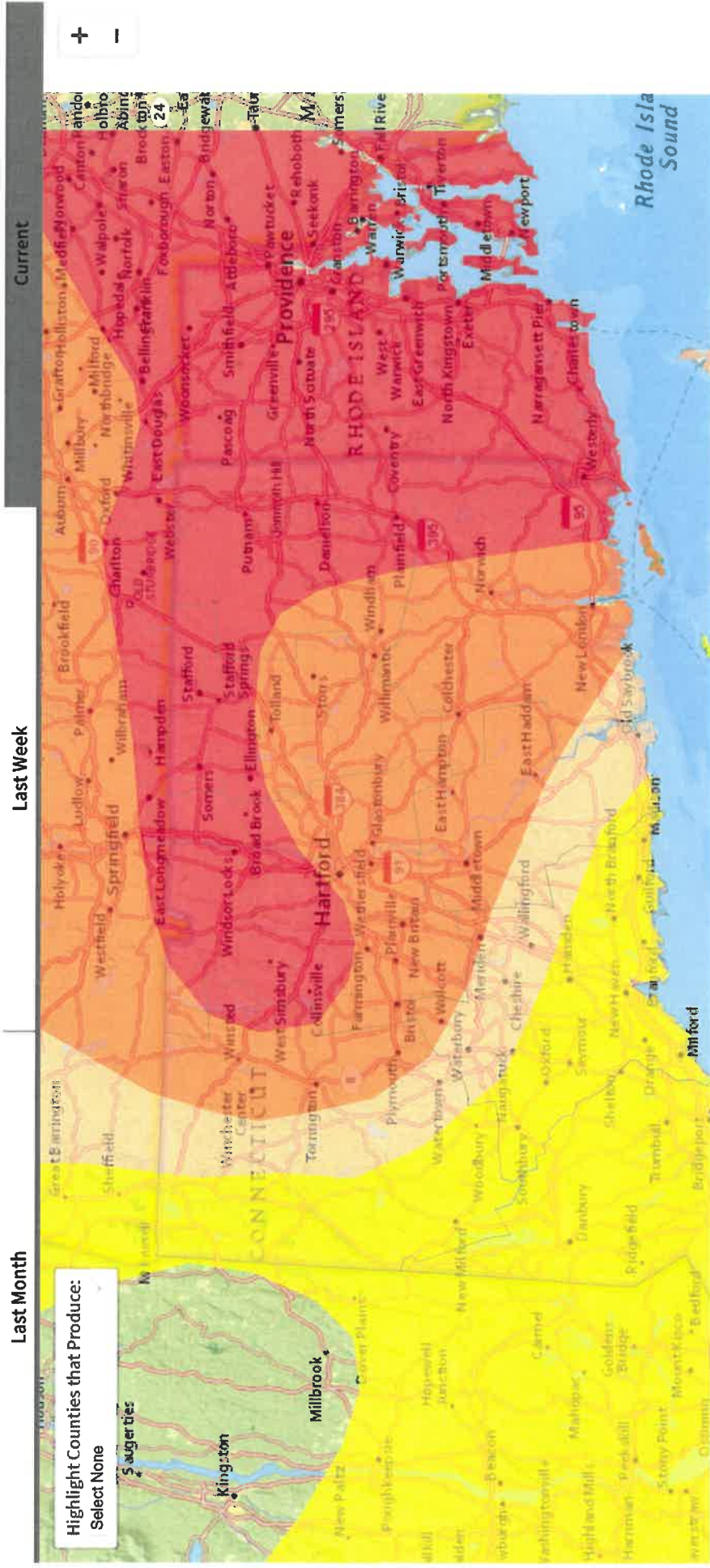
Drought in Connecticut

Residents in drought:
2,000,000

This is:
56%

1,575,000 more in abnormally dry areas. 44% more in abnormally dry areas.

Report Your Drought Impact:



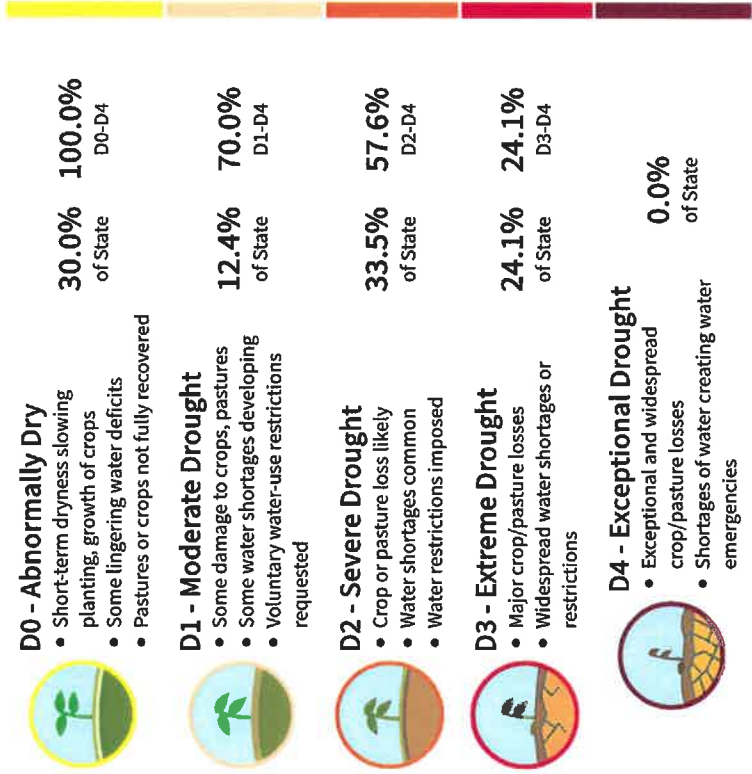
Enter a city or zip code to add location to map

Add to Map

Clear All

The U.S. Drought Monitor (USDM) is a map that shows the location and intensity of drought across the country. The data is updated each Tuesday and released on Thursday. This map shows the drought conditions on September 29, 2020.

Learn more about the US Drought Monitor



See supplemental map information



AGENDA ITEM COVER SHEET

ITEM: Consideration and action on an ordinance to authorize a Transfer of up to \$45,000 from the Plan of Conservation and Development Reserve Account to the River Trail Capital Account

ITEM SUBMITTED BY: Mary T. Calorio, Town Manager

FOR COUNCIL MEETING OF: September 8, 2020

TOWN MANAGER APPROVAL:



ITEM SUMMARY: This item is for the proposed transfer of \$45,000 from the Plan of Conservation and Development Reserve to the River Trail Capital Account for the Town's local match of State Grant funds. The Town applied for a Trails and Greenways grant with CT DEEP. The grant was awarded earlier this year. The proposed transfer would provide the local match requirement to the State grant for the extension of the Killingly River Trail south toward Plainfield. This grant is to design, permit and survey the river trail area heading south to terminate almost at the Plainfield town line, known as Phase V and Phase VI River Trail extension. The Town has been awarded construction funds for a portion of this extension, known as Phase V. The design of Phase VI includes the Quandoc River crossing. The Fiscal Subcommittee reviewed this proposal at their meeting on August 25, 2020 and recommended the proposal for approval to the Town Council.

FINANCIAL SUMMARY The total amount of the transfer is \$45,000. The Plan of Conservation and Development Reserve account has an unencumbered balance of \$70,248.46. This capital project is a goal outlined in the current POCD and aligns with the plan. The current POCD was renewed in March 2020. The POCD is required to be updated every 10 years which would be in 2030. The Town staff performed the update inhouse providing the savings in the Reserve account.

STAFF RECOMMENDATION: Approval of Resolution

TOWN ATTORNEY REVIEW: N/A

COUNCIL ACTION DESIRED: Action on the Resolution

SUPPORTING MATERIALS:

- Resolution
- Appendix A – Trails and Greenways Grant

Ordinance #20-

**AN ORDINANCE AUTHORIZING A TRANSFER OF UP TO \$45,000 TO THE
RIVER TRAIL CAPITAL ACCOUNT FROM THE PLAN OF
CONSERVATION AND DEVELOPMENT RESERVE FUND**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY
that a transfer of up to \$45,000 be transferred to the River Trail Capital Project Account.

BE IT FURTHER ORDAINED that the source of said transfer shall be up to \$45,000
from the Plan of Conservation and Development Reserve Fund and the Town Manager has
further certified that said sum of \$45,000 is unencumbered within the account specified

KILLINGLY TOWN COUNCIL

Jason Anderson

Dated at Killingly, Connecticut
This 13th day of October 2020

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that
the above is a true and correct copy of the resolution adopted by the Killingly Town
Council at its duly called and held meeting on October 13, 2020, at which a quorum was
present and acting throughout, and that the resolution has not been modified, rescinded,
or revoked and is at present in full force and effect. I further certify that Mary T. Calorio
now holds the office of Town Manager and that she has held that office since March 11,
2019.

Elizabeth Wilson, Town Clerk

Date

(Seal)

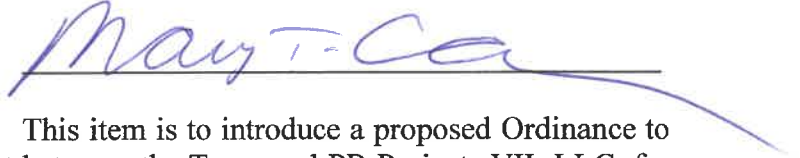
AGENDA ITEM COVER SHEET

ITEM: Consideration and action on an ordinance to authorize a Purchase and Sale Agreement to sell Town property at 140 Main Street to PB Projects VII LLC.

