



DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Waterford Representative Town Meeting

FROM: Abby Y. Piersall, AICP, Director of Planning and Development

DATE: May 20, 2022

TITLE: Planning and Zoning Commission Recommendation to Opt Out of Public Act 21-29: Provisions for Accessory Dwellings.

Public Act 21-29, which became effective on January 1, 2022, enacted State-mandated standards for permitting accessory dwellings associated with single family homes. The new standards apply universally to all municipalities in CT unless a municipality "opts out" before January 1, 2023. Waterford's Planning and Zoning Commission has reviewed the legislation in depth, as it relates to the zoning regulations and future housing policy. After holding a public hearing to discuss Waterford's options, The Commission adopted specific findings and formally recommended that the RTM votes to opt out of PA 21-29.

PA 21-29 articulates the required steps a municipality is required to take in order to opt out, which includes action by both the Planning and Zoning Commission and the legislative body. Waterford's Planning and Zoning Commission held the required public hearing over two meetings (January 25th and March 8th to ensure adequate opportunity for public engagement), and voted to recommend opting out on April 26th. The Commission advertised notice of its decision as required. After the Commission's recommendation, PA 21-29 requires that the RTM vote by a 2/3 majority to opt out of the legislation.

If the RTM approves opting out, the existing zoning regulations would remain in effect until the Commission takes separate steps to change them. If the RTM does not vote to opt-out, Waterford's current regulations would be declared null and void on January 1, 2023 and the State requirements would be effective. There is no opportunity to opt out after January 1, 2023.

Waterford's current Zoning Regulations for accessory dwellings are out of date and can make it prohibitively difficult for many owners to renovate homes to accommodate apartments or build detached units on their properties. Presentation slides from the public hearing are attached to this memo that highlight some of the deficiencies in the existing regulations, as well as the requirements of PA 21-29. The Planning and Zoning Commission has recognized that opting out of the legislation will allow the Commission to modify the Zoning Regulations to be largely compliant with PA 21-29, while preserving the ability to make changes in the future. Some key ideas the Commission has discussed so far include:

RECEIVED FOR RECORD
MAY 20 2022
PM 4:10
TOWN CLERK

- Adopting many of the standards from PA 21-29, including similar dwelling unit sizes, eliminating restrictions requiring occupants to be related, and ease of permitting.
- Considering design standards for detached accessory dwellings to promote an aesthetic relationship between the principle dwelling and the detached unit.
- Considering a requirement that detached accessory dwellings be set farther back from streets than the principle dwelling, and requiring such units be shorter in height than the principle dwelling.
- Reviewing standards for accessory units on very large properties to allow larger accessory dwellings than are currently permitted.

The Planning and Zoning Commission is responsible for the content of new regulations, and would solicit public input in order to craft rules that both protect Waterford's neighborhoods and enable flexible use of private property. Should the RTM vote to opt out of PA 21-29, the Commission has expressed its intent to invite public comment and modify regulations for accessory dwellings without delay.

Attachments

1. Minutes of the April 26, 2022 Planning and Zoning Commission Meeting Summarizing the Commission's Findings and Recommendation to Opt Out of Accessory Dwelling Provisions of PA 21-29.
2. Slides from the Planning and Zoning Commission's Public Hearing concerning the Opt Out.
3. Excerpt from Public Act 21-29 related to accessory dwellings.

MINUTES
Remote Access

RECEIVED OF RECORD
VOTE FORILET

2022 MAY -3 PM 2: 35

Planning & Zoning Commission

April 26, 2022
TOWN CLERK 6:30 PM

Members Present: G. Massad, K. Barnett, T. Bleasedale, K. Petrini
Members Absent: N. Giansanti
Alternates Present: J. DiBuono
Alternates Absent: B. Chenard
Staff Present: A. Piersall, AICP, Planning Director; M. Wujtewicz, Planner, R. Avena, Town Attorney, K. Kotfer, Recording Secretary

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairman Massad called the meeting to order at 6:30 PM. J. DiBuono was seated for N. Giansanti.

2. APPROVAL OF MINUTES

MOTION: Motion made by T. Bleasedale, seconded by K. Barnett, to approve the April 12, 2022 meeting minutes.

