

TOWN OF WALLINGFORD, CONNECTICUT
TOWN COUNCIL MEETING

The Town Council meeting of April 14, 2020 will take place REMOTELY only. It shall commence at 6:30 p.m. At least 24 hours in advance of the meeting, the Town Clerk shall post a notice on the Town's website providing specific instructions on how to access and participate in the meeting. It is expected that the public will be permitted to comment on the Agenda items as instructed by the Chairman. Materials for this meeting will also be posted on the Town's website for viewing prior to the meeting.

TUESDAY
April 14, 2020
6:30 P.M.

AGENDA

Moment of Silence

1. Pledge of Allegiance
2. Roll Call
3. Consent Agenda
 - 3a. Consider and approve Tax Refunds totaling \$67,448.56 (#815-879)
Acct. #1001001- 41020 - Tax Collector
 - 3b. Consider and approve Bid Waiver request for New England Steamway to provide a one year supply of P-100 masks at a cost of \$37,098 – Fire Department
 - 3c. Consider and approve a Transfer in the amount of \$37,098 from Contingency-General Purpose, Acct. #10019000-58820 to Fire-Operating Exps,
Acct. #10020150-58735 – Fire Dept.
 - 3d. Consider and approve a Transfer in the amount of \$8,500 – Fire Dept.

\$3,000 From: Purchased Srv. – CMED	Acct. #10020150-56744
\$3,000 From: Purchased Srv. – Physicals	Acct. #10020150-56734
\$2,000 From: Office Expenses & Supplies	Acct. #10020150-56100
\$ 500 From: Purchased Srv. – Custodial	Acct. #10020150-56736
\$8,500 To: Telephone	Acct. #10020150-53000
 - 3e. Consider and approve a Transfer in the amount of \$6,000 – Human Resources

\$6,000 From: Contingency-Gen. Purposes Acct. #10019000-58820

\$3,000 To: Personal Computer Acct. #TBD

\$3,000 To: Scantron Scoring Machine Acct. #TBD

- 3f. Acceptance of Donation from Mr. and Mrs. Anthony Annunziata and consider and approve Appropriation of funds in the amount of \$100 to Revenue Donations - Police, Acct. #2502002-47152 and to Expense Donations-Police, Acct # 25020050-58830-10135 – Police Dept.
 - 3g. Consider and approve acceptance of funds and Appropriation of funds in the amount of \$200 to Revenue, Acct. #2264002-47152 and to Expenditures, Acct. #22640150-58830 – Y&SS
 - 3h. Consider and approve acceptance of program fees for STEM and consider and approve Appropriation of funds in the amount of \$1,368 to Revenue, Acct. #2264002-47152 and to Expenditures, Acct. #22640150-58830 – Y&SS
 - 3i. Consider and approve Workforce Alliance Summer Youth Employment Program funds and consider and approve Appropriation of funds in the amount of \$14,705 to Revenue, Acct. #2274002-47010 and to Expenditures, Acct. #22702020-51000 – Y&SS
 - 3j. Consider and approve Bid Waiver for Farmland Lease property, Field 5B, located off Cooke Road for lease to John Kranyak, adjacent property – Conservation Commission
 - 3k. Approve Town Council Minutes of March 24, 2020.
4. **Items Removed from the Consent Agenda**
- 5. Update from Health Director Stephen Civitelli regarding COVID-19 - Morgenstein/ Shortell
 - 6. Discussion and possible action on tax and utility payments programs in accordance with Governor Lamont's Executive Order 7S – Mayor
 - 7. Executive Session pursuant to Section 1-200(6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor

In accordance with Title II of the Americans with Disabilities Act- Individuals in need of auxiliary aids for effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five days prior to meeting date.



Town of Wallingford, Connecticut

RECEIVED
MAYOR'S OFFICE
20 APR - 3 PM '20

JO-ANNE L. RUSCZEK, C.C.M.C.

TAX COLLECTOR

CHERYL BRUNDAGE C.C.M.C.

ASSISTANT TO THE TAX COLLECTOR

DEPARTMENT OF FINANCE
45 SOUTH MAIN STREET
P.O. BOX 5003
WALLINGFORD, CONNECTICUT 06492
TELEPHONE (203) 294-2135
FAX (203) 294-2137

30.

April 6, 2020

Honorable William W. Dickinson, Jr.
Mayor, Town of Wallingford
Wallingford, CT 06492

Re: Refund - Account #1001001-41020 – \$67,448.56 (#815-879)

Dear Mayor Dickinson:

Attached is a list of refunds for your approval and the approval of the Town Council:

Very truly yours,

Jo-Anne L. Rusczek
Tax Collector

APPROVED:

William W. Dickinson, Jr., Mayor

James M. Bowes, Comptroller

815 Ford Credit (Cab) (AA56548)	426.97	18-0055241
816 Ford Credit (Cab) (AH05941)	151.29	18-0055261
817 Ford Credit (Cab) (AH05932)	211.54	18-0055273
818 Ford Credit (AJ49573) (Cab)	120.82	18-0055316
819 Ford Credit (Cab) (AF02428)	91.65	18-0055324
820 Ford Credit (Cab) (AF86037)	49.74	18-0055339
821 Ford Credit (Cab) (AG93101)	309.15	18-0055362
822 Nissan Infiniti (AG09669)	184.65	18-0078592
823 Burghardt, George F. or Lien T.	134.01	18-0054973
824 Romero, Milleycha	50.59	18-0084217
825 Tomczak, Stephen or Crawford, Mary Eller	31.80	18-0001805
826 Gormley, Michael or Honore	26.13	18-0066207
827 Ives Road LLC	29190.00	18-0007243
828 Ryder Truck Rental (48406A)	317.94	17-0084827
829 Ryder Truck Rental (54439A)	596.83	17-0084835
830 Ryder Truck Rental (53176A)	439.51	17-0084838
831 Ryder Truck Rental (61152A)	1598.31	17-0084842
832 Ryder Truck Rental (48408A)	699.13	17-0084847
833 Ryder Truck Rental (L14157)	588.24	17-0084883
834 Ryder Truck Rental (L24008)	634.21	17-0084887
835 Ryder Truck Rental (AB05663)	60.17	17-0084890
836 Ryder Truck Rental (K91825)	379.19	17-0084893
837 Champagne, John R.	6.07	18-0081255
838 Dudek, Bernard A. or Dudek, Faye	8.35	18-0061600
839 Edwards-Schlosser, Shirley M.	19.99	18-0082335
840 Kabai, Tammy J.	32.51	18-0070496
841 Kirk, Jason S. or Rebecca L.	44.89	18-0071200
842 Melillo, Kristen L.	8.10	18-0084703
843 Petit, Robert J.	66.32	18-0085704
844 Regan, Martin J.	6.46	18-0083237
845 Simone, Joseph P. , Jr.	7.62	18-0086644
846 Honda Lease Trust (AL38585)	329.47	18-0068203
847 Honda Lease Trust (AC58899)	297.89	18-0068282
848 Derosa, Norma or Salvatore	91.36	18-0060347
849 Kelly, James	149.77	18-0070888
850 Makepeace. Edwin	74.44	18-0074127
851 Vece, Jonathan	38.21	15-0091364
852 Vece, Jonathan	92.32	15-0091365
853 Enterprise FM Trust (C180186)	387.64	18-0082385
854 Honda Lease Trust (AB70897)	263.82	18-0068362
855 JACT II LLC	4896.01	17-0007295
856 JACT II LLC	4990.03	18-0007291
857 Acar Leasing LTD (AG46671)	392.75	18-0050172
858 Acar Leasing LTD (AD74165)	73.85	18-0050300
859 Toyota Lease Trust (883ZUZ)	194.18	18-0089765
860 Toyota Lease Trust (AJ71086)	282.32	18-0089794

861 Toyota Lease Trust (365ZRT)	172.69	18-0089807
862 Toyota Lease Trust (5AGFM9)	645.16	18-0089546
863 Toyota Lease Trust (AA38712)	525.19	18-0089560
864 Toyota Lease Trust (AA93679)	506.74	18-0089610
865 Toyota Lease Trust (AC81376)	220.67	18-0089630
866 Toyota Lease Trust (798ZVL)	477.05	18-0089727
867 Toyota Lease Trust (7ATTR0)	239.07	18-0089736
868 Toyota Lease Trust (AK24078)	251.91	18-0089811
869 VW Credit Leasing (AF14380)	86.87	18-0091743
870 VW Credit Leasing (5ASVE5)	148.73	18-0091759
871 Munck, Kenneth R. Jr.	148.02	18-0077440
872 Porsche Leasing LTD (AC80208)	1344.41	18-0082183
873 Ricciuti, Christopher A.	7.30	18-0083528
874 Janis, Kathryn M.	28.96	18-0069753
875 Plaza, Brenda J.	98.86	18-0085768
876 Schatzman, Peter or Sheila (Tierney)	28.64	17-0013413
877 Schatzman, Peter or Sheila (Tierney)	29.18	18-0013408
878 Tillbrook, Jeffrey T.	21.31	18-0089192
879 Vigliotti, Alex 2012 Trust	13421.56	18-0000439
	<hr/>	
	67448.56	



OFFICE OF THE MAYOR
TOWN OF WALLINGFORD
CONNECTICUT

3b.