ITEM PREPARED BY: Mary T. Calorio, Town Manager

FOR COUNCIL MEETING OF: October 13, 2020

TOWN MANAGER APPROVAL:



ITEM SUMMARY: This item is to introduce a proposed Ordinance to authorize a Purchase and Sale Agreement between the Town and PB Projects VII, LLC. for property at 140 Main Street. The Agreement would provide for the transfer of the property at a purchase price of \$1,000 based on the development proposal received on July 22, 2020. The developer has proposed to invest between \$1,043,000 to \$1,443,000 in the redevelopment of this building into Lifestyle Business Offices, retail space and restaurant space. The project anticipates the creation of 51 jobs. The redevelopment proposal estimates the Work Slots available for lease in Spring 2022 with the commercial space available for lease in Spring/Summer 2024.

The Town purchased the property in 2016 with the vision to spur revitalization and development in our Central Business District. Town's overall investment in the property includes the original purchase price of \$85,000, façade grant funds of \$250,000 and environmental assessments. However, this property currently remains tax exempt. The long-term goal for this endeavor has and continues to be, to see the property redeveloped into a vibrant economic resource for our community and business district. In 2018 and 2019 the Town conducted three RFQ in an effort to identify a potential developer. There were four respondents to the most recent RFQ performed in March 2019.

The Economic Development Commission interviewed PB Projects VII, LLC at their meeting on August 13, 2020. The Commission unanimously recommended the sale of 140 Main Street to PB Projects VII, LLC to the Town Council.

FINANCIAL SUMMARY: The sale of 140 Main Street would provide revenue to the Economic Development Trust Fund of \$1,000. This parcel would then be taxable property.

STAFF RECOMMENDATION: Approval of the Resolution

TOWN ATTORNEY REVIEW: Yes

COUNCIL ACTION DESIRED: Action on the Resolution

SUPPORTING MATERIALS:

- Resolution

Ordinance #20-

**AN ORDINANCE TO AUTHORIZE A PURCHASE AND SALE AGREEMENT TO
SELL TOWN PROPERTY AT 140 MAIN STREET TO PB PROJECTS VII, LLC.**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Town Manager is hereby authorized to enter into the Purchase and Sale Agreement with PB Projects VII, LLC, to purchase real estate known as 140 Main Street, Killingly, CT.

BE IT FURTHER ORDAINED that said sale be herein adopted in reliance on the provisions of the Executive Order 7CC and Executive Order 7S, without submission to voters at Special Town Meeting, is necessary to permit the orderly operation of the Town of Killingly and that there is a need to act immediately and during the duration of the public health and civil preparedness emergency in order to avoid endangering public health and welfare, prevent significant financial loss, and that action is otherwise necessary for the protection of persons and property within the municipality, and

BE IT FURTHER ORDAINED that the purchase price shall be \$1,000 to be credited to the Economic Development Trust Fund.

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Dated at Killingly, Connecticut
this 13th day of October 2020

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that the above is a true and correct copy of a resolution adopted by the Killingly Town Council at its duly called and held meeting on October 13, 2020, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect. I further certify that Mary T. Calorio now holds the office of Town Manager and that she has held that office since March 11, 2019.

Elizabeth Wilson, Town Clerk
(SEAL)

Date

Resolution #20-54

RESOLUTION AUTHORIZING FISCAL YEAR 2019-2020 BUDGETARY YEAR END TRANSFERS

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Town Manager has requested the sum of Thirty-Three Thousand Three Hundred and Sixty-four Dollars (\$33,364) be transferred within the fiscal year 2019-2020 Town Operating Budget as follows:

From:

Town Clerk	Contractual Services	\$ 765
Finance	Contractual Services	\$ 1,459
Revenue Collector	Contractual Services	\$ 453
Town Hall	Contractual Services	\$ 3,498
Library	Contractual Services	\$ 1,274
Contingency		\$ 25,915
		<u>\$ 33,364</u>

To:

Legal Services	Contractual Services	\$ 25,915
Town Clerk	Personnel Services	\$ 765
Finance	Personnel Services	\$ 1,459
Revenue Collector	Personnel Services	\$ 453
Town Hall	Personnel Services	\$ 1,365
Town Hall	Materials & Supplies	\$ 2,133
Library	Materials & Supplies	\$ 1,274
		<u>\$ 33,364</u>

WHEREAS, the Town Manager has further certified the total sum of \$33,364 is unencumbered within the accounts specified; and

WHEREAS, such transfers are for necessary expenditures in the accounts specified;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the sum of \$33,364 is hereby transferred as described above.

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Dated at Killingly, Connecticut,
this 13th day of October 2020

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that the above is a true and correct copy of a resolution adopted by the Killingly Town Council at its duly called and held meeting on October 13, 2020, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect. I further certify that Mary T. Calorio now holds the office of Town Manager and that she has held that office since March 11, 2019.

Elizabeth Wilson, Town Clerk
(Seal)

Date

AGENDA ITEM COVER SHEET

The Town maintains a Reserve for Information Technology which is funded each year through the budget process. The purpose of this reserve is to fund ongoing information technology projects related to software upgrades and improvements As well as the Town-wide computer replacement and upgrades to the information technology infrastructure. The current COVID-19 environment has prompted the Town to purchase additional equipment in order to maintain operational during this time in compliance with State of CT executive orders. While the initial outlay of this equipment will be reimbursed by Federal and State grants, these funds are being requested for the future maintenance and replacement of such equipment. The Reserve for Information Technology has a balance of \$49,675. The Information Technology Department has an estimated \$8,307 of unexpended funds for FY 2019-20.

The Town Council established a Winter Maintenance Reserve fund in October 2017. The purpose of the reserve is to provide funding in years of unforeseen weather events. In prior fiscal years, the Town has transferred the unexpended funds from the Winter Maintenance department to the Reserve for this purpose. The Winter Maintenance Reserve has a balance of \$53,163. The Winter Maintenance department has an estimated \$75,465 of unexpended funds for FY 2019-20.

The Town Council established a Constabulary Reserve in FY 2016-17 budget process. The purpose of the reserve is to provide funding for additional start-up costs associated with establishing the Constabulary. In prior fiscal years, the Town transferred the unexpended funds from the Law Enforcement department to the Reserve for this purpose. The Constabulary Reserve has a balance of \$17,129. The Law Enforcement department is estimated to have \$194,001 of unexpended funds for FY 2019-20. The department's constabulary staff level was not fully achieved during the fiscal year and therefore provided unexpended funds. In addition the amounts charged to the Town for Resident State Troopers by the State of CT included a fringe rate benefit allocation significantly lower than budgeted and the amount charged as overtime to the Town by Resident State Troopers was less than budgeted as our Constables filled this need.

The Town maintains a Reserve for Bridge Maintenance which is funded each year through the budget process. The purpose of this reserve is to fund any unanticipated costs that may occur in order to maintain the safety and integrity of the Town's bridge infrastructure. In recent years inspections were previously performed by the State of CT DOT bridge inspectors. Going forward it is the Town's responsibility to contract for the Bridge inspections as they come due. Funding the reserve with these unexpended funds will put the Town in a better position in the future to pay these obligations as they come due. The Reserve for Bridge Maintenance has a balance of \$35,000. The Engineering Department has an estimated \$72,005 of unexpended funds for FY 2019-20, of which the Town is requesting an amount not to exceed \$35,000 to be transferred into this reserve fund.

The Town maintains a Reserve for Demolition and Relocation which is funded each year through the budget process. The purpose of this reserve is to ensure public safety concerns are addressed as it relates to structurally damaged and abandoned properties within the Town that may pose a public safety threat to a person or surrounding property. In cases where a property owner does not have insurance or other means to address a safety concern swiftly, it becomes the Town's responsibility to mitigate a safety threat and attempt to seek corresponding retribution from the property owner. Funding the reserve with these unexpended funds will provide the Town with available funds to address safety concerns as they arise and fund any related legal expenses to seek retribution. These cases are often ongoing and overlap one or more fiscal years thus allowing the Town to better manage these constraints without negatively impacting the budget. The Reserve for Demolition and Relocation has a balance of \$49,762. The Building Safety and Inspections Department has an estimated \$13,850 of unexpended funds for FY 2019-20.

If these funds are not transferred to the respective Reserve Funds, they will automatically drop to the Town's Unassigned General Fund Balance. In addition, these requests are on a not to exceed basis, should the need for a final operational close out adjustment occur. The Fiscal Subcommittee reviewed the proposed transfers at their September 15, 2020 meeting and recommended the Town Council approve the transfers.

FINANCIAL SUMMARY: The item would authorize the transfer of up to \$8,307 from the Information Technology Department to the Reserve for Information Technology, \$75,465 from the Winter Maintenance Department to the Winter Maintenance Reserve, \$194,001 from Law Enforcement to the Reserve for Constabulary, \$35,000 from Engineering to Reserve for Bridge Maintenance, and \$13,850 from Building Safety and Inspections to the Reserve for Demolition and Relocation Fund for fiscal year 2019-20.