VOTE: 5-0

3. RECEIPT OF APPLICATIONS

#PL-22-5 – Request of Mark Kepple, applicant, to amend Sections 3.44 of the Waterford Zoning Regulations (Temporary Outdoor Dining).

PUBLIC HEARING REQUIRED BY: 6/30/22

#PL-22-6 – Request of Adams Builders, LLC, applicant & owner, Joe Wren, PE, agent for a Zoning Map Change and Planned Design District at 48 Great Neck Road.

PUBLIC HEARING REQUIRED BY: 6/30/22

The Commission received the applications.

4. PUBLIC HEARINGS

#PL-22-2 – Application of the Waterford Planning & Zoning Commission to amend Section 20.4c of the Waterford Zoning Regulations (Off Street Parking).

G. Massad opened the public hearing at 6:34 p.m. M. Wujtewicz read the list of exhibits, 1-4 into the record. A. Piersall made a presentation regarding the proposed change.

Manjola spoke in support of the regulation amendment.

G. Massad asked three times if anyone would like to speak regarding the application.

MOTION: Motion made by T. Bleasedale, seconded by K. Petrini, to close the public hearing.

VOTE: 5-0

The public hearing closed at 6:40 p.m.

#PL-22-4– Application of the Waterford Planning & Zoning Commission to amend the Waterford Zoning Regulations Sections 1(Definitions) and 3.44 (Temporary Outdoor Dining).

G. Massad opened the public hearing at 6:40 p.m. A. Piersall made a presentation. M. Wujtewicz read the list of exhibits, 1-5 into the record.

Attorney Mark Kepple spoke on behalf of a group of neighbors.

Manjola spoke regarding the application.

Adel Terzi, 134 Fog Plain Road, spoke regarding the application.

Bill O'Donnell spoke regarding the application.

Nancy Hennegan, 7 Reynolds Lane, spoke regarding the application.

Debra Griffith, North Road, spoke regarding the application.

G. Massad asked two times if any member of the public would like to speak.

Barbara Zabel and Tom Kowzer spoke regarding the application.

G. Massad asked three times if any member of the public would like to speak.

MOTION: Motion made by K. Barnett, seconded by T. Bleasedale, to close the public hearing.

K. Barnett inquired whether closing the public hearing would prevent the public from further participation on the application. A. Piersall stated that it would preclude the public from making additional comments. K. Barnett withdrew her motion.

MOTION: Motion made by T. Bleasedale, seconded by J. DiBuono, to close the public hearing noting that zoom has been an adequate forum for the past two years.

VOTE: 4-1 (K. Barnett)

The public hearing closed at 7:42 p.m.

5. APPLICATION REVIEW

#PL-22-2 – Application of the Waterford Planning & Zoning Commission to amend Section 20.4c of the Waterford Zoning Regulations (Off Street Parking).

The Commission discussed the proposed amendment and made the following findings:

1. Application PL-22-2 meets the requirements of Section 28 of the Waterford Zoning Regulations.
2. Application PL-22-2 meets the requirements of Connecticut General Statutes Chapter 124 §8-3 governing changes of zoning regulations and districts.
3. The proposed Regulation Amendment is consistent with the 2012 Plan of Preservation Conservation and Development in meeting the stated goals of the Business/Economic Development Guide in that the modifications as proposed will promote business and economic development to meet local needs, maintain a favorable tax base and assist in encouraging future business activities.
4. The proposed Regulation Amendment is consistent with the 2012 Plan of Preservation Conservation and Development in Promoting Appropriate Business Development by utilizing data from the most recent edition of the ITE Parking Generation Manual.

MOTION: Motion made by T. Bleasedale, seconded by K. Petrini, to approve Application PL-22-2 to amend Zoning Regulations Section 20.4(c) and adopt the findings 1 thru 4 of the Staff Report with an effective date of May 18, 2022.

VOTE: 5-0

#PL-22-4— Application of the Waterford Planning & Zoning Commission to amend the Waterford Zoning Regulations Sections 1(Definitions) and 3.44 (Temporary Outdoor Dining).

The Commission discussed the application.