WILLIAM W. DICKINSON, JR.
MAYOR

45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE 203 294-2070
FAX 203 294-2073

April 7, 2020

Wallingford Town Council
Wallingford, CT 06492

Attention: Vincent Cervoni, Chairman

Dear Council Members:

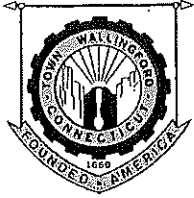
The Fire Department is requesting a bid waiver for New England Steamway located on East Street in Wallingford. The bid waiver will authorize us to purchase a one year supply of P-100 face masks at his cost. We also need approval of a transfer of money in the amount of \$37,098 in order to purchase the masks. The supply is expected to take us to the end of this calendar year.

Thank you for your attention.

Sincerely,

William W. Dickinson, Jr.
Mayor

jms



OFFICE OF THE MAYOR
TOWN OF WALLINGFORD
CONNECTICUT

WILLIAM W. DICKINSON, JR.
MAYOR

45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE 203 294-2070
FAX 203 294-2073

April 7, 2020

Wallingford Town Council
Wallingford, CT 06492

Attention: Vincent Cervoni, Chairman

Dear Council Members:

The Fire Department is requesting a bid waiver for New England Steamway located on East Street in Wallingford. The bid waiver will authorize us to purchase a one year supply of P-100 face masks at his cost. We also need approval of a transfer of money in the amount of \$37,098 in order to purchase the masks. The supply is expected to take us to the end of this calendar year.

Thank you for your attention.

Sincerely,

William W. Dickinson, Jr.
Mayor

jms

TOWN OF WALLINGFORD, CONNECTICUT

3d.

Honorable William W. Dickinson, Jr.
Mayor, Town of Wallingford

Date: April 6, 2020

I. Request for: XX transfer of funds
 appropriation of funds

Fund: XX General Fund
 Other Title _____

Amount:	\$ <u>3,000.00</u>	FROM: Title	<u>Purchased Srv - CMED</u>	Acct. No.	<u>10020150-56744</u>
	\$ <u>3,000.00</u>		<u>Purchased Srv - Physicals</u>		<u>10020150-56734</u>
	\$ <u>2,000.00</u>		<u>Office Expenses & Supplies</u>		<u>10020150-56100</u>
	\$ <u>500.00</u>		<u>Purchased Srv - Custodial</u>		<u>10020150-56736</u>
Amount:	\$ <u>8,500.00</u>	TO: Title	<u>Telephone</u>	Acct. No.	<u>10020150-53000</u>
			_____		_____
			_____		_____

Explanation: PER ATTACHED LETTER AS REQUIRED

Submitted by: *[Signature]*
Department/Division Head Deputy Fire Chief

Certified as to the availability of funds:

[Signature]
Comptroller

APPROVED -- subject to vote of the Town Council:

[Signature]
Mayor

II. CERTIFICATION OF FINANCIAL TRANSACTION:

The transfer/appropriation of \$ _____ as detailed and authorized above and as approved by a vote of the Town Council in session is hereby certified.

I hereby certify that this is the motion approved by the Town Council at its meeting of _____, 19____.

Town Clerk



Town of Wallingford, Connecticut

RECEIVED
MAYOR'S OFFICE
20 APR -6 PM 1:58

RICHARD W. HEIDGERD
FIRE CHIEF

JOSEPH J. CZENTNAR
DEPUTY FIRE CHIEF

SAMUEL C. WILSON
DEPUTY FIRE CHIEF

DEPARTMENT OF FIRE AND EMERGENCY SERVICES
75 MASONIC AVENUE
WALLINGFORD, CONNECTICUT 06492-3019
TELEPHONE (203) 294-2730

April 6, 2020

Mayor William W. Dickinson, Jr.
Town of Wallingford
45 South Main Street
Wallingford, CT 06492

Re: Transfer Request 2019-2020 Budget Year

Dear Mayor:

It has become necessary to transfer funds totaling \$8,500 into 10020150-53000 Telephone to cover current expenses and anticipated emergency and administrative purpose expenses through the end of the fiscal year.

These funds are currently available in the Purchased Services – CMED; Purchased Services – Physicals, Office Expenses & Supplies, and Purchased Services – Custodial accounts.

Transfer From:

Account #10020150-56744 Purchased Services – CMED	\$3,000
Account #10020150-56734 Purchased Services – Physicals	\$3,000
Account #10020150-56100 Office Expenses & Supplies	\$2,000
Account #10020150-56736 Purchased Services – Custodial	\$ 500

Transfer To:

Account #10020150-53000 Telephone	\$8,500
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If this transfer meets with your approval, please place it on the April 14, 2020 Town Council Agenda for consideration and approval.

Thank you for your attention to this issue.

Sincerely,

Joseph Czentnar
Deputy Fire Chief



TOWN OF WALLINGFORD


MAYOR'S OFFICE

20 APR -2 PM 4: 18

JAMES R., HUTT, JR.
Human Resources Director
Telephone (203) 294-2080
Fax (203) 294-2084

MEMORANDUM

TO: Mayor William Dickinson

FROM: James R. Hutt, Jr., Human Resources Director 

DATE: April 2, 2020

SUBJECT: Transfer Request – Personal Computers

I respectfully request your permission to approach the Town Council at its April 14, 2020 meeting to seek a transfer of \$3,000 to the Department of Human Resources personal computer account and an additional \$3,000 to create a new line item to purchase a Scantron test scoring machine. The computers I wish to replace are on average 7 years old and are needed for confidential office administration, managing correspondence/spreadsheets, electronic files storage, and database management. The Scantron test scoring machine can machine score exams quickly and accurately. This technology can also be used for test item analysis and for tabulating information that can be efficiently scanned by the equipment. The proper form is attached.

I will be at the meeting to answer any questions that arise.

Please contact me should you have any questions or require further information.

JRH/

Enclosure



Town of Wallingford, Connecticut
Department of Police Services

RECEIVED
MAYOR'S OFFICE
20 APR -2 PM 2:12

WILLIAM J. WRIGHT
CHIEF OF POLICE
135 NORTH MAIN STREET
WALLINGFORD, CT 06492-3718
TELEPHONE (203) 294-2828

INTEROFFICE MEMORANDUM

TO: MAYOR WILLIAM W. DICKINSON, JR.
FROM: CHIEF WILLIAM J. WRIGHT *WJ*
SUBJECT: DONATION-MR. & MRS. ANTHONY ANNUNZIATA
DATE: 4/1/2020
CC: MR. JAMES BOWES, COMPTROLLER

Sir,

Yesterday we received a donation in the amount of \$100.00 from Mr. & Mrs. Anthony Annunziata. We are grateful for their generosity and will put the donation to good use.

I respectfully request that you place the donation before the town council for acceptance.

Please contact me if there is something else that you might need.

TOWN OF WALLINGFORD, CONNECTICUT

39

Honorable William W. Dickinson, Jr.
Mayor, Town of Wallingford

Date: 3/30/2020

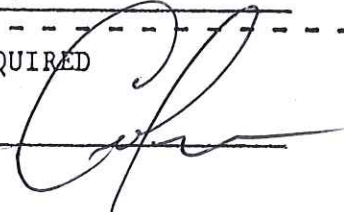
I. Request for: transfer of funds
 X appropriation of funds


Fund: General Fund
 X Other Title STEM Academy Special Fund

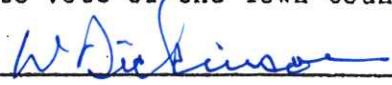
Amount: \$ 200.00 TO : Title Revenue Acct. No. 2264002-47152

Amount: \$ 200.00 TO: Title Expenditures Acct. No. 22640150-58830

Explanation: PER ATTACHED LETTER AS REQUIRED

Submitted by: _____
Department/Division Head 

Certified as to the availability of funds:

Comptroller

APPROVED -- subject to vote of the Town Council:

Mayor

II. CERTIFICATION OF FINANCIAL TRANSACTION:

The transfer/appropriation of \$ _____ as detailed and authorized above and as approved by a vote of the Town Council in session is hereby certified.

I hereby certify that this is the motion approved by the Town Council at its meeting of _____, 19____.

Town Clerk



RECEIVED
MAYOR'S OFFICE
20 MAR 30 PM 3:02
Town of Wallingford, Connecticut
Youth & Social Services

CRAIG S. TURNER
DIRECTOR

JANICE L. SERVER
PROGRAM COORDINATOR

KIMBERLY STEIN
SOCIAL SERVICES CASEWORKER

MARION L. GRACEY
COUNSELOR

KELLER L. SCHAFFER
SECRETARY

6 FAIRFIELD BOULEVARD
WALLINGFORD, CONNECTICUT 06492
TELEPHONE (203) 294-2175
FAX (203) 294-2703

March 30, 2020

The Honorable William W. Dickinson, Jr., Mayor
Town of Wallingford
45 South Main Street
Wallingford, CT 06492

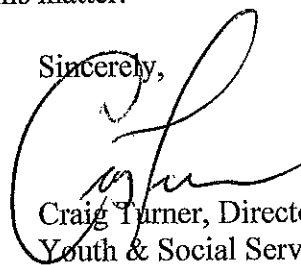
Dear Mayor Dickinson:

The Wallingford STEM Academy has received \$200.00 for a cancelled program. Therefore, we are requesting the following appropriation:

\$200.00	Rev. Acct. #2264002-47152	Revenue
\$200.00	Exp. Acct. #22640150-58830	Expenditures

Thank you for your assistance in this matter.

Sincerely,



Craig Turner, Director
Youth & Social Services

CST/klS

Enclosure

TOWN OF WALLINGFORD, CONNECTICUT

3h.