STAFF RECOMMENDATION:
TOWN ATTORNEY REVIEW:
COUNCIL ACTION DESIRED:
SUPPORTING MATERIALS:

Approval of Resolution
N/A
Action on the Resolution
Resolution

Resolution #20-55

RESOLUTION AUTHORIZING THE TRANSFER OF FISCAL YEAR 2019-20 UNEXPENDED FUNDS FROM UNEXPENDED DEPARTMENT BUDGETS TO SPECIAL RESERVES AND PROGRAMS

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the transfer of up to \$8,307 from the Information Technology Department to the Reserve for Information Technology, \$75,465 from the Winter Maintenance Department to the Winter Maintenance Reserve, \$194,001 from Law Enforcement to the Reserve for Constabulary, \$35,000 from Engineering to Reserve for Bridge Maintenance, and \$13,850 from Building Safety and Inspections to the Reserve for Demolition and Relocation Fund for fiscal year 2019-20.

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Dated at Killingly, Connecticut,
this 13th day of October 2020

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that the above is a true and correct copy of a resolution adopted by the Killingly Town Council at its duly called and held meeting on October 13, 2020, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect. I further certify that Mary T. Calorio now holds the office of Town Manager and that she has held that office since March 11, 2019.

Elizabeth Wilson, Town Clerk

Date

(Seal)

Agenda Item #15(c)

AGENDA ITEM COVER SHEET

ITEM: **Consideration and action on a resolution authorizing the amendments to the Town of Killingly Employees' Retirement Income Plan**

ITEM SUBMITTED BY:

Jennifer Hawkins, Finance Director
Mary T. Calorio, Town Manager

FOR COUNCIL MEETING OF:

October 13, 2020

TOWN MANAGER APPROVAL:



ITEM SUMMARY: Upon review of the Plan document it was noted that changes made within the July 1, 2016 Town of Killingly Department of Public Works union contract were not incorporated into the Town of Killingly Employees Retirement Income Plan document as the latest revision had been approved in November 2015.

Per request of letter dated February 25, 2020 from Former Superintendent Steven Rioux, a request was made to consider an amendment to the Town Pension under Article IV, Eligibility for Participation to include two non-union BOE positions, Manager of Business Affairs and Director of Human Resources to be determined under section 4.2, Mandatory Employee Contributions, section (b) and Article V Normal Retirement, section 5.2 (b) (2). The employees have been participants of the pension plan under a different section. This reclassification increases the employees benefits and increases the employee's mandatory contribution to the plan. It is similar in nature to the Public Works modification. This request is also fully supported by the current Interim Superintendent, Dr. Diane Summa. The Superintendent has direct oversight regarding non-union employee benefits. These employees have not received an adjustment in pension calculation since the start of their employment.

The requested changes were reviewed and considered by the Town's independent Actuarial firm, Hooker and Holcombe. The changes that would be required to be restated in the plan document are attached. The original sections along with the proposed changes are included with the proposed changes noted in ***bold italics***.

The Fiscal Subcommittee reviewed the proposed amendments at their September 15, 2020 meeting and recommended the amendments to the Town Council for approval.

FINANCIAL SUMMARY: Per review by the Town's actuary, Hooker and Holcombe, in order to incorporate the above changes relative to the Board of Education employees, the Education budget would need to make an additional contribution of \$4,700. Subsequent contributions will be included in the annual required contribution calculation supplied by our actuary. The effected employees will need to make a retroactive 0.5% contribution from their pay for July 1, 2020 to the date of approval. Subsequently, they will begin making their increased contribute of 1.5% per pay period. The current Interim Superintendent, Dr. Diane Summa has determined the funding is available within the current years' education budget.

There is no financial impact of the changes made to the plan document relative to the Department of Public Works union contract as those changes were included in the ADEC in the year the contract changes were ratified.

STAFF RECOMMENDATION:

Approval of Resolution

TOWN ATTORNEY REVIEW:

N/A

COUNCIL ACTION DESIRED:

Action on the Resolution

SUPPORTING MATERIALS:

Resolution

Resolution #20-56

**RESOLUTION AUTHORIZING THE AMENDMENTS TO THE TOWN OF KILLINGLY
EMPLOYEES' RETIREMENT INCOME PLAN**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Town of Killingly Employees' Retirement Income Plan document be amended, effective July 1, 2020, as follows:

Article IV Eligibility for Participation

4.2 Mandatory Employee Contributions

An Employee who has met the eligibility requirements described above may elect in writing in accordance with rules prescribed by the Administrator to make Mandatory Employee Contributions to the Plan. If the Administrator receives such election in a form acceptable to it within 31 days of the Entry Date the Employee first becomes eligible to participate, the Employee shall become an Active Participant as of such initial Entry Date. Otherwise, an Employee shall become an Active Participant as of the Entry Date following the date the Administrator receives his election to make Mandatory Employee Contributions.

The amount of an Employee's Mandatory Employee Contributions shall be equal to the following, as applicable:

- (a) for any Employee who is covered by the collective bargaining agreement between the Employer and its Public Works Union, **5.5 percent** of his Earnings;
- (b) for any Employee who is a ***Board of Education*** Assistant Superintendent, ***Board of Education Manager of Business Affairs, or the Board of Education Director of Human Resources*** and has not elected to participate in the ICMA Plan, 4.5 percent of his Earnings; and
- (c) for any other Employee, 3.0 percent of his Earnings.

An eligible Employee's written election shall include his authorization for the Employer to withhold from his Earnings an amount equal to the amount of such Mandatory Employee Contributions and to contribute such amounts to the Plan.

Article V Normal Retirement

5.1 Amount

An eligible Participant's monthly normal retirement benefit shall be equal to 1/12th of the following, as applicable:

- (a) For any Participant who is covered by the collective bargaining agreement between the

Employer and its Public Works Union, the sum of the following:

- (1) one percent of the Participant's Average Annual Earnings multiplied by the number of his years of Credited Service for employment prior to April 1, 1987; plus
- (2) 1.5 percent of the Participant's Average Annual Earnings multiplied by the number of his years of Credited Service for employment on and after April 1, 1987.
- (3) ***2.0 percent of the Participant's Average Annual Earnings multiplied by the number of his years of Credited Service for employment after July 1, 2016.***

Notwithstanding any other provisions of this paragraph (a), no more than 30 years of Credited Service shall be taken into account in determining an eligible Participant's benefit hereunder. If an eligible Participant is credited with more than 30 years of Credited Service and earned Credited Service both prior to and after April 1, 1987, ***and July 1, 2016*** the 30 years used to calculate his benefit shall be allocated between (1) ***and*** (2) ***and*** (3) above in such manner as shall maximize the benefit to which he is entitled under this paragraph (a).

- (b) For any Participant who is a ***Board of Education*** Assistant Superintendent, ***Board of Education Manager of Business Affairs, or the Board of Education Director of Human Resources*** and has not elected to participate in the ICMA Plan, the sum of the following:

(1) *For the Board of Education Assistant Superintendent:*

- (i) one percent of the Participant's Average Annual Earnings multiplied by the number of his years of Credited Service for employment prior to July 1, 1991; plus
- (ii) 1.5 percent of the Participant's Average Annual Earnings multiplied by the number of years of Credited Service for employment on and after July 1, 1991, not in excess of 30 years.

(2) *For the Board of Education Manager of Business Affairs, or the Board of Education Director of Human Resources*

- (i) one percent of the Participant's Average Annual Earnings multiplied by the number of his years of Credited Service for employment prior to July 1, 2020; plus
- (ii) 1.5 percent of the Participant's Average Annual Earnings multiplied by the number of years of Credited Service for employment on and after July 1, 2020 not in excess of 30 years.

Notwithstanding any other provisions of this paragraph (b), no more than 30 years of Credited Service shall be taken into account in determining an eligible Participant's benefit hereunder. If an eligible Participant is credited with more than 30 years of Credited Service and earned Credited Service both prior to and after July 1, 1991 **in the case of the Board of Education Assistant Superintendent, or after July 1, 2020 in the case of the Board of Education Manager of Business Affairs, or the Board of Education Director of Human Resources** the 30 years used to calculate his benefit shall be allocated between (1) and (2) above in such manner as shall maximize the benefit to which he is entitled under this paragraph (b).

- (c) For any other Participant, the product of (1) one percent of the Participant's Average Annual Earnings multiplied by (2) the number of his years of Credited Service, not in excess of 30 years.

In no event will a reduction in a Participant's Average Annual Earnings reduce the normal retirement benefit payable to him below the amount that would have been payable to him under the same form of payment had he retired prior to his Normal Retirement Date when eligible for an early retirement benefit.

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Dated at Killingly, Connecticut,
this 13th day of October 2020

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that the above is a true and correct copy of a resolution adopted by the Killingly Town Council at its duly called and held meeting on October 13, 2020, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect. I further certify that Mary T. Calorio now holds the office of Town Manager and that she has held that office since March 11, 2019.