MOTION: Motion made by T. Bleasedale, seconded by K. Petrini, to table the discussion to the May 10, 2022 meeting.

VOTE: 5-0

6. REVIEW OF OPT OUT OF PA21-29

The Commission discussed the application. T. Bleasedale stated for the record that he listened to the audio and video of the Opt Out public hearing.

The Commission made the following findings:

1. Public Act 21-29 became effective Oct. 1, 2021 and included standards to allow construction of accessory apartments that supersede municipal zoning regulations governing accessory units, unless a municipality opts out of the legislation before January 1, 2023.
2. Waterford's current zoning regulations (sections 3.36 and 3.39) do not meet the standards for accessory apartments adopted in PA 21-29.
3. Waterford's Plan of Preservation, Conservation, and Development (POPCD), includes a goal to guide residential development by encouraging a variety of housing types and densities to meet the housing needs of current and future residents. This goal includes protecting existing residential neighborhoods and providing for a diverse housing portfolio in Waterford.

4. The Planning and Zoning Commission generally supports elements of PA 21-29 which endeavor to increase the diversity of housing options in Connecticut municipalities.
5. The Planning and Zoning Commission held a public hearing on January 25, 2022 to hear public comment on the potential to opt-out of accessory apartment standards enacted in PA 21-29. The date of this hearing was advertised in The Day newspaper on January 11, 2022 and January 18, 2022. Based on comment received at this hearing, the Commission continued the public hearing to the February 22, 2022 and March 8, 2022 regular Commission meetings to encourage additional public comment and engagement. Materials and testimony associated with the public hearing were posted on the Town's website throughout the hearing process.
6. Certain elements of PA 21-29 do not afford the Commission sufficient control in establishing standards for accessory apartments, including provisions for determining unit size, detached building heights, and front yard setback standards.
7. Should the Town opt out of PA 21-29, the Commission will undertake a comprehensive evaluation of existing zoning regulations and craft new regulations, subject to public input, that better address issues of form, size, and design of accessory apartments in Waterford.

MOTION: Motion made by T. Bleasedale, seconded by K. Petrini, that the Waterford Planning and Zoning Commission hereby adopts findings 1-7 listed herein, and recommends that the Waterford Representative Town Meeting vote to opt out of PA 21-29 for the following reason:

The Planning and Zoning Commission can best provide for more diverse housing opportunities and protect existing residential neighborhoods in a manner consistent with the POPCD by adopting independent standards to govern accessory apartments that do not strictly adhere to all elements of PA 21-29.

VOTE: 5-0

6. CORRESPONDENCE

No correspondence was received.

7. COMMISSION BUSINESS

A. Discussion of Public Hearing Date for Application #PL-22-3

G. Massad directed staff to schedule the public hearing for May 24, 2022.

B. Review of past months and ongoing projects

A. Piersall gave a brief update to the status of ongoing projects.

C. Upcoming projects

A. Piersall gave a brief update to the status of upcoming projects.

8. ADMINISTRATIVE REVIEW

Discussion of Potential Amendments to Accessory Dwelling Units

The Commission continued the discussion to their next meeting.

Discussion of Potential Third Party Review Standards

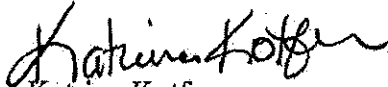
The Commission discussed staff's memo and continued the discussion to the next meeting.

9. ADJOURNMENT

MOTION: Motion made by K. Barnett, seconded by T. Bleasedale, to adjourn the meeting at 9:38 PM.

VOTE: 5-0

Respectfully Submitted,



Katrina Kotfer
Recording Secretary

Accessory Dwellings (Apartments) Public Act No. 21-29

Waterford Planning and Zoning Commission
January 25, 2022: Public Hearing for Opt Out

Public Hearing - Opt Out Potential
PA 21-29 Concerning Accessory
Dwelling Units
Exhibit 5

PA 21-29

- ▶ PA 21-29 is legislation that standardizes requirements for accessory dwellings throughout Connecticut.
 - ▶ The law went into effect January 1, 2022.
 - ▶ The law allows accessory dwellings (attached or detached) anywhere where residential uses are permitted.
 - ▶ Municipalities can choose whether to “opt-out” of the law before January 1, 2023.