Honorable William W. Dickinson, Jr.
Mayor, Town of Wallingford

Date: 3/30/2020

I. Request for: transfer of funds
 X appropriation of funds

Fund: General Fund
 X Other Title STEM Academy Special Fund

Amount: \$1,368 TO: Title Revenue Acct. No. 2264002-47152

Amount: \$1,368 TO: Title Expenditures Acct. No. 22640150-58830

Explanation: PER ATTACHED LETTER AS REQUIRED

Submitted by: [Signature]
Department/Division Head

Certified as to the availability of funds:
[Signature]
Comptroller

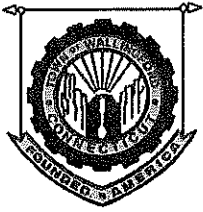
APPROVED -- subject to vote of the Town Council:
[Signature]
Mayor

II. CERTIFICATION OF FINANCIAL TRANSACTION:

The transfer/appropriation of \$ _____ as detailed and authorized above and as approved by a vote of the Town Council in session is hereby certified.

I hereby certify that this is the motion approved by the Town Council at its meeting of _____, 19____.

Town Clerk



Town of Wallingford, Connecticut
Youth & Social Services

RECEIVED
MAYOR'S OFFICE
20 MAR 30 PM 3:02

CRAIG S. TURNER
DIRECTOR

JANICE L. SERVER
PROGRAM COORDINATOR

KIMBERLY STEIN
SOCIAL SERVICES CASEWORKER

MARION L. GRACEY
COUNSELOR

KELLER L. SCHAFFER
SECRETARY

6 FAIRFIELD BOULEVARD
WALLINGFORD, CONNECTICUT 06492
TELEPHONE (203) 294-2175
FAX (203) 294-2703

March 30, 2020

The Honorable William W. Dickinson, Jr., Mayor
Town of Wallingford
45 South Main Street
Wallingford, CT 06492

Dear Mayor Dickinson:

The Wallingford STEM Academy has received \$1,368.00 from program fees. Therefore, we are requesting the following appropriation:

\$1,368.00	Rev. Acct. #2264002-47152	Revenue
\$1,368.00	Exp. Acct. #22640150-58830	Expenditures

Thank you for your assistance in this matter.

Sincerely,

Craig Turner, Director
Youth & Social Services

CST/klb

Enclosure



RECEIVED
DIRECTOR'S OFFICE
20 MAR 26 AM 9:28
Town of Wallingford, Connecticut
Youth & Social Services

CRAIG S. TURNER
DIRECTOR

JANICE L. SERVER
PROGRAM COORDINATOR

KIMBERLY STEIN
SOCIAL SERVICES CASEWORKER

MARION L. GRACEY
COUNSELOR

KELLER L. SCHAFFER
SECRETARY

6 FAIRFIELD BOULEVARD
WALLINGFORD, CONNECTICUT 06492
TELEPHONE (203) 294-2175
FAX (203) 294-2703

March 23, 2020

The Honorable William W. Dickinson, Jr., Mayor
Town of Wallingford
45 South Main Street
Wallingford, CT 06492

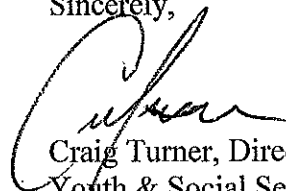
Dear Mayor Dickinson:

We have received \$14,705.00 from Workforce Alliance for the Summer Youth Employment Program for Wallingford youth. Therefore, we are requesting the following appropriation:

\$14,705.00	Rev. Acct. #2274002-47010	Donations
\$14,705.00	Exp. Acct. #22702020-51000	Expenditures

Thank you for your assistance in this matter.

Sincerely,


Craig Turner, Director
Youth & Social Services

CST/kl



RECEIVED
MAYOR'S OFFICE
Town of Wallingford, Connecticut
20 APR - 3 PM 1:36

✓ C Lead
ALS review
8/4/3
3j

WALLINGFORD CONSERVATION COMMISSION

Wallingford Town Hall
45 South Main Street
Wallingford, CT 06492

MEMORANDUM

To: Mayor Dickinson, Jr.
From: Erin O'Hare, Environmental Planner *EOH*
Date: April 2, 2020
Subject: Conservation Commission

Re: Town Council Meeting - request for consideration of Farmland Lease Properties Program bid waiver

This office is writing on behalf of the Conservation Commission to request the Town Council's consideration of a Farmland Lease Properties Program bid waiver as recommended by the Conservation Commission. The lease area is a new lease area off Cooke Road, named 'Field 5 B', comprised of 1.73 acres, 1.65 acres of which is in hay and the remaining lease area includes a farm road off Cooke Road (see attached copy of Field Map). The award is to John Kranyak, of 1349 Whirlwind Hill Road, Wallingford, for \$45.00/yr. for a five year term (see copy of Farmland Lease document, attached).

The bid waiver is sought as this hayfield, created years ago, connects directly to the Kranyak hayfield and, due to its small size, would not be bid on by any other farmer. In terms of timing, it is imperative that the field be hayed this spring to maintain its good condition.

Attachments

CC: Mary Heffernon, Chair, Conservation Commission
Dianne Saunders, Farmland Lease Committee, Conservation Commission

FARMLAND LEASE

THIS INDENTURE made this _____ day of _____, 2020, by and between the TOWN OF WALLINGFORD, a municipal corporation organized and existing under the laws of the State of Connecticut, and exercising its municipal functions in the Town of Wallingford, County of New Haven and State of Connecticut, hereinafter called "Lessor", acting herein by William W. Dickinson, Jr., its Mayor, duly authorized by a vote of the Town Council of the Town of Wallingford on _____, 2020; and John Kranyak of the Town of Wallingford, County of new Haven and State of Connecticut, hereinafter called "Lessee";

WITNESSETH:

That the Lessor has leased and does hereby lease to the Lessee those certain pieces or parcels of land located in the Town of Wallingford, County of New Haven and State of Connecticut, as more particularly described below and as shown on the "Town of Wallingford Farmland Lease Program Properties" Maps attached hereto and made a part hereof, subject to utility and other easements that may exist:

<u>Field</u>	<u>Location</u>	<u>Acreage</u>
5B	Cooke Road	1.73

The term of this lease shall be from _____, 2020 to December 31, 2024, (five-year term).

The annual rent, payable upon execution of this lease, shall be:

Field: 5B Annual Rent: \$45.00

It is hereby understood that the leased premises are to be used by the Lessee only for the following agricultural purposes:

<u>Field</u>	<u>Crop/Use</u>	<u>Restrictions/Requirements</u>
5B	hay	(see attached, "General Field Restrictions / Requirements")

Lessee covenants and agrees to:

1. Not sublease or otherwise allow others to use the property without the Lessor's written consent;
2. Pile stones removed from any field around the perimeter of that field in piles not to exceed three feet in height and not around trees;
3. Use the designated access shown on the "Town Farmland Lease Program Properties" Map, attached hereto, and not construct any new access ways to any field;

4. Allow members of the general public reasonable access for the purposes of bird watching, hiking, horseback riding, hunting, or fishing (only as allowed per town and/or state regulation);
5. If a USDA-NRCS or other formal Conservation Plan was submitted for a particular field with the bid proposal, use the USDA-NRCS Conservation Plan and follow Best Management Practices for Agriculture during the term of the agreement, including, at a minimum, adherence to the items referenced in the "Restrictions/Requirements" as referenced above for each parcel, and attached hereto;
6. If a USDA-NRCS or other formal Conservation Plan was not submitted with the bid for the particular field, follow best management practices for agriculture in accordance with the CT Department of Agriculture and CT DEEP during the term of the lease, including, at a minimum, adherence to the items referenced in the "General Restrictions/Requirements" AND the "Field-Specific Restrictions/Requirements" as referenced above and attached hereto;
7. Not use canary grass or any other potentially invasive plants;
8. Not install any signage unless expressly permitted by the Lessor;
9. Not remove any trees, shrubs or stone walls, except Lessee may, if desired, treat or remove plants, shrubs or trees designated as "invasive species" per the State of Connecticut, in accordance with the "Restrictions/Requirements", as referenced above and attached hereto;
10. Not remove or install any fixtures, structures, or fences, either permanent or temporary. If a field does not have an existing gate, the lessee may install a gate, but barbed wire shall NOT be used. Prior to installing a gate, the lessee shall consult with the Environmental Planner as to location and method of installation.
11. Not cultivate for harvest within 25 feet of a water body or watercourse;
12. Not dredge, alter, draw from, or drain into, any farm pond, stream, drainage way, channel or swale without the express written permission of the Wallingford Conservation Commission and any permits as may be required from the Inlands Wetlands and Watercourses Commission;
13. Not alter any paths, horse trails, or other existing features without the express written permission of the Wallingford Conservation Commission and any permits as may be required from the Inlands Wetlands and Watercourses Commission;
14. Notify the Environmental Planner of erosion issues as they arise and take immediate measures to effectively control the erosion to the satisfaction of the Environmental Planner; and
15. Provide updated contact information (at a minimum, Lessee's phone number, mobile phone number, and address) to the Environmental Planner in a timely manner throughout the lease term.

The Lessor may make periodic inspections of the leased premises to insure compliance with the foregoing, and the Lessee agrees to comply with any reasonable recommendations of the Lessor designed to insure the continued arability of the soil and the protection of the Lessor's water resources.