Elizabeth Wilson, Town Clerk

Date

(Seal)

AGENDA ITEM COVER SHEET

ITEM: **Consideration and action on a resolution to introduce and set a Public Hearing for November 10, 2020 on an ordinance to authorize a Transfer from Fiscal Year 2019-2020 unexpended Highway Supervision, Central Garage and Highway department funds to the Road Renewal Capital Project account**

ITEM SUBMITTED BY:

Mary T. Calorio, Town Manager

FOR COUNCIL MEETING OF:

October 13, 2020

TOWN MANAGER APPROVAL:



ITEM SUMMARY:

This item sets the public hearing for the proposed transfer of \$212,757 from fiscal year 2019-2020 unexpended funds from the Highway Supervision, Central Garage and Highway department operating budgets to the Road Renewal capital project account. The departmental budgets of the Highway Supervision, Central Garage, and Highway Maintenance have an estimated \$38,258, \$84,032, and \$90,467 of unexpended funds for FY 2019-20 respectively. These unexpended funds are due to the decreases in operations which occurred during the COVID-19 lockdown in the last quarter of the fiscal year. The Town is requesting that these funds be transferred to the Capital Projects Fund to be used for road renewal projects to supplement the Town Aid Road grants also used for these purposes. The Fiscal Subcommittee reviewed this proposal at their meeting on September 15, 2020 and recommended the proposal for approval to the Town Council.

FINANCIAL SUMMARY

This request would authorize the transfer of up to \$212,757 from Highway Supervision, Central Garage, and Highway Maintenance (in the amounts of \$38,258, \$84,032, and \$90,467 respectively) to the Capital Projects Fund to be used for road renewal projects.

STAFF RECOMMENDATION:

Approval of Resolution

TOWN ATTORNEY REVIEW:

N/A

COUNCIL ACTION DESIRED:

Action on the Resolution

SUPPORTING MATERIALS:

- Resolution

Resolution #20-57

**RESOLUTION TO SET A PUBLIC HEARING FOR NOVEMBER 10, 2020 ON
AN ORDINANCE AUTHORIZING A TRANSFER OF UP TO \$212,757 TO THE
ROAD RENEWAL CAPITAL ACCOUNT FROM FISCAL YEAR 2019-2020
UNEXPENDED HIGHWAY SUPERVISION, CENTRAL GARAGE AND
HIGHWAY DEPARTMENT BUDGETS**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the following ordinance be scheduled for a public hearing on Tuesday, November 10, 2020 at 7:00 p.m. The public hearing will be held virtually on WebEx. Call information will be posted on the Town's website at www.killinglyvt.gov:

**AN ORDINANCE AUTHORIZING A TRANSFER OF UP TO \$212,757 TO
THE ROAD RENEWAL CAPITAL ACCOUNT FROM FISCAL YEAR
2019-2020 UNEXPENDED HIGHWAY SUPERVISION, CENTRAL
GARAGE AND HIGHWAY DEPARTMENT BUDGETS**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that a transfer of up to \$212,757 be transferred to the Road Renewal Capital Project Account.

BE IT FURTHER ORDAINED that the source of said transfer shall be from the fiscal year end 2019-2020 department budgets of Highway Supervision up to \$38,258, Central Garage up to \$84,032 and Highway Maintenance up to \$90,467 and the Town Manager has further certified that said sums of \$212,757 is unencumbered within the accounts specified

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Dated at Killingly, Connecticut
This 13th day of October 2020

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that the above is a true and correct copy of the resolution adopted by the Killingly Town Council at its duly called and held meeting on October 13, 2020, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect. I further certify that Mary T. Calorio now holds the office of Town Manager and that she has held that office since March 11, 2019.

Elizabeth Wilson, Town Clerk

Date

(Seal)

AGENDA ITEM COVER SHEET

ITEM: Consideration and action on a resolution to introduce and set the date of November 10, 2020 for a public hearing on an Ordinance amending Chapter 14 of the Code of Ordinances for revision of the Discretionary assessment deferrals and tax abatements.

ITEM SUBMITTED BY: Mary T. Calorio, Town Manager

FOR COUNCIL MEETING OF: October 13, 2020

TOWN MANAGER APPROVAL:



ITEM SUMMARY: Chapter 14 Section 14-6e(d) provides the process by which the Town of Killingly may enter into discretionary assessment deferral and tax abatement agreements. The State of Connecticut legislation allows for municipalities to enter into such agreements with no maximum term length. The current Town of Killingly ordinance limits the term length of such agreements to a period not exceeding 25 years. The proposed amendment removes this locally imposed limitation and conforms the with the State Statutes. The Ordinance subcommittee reviewed the proposed amendment at its September 22, 2020 meeting and voted to recommend this to the full Council for adoption.

FINANCIAL SUMMARY: N/A

STAFF RECOMMENDATION: Approval of the Ordinance

TOWN ATTORNEY REVIEW: Reviewed

COUNCIL ACTION DESIRED: Action on the Ordinance

SUPPORTING MATERIALS:

- Ordinance

A RESOLUTION TO INTRODUCE AND SET THE DATE OF NOVEMBER 10, 2020 FOR A PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR REVISION OF THE DISCRETIONARY ASSESSMENT DEFERRALS AND TAX ABATEMENTS

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the following ordinance be introduced and set down for public hearing on Tuesday, November 10, 2020 at 7:00 p.m. The public hearing will be held virtually on WebEx. Call information will be posted on the Town's website at www.killinglyct.gov

ORDINANCE #20

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR REVISION OF THE DISCRETIONARY ASSESSMENT DEFERRALS AND TAX ABATEMENTS

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that, the following amendment as shown in underline or strike through to Chapter 14 Section 14-6e(2) of the Town of Killingly Code of Ordinances be adopted:

- (e) Qualifying applicants and projects (defined as those meeting the criteria set forth in subsection (e)(1), in addition to any other lawful requirements imposed by the town council) within the enterprise corridor zone may be entitled to discretionary assessment deferrals and tax abatements with respect to real and personal property pursuant to C.G.S. § 32-71 (e).

(1) Criteria:

- a. An applicant seeking discretionary assessment deferrals and tax abatements shall submit a letter to the town manager requesting a discretionary assessment deferral and tax abatement agreement, such letter to disclose all principals of the applicant and such other information as may be required by the town.
- b. Projects pursuant to this subsection (e) must have a minimum of twenty-five million dollars (\$25,000,000) in estimated initial costs of construction, rehabilitation, machinery and equipment, excluding the costs of real property acquisition. (Amending Ord. C15-05 of 9-1-15)

(2) Discretionary assessment deferrals and tax abatements:

- a. The Town of Killingly may, in its discretion and by a written discretionary assessment deferral and tax abatement agreement (agreement), provide additional tax assessment deferrals and tax abatements to commence at such time or on the occurrence of such conditions as the agreement shall provide and continue, ~~over a period not exceeding twenty-five (25) years~~, on any real or personal property located within the enterprise corridor zone. Such additional assessment deferrals and tax abatements may take the form of a series of specified annual real and personal property tax payments to be made by the taxpayer in lieu of calculating a tax benefit based upon mill rate and assessment.

In order to derive a series of specified annual real and personal property tax payments described in subsection (e) (2) a. above, the town may enter into a discretionary assessment deferral and tax abatement agreement with a qualified applicant providing for the annual calculation of an assessment deferral of an amount sufficient, in conjunction with the applicable mill rate, to result in the specified tax payment for each year covered by such agreement.

In order to derive a series of specified annual real and personal property tax payments described in subsection (e)(2)a. above, the town may enter into a discretionary assessment deferral and tax abatement agreement with a qualified applicant providing for the annual calculation of a tax abatement of an amount sufficient, in conjunction with the applicable assessment (whether or not subject to deferral.), to result in the specified tax payment for each year covered by such agreement.

(3) Administration of discretionary assessment deferral and tax abatement agreements:

- a. Discretionary assessment deferral and tax abatement agreements shall not be conveyed with the real property to which they apply, nor shall they be assigned, to a successor-in interest or assignee of a

successful applicant, unless expressly authorized by such agreements. This provision shall apply to changes in controlling ownership of corporations and limited partnerships. (Connecticut General Statutes Section 34-9 et seq.)

- b. Discretionary assessment deferral and tax abatement agreements may be recorded on the land records of the town, at the town's discretion. (Ord. No. 97-001, §§ 1—4, 1-14-97; Ord. No. 99-001, 1-12-99)

BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the amendment shall be published in summary with full copies available at the Town Clerk, Town Manager and Public Library for public inspection.

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Dated at Killingly, Connecticut
this 13th day of October 2020

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that the above is a true and correct copy of a resolution adopted by the Killingly Town Council at its duly called and held meeting on October 13, 2020, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect. I further certify that Mary T. Calorio now holds the office of Town Manager and that she has held that office since March 11, 2019.

Elizabeth Wilson, Town Clerk

Date

(Seal)

AGENDA ITEM COVER SHEET

ITEM: Consideration and action on a resolution to introduce and set the date of November 10, 2020 for a public hearing on an Ordinance amending Chapter 12 of the Code of Ordinances for revision of the peddler and vendor permit process.

ITEM SUBMITTED BY: Mary T. Calorio, Town Manager

FOR COUNCIL MEETING OF: October 13, 2020

TOWN MANAGER APPROVAL:

A handwritten signature in blue ink, appearing to read "Mary T. Calorio", is written over a horizontal line.

ITEM SUMMARY: Chapter 12 provides the process by which persons may apply for a peddlers or vendor permit in order to solicit door to door within the town. Currently the permitting process is to be done through the Town Clerk's office. As the permit process requires fingerprinting and background checks it is more efficient for the permitting to be managed by the Town Manager's office. The Ordinance subcommittee reviewed the proposed amendment at its September 22, 2020 meeting and voted to recommend this to the full Council for adoption.