PA 21-29

▶ Public Hearing

- ▶ The law became effective on January 1, 2022.
- ▶ Waterford has the option to:
 1. Modify zoning regulations to be consistent with the new law.
 2. Opt out of the law and keep the existing regulations.
 3. Opt out of the law and change zoning regulations for accessory dwelling units.
- ▶ Opting out of the law requires a public hearing and a vote by the Planning and Zoning Commission *and* a subsequent vote by the Representative Town Meeting (RTM).
- ▶ This is the public hearing to consider opting out.



PA 21-29

▶ Accessory Apartment:

- ▶ "Accessory apartment" means a separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations;



PA 21-29

- ▶ The law requires:
 - ▶ Designation of locations or zone districts where Accessory Apartments are allowed: provided *all lots* with single family dwellings may have an Accessory Apartment.
 - ▶ Permitting attached and/or detached Accessory Apartments.
 - ▶ A net floor area not less than 30% of principle dwelling or 1,000s.f., whichever is less. Larger units may be allowed.
 - ▶ Setbacks, frontages, and lot sizes to be less than or equal to principle building requirements.
 - ▶ Lot coverage equal or greater than principle dwelling requirements.



PA 21-29

- ▶ The law requires:
 - ▶ Height, landscaping, and architectural design standards that do not exceed existing standards for single-family homes.
- ▶ That the Town cannot require:
 - ▶ Passageways between principle and accessory units
 - ▶ Exterior doors, unless required by building/fire codes
 - ▶ More than one parking space, or a fee-in-lieu of parking
 - ▶ Familial, marital, or employment relationships between occupants of principle and accessory dwellings
 - ▶ Age restrictions for occupants
 - ▶ Separated utilities
 - ▶ Periodic permit renewals for accessory apartment permits



Waterford's Current Zoning Regulations

▶ Section 3.36: Accessory Apartments

- ▶ Attached (within or addition to existing home)
- ▶ Cannot exceed 850 s.f. or 25% of combined floor area of home and apartment, whichever is less.
- ▶ Requires 2 parking spaces for each dwelling unit on a property
- ▶ Requires a separate entrance.
- ▶ Requires the property owner to live in one of the units.

▶ Section 3.39: Accessory Dwellings

- ▶ Detached units.
- ▶ Requires a Special Permit
- ▶ Cannot exceed 1,800s.f. or 25% of main home, whichever is less
- ▶ Requires the property owner to live in one of the units.
- ▶ Requires a permanent foundation and architectural design compatibility with primary structure
- ▶ Height limit of 20 feet, Requires a 30-foot separation from primary structure. Cannot be attached by a covered breezeway or other structure.
- ▶ Requires 120,000 sf lot size in R-20 and R-40 districts, 240,000 s.f. lot in RU-120 district, and 400,000 s.f. in Open Space District
- ▶ Requires its own water supply well
- ▶ Requires 2 dedicated and visually concealed parking spaces for the accessory dwelling.



PA 21-29 Considerations

- ▶ Waterford's current regulations do not comply with the new law.
- ▶ The new law is more permissive than Waterford's current regulations, making it easier for people to create additional housing.
- ▶ The new law provides flexibility to property owners to accommodate relatives, caregivers, or renters.
- ▶ The new law leaves Waterford with less control over building dimensions and design than in current regulations.



Options

- ▶ **Do nothing and:**
 - ▶ Wait for January 1, 2023, when Waterford's regulations would become null and the new law would govern, or:
 - ▶ Modify the current regulations to meet all standards in the new law.
- ▶ **Opt Out and Maintain Existing Zoning Regulations.**
- ▶ **Opt Out and Modify Zoning Regulations.**



If Waterford does not opt out

- ▶ Review sections 3.36 and 3.39 of the existing Zoning Regulations and modify them to meet all requirements of PA 21-29.