The Lessor reserves the right to enter the leased premises at any time for the purpose of public safety, erosion control, or for the purpose of maintaining, inspecting, repairing, and replacing any drainage or utility pipes, together with installing necessary fixtures and appurtenances. In the performance of such purpose, the Lessor will work to minimize any damage to growing crops and will bring the premises back to level ground at any time it is necessary to disturb the surface thereof.

Lessee agrees to maintain in force during the term of the lease insurance for workers' compensation, bodily injury liability and property damage liability covering the Lessee's farming operations naming the Lessor as an additional insured on said policies. The minimum coverage amounts shall be as follows: \$1,000,000.00 for general aggregate and occurrence aggregate; \$1,000,000.00 for automobile liability and workers' compensation as per Connecticut statutes. Lessee further agrees to provide copies of said policies to the Lessor.

Lessee further covenants and agrees that if Lessee shall use the leased premises for any purpose or in any manner other than that herein authorized; or shall fail to use it for agricultural purposes as specified in the bid proposal; or breach any express covenant, term, restriction or condition contained herein; or make any alteration therein without express written approval of the Lessor; or commit waste or suffer the same to be committed on said premises; or injure or misuse the same; then this Lease shall thereupon, by virtue of this express stipulation herein, expire and terminate, and the Lessor may, at any time thereafter, re-enter said premises, and the same have and possess as of its former estate, and without such re-entry, may recover possession thereof in the manner prescribed by the statute relating to summary process; it is being understood that no demand for rent, and no re-entry for condition broken, as at common law, shall be necessary to enable the Lessor to recover such possession pursuant to said statute relating to summary process, but that all right to any such demand, or any such re-entry, is hereby expressly waived by the Lessee.

And it is further agreed between the parties that, whenever this Lease shall terminate either by lapse of time or by virtue of any of the express stipulations herein, the said Lessee hereby waives all right to any notice to quit possession, as prescribed by the statute relating to summary process. However, in the event that this Lease terminates by lapse of time, and the Town of Wallingford has not completed its bidding/lease renewal process in time to have a new lease/lessee under contract, this Lease may, by mutual agreement of the Lessor and Lessee, be continued on the same terms and conditions on a month-to-month basis until terminated on 30 (thirty) days' notice by either party.

And it is further agreed between the parties hereto that the Lessee is to comply with and conform to all the laws of the State of Connecticut and the by-laws, rules and regulations of the Lessor within which the premises hereby leased are or may be concerned; and to save the Lessor harmless from all fines, penalties and costs for violation of or non-compliance with the same, and that said premises shall be at all times open for inspection by said Lessor or its agents.

And the Lessee covenants and agrees that, in the event the Lessor is required to employ an attorney in order to enforce any provision of this Lease, the Lessee shall pay a reasonable attorney's fee in connection with any such enforcement work.

This Lease may be terminated by either party hereto upon 15- days, notice to the other, which notice shall be in writing. Upon such termination, crops may be harvested with consent of Lessor.

And it is further agreed between the parties hereto and expressly understood that this Agreement shall terminate upon the death of the Lessee or upon said Lessee discontinuing the use of said leased premises for agricultural purposes; provided, however, that the heirs or agents of the Lessee shall have the right to complete the harvesting of any and all existing growing crops. Said heirs or agents shall be required to abide by all the terms of this Lease.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals and to a duplicate of the same tenor and effect the day and year first above written.

*Signed, Sealed and Delivered
In Presence Of:*

LESSOR:
TOWN OF WALLINGFORD

BY:

Witness

WILLIAM W. DICKINSON, JR. - Mayor

Witness

LESSEE:
John Kranyak

BY:

A. General Field Restrictions/Requirements – Hayfields 2A –14A

The following general restrictions/requirements pertain to *all* farmland lease hay properties of the Town of Wallingford throughout the lease term(s). Also refer to Specific Field Restrictions/Requirements for each field leased.

Use: Restricted to hay or other perennial forage crops ONLY (e.g. no corn or other annual crops; no vegetables; no nursery/bedding crops).

Access, lease and crop areas: Lessees shall confine all activities (i.e. vehicle access, growing and harvesting of crops, staging of harvested crops or equipment, maintenance, etc.) to areas designated for these respective purposes on the field map(s) for each particular field. Encroachment onto non-lease areas is not allowed during lease term. Consult with the Environmental Planner for clarification as needed.

Management practices: Lessees are expected to reasonably follow best management practices for agriculture per the Connecticut Department of Agriculture, but at a minimum, lessees shall manage leased properties in accordance with the “General Restrictions/Requirements” described herein.

Mowing:

1. Harvesting at least two cuttings per season is desired. However, hayfields must be mowed at minimum once per season prior to October 1 in any given year. Woody or invasive growth resulting from inadequate timing and frequency of mowing shall be deemed inadequate performance/failure to farm the leased property.
2. Hay bales are not to be left in fields beyond 1 week. Hay bales may be staged on a field edge in preparation of removal. However, areas disturbed by staging are to be reseeded to reestablish vegetation on open soil.

Maintenance:

1. Unless otherwise noted in ‘Field-Specific Restrictions/Requirements’ below, edges of fields shall be maintained to prevent vegetative encroachment onto hayfields and to keep hayfield areas open, and to retain the field dimensions throughout the term of the lease.
2. Saplings up to 3 inches in diameter may be removed if they extend into hayfield crop areas, lanes, roads, gates, etc., within the leased area.
3. Plants designated as invasive species per CT General Statutes may be controlled/removed using best management practices for agriculture and by observing other relevant federal/state regulations (e.g. manner of control, transport, use of pesticides, etc.). Questions regarding proper method of control/removal during lease term should be directed to the Environmental Planner.
4. No canary grass or other species designated as invasive per the State of Connecticut may be planted on the leased premises.
5. Note: in performing maintenance of field edges, lessees are reminded that horseback riders are allowed to access field edges (only); therefore, limbs and branches should be trimmed to height accordingly (9 feet is preferred clearance for limbs at field edges).

6. In fields where the perimeter is fenced/gated or otherwise restricted (e.g. desired hedgerows to prevent vehicle trespass), the Wallingford Conservation Commission has arranged for horse access/entry into the field in particular locations. No new access openings may be created by the lessee or the public, nor may any access established by the Wallingford Conservation Commission be blocked, without prior consultation with the Environmental Planner.
7. Lessees who have not demonstrated prior experience in seeding/re-seeding fields on Town of Wallingford land must consult with the Environmental Planner prior to seeding/re-seeding any leased field.
8. On fields where plowing is allowed and necessary for seeding/re-seeding, contour plowing shall be used and no cultivation shall be allowed within 25 feet of a water body or watercourse.

Cultivating/seeding/growing crops/harvesting: Lessees shall:

1. Not cultivate for harvest within 25 feet of a water body or watercourse;
2. Take reasonable care to avoid introduction of pests/disease into fields;
3. Contour plow when seeding/re-seeding fields;
4. Remove damaged equipment from fields within a reasonable time;
5. Use adequate erosion control measures as may be needed to prevent loss of soil and nutrients to wind and water erosion, and contamination of water bodies and watercourses on the premises;
6. Timely report any erosion problems to the Environmental Planner;
7. Not plant canary grass or other invasive plant species;
8. Make reasonable efforts to remove stray remnants of black plastic that may become loose during cultivation;
9. Immediately remove and properly dispose of empty packaging, containers, etc.;
10. Not dredge or alter any farm pond, stream, drainage way, channel, or swale without the express written permission of the Wallingford Conservation Commission and any permits as may be required from the Inland Wetlands Commission; and
11. Immediately report any damage to non-crop, non-lease areas.

Trees:

1. Trees downed anywhere on lease area are the responsibility of the lessee and must be removed promptly, depending on weather and field conditions, in a manner that does not create further soil disturbance.

2. Lessee is to contact the Environmental Planner regarding trees downed on the property not located within lease area. Trees outside the lease area are the responsibility of the Town.
3. There shall be no elective wood-cutting on leased areas.

Access ways:

Access ways to fields are required to be kept open at all times to allow ready access by Town of Wallingford representatives for observation/emergencies, and to afford reasonable access to the public for purposes of hiking, horseback riding, and observing nature in non-crop areas. The public is not permitted to enter access ways or fields with motorized vehicles, except for parking of registered motor vehicles in areas designated for parking as depicted on the State of Connecticut DEEP Permit-Required Hunting Program.

Applications (manure/fertilizer/compost/other nutrients/pesticides and herbicides) to fields:

Manure, fertilizer, compost, pesticides, herbicides, etc. may only be used on particular fields. Contact the Environmental Planner in this regard for your field.