FINANCIAL SUMMARY: N/A

STAFF RECOMMENDATION: Approval of the Ordinance

TOWN ATTORNEY REVIEW: Reviewed

COUNCIL ACTION DESIRED: Action on the Ordinance

SUPPORTING MATERIALS:

- Ordinance

A RESOLUTION TO INTRODUCE AND SET THE DATE OF NOVEMBER 10, 2020 FOR A PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES FOR REVISION OF THE PEDDLER AND VENDOR PERMIT PROCESS

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the following ordinance be introduced and set down for public hearing on Tuesday, November 10, 2020 at 7:00 p.m. The public hearing will be held virtually on WebEx. Call information will be posted on the Town's website at www.killinglyct.gov

ORDINANCE #20

AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES FOR REVISION OF THE PEDDLER AND VENDOR PERMIT PROCESS

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that, the following amendment as shown in underline or strike through to Chapter 12 of the Town of Killingly Code of Ordinances be adopted:

Chapter 12

HAWKERS, PEDDLERS AND VENDORS¹

Art. I. Peddlers

Art. II. Hawkers, Peddlers, and Vendors on Town Property

ARTICLE I. IN GENERAL

Section 12-1 Definitions

The following definitions shall apply to the interpretation and enforcement of this chapter:

- (a) **Charitable** means patriotic, philanthropic, social service, benevolent, educational, civic or fraternal.
- (b) **Contributions** mean alms, food, clothing, money, subscription, property or donation.
- (c) **Hawker, peddler or vendor** as used in this chapter means any person, whether principal or agent, who goes from town to town or from place to place or from house to house in the same town selling or bartering or carrying for sale or barter or exposing therefore any food, goods, wares or merchandise either on foot or from any vehicle.
- (d) **Person** means any individual, partnership, corporation or association.
- (e) **Religions** and *religion* shall not mean and include the word "charitable" as herein defined but shall be given their commonly accepted definitions.
- (f) **Solicit** and **solicitation** means the request directly of money, credit, property, financial assistance or other items of value on the plea or representation that such money, credit, property, financial assistance or other items of value will be used for a charitable or religious purpose.

(Ord. No. 99-014, 8-10-99)

Section 12-2 Registration, license required, application; identification: investigation

- (a) Except as provided in section 12-8, no person shall sell or expose or offer for sale or solicit orders for any articles of food or any goods, wares, merchandise, materials or services or solicit for any contracts within the town unless he shall have registered with the ~~town clerk~~ **Town Manager** or ~~some persons~~ designated ~~by him~~, made application for a license, and obtained identifying credentials as hereinafter provided.

¹ Editor's note—Ord. No. 99-014, adopted Aug. 10, 1999, amended Ch. 12 in its entirety to read as herein set out. Prior to amendment, Ch. 12 pertained to peddlers and vendors and derived from ordinances of Sept. 9, 1980, §§ 1—X; May 11, 1982, §§ 1—4; and March 16, 1994, §§ 1—5.

- (b) The applicant for the license shall complete an application form provided by the ~~town-clerk~~ **Town Manager** which shall contain the following information:
- (1) The full name, home address and business address of the registrant, along with the telephone numbers at each address.
 - (2) A physical description of the registrant including sex, age, height, weight, physical build, color of hair and eyes, complexion and identifying scars, marks and characteristics, if any.
 - (3) The name, address and telephone number of his employer, principal or contract associates.
 - (4) The purpose for which the applicant desires to obtain credentials and particularly the type of food, goods, wares, merchandise, materials, services or contracts with or in which he intends to deal.
 - (5) Description of vehicle to be used for transportation including year, make, model and license plate.**
 - (5) Whether, when, where and on what charges he has ever been arrested, together with the disposition of such charges.
 - (6) Whether, when, where, in what court and by whom he or any present or former employer, principal or contract associate has ever been sued in a civil action alleging fraud or misrepresentation in connection with or as a result of the registrant's activities in soliciting for any contract or in selling, exposing or offering for sale or soliciting orders for any articles of food or any goods, wares, merchandise, materials or service.
- (c) The applicant, at the time of executing such application form, shall also submit identification satisfactory to the ~~town-clerk~~ **Town Manager**. Each application shall be signed by the applicant and sworn to before a justice of the peace or other person authorized by the laws of the State of Connecticut to administer oaths.
- (d) The ~~town-clerk~~ **Town Manager** may defer the issuance of a license pending investigation for a period not to exceed seven (7) days.
- (e) Pursuant to the provisions of section 21-37 of the Connecticut General Statutes, no permit shall be issued to any for-profit person or entity under this section unless such person or entity has obtained a permit to engage in or transact business as a seller within this state in accordance with section 12-409 of the Connecticut General Statutes.

(Ord. No. 99-014, 8-10-99)

Section 12-3 Registration fee

The fee for such registration and credentials, charged solely for the purpose of defraying the cost of administering this chapter shall be one hundred fifty dollars (\$150.00) per person and shall be payable upon the filing of the registration form.

(Ord. No. 99-014, 8-10-99)

Section 12-4 Registration expiration

Such registration and credentials shall expire on the thirty-first day of December, subsequent to the date on which they are filed and issued, unless sooner revoked as hereinafter provided. Except as provided in section 12-8, no person whose registration and credentials have expired shall engage in any of the activities named in section 12-2 until he shall again have registered with the ~~town-clerk~~ **Town Manager**, obtained current identifying credentials and paid a fee of one hundred fifty dollars (\$150.00) per person as in the original registration.

(Ord. No. 99-014, 8-10-99)

Section 12-5 Identifying credentials

The ~~town-clerk~~ **Town Manager** shall issue identifying credentials to each person filing a registration form in accordance with the provisions of section 12-2. Said credentials shall bear the same identifying number appearing on the holder's registration form and shall set forth the name, home address and business address of the registrant, the name and address of his employer, principal or contract associates, the type of contracts, food, goods, wares, merchandise, materials or services with or in which he has registered to sell, and the date of issuance and date of expiration of said credentials. Each person to whom credentials have been issued pursuant to this section shall carry them upon his person at all times while engaged in the activities in connection with which he has registered and shall exhibit them forthwith to any person who shall ask to see them.

(Ord. No. 99-014, 8-10-99)

Section 12-6 Refusal or revocation of credentials

Such credentials shall be refused or, after issuance, revoked by the ~~town-clerk~~ **Town Manager** and immediately returned to him if the registrant has made any false statement or representation in any registration form filed by him pursuant of this chapter, has been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this chapter, or in the case of the sale of food items, if the registrant has failed to obtain the necessary certification from the Northeast District Department of Health. In the event credentials are refused, no fee shall be charged. There shall be no refund when credentials, after being issued, are revoked.

(Ord. No. 99-014, 8-10-99)

Section 12-7 Records of registration

It shall be the duty of the ~~town-clerk~~ **Town Manager** to keep a record of all licenses granted under the provisions of this chapter giving the number and date of all licenses, the name, age and residence of the person licensed the

amount of licensee fee paid and also the dates of revocation of any licenses revoked. A record shall be kept of each complaint concerning the activities of the registrant. (Ord. No. 99-014, 8-10-99)

Section 12-8 Persons exempted

Sections 12-2 through 12-7 shall not apply to:

- (a) Persons less than eighteen (18) years of age;
- (b) Persons exempted under Connecticut General Statutes;
- (c) Persons licensed by the State of Connecticut;
- (d) Persons selling only to stores or other business establishments for resale;
- (e) Charitable or religious organizations or their representatives;
- (f) Persons acting pursuant to a license granted in accordance with Chapter 11, Article II, sections 11-39 and 11-40 of this Code of Ordinances shall be exempt from the provisions of this article during the time the outdoor event is being held.

(Ord. No. 99-014, 8-10-99)

Section 12-9 Hours of operation

- (a) The Town Manager or ~~his~~ designee shall have the right to suspend the rights of all persons licensed or permitted pursuant to this chapter [article] to engage in permitted or licensed activities on public sidewalks or roadways for specific limited periods of time during which an actual special event may be conducted. Such actions by the Town Manager shall be posted on the town signpost at least forty-eight (48) hours prior to the conducting of any such event. The suspension shall be limited to such times and places as the Town Manager shall determine are necessary to provide for free access on the public roads and sidewalks and to avoid nuisances and congestion dangerous to either pedestrians, onlookers, or motor vehicle traffic during the actual event. No persons shall be guilty of violation of this section unless and until they have refused to relocate after being informed that they are in a restricted area at a restricted time by an appropriate municipal officer.
- (b) No person, whether exempt or not from the provisions of this chapter under any circumstance, may sell, barter or carry for sale or barter or expose any food, wares or merchandise either on foot or from any vehicle, or solicit contributions for any charitable or religious cause before the hours of 8:00 a.m. or after 9:00 p.m.
- (c) No vendor's license or other conveyance or stand shall stop or be set up at a location that is not in the public interest or that constitutes a hazard or compromise of public safety. No vendor shall operate on a public highway and within twenty-five (25) feet of any intersecting driveway, bus stop or crosswalk, or within fifty (50) feet of any intersection.
- (d) No vendor's vehicle or other conveyance or stand is permitted to locate on private property without written consent from the owner thereof, which consent must state the specified time of permission. Vending from a fixed location is prohibited in all residential zoning districts. (Ord. No. 989-014, 8-10-99)

Section 12-10 Violations and penalties

Any person who shall violate any provision of this chapter or shall make any false statement or misrepresentation on an application form filed pursuant to this chapter shall be subject to a fine of not more than one hundred dollars (\$100.00) for each offense and the license of such person shall be revoked immediately for the balance of the year. No new license shall be issued to that person during said license year. Each day of selling, offering for sale or soliciting without credentials as required by the chapter shall be considered a separate offense.

(Ord. No. 99-014, 8-10-99)

Sections 12-11 - 12-20. Reserved.

ARTICLE II. HAWKERS, PEDDLERS, AND VENDORS ON TOWN PROPERTY

Section 12-21 Purpose

It is the intention of this article to provide for the protection of the health, welfare, property and safety of the public in general through the registration and licensing of vendors on municipally.

Section 12-22 Registration

- (a) No person on municipally-owned property shall expose or offer for sale any article of food, nor shall cause to station or place any stand, cart or vehicle for the transportation, sale or display of any such article or food unless registered with the town and with necessary health department permits.
- (b) The Town Manager or ~~his~~ designee is hereby empowered to adopt and establish such regulations concerning the manner of registration, number of vendors, schedule of fees, hours of operation, duration of permit and all other requirements to protect the public welfare. (Ord. No. 99-014, 8-10-99)

Section 12-23 Liability of permittee

Any person to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person or property by reason of negligence on the part of the person engaged in the activity being sponsored under the permit, and shall agree to hold the town and any of its agents and employees harmless from any and all losses caused by the permittee or any person engaged in activity being sponsored under the permit.

(Ord. No. 99-014, 8-10-99)

Section 12-24 Permit revocation

- (a) Responsibility for the proper regulation and licensing of vendors on municipally owned property shall be vested in the director of parks and recreation under the direction of the Town Manager.
- (b) The vendor's permit issued under this article may be revoked by the Town Manager at any time during the life of such permit for any violation by the permittee, or of any violation of the Code of the town or any other applicable state law.

(Ord. No. 99-014, 8-10-99)

BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the amendment shall be published in summary with full copies available at the Town Clerk, Town Manager and Public Library for public inspection.

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Dated at Killingly, Connecticut
this 13th day of October 2020

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that the above is a true and correct copy of a resolution adopted by the Killingly Town Council at its duly called and held meeting on October 13, 2020, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect. I further certify that Mary T. Calorio now holds the office of Town Manager and that she has held that office since March 11, 2019.

Elizabeth Wilson, Town Clerk

Date

(Seal)

AGENDA ITEM COVER SHEET

ITEM: Consideration and action on a resolution to introduce and set the date of November 10, 2020 for a public hearing on an Ordinance amending Chapter 15 of the Code of Ordinances to include Article IV – Illicit Discharge and Connection to Stormwater System

ITEM SUBMITTED BY: Mary T. Calorio, Town Manager

FOR COUNCIL MEETING OF: October 13, 2020

TOWN MANAGER APPROVAL:



ITEM SUMMARY: The addition of Article IV provides the process by which the Town of Killingly regulates any non-storm water discharge to the Town's storm drainage system as required by federal and state law. This ordinance is required as a compliance step for the Town's MS4 permit with the State. The ordinance outlines what an illicit discharge is and the steps the Town can take to eliminate improper connections from the system. The Ordinance subcommittee reviewed the proposed amendment at its September 22, 2020 meeting and voted to recommend this to the full Council for adoption.

FINANCIAL SUMMARY: N/A

STAFF RECOMMENDATION: Approval of the Ordinance

TOWN ATTORNEY REVIEW: Reviewed

COUNCIL ACTION DESIRED: Action on the Ordinance

SUPPORTING MATERIALS:

- Ordinance

A RESOLUTION TO INTRODUCE AND SET THE DATE OF NOVEMBER 10, 2020 FOR A PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES TO INCLUDE ARTICLE IV – ILLICIT DISCHARGE AND CONNECTION TO STORMWATER SYSTEM

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the following ordinance be introduced and set down for public hearing on Tuesday, November 10, 2020 at 7:00 p.m. The public hearing will be held virtually on WebEx. Call information will be posted on the Town's website at www.killinglyct.gov

ORDINANCE #20

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES TO INCLUDE ARTICLE IV – ILLICIT DISCHARGE AND CONNECTION TO STORMWATER SYSTEM

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that, the following amendment to add Article IV – Illicit Discharge and Connection to Stormwater System to Chapter 15 of the Town of Killingly Code of Ordinances be adopted:

Article IV - Illicit Discharge and Connection to Stormwater System

SECTION 15-150. PURPOSE/INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Killingly through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this ordinance are:

- 1) To prohibit and eliminate illicit connections and discharges to the municipal separate storm sewer system
- 2) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

SECTION 15-151. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: The Town Manager. The Town Manager may, in writing, designate other employees and designees as deputy authorized agents to act through the authorized agent.

Best Management Practices (BMPs): schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of

pollutants to waters of the state consistent with state, federal or other equivalent and technically supported guidance. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage.

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

Construction Activity: Any activity associated with construction at a site including, but not limited to, clearing and grubbing, grading, excavation, and dewatering.

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

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

Illicit Connections: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

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

MS4: Municipal separate storm sewer system

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

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

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

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

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

Stormwater: Waters consisting of rainfall runoff, including snow or ice melt, during a rain event.

Stormwater Pollution Prevention Plan: A document which describes the BPM and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce Pollutant discharges to Stormwater, Stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 15-152. APPLICABILITY.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 15-153. SEVERABILITY.

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

SECTION 15-154. RESPONSIBILITY FOR ADMINISTRATION.

The Town Manager or designee shall administer, implement and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Town Manager may be delegated in writing by the Town Manager to persons or entities acting in the beneficial interest of or in the employ of the Town of Killingly.

SECTION 15-155. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 15-156. DISCHARGE PROHIBITIONS.

Prohibition of Illegal Discharges:

No Person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials; including but not limited to Pollutants or waters containing any Pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- a) The following discharges are exempt from discharge prohibitions established by this ordinance: uncontaminated ground water discharges including, but not limited to, pumped ground water, foundation drains, water from crawl space pumps and footing drains; irrigation water including, but not limited to, landscape irrigation and lawn watering runoff; residual street wash water associated with sweeping; discharges or flows from firefighting activities (except training); and naturally occurring discharges such as rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), springs, diverted stream flows and flows from riparian habitats and wetlands.
- b) Any non-stormwater discharge to the MS4 authorized by a permit issued pursuant to Section 22a-430 or 22a-430b of the Connecticut General Statutes is also authorized under this ordinance.

Prohibition of Illicit Connections:

- a) The construction, use, maintenance or continued existence of illicit connections to the storm drain

system is prohibited.

- b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- c) A Person is considered to be in violation of this ordinance if the Person connects a line conveying sewage to the MS4 or allows such a connection to continue.

SECTION 15-157. SUSPENSION OF MS4 ACCESS.

Suspension due to Illicit Discharges in Emergency Situations

The Town Manager, or designee, may, without prior notice, suspend MS4 discharge access to a Person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Town Manager or designee may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge

Any Person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Town Manager or designee will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town Manager for a reconsideration and hearing.

A Person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Town Manager or designee.

SECTION 15-158. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any Person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town prior to the allowing of discharges to the MS4.

SECTION 15-159. MONITORING OF DISCHARGES.

Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

Access to Facilities.

- a) The Town shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Town Manager.
- b) Facility operators shall allow the Town ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- c) The Town shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Town Manager, or designee, to conduct monitoring and/or sampling of the facility's

storm water discharge.

- d) The Town Manager, or designee, has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Town Manager and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- f) Unreasonable delays in allowing the Town Manager, or designee, access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A Person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the Person denies the Town Manager, or designee, reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- g) If the Town Manager, or designee, has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the Town of Killingly, then the Town Manager, or designee, may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 15-160. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The Town Manager, or designee, will adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any Person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said Person's expense, additional structural and non-structural BMPs to prevent the further discharge of Pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 15-161. WATERCOURSE PROTECTION.

Every Person owning property through which a watercourse passes, or such Person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 15-162. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any Person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected

release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said Person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said Person shall notify the Town Manager, or designee, in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Town Manager within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 15-163. ENFORCEMENT.

Notice of Violation.

Whenever the Town finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Town Manager, or designee, may issue a notice of violation and order compliance by written notice of violation to the responsible person. The notice of violation shall contain, at a minimum: (1) The name and address of the alleged violator; (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred; (3) A statement specifying the nature of the violation; (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action. It is not the responsibility of the Town of Killingly to formulate or design any remedial systems; (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and (6) A statement that the determination of violation may be appealed to a hearing officer appointed by the Town Manager by filing a written notice of appeal within fifteen (15) days from the date of the written Notice of Violation.

Such notice may require without limitation:

- a) The performance of monitoring, analyses, and reporting;
- b) The elimination of illicit connections or discharges;
- c) That violating discharges, practices, or operations shall cease and desist;
- d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- e) Payment of a fine or penalty to recoup costs incurred by the Town;
- f) Suspension of any discharge to the MS4 system consistent with Section 8 of this ordinance;
- g) The implementation of source control or treatment BMPs; and
- h) The reporting of the violation to the Connecticut Department of Energy and Environmental Protection (CTDEEP) and/or the United States Environmental Protection Agency (EPA)

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Where elimination is not possible within 60 days of source confirmation, a schedule for its elimination will be set for no more than 180 days. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION 15-164. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the Town Manager, or designee.