All lessees shall comply with 'generally accepted agricultural practices' as determined by the Connecticut Commissioner of Agriculture and Connecticut DEEP. However, since the Town of Wallingford has a concern for the preservation and conservation of its natural resources, including public water supplies, on those particular fields where manure and/or other products may be applied, all lessees must, as a minimum standard, adhere to the following specific protocols for applications of manure, other nutrients, and pesticides/herbicides:

1. Applications of manure:
 - a. Manure may not be stored on town fields;
 - b. Manure shall not be spread on frozen or snow-covered ground;
 - c. Manure shall not be spread within 200 feet of a waterway, stream, or body of water; and
 - d. Manure shall not be applied on more than 20 contiguous acres in a single application cycle.
 - e. An annual soil test must be performed in October or November, at least 6 weeks after any lime, fertilizer, or manure has been applied. The test must be done by the soil nutrient analysis lab at UCONN, UMASS, or CAES (CT Agricultural Experiment Station), in accordance with their specifications for sampling. Test results must include results for phosphorus. Results of the annual soil test shall be submitted to the Environmental Planner by each December 31st.
2. Applications of nutrients other than manure on those fields not subject to Wallingford Water Division Watershed Restrictions or Aquifer Protection District Restrictions:

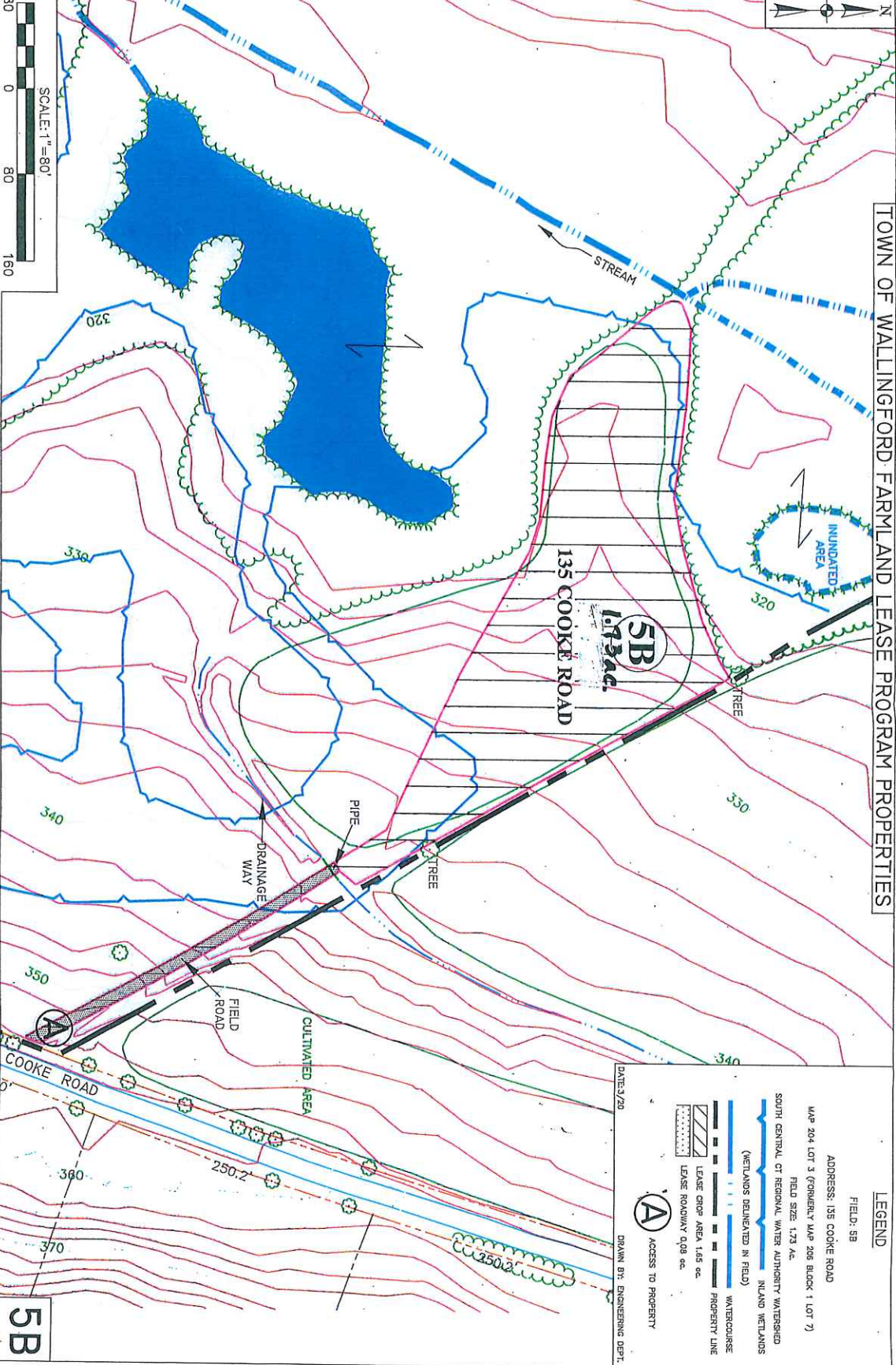
- a. All applications to fields other than manure must be patented under a readily available commercial label, listing chemical composition, application rate, and method of application;
 - b. Applications of substances not patented under a commercial label may not be made without prior approval of the Environmental Planner.
3. Use of pesticides/herbicides on those fields not subject to Wallingford Water Division Watershed Restrictions or Aquifer Protection District Restrictions:
- a. Applications must be patented under a readily available commercial label, listing chemical composition, application rate, and method of application.
 - b. Application of pesticides and herbicides may only be made in accordance with all applicable State Laws, and by a State-licensed and certified applicator as may be required by law.
 - c. Applications (pesticides, herbicides, etc.) shall be applied in accordance with manufacturer's instructions.
 - d. No Roundup shall be used; may substitute Rodeo or other glyphosate without surfactant, and no 'sticker'/oil/or other substance may be added.

Preservation of natural and cultural resources:

1. Lessee shall not alter or remove any existing stone walls, native trees, or native shrubs, except for permitted maintenance of access ways, field edges, hedgerows, and other areas as specified in General and Field-Specific Restrictions/Requirements.
2. Lessee shall not till or disturb soil any deeper than the necessary depth for planting on any crop area.
3. Lessee shall not dig on non-crop areas, except to reasonably repair damage caused by damaged trees within the lease area, per the General and Field-Specific Restrictions/Requirements regarding trees.

Gates and locks:

Gates and locks are the responsibility of the lessee. If a field does not have an existing gate, the lessee may install a gate, but barbed wire shall NOT be used. Prior to installing a gate, the lessee shall consult with the Environmental Planner as to location and method of installation.



TOWN OF WALLINGFORD FARMLAND LEASE PROGRAM PROPERTIES

LEGEND

FIELD: 58
 ADDRESS: 135 COOKE ROAD
 MAP 204 LOT 3 (FORMERLY MAP 206 BLOCK 1 LOT 7)
 FIELD SIZE: 1.73 AC.
 SOUTH CENTRAL CT REGIONAL WATER AUTHORITY WATERSHED
 (WETLANDS DEBENTED IN FIELD) INLAND WETLANDS
 WATERCOURSE
 PROPERTY LINE
 LEASE CROP AREA 1.65 ac.
 LEASE ROADWAY 0.08 ac.
 ACCESS TO PROPERTY
 DRAIN BY ENGINEERING DEPT.

58

3K

**TOWN OF WALLINGFORD, CONNECTICUT
TOWN COUNCIL MEETING
Town Council Chambers
TUESDAY
MARCH 24, 2020
6:30 P.M.
RECORD OF VOTES & MINUTES**

The Town Council Meeting on Tuesday, March 24, 2020 was called to order at 6:30 p.m. There was a moment of silence and the Pledge of Allegiance was said. Councilors in attendance were Craig C. Fishbein (TC), Thomas Laffin (TC), Joseph A. Marrone, III, Gina Morgenstein (TC 6:45 p.m.) Christopher K. Shortell, Christina Tatta (TC), Vincent F. Testa (TC), Jason Zandri and Chairman Vincent Cervoni. Mayor William W. Dickinson, Jr., and Corporation Counsel Janis Small were also present. (TC - BY TELECONFERENCE)

**MEMBERS OF THE PUBLIC WHO INTEND TO ATTEND SHOULD
BE MINDFUL TO MAINTAIN AN APPROPRIATE DISTANCE FROM
OTHERS (SIX FEET), IN LIGHT OF CURRENT HEALTH CONCERNS**

Moment of Silence

1. Pledge of Allegiance
2. Roll Call

Chairman Cervoni thanks Chief Wright for setting up the teleconference.

3. Consent Agenda
 - 3a. Consider and approve Tax Refunds totaling \$4,934.08 (#807-814)
Acct. #1001001- 41020 - Tax Collector
 - 3b. Acceptance of U.S. Secret Service reimbursement funds and consider and approve Appropriation of funds in the amount of \$993 to Misc. Revenue, Acct. #1009052-47040 and to Police Overtime, Acct. #10020050-51400 – Police Dept.
 - 3c. Acceptance of U.S. Secret Service reimbursement funds and consider and approve Appropriation of funds in the amount of \$1022 to Misc. Revenue, Acct. #1009052-47040 and to Police Overtime, Acct. #10020050-51400 – Police Dept.
 - 3d. Acceptance of Donation and consider and approve Appropriation of funds in the amount of \$25 to Revenue Donations – Police, Acct. #2502002-47152 and to Expense Donations – Police, Acct. #25020050-58830-10135 – Police Dept.
 - 3e. Consider and approve a Transfer in the amount of \$4,200 from Contingency – General, Acct. #10019000-58820 to Probate - Copier, Acct. #10010850 – TBD – Probate Court

- 3f. Consider and approve Reappointment of Joel M. Rinebold to the Public Utilities Commission for a three year term effective immediately and expiring March 1, 2023 - Mayor
- 3g. Consider and approve appointment of Karen Harris as an Alternate on the Zoning Board of Appeals to fill a vacancy which expires January 8, 2022 – Chairman Cervoni
- 3h. Consider and approve delegating authority to the Law Department to settle collection cases on claims valued up to \$2,500 for the term of the Town Council ending January 3, 2022 – Law Dept.
- 3i. Consider and approve a Resolution to apply for a Department of Housing Affordable Housing Plan Technical Assistance Grant and Authorize the Mayor to enter into an Assistance Agreement with the State Department of Housing, to execute such other documents as may be required and to execute any amendments, rescissions, and revisions thereto, to carry out approved activities and to act as the authorized representative of the Town of Wallingford – Mayor
- 3j. Consider and approve Bid Waiver for 3M Company in the amount of \$25,010 to purchase N95 facial masks – Fire Dept.
- 3k. Consider and approve a Transfer in the amount of \$25,010 from Contingency, General Purposes, Acct. #10019000-58820 to Fire-Operating Expense, Acct. #10020150-58735 – Fire Dept.
- 3l. Approve Town Council Minutes of March 10, 2020.

MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a.-3i. and 3l.

MADE BY: MARRONE
SECONDED BY: SHORTELL
VOTE: ALL AYE
MOTION: PASSED

4. Items Removed from the Consent Agenda:

- 3j. Consider and approve Bid Waiver for 3M Company in the amount of \$25,010 to purchase N95 facial masks – Fire Dept.
- 3k. Consider and approve a Transfer in the amount of \$25,010 from Contingency, General Purposes, Acct. #10019000-58820 to Fire-Operating Expense, Acct. #10020150-58735 – Fire Dept.

5. PUBLIC QUESTION & ANSWER PERIOD - WITHDRAWN

7. Discussion and action on a Bid Waiver request for Sageview Advisory Group, LLC in the amount of \$18,900 to provide investment and compliance services for the Town employees' 457 deferred compensation plan to run through September 30, 2020 – Human Resources

MOTION WAS MADE TO APPROVE a Bid Waiver request for Sageview Advisory Group, LLC in the amount of \$18,900 to provide investment and compliance services for the Town employees' 457 deferred compensation plan to run through September 30, 2020

**MADE BY: LAFFIN
SECONDED BY: SHORTELL**

ROLL CALL VOTE:	SHORTELL: YES
FISHBEIN: YES	TATTA: YES
LAFFIN: YES	TESTA: YES
MARRONE: YES	ZANDRI: YES
MORGENSTEIN: ABSENT	CERVONI: YES

**8-AYE
1 -ABSENT
MOTION: PASSED**

11. Consider and approve Revised Bid Waiver for 3MCompany in the amount of \$37,681 to purchase masks and other medical supplies – Fire Dept.

*In Attendance: Richard Heidgerd, Fire Chief (TC)
Joseph Czentnar, Deputy Fire Chief
Stephen Civitelli, Director, Health Dept.*

MOTION WAS MADE TO APPROVE Revised Bid Waiver for Safeware Company in the amount of \$37,681 to purchase masks and other medical supplies.

**MADE BY: LAFFIN
SECONDED BY: FISHBEIN**

Chief Heidgerd stated we are expecting recertification this fall and noted that supplies have been used up. He explained how they have reached out to local health facilities who have supplied them with masks for this month. He went on to say they will get reimbursed 75%. He feels we will need 10,000 face shields and masks and the rest will be stock.

CALL VOTE:	SHORTELL: YES
FISHBEIN: YES	TATTA: YES
LAFFIN: YES	TESTA: YES
MARRONE: YES	ZANDRI: YES
MORGENSTEIN: YES	CERVONI: YES

**9-AYE
MOTION: PASSED**

12. Consider and approve a Transfer in the amount of \$25,010 from Contingency-General Purposes, Acct. #10019000-58820 to Fire-Operating Expenses, Acct. #10020150-58735 – Fire Dept.

*In Attendance: Richard Heidgerd, Fire Chief (TC)
Joseph Czentnar, Deputy Fire Chief
Stephen Civitelli, Director, Health Dept.*

MOTION WAS MADE TO APPROVE a Transfer in the amount of \$25,010 from Contingency-General Purposes, Acct. #10019000-58820 to Fire-Operating Expenses, Acct. #10020150-58735.

**MADE BY: LAFFIN
SECONDED BY: SHORTELL**

ROLL CALL VOTE:	SHORTELL: YES
FISHBEIN: YES	TATTA: YES
LAFFIN: YES	TESTA: YES
MARRONE: YES	ZANDRI: YES
MORGENSTEIN: YES	CERVONI: YES
9-AYE	
MOTION: PASSED	

13. Consider and approve a Transfer in the amount of \$12,671 from Contingency-General Purposes, Acct. #10019000-58820 to Fire- Operating Expenses, Acct. #10020150-58735 – Fire Dept.

*In Attendance: Richard Heidgerd, Fire Chief (TC)
Joseph Czentnar, Deputy Fire Chief
Stephen Civitelli, Director, Health Dept.*

MOTION WAS MADE TO APPROVE a Transfer in the amount of \$12,671 from Contingency-General Purposes, Acct. #10019000-58820 to Fire

**MADE BY: LAFFIN
SECONDED BY: SHORTELL**

ROLL CALL VOTE:	SHORTELL: YES
FISHBEIN: YES	TATTA: YES
LAFFIN: YES	TESTA: YES
MARRONE: YES	ZANDRI: YES
MORGENSTEIN: YES	CERVONI: YES
9-AYE	
MOTION: PASSED	

6. Report from Stephen Civitelli, Director of Health, regarding COVID 19 - Councilor Morgenstein and Councilor Shortell

In Attendance: Stephen Civitelli, Health Director

Mr. Civitelli thanked all departments for their cooperation. He stated there are zero confirmed cases in Wallingford, 31 cases they have monitored and 28 have come back negative. They are waiting on one more. He explained they have been quarantining individuals on a case by case basis and have stockpiled some materials. He noted they have had a lot of calls from businesses regarding how long to be closed and lots of talk about flattening the curve. He stated this is a long term event.

Councilor Laffin thanked Mr. Civitelli for the time he has spent with keeping the Council informed.

Councilor Marrone asked about closing the town hall. Mr. Civitelli explained how we are isolating and quarantining any employee who may have been exposed. Also, he stated, through Public Works, we have upped the cleaning. He went on to say glass walls were put up in high traffic offices to protect everyone (Town Clerk, Tax, etc.) and we are now locking office doors and making appointments to do business or limiting the number of people let in. He stated that the Health Department has spoken with town hall staff. He said the Governor expects 70% of the population to get this and indicated these are not his numbers.

Councilor Morgenstein thanked Mr. Civitelli and stated this was her item. She indicated she has been fielding questions from the public and from employees. She asked Mr. Civitelli what is essential and if we are thinking of staggering shifts.

Mr. Civitelli explained they are looking at staggering especially at Water/Sewer. He indicated he has spoken with Neil Amwake and he is taking every precaution.

Councilor Morgenstein inquired about town hall people. She stated that she is concerned about our Mayor's concern about our employees.

Councilor Shortell asked about the locking of department doors and then asked what are you looking at next, closing Town Hall?

Mayor Dickinson stated we really cannot close departments, we have to be conscious of that. He said this is a public building and we are trying to limit people in.

Councilor Shortell read a list of towns that have closed or have limited hours and stated they are working though it and we should as well.

Councilor Shortell asked about the strategy of our budget schedule. Chairman Cervoni stated we have not yet noticed any of that and indicated that he intends to postpone the budget meetings. He stated he is evaluating the workshops. He went on to say the Governor gave us latitude on the budget process without the public and said he really doesn't want to do that.

Councilor Tatta thanked Mr. Civitelli for his work and said her questions have been answered.

Councilor Testa stated he could not hear anything on this call and he is very frustrated with the town hall being open. He asked if there is any procedure in place if someone at town hall shows symptoms.

Mr. Civitelli explained he has been given the authority by the Mayor and Mr. Hutt to quarantine the worker if his or her spouse or someone has come into contact with someone with COVID19. He stated if the employee has exposure to others, we would lock down the building and clean it.

Councilor Testa asked Mr. Civitelli if he has advised the Mayor to shut down or limit the activities of the Town Hall. Mr. Civitelli said they went around the building and put up walls, locked doors and have departments doing business by phone, email, or mail.

Councilor Zandri likes that the offices are locked and making appointments especially the Town Clerk.

Mayor Dickinson stated that cleaning of surfaces is happening on a constant basis.

Councilor Zandri thinks it will be helpful if we have information on our website about how long the virus lasts on surfaces.

8. Executive Session pursuant to Section 1-200(6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor

MOTION WAS MADE TO MOVE INTO EXECUTIVE SESSION AT 7:58 P.M.

MADE BY: LAFFIN
SECONDED BY: SHORTELL
VOTE: ALL AYE
MOTION: PASSED

MOTION WAS MADE TO MOVE INTO EXECUTIVE SESSION pursuant to Section 1-200(6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property.

MOTION WAS MADE TO MOVE OUT OF EXECUTIVE SESSION AT 8:22 P.M.

MADE BY: LAFFIN
SECONDED BY: SHORTELL
VOTE: ALL AYE
MOTION: PASSED

Time of Executive Session 7:58 p.m. to 8:22 p.m.

Attendance at Executive Session:

FISHBEIN	MAYOR WILLIAM W. DICKINSON, JR.
LAFFIN	CORPORATION COUNSEL JANIS SMALL
MARRONE	POLICE CHIEF WILLIAM WRIGHT
MORGENSTEIN	
SHORTELL	
TATTA	
TESTA	
ZANDRI	
CERVONI	

- 9. Executive Session pursuant to Section 1-225(f) and Section 1-200(6)(B) of the CGS regarding strategy and negotiations with respect to the pending tax appeal matter of *CREFIII Waramaug Wallingford, LLC v. Town of Wallingford* – Law Dept. – **WITHDRAWN**
- 10. Discussion and possible action in the pending tax appeal matter of *CREFIII Waramaug Wallingford, LLC v. Town of Wallingford* as discussed in Executive Session – Law Dept. - **WITHDRAWN**

The Council adjourned the meeting at 7:56 p.m.