Such appeal shall be conducted in accordance with the provisions of Section 1-10 of the Cod of Ordinances of the Town of Killingly.

SECTION 15-165. ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days of the decision of the hearing officer upholding the decision of the Town Manager or designee, then representatives of the authorized enforcement agency may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any Person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 15-166. COST OF ABATEMENT OF THE VIOLATION.

Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within fifteen (15) days. If the amount due is not paid within a timely manner as determined by the decision of the hearing officer or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the town by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of eighteen (18) percent per annum shall be assessed on the balance beginning on the first (1st) day following discovery of the violation.

SECTION 15-167. INJUNCTIVE RELIEF.

It shall be unlawful for any Person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a Person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the Person from activities which would create further violations or compelling the Person to perform abatement or remediation of the violation.

SECTION 15-168. COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, watershed cleanup, etc.

SECTION 15-169. VIOLATIONS DEEMED A PUBLIC NUISANCE.

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

SECTION 15-170. CRIMINAL PROSECUTION; COSTS AND EXPENSES.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law. Violation of this Ordinance shall be deemed to constitute an offense under the laws of the State of Connecticut. For intentional and flagrant violations of this Ordinance, the Town Manager, or designee, may refer the violation to the United States Environmental Protection Agency (EPA) for enforcement of penalties under Sections 309 and 311 of the Clean Water Act.

The Town of Killingly may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses and costs of remediation.

SECTION 15-171. REMEDIES NOT EXCLUSIVE.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the amendment shall be published in summary with full copies available at the Town Clerk, Town Manager and Public Library for public inspection.

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Dated at Killingly, Connecticut
this 13th day of October 2020

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that the above is a true and correct copy of a resolution adopted by the Killingly Town Council at its duly called and held meeting on October 13, 2020, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect. I further certify that Mary T. Calorio now holds the office of Town Manager and that she has held that office since March 11, 2019.

Elizabeth Wilson, Town Clerk

Date

(Seal)

AGENDA ITEM COVER SHEET

ITEM: **Consideration and action on a resolution to authorize execution of a five-year lease agreement with the Hutchinson Precision Sealing Systems, Inc., for the use of a portion of the demised premises at the Danielson sewer treatment plant/pump station**

ITEM SUBMITTED BY: Mary T. Calorio, Town Manager

FOR COUNCIL MEETING OF: October 13, 2020

TOWN MANAGER APPROVAL:



ITEM SUMMARY: Hutchinson Precision Sealing Systems, Inc. (formerly Delta Rubber) has rented/leased the use of tanks at the former Danielson sewer treatment plant for many years. The tanks are used to hold wastewater that is the result of Delta's production process. Wastewater is held to allow sedimentary settling, at which time the held water is pumped to the WPCA. The sediment is removed from the tank, by Hutchinson Precision Systems, on a regular basis. Past agreements have been long-term (usually ten years); this agreement is of shorter duration due to a potential upgrade by Hutchinson Precision Systems with a new operation process.

FINANCIAL SUMMARY: Revenue consisting of \$900 per month 2020 and increases to \$3,000 per month in January 2021. The lease agreement outlines further increases throughout the duration of the lease.

STAFF RECOMMENDATION: Approval of the Resolution

TOWN ATTORNEY REVIEW: N/A

COUNCIL ACTION DESIRED: Action on the Resolution

SUPPORTING MATERIALS:

- Resolution
- Lease

**RESOLUTION TO AUTHORIZE EXECUTION OF A FIVE-YEAR LEASE
AGREEMENT WITH THE HUTCHINSON PRECISION SEALING SYSTEMS, INC.,
FOR THE USE OF A PORTION OF THE DEMISED PREMISES AT THE
DANIELSON SEWER TREATMENT PLANT/PUMP STATION**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that, in accordance with Section 602 of the Killingly Town Charter, the Town Council may authorize the Town Manager to enter into and deliver to the United States Government or any agency thereof, the State of Connecticut or any agency or political subdivision thereof, or any other body politic or corporate any and all documents which it deems to be necessary or appropriate; and

BE IT FURTHER RESOLVED that Town Manager Mary T. Calorio, Chief Executive Officer for the Town of Killingly, is hereby authorized to execute and deliver to Hutchinson Precision Sealing Systems, Inc., the attached lease agreement and is further authorized to execute and deliver any and all related documents on behalf of the Town of Killingly and to do and perform all acts and duties deemed necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such interlocal contract or related documents.

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Dated at Killingly, Connecticut
this 13th day of October 2020

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that the above is a true and correct copy of a resolution adopted by the Killingly Town Council at its duly called and held meeting on October 13, 2020, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect. I further certify that Mary T. Calorio now holds the office of Town Manager and that she has held that office since March 11, 2019.

Elizabeth Wilson, Town Clerk
(SEAL)

Date

LEASE AGREEMENT

This lease made this _____ day of _____, 2020 by and between the Town of Killingly, a municipal corporation in the State of Connecticut, hereinafter called "Lessor", and Hutchinson Precision Sealing Systems, Inc., a Connecticut corporation, hereinafter called "Lessee".

WITNESSETH:

1. Description. Lessor, in consideration of the payment of the rental and the performance of the covenants and agreements hereinafter mentioned, does hereby demise and lease to Lessee and Lessee does hereby rent from Lessor that certain real estate with the improvements thereon located in Killingly, Connecticut and more particularly described in Exhibit A, hereto hereinafter called the "Demised Premises".

2. Term. To have and to hold the Demised Premises together with the privileges and appurtenances thereupon belonging for a term of five (5) years commencing on the _____ day of _____, 2020 and ending on the last day of _____, 2025.

3. Rent. Lessee shall pay to Lessor as rent for the Demised Premises the sum listed below in Section 3a per month in advance of the first day of each month during the term of this lease. The rent shall be payable to the Lessor at Killingly Town Hall, 172 Main Street, Killingly, Connecticut 06239. Lessor may designate such other place for the payment of rent by written notice to Lessee. Said rent shall be increased by the greater of five percent (5%) or the Consumer Price Index (CPI), according to changes in the U. S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the Northeast for all Urban Consumers, size B/C, all expenditure items ("CPI-U") for the immediately preceding January, or its successor index, beginning January 1, 2023, and will increase by the percentage on this date every year thereafter for the term of the lease.

3.a Initial Monthly Rental Fees

Effective October 1, 2020	\$ 900
Effective January 1, 2021	\$3,000
Effective January 1, 2022	\$4,000

4. Utilities. Lessee agrees to pay all charges for any electricity, water and fuel oil used by it in connection with the Demised Premises. Lessee may use the existing wells located on the Demised Premises without additional cost.

5. Use. The Demised Premises may be used for wastewater or other fluid

treatment, fire protection and water supply and for other lawful purposes of the Lessee. In addition, the Lessee may not store any chemicals, as defined as hazardous under RCRA or DEEP regulations, except in limited quantities required to treat wastewater or other fluids.

6. Lessor's Warranties. Lessor represents and warrants that it has all necessary right, title and interest in the Demised Premises to enter into this lease and to grant to Lessee the rights herein granted, free and clear of any senior right or encumbrances, and it has full right, power and authority to execute this lease.

7. Maintenance and Repairs. Lessee shall maintain, in at least as good condition as they are at the time of the commencement of the lease, all of the buildings, structures and equipment located on the Demised Premises which are to be used by Lessee. Lessee shall not be responsible for any repair, maintenance or security for any buildings, structures or equipment on the Demised Premises which it does not use. Lessee shall make necessary repairs to the buildings, structures and equipment on the Demised Premises used by Lessee, including but not limited to the equipment and structures listed on Schedule C attached. Lessee shall cooperate with Lessor in connection with the maintenance and preservation by Lessor of buildings and structures on the Demised Premises not used by Lessee, but at no additional expenses to the Lessee, except as specifically set forth in this lease. Rent shall not be reduced or abated due to lack of repair by Lessor.

8. Improvements. Lessee shall have the right to make such alterations, structural and nonstructural, and to construct such structures and improvements as it shall deem necessary or desirable to provide treatment processes, fire protection and water usage to its business operations on property abutting the Demised Premises. Upon the expiration of this lease, Lessee may remove, or upon request of Lessor will remove, as expeditiously as possible after termination of the lease, all improvements and alterations which Lessee constructed on the Demised Premises, except for underground pipes or conduits which need not be removed until such time as the existence of such underground pipes and conduits interfere with the use of the Demised Premises by Lessor. Lessee agrees, after termination of this lease, to surrender the Demised Premises in as good condition as they were at the beginning of the term of this lease, and that the removal of said improvements shall not in any way cause damage to the Demised Premises.

9. Insurance.

(a) Lessee, at its own cost and expense, shall, during the term of this lease, keep the buildings and structures on the Demised Premises insured against loss or damage by fire or other casualty with extended coverage on behalf of both Lessor and Lessee with a company or companies acceptable to Lessor and in an amount equal to the replacement

cost as determined by the Lessee subject to the approval of the Lessor, which approval shall not be unreasonably denied, to prevent the insureds from becoming co-insurers under the terms of the applicable policies. For purposes of the first year of the term of this lease, it is agreed that the replacement cost of the buildings and structures is \$100,000.

(b) Lessee shall, at its own cost and expense, during the term of this lease carry and maintain liability insurance in such form as shall protect Lessor and Lessee and shall indemnify them against injuries to persons (including death) and damage to property occurring on or about the Demised Premises, such insurance to be in the amount of not less than \$1,000,000 for injuries to any one person, \$2,000,000 for injuries to more than one person arising out of the same accident and not less than \$5,000,000 for damage to property. Certificates of insurance or the insurance policies will be held by Lessor.

(c) Any insurance required by this lease to be maintained by Lessee may be carried with one or more insurers, may be combined with other insurance or carried under a blanket insurance policy or policies covering other property or hazards of Lessee. All insurance values shall be reviewed annually on the anniversary date of this lease. In any event the fire and extended coverage insurance policies shall be increased by the cost of living index as maintained by the Department of Labor or the Dodge Building Index, whichever is greater.

(d) The Lessee herein agrees to indemnify and hold harmless the Lessor for any and all claims arising from its use of the subject premises, specifically including but not limited to Hutchinson Precision Sealing Systems Inc., its agents, servants and employees and any third party. It is expressly understood that the purpose of this clause is to entirely indemnify and exculpate the Lessor from any liability whatsoever arising from the operation of this lease.

10. Default. This lease is made upon the express condition that, if default shall be made in the payment of said rent or any part thereof and said default shall continue fifteen (15) days after Lessee's receipt of written notice of nonpayment thereof, or if default shall be made in any other of the covenants herein contained on the part of Lessee to be kept and performed and if such default shall continue for a period of thirty (30) days after Lessee's receipt of written notice thereof, or if Lessee shall make an assignment for the benefit of creditors or file a voluntary petition in bankruptcy or insolvency, or shall be adjudged bankrupt, or if a permanent receiver of the property of Lessee shall be appointed or Lessee shall be declared bankrupt or insolvent according to law, then and in any of the said cases, notwithstanding, any license or waiver of any former breach of covenant or consent in a former instance, it shall be lawful for Lessor, thereupon, or at any time thereafter, while such default, assignment, insolvency or legal

proceedings shall continue, or be in effect, to terminate this lease and all of Lessee's interest hereunder by giving written notice to Lessee of such termination and of the effective date thereof (and, such notice having been given, this lease shall cease and expire on the date named therein), and/or, at Lessor's option, without demand or notice, and with or without process of law to enter upon and into the Demised Premises or any part thereof in the name of the whole, and to declare this lease at an end and in such case expel Lessee and those claiming under it without being guilty of any manner of trespass without prejudice, however, to Lessor's claims for rent or other claims for breach of covenant hereunder.

11. Damage or Destruction.

(a) Except as otherwise provided in subparagraph (b), in the event of fire or other casualty occurring during the term of this lease and resulting in damage or destruction to any buildings, improvements or equipment on the Demised Premises, Lessee shall, as insurance proceeds are made available to it, promptly proceed to restore, repair, replace and rebuild the buildings, improvements and equipment on the Demised Premises to substantially the condition existing immediately prior to such damage or destruction. In no event shall Lessee be required to expend for such restoration, repair, replacement or rebuilding amounts in excess of the insurance proceeds. If any part of the buildings and improvements are not usable as a result of such damage, an equitable adjustment to the rent shall be made as of the date of damage through the date of repair.

(b) If substantial damage shall be done to the buildings and improvements on the Demised Premises during the term of this lease, Lessor and Lessee shall have the right to terminate this lease, as of the date of such damage, provided the Lessor or Lessee, as the case may be, shall give notice thereof to the other party not later than sixty (60) days after such damage. In such event, Lessor and Lessee, as their interests may appear, shall have the right to retain the proceeds of the insurance policies maintained pursuant to this lease. In the event of such termination, rent shall be abated as of the date of such damage. For purposes of this subparagraph, substantial damage shall mean either that the cost of replacement of the buildings, improvements and equipment damaged or destroyed by fire is equal to thirty percent (30%) of the fair market value of the buildings, improvements and equipment immediately prior to such damage or destruction, or that repair of the damage cannot be completed within ninety (90) days of the casualty.

12. Right to Extend. Lessee shall have the right to renegotiate this lease for an additional two (2) year term, or a term mutually agreeable to Lessee and Lessor. Renegotiation of this lease should be commenced by the Lessee with written notification, sent certified mail to the Lessor, no later than the last day of June 2025.

13. Assignment or Subletting. Lessee shall not assign this lease or sublet the Demised Premises, in whole or in part, without the written consent of Lessor, provided, however, that Lessee may, without Lessor's consent, assign this lease or sublet the

Demised Premises, in whole or in part, to a wholly owned subsidiary of Lessee, in which event Lessee shall continue to be liable under this lease and, provided further, in the event that all of the assets of Hutchinson Precision Sealing Systems Inc. are sold or assigned to a third party, such consent shall not be unreasonably withheld.

14. Quiet Enjoyment. Lessor covenants and warrants that Lessee, upon making the payments or performing the covenants and conditions on its part to be performed hereunder, shall enjoy the rights herein granted and shall have peaceful and quiet possession of the Demised Premises.

15. Lessor's Access. Lessor shall have the right to enter upon the Demised Premises at all reasonable hours upon prior notice to Lessee for the purpose of inspecting the same. Lessor shall also have the right and obligation to come upon the Demised Premises to maintain and repair any damage to the water supply system on the Demised Premises serving the recreational area of the Lessor abutting the Demised Premises. In the event of an emergency, the Lessor shall have the right to utilize the demised premises.

16. Lessor to Grant Easements. During the term of this lease, and in consideration of the same, Lessor shall, upon request or requests of Lessee from time to time made, grant to Lessee easements for the purpose of laying, maintaining and repairing pipes underground between an existing plant of Lessee on property which abuts the Demised Premises. Such easement or easements are to be in recordable form and are to be at such locations as are reasonably compatible with the planned operations of Lessee but which will not interfere with existing pipes or conduits running along the service road between the Demised Premises and the new sewage treatment facility of Lessor. During the term of this lease, Lessee shall also have the sole right to utilize existing conduits of Lessor for the purpose of making effluent discharges into the Quinebaug River to the south of the Demised Premises, provided that Lessee shall have obtained all required federal, state and local permits at its own expense.

17. Parking Area. During the term of this lease, and in consideration of the same, Lessee shall license to Lessor, and Lessor licenses from Lessee, nonexclusive use of the parking area shown on Exhibit B attached hereto and made a part hereof (the "Public Parking Area") to allow members of the general public to park noncommercial passenger vehicles in the Public Parking Area for use of Lessor's recreational facilities located on real property owned by Lessor and located adjacent to the Demised Premises. Lessee agrees to maintain the Public Parking Area in a reasonably safe and usable condition. However, Lessor shall use its best efforts to ensure that the members of the general public use the Public Parking Area in an acceptably safe manner. Lessee reserves the right to continue to use the Public Parking Area for any uses permitted to the extent that such uses do not conflict with the License. Notwithstanding anything herein to the contrary, Lessor shall release, indemnify,

defend and hold harmless Lessee, its agents and contractors, from and against any and all claims or, demands, damages, expenses, costs (including without limitation reasonable attorneys' fees), losses or liabilities (each, a "Claim") relating to: (a) use of the Public Parking Area by Lessor and/or members of the general public; or (b) Lessor's failure to meet its obligations pursuant to this Section, except to the extent any such Claim is caused by the gross negligence of Lessee or its agents, contractors or employees

18. Right of First Refusal. In the event that Lessor shall, at any time during the term of this lease, propose to sell the Premises or any part thereof, Lessee shall have the right, for a period of thirty (30) days after written notice of the proposed sale and purchase price, to purchase from Lessor the Premises or part thereof proposed to be sold for the purchase price and upon the terms and conditions established for the proposed sale.

19. Eminent Domain. If the whole of the leased property shall be taken for any public or any quasi-public use under any statute or by right of eminent domain or by private purchase in lieu thereof, then this lease shall automatically terminate as of the date that title shall be taken. If any part of the Demised Premises shall be so taken as to render the remainder not useful for the purpose of the Lessee, then Lessee shall have the right to terminate this lease on one hundred and eighty (180) days' notice to the Lessor given within one hundred and eighty (180) days after the date of such taking. In the event that this lease shall terminate or be terminated, the rental shall, if and as necessary, be apportioned to the date of termination of this lease

If any part of the Demised Premises shall be so taken and this lease shall not terminate under the provisions of the preceding paragraph, then the rental provided herein shall be equitably apportioned according to the area and use of the space so taken, and Lessor shall, at its own expense, restore the exterior of the building in which the Demised Premises are located to the extent necessary to constitute the building a complete architectural unit.

In the event of a total or partial taking, the Lessee shall have the right to recover its damages from the taking authority.

20. Right to Terminate. Lessor reserves the right to terminate this lease for any reason, but in no event shall termination be commenced without first having given Lessee twelve (12) months' notice, except in the case of eminent domain as described in paragraph (19).

TOWN OF KILLINGLY

By: _____ Date: _____
Mary T. Calorio

Title: Town Manager

Hutchinson Precision Sealing Systems, Inc.

By: _____ Date _____

Title _____

DRAFT