Respectfully submitted,

Lisa Moss
Council Staff
Meeting digitally recorded

RECEIVED FOR RECORD 3-27-2020
 AT 4:00 AND RECEIVED BY
Barbara Thompson TOWN CLERK

Vincent Cervoni, Chairman Date

Barbara Thompson, Town Clerk Date

Subject **Fw: Agenda Item**
From Vinny Cervoni <vcbluzman@hotmail.com>
To townclerk@wallingfordct.gov <townclerk@wallingfordct.gov>
Date 2020-04-05 14:59

Agenda
Roundcube  *5,*

Vinny Cervoni, Chairman
Wallingford Town Council

From: C.K. Shortell <ckshortell@gmail.com>
Sent: Sunday, April 5, 2020 2:36 PM
To: Vincent Cervoni
Subject: Agenda item


Hey,

Per earlier convos, I'd like an update from Health Director Civitelli on our next meeting (if this is not already a standing item).

Thank you!

Shorty

Sent from my iPhone

Agenda fax Steve C
roundcube 

Subject **Town workers**
From Gina Morgenstein <demwow06492@gmail.com>
To Town Clerk <townclerk@wallingfordct.gov>, Vincent Cervoni <vcbluzman@hotmail.com>, Vinnie Testa <vtesta@comcast.net>, Tom Laffin <councilor@tomlaffin.com>, Joseph Marrone <joemar3@sbcglobal.net>, Christopher Shortell <ckshortell@gmail.com>, Christina Tatta <christina.tatta@yahoo.com>, Jason Zandri <jason@zandri.net>, Craig Fishbein <Ccf@fishbeinlaw.com>
Date 2020-04-05 14:08

4/5/20

I am requesting AGENDA ITEM for our next Town Council meeting

We need to ensure the safety of our Town of Wallingford workers.

I am a healthcare worker and do not see the current policies that are in place as being appropriate. We are not providing proper social distancing. I would like to know what cleaning and protective equipment actions are in place as well.

The current CT fatality rate for Covid 19 is 3.1%

Seasonal flu has a fatality rate of 0.1% (2.5% of hospitalized people die)

This is a Novel (never before experienced by anyone on earth) virus. No one has immunity, there is no vaccine. Young and old are dying. We do not want anyone under our employment dying. Thank you very much!

Our employees deserve our respect. I want to give them that by improving their current safety.

Gina Morgenstein PA-C
Councilwoman



RECEIVED
MAYOR'S OFFICE
Town of Wallingford, Connecticut
20 APR -7 PM 2:08

TOWN ATTORNEY
GERALD E. FARRELL, SR.

ASSISTANT TOWN ATTORNEY
GEOFFREY T. EINHORN

CORPORATION COUNSEL
JANIS M. SMALL

DEPARTMENT OF LAW
WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492

TELEPHONE (203) 294-2140
FAX (203) 294-2112
lawdept@wallingfordct.gov

6.

MEMORANDUM

TO: William W. Dickinson, Jr., Mayor
Members of the Wallingford Town Council

CC: Public Utilities Commission
James M. Bowes, Comptroller
Richard A. Hendershot, Director, Department of Public Utilities

FROM: Janis M. Small, Corporation Counsel

RE: Governor Lamont's Executive Order No. 7S, Section 6

DATE: April 7, 2020

Governor Lamont's Executive Order No. 7S requires towns to adopt a program relating to the collection of taxes, water-sewer and electric payments. Each program is described below. The Town must adopt one or both of the programs. The decision is made by the Town Council.

Deferment Program

Essentially this is an extended grace period program. It calls for a 90-day period to make payments without interest. Any tax or utility bill which becomes due between March 10, 2020 and July 1, 2020 can be covered by the program. The program would extend the time to pay without interest for ninety days from the due date.

However, this program does not apply to any tax or utility payment that is already past due. It's not an amnesty program.

The Town may require proof of eligibility in accordance with the Executive Order and OPM guidelines or it may extend the program to all without requiring proof of eligibility.

However, with respect to landlords (residential or commercial), they must provide documentation that:

- a. the property will suffer a significant income decline; or
- b. they have offered "commensurate forbearance" to their tenants.

Memorandum
April 7, 2020
Page Two

Low Interest Rate Program

This program does not offer more time to pay without penalty. Instead, it lowers the delinquent interest rate to 3% per annum for ninety days. The normal grace period would apply. Therefore, after August 3rd, the July tax bill would be subject to 3% per annum interest.

At this time, there is confusion as to when the ninety-day period begins (either July 1st or August 4th). Hopefully, we'll have clarification shortly.

The 3% interest rate is only available for the ninety days and only if the bill is actually paid during that time period. Once the ninety days ends, any delinquent balance will be subject to 18% from its due date. If a bill is delinquent prior to March 10, 2020, the 3% interest rate would also only apply to the delinquency for the ninety days provided it is paid within that time.

With the exception of landlords, there are no eligibility requirements for this program.

Landlords, under this program, must offer "commensurate forbearance" to tenants upon their request.

NOTE: This is my understanding of Executive Order 7S at this time. If there are any changes/new interpretations, I will look to advise you as soon as practicable. Additionally, the relevant departments are analyzing the programs and will look to make a recommendation in time for the April 14th meeting. The Executive Order requires the towns to notify OPM as to which program is adopted by April 25, 2020.



Janis M. Small
Corporation Counsel

JMS/bjc

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7S

See Section 6

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC AND
RESPONSE – SAFE STORES, RELIEF FOR POLICYHOLDERS, TAXPAYERS, AND
TENANTS**

WHEREAS, on March 10, 2020, I issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

WHEREAS, pursuant to such declaration, I have issued seventeen (17) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher for individuals who are 60 years of age or older and for those who have chronic health conditions; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, my Executive Order No. 7N imposed certain safety restrictions and mandates on retail establishments in order to limit the spread of COVID-19 among customers, employees, and others entering such establishments; and

WHEREAS, there exists a compelling state interest in a consistent and easily understandable statewide approach to reducing the risk of transmission of COVID-19 among customers, staff, and other persons entering retail establishments, to limit community transmission of COVID-19 statewide, and to ensure the continuity of essential retail services and safe conduct of permitted non-essential retail services; and

manufacturers, wholesalers, or others specified in such statute and regulations, is modified so that the maximum period of credit shall be ninety days after the date of delivery for all permittees prohibited from engaging in on-premise sales per Executive Order No. 7D, as amended by Executive Order No. 7H. The extension of credit shall not apply to permits that were delinquent at the time Executive Order No. 7D became effective on March 16, 2020. The period of delinquency shall begin on the ninety-first day after the date of delivery. All other requirements under the above-referenced statute and regulations shall apply, except as modified to reflect the increased period of credit, and the standard thirty-day period of credit shall continue to apply to all permittees whose businesses who were not engaging in on-premise sales at the time Executive Order No. 7D became effective. The credit extension shall remain in effect for any delivery made prior to the time Executive Order No. 7D expires or is terminated, or if extended or renewed, through any period of extension or renewal.

4. **Daily Payment of Certain Taxes Changed to Weekly.** Section 12-575 (h) of the Connecticut General Statutes is modified so that the licensee authorized to operate off-track betting in Connecticut shall file with the Department of Consumer Protection: a daily electronic report of the amount of wagers collected; and, no later than 12:00 PM every Tuesday, the tax filing and payment for the week preceding.
5. **Flexibility to Amend Medicaid Waivers and State Plan.** Section 17b-8 of the Connecticut General Statutes, to the extent that it requires: the submission of proposed applications to submit waivers or make certain amendments to Medicaid waivers or the Medicaid state plan (for such amendments that would have required a waiver but for the Affordable Care Act) to the joint standing committees having cognizance of matters relating to human services and appropriations; a 30-day public notice and comment period prior to submission of the proposed amendments to said committees; the holding of a public hearing by said committees; and the approval of the applications for amendment by said committees, is modified retroactive to the declaration of public health and civil preparedness emergency on March 10, 2020, to authorize the Commissioner of Social Services, on an expedited basis, to exercise the waiver flexibilities provided in response to COVID-19 and afforded by Appendix K to the Home and Community Based Waivers under Section 1915(c), as well as Sections 1115 (a) and 1135, of the Social Security Act and also including, as applicable and in response to COVID-19, amendments to Medicaid state plan provisions under other relevant provisions, such as sections 1915(i), 1915(k) and 1945 of the Social Security Act. The suspension of the aforesaid requirements is limited solely to emergency waivers related to the COVID-19 declared public health and civil preparedness emergencies.
6. **Suspension and Modification of Tax Deadlines and Collection Efforts.** Notwithstanding any contrary provisions of Chapter 204 of the Connecticut General Statutes or of any special act, charter, home-rule ordinance, local ordinance or other local law, there shall be established two programs to offer support to eligible taxpayers, businesses, nonprofits, and residents who have been economically affected by the COVID-19 pandemic. Such programs shall be known as the "Deferment Program" and the "Low Interest Rate Program." Each

municipality, as defined in section 7-148 of the general statutes, by determination of its local legislative body, or, in any town in which the legislative body is a town meeting, by a vote of the board of selectmen, shall participate in one or both programs and shall notify the Secretary of the Office of Policy and Management no later than April 25, 2020, about which program or programs it is electing to participate in.

- a. **Deferment Program.** During the period of March 10, 2020, the date that I declared the public health and civil preparedness emergency, through and including July 1, 2020, municipalities participating in the Deferment Program shall offer to eligible taxpayers, businesses, nonprofits, and residents a deferment by ninety (90) days of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric rates, charges or assessments for such tax, rate, charge, or assessment from the time that it became due and payable. Eligible taxpayers, businesses, nonprofits, and residents are those that attest to or document significant economic impact by COVID-19, and/or those that document they are providing relief to those significantly affected by the COVID-19 pandemic. The Secretary of the Office of Policy and Management shall issue guidance as to which taxpayers, businesses, nonprofits, and residents shall be considered eligible for the Deferment Program, but participating municipalities may, upon approval of its local legislative body, or, in any town in which the legislative body is a town meeting, by a vote of the board of selectmen, extend eligibility for the deferment program to other categories of taxpayers, businesses, nonprofits, and residents.
- b. **Low Interest Rate Program.** For municipalities participating in the Low Interest Rate Program, notwithstanding Section 12-146 of the General Statutes, (i) the delinquent portion of the principal of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric charges or assessments or part thereof shall be subject to interest at the rate of three (3) per cent per annum for ninety days from the time when it became due and payable until the same is paid, for any such tax, rate, charge, or assessment due and payable from March 10 through and including July 1, 2020, unless such delinquent portion is subject to interest and penalties at less than three (3) per cent per annum. Following the ninety days, the portion that remains delinquent shall be subject to interest and penalties as previously established; and (ii) any portion of the principal of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric rates, charges or assessments or part thereof that had been delinquent on or prior to March 10, shall be subject to interest at the rate of three (3) per cent per annum for ninety days from this Order, unless such delinquent portion is subject to interest and penalties at less than three (3) per cent per annum. Following the ninety (90) days, the portion that remains delinquent shall be subject to interest and penalties as previously established.
- c. **Eligibility of Landlords.** In order for a landlord, or any taxpayer that rents or leases to any commercial, residential, or institutional tenant or lessee, to be eligible for the Deferment Program, said landlord must provide documentation to the municipality that the parcel has or will suffer a significant income decline or that commensurate

forbearance was offered to their tenants or lessees. Any taxpayer that rents or leases to any commercial, residential, or institutional tenant or lessee shall only be eligible for the Low Interest Rate Program if said landlord offers commensurate forbearance to tenants or lessees, upon their request.

- d. **Escrow Payments.** Financial institutions and mortgage servicers that hold property tax payments in escrow on behalf of a borrower shall continue to remit property taxes to the municipality, so long as the borrower remains current on their mortgage or is in a forbearance or deferment program, irrespective of the borrower's eligibility for or participation in the Deferment Program or the Low Interest Rate Program.
- e. **Liens Remain Valid.** Nothing in this order affects any provision of the Connecticut General Statutes relating to continuing, recording and releasing property tax liens and the precedence and enforcement of taxes, rates, charges and assessments shall remain applicable to any deferred tax, rate, charge or assessment or installment or portion thereof.

7. **Allowance of Suspension of In-Person Voting Requirements for Critical and Time Sensitive Municipal Fiscal Deadlines.** Notwithstanding any contrary provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter, ordinance or resolution that conflicts with this order, the legislative body of a municipality, or in a municipality where the legislative body is a town meeting other than a representative town meeting, the board of selectmen, and the budget-making authority of said municipality if different from the legislative body or board of selectmen, by majority vote of each such body, as applicable, may authorize (i) any supplemental, additional or special appropriations under Section 7-348 of the Connecticut General Statutes or comparable provisions of any special act, municipal charter or ordinance, (ii) any tax anticipation notes to be issued under Section 7-405a of the Connecticut General Statutes or comparable provisions of any special act, municipal charter or ordinance, or (iii) municipal general obligation bonds or notes to be issued in anticipation of such bonds to be issued pursuant to Chapter 109 of the Connecticut General Statutes for capital improvement purposes, without complying with any requirements for in-person approval by electors or taxpayers, including but not limited to, annual or special town meetings requiring votes or referenda. Notwithstanding the foregoing, if the legislative body and budget-making authority, if they are separate entities, are taking any action specified in (ii) or (iii) above, or any action under (i) above, which involves an appropriation in an amount in excess of 1% of the current year's total municipal budget without complying with any in-person approval requirements normally required by statute, special act, municipal charter, ordinance or resolution, such body(ies) shall make specific findings that such actions are necessary to permit the orderly operation of the municipality 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, or that action is otherwise necessary for the protection of persons and property within the municipality. In so acting, the legislative body and, if different from the legislative body, the budget-making



OFFICE OF POLICY AND MANAGEMENT GUIDANCE

Executive Order No. 7S

Explanation of Purpose and Intent

Section 6, Executive Order 7S

Suspension and Modification of Tax Deadlines and Collection Efforts

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

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

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

Section a: "Deferment Program"

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

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

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

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

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

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

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

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

Section b: “Low Interest Rate Program”

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

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

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

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

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

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

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

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

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

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

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

Section c: Eligibility of Landlords

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

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

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

Section d: Escrow Payments

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

Section e: Liens Remain Valid

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

4. What are the requirements for landlords?

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

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

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

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

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

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

6. How is interest calculated under the Programs?

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

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

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

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

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

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

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

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



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

INTERGOVERNMENTAL POLICY AND PLANNING DIVISION

GOVERNOR'S EXECUTIVE ORDER 7S SECTION 6
MUNICIPALITY PROGRAM ELECTION

The municipality of _____ by determination of our local legislative body, or in any town in which the legislative body is a town meeting, by a vote of the board of selectmen, voted and approved on _____, that we will participate in the following program(s):

[] Deferment Program. During the period of March 10, 2020, the date that the Governor declared the public health and civil preparedness emergency, through and including July 1, 2020, municipalities participating in the Deferment Program shall offer to eligible taxpayers, businesses, nonprofits, and residents a deferment by ninety (90) days of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric rates, charges or assessments for such tax, rate, charge, or assessment from the time that it became due and payable. Eligible taxpayers, businesses, nonprofits, and residents are those that attest to or document significant economic impact by CO VID-19, and/ or those that document they are providing relief to those significantly affected by the COVID-19 pandemic. The Secretary of the Office of Policy and Management shall issue guidance as to which taxpayers, businesses, nonprofits, and residents shall be considered eligible for the Deferment Program, but participating municipalities may, upon approval of its local legislative body, or, in any town in which the legislative body is a town meeting, by a vote of the board of selectmen, extend eligibility for the deferment program to other categories of taxpayers, businesses, nonprofits, and residents.

[] Low Interest Rate Program. For municipalities participating in the Low Interest Rate Program, notwithstanding Section 12-146 of the General Statutes, (i) the delinquent portion of the principal of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric charges or assessments or part thereof shall be subject to interest at the rate of three (3) per cent per annum for ninety days from the time when it became due and payable until the same is paid, for any such tax, rate, charge, or assessment due and payable from March 10 through and including July 1, 2020, unless such delinquent portion is subject to interest and penalties at less than three (3) per cent per annum. Following the ninety days, the portion that remains delinquent shall be subject to interest and penalties as previously established; and (ii) any portion of the principal of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric rates, charges or assessments or part thereof that had been delinquent on or prior to March 10, shall be subject to interest at the rate of three (3) per cent per annum for ninety days from this Order, unless such delinquent portion is subject to interest and penalties at less than three (3) per cent per annum. Following the ninety (90) days, the portion that remains delinquent shall be subject to interest and penalties as previously established.

PROGRAM CONTACT:

Printed Name: _____ Title: _____
Email Address: _____ Phone: _____

CEO CERTIFICATION:

Dated this ____ day of April, 2020.
Printed Name: _____ Title: _____
Email Address: _____
Signature: _____

DUE TO OPM NO LATER THAN APRIL 25, 2020 ~ RETURN TO: Martin.Heft@ct.gov

PLEASE PRINT LEGIBLY

MUNICIPALITY NAME _____

APPLICATION FOR MUNICIPAL TAX RELIEF DEFERRAL PROGRAM UNDER EXECUTIVE ORDER 7S
For deferral of real estate, motor vehicle, and personal property taxes and/or municipal electric, water and sewer charges due to a town, city, and/or borough between and including March 10, 2020 and July 1, 2020.

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

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

CHECK PROPER ELIGIBILITY:

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

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

- Deferral Program.** If the municipality has adopted the Deferral Program, I request that the applicable real estate taxes and any municipal electric, water or sewer charges or assessments on the property identified above, which would otherwise be due between and including March 10, 2020 and July 1, 2020, be deferred until ninety (90) days after the original due date of each without interest or penalty.
 - I have attached documentation proving that the property has or will suffer a significant revenue decline, OR
 - I have attached documentation proving that commensurate forbearance was offered to the tenants or lessees. "Commensurate forbearance, for purposes of this program, means either a) a deferral of 25% of rent (approximating the property tax portion of rent) for the ninety (90) days after its due date; b) a deferral of one month's rent to be paid over the 90 day period, or c) forbearance substantially similar to (a) or (b) as determined by the tax collector. Documentation includes, but is not limited to, proof that some tenants or lessees have received forbearance or that the landlord has actively communicated with tenants or lessees to offer forbearance.

CERTIFICATION:

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

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

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

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