If Waterford does opt out

- ▶ Consider which elements of PA 21-29 are supported.
- ▶ Review zoning regulations and determine what, if any updates will be made to the existing regulations.
- ▶ The Commission has discussed the potential of adopting regulations that closely mirror the new law, but provide more local control over:
 - ▶ Design of detached units
 - ▶ Location of detached units (behind the main house)
 - ▶ Height of detached units (perhaps higher than 20 feet, but shorter than the main house)



How to Opt Out

- ▶ P+Z Commission holds a public hearing (1/25/2022)
- ▶ P+Z Commission votes on recommendation to opt-out.
 - ▶ State reasons for opt-out when making decision
 - ▶ Publish decision within 15 days of the vote
- ▶ P+Z decision forwarded to the RTM for a final vote.



PA 21-29

Questions/Comments



Substitute House Bill No. 6107

provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provision of said subsection within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provision of subsection (d) of section 8-2 of the general statutes, as amended by this act.

Sec. 6. (NEW) (*Effective January 1, 2022*) (a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall:

(1) Designate locations or zoning districts within the municipality in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment;

(2) Allow accessory apartments to be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling;

(3) Set a maximum net floor area for an accessory apartment of not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less, except that such regulations may allow a larger net floor area for such apartments;

Substitute House Bill No. 6107

(4) Require setbacks, lot size and building frontage less than or equal to that which is required for the principal dwelling, and require lot coverage greater than or equal to that which is required for the principal dwelling;

(5) Provide for height, landscaping and architectural design standards that do not exceed any such standards as they are applied to single-family dwellings in the municipality;

(6) Be prohibited from requiring (A) a passageway between any such accessory apartment and any such principal dwelling, (B) an exterior door for any such accessory apartment, except as required by the applicable building or fire code, (C) any more than one parking space for any such accessory apartment, or fees in lieu of parking otherwise allowed by section 8-2c of the general statutes, (D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment, (E) a minimum age for occupants of the accessory apartment, (F) separate billing of utilities otherwise connected to, or used by, the principal dwelling unit, or (G) periodic renewals for permits for such accessory apartments; and

(7) Be interpreted and enforced such that nothing in this section shall be in derogation of (A) applicable building code requirements, (B) the ability of a municipality to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other requirements where a well or private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.

(b) The as of right permit application and review process for approval of accessory apartments shall require that a decision on any such application be rendered not later than sixty-five days after receipt of such application by the applicable zoning commission, except that an applicant may consent to one or more extensions of not more than an

Substitute House Bill No. 6107

additional sixty-five days or may withdraw such application.

(c) A municipality shall not (1) condition the approval of an accessory apartment on the correction of a nonconforming use, structure or lot, or (2) require the installation of fire sprinklers in an accessory apartment if such sprinklers are not required for the principal dwelling located on the same lot or otherwise required by the fire code.

(d) A municipality, special district, sewer or water authority shall not (1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed with a new single-family dwelling on the same lot, or (2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.

(e) If a municipality fails to adopt new regulations or amend existing regulations by January 1, 2023, for the purpose of complying with the provisions of subsections (a) to (d), inclusive, of this section, and unless such municipality opts out of the provisions of said subsections in accordance with the provisions of subsection (f) of this section, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of subsections (a) to (d), inclusive, of this section until such municipality adopts or amends a regulation in compliance with said subsections. A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d), inclusive, of this section.

(f) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, the zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds

Substitute House Bill No. 6107

vote, may initiate the process by which such municipality opts out of the provisions of said subsections regarding allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections.

Sec. 7. Subsection (k) of section 8-30g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(k) The affordable housing appeals procedure established under this section shall not be available if the real property which is the subject of the application is located in a municipality in which at least ten per cent of all dwelling units in the municipality are (1) assisted housing, (2) currently financed by Connecticut Housing Finance Authority mortgages, (3) subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, (4) mobile manufactured homes located in mobile manufactured home parks or legally approved accessory apartments, which homes or

David Campo

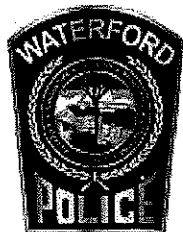
From: Marc Balestracci
Sent: Friday, May 20, 2022 3:39 PM
To: Police
Cc: Dispatch; Michael Howley; Cindy Dupointe; Robert Brule; David Campo
Subject: Promotional Ceremony

Good afternoon,

Please join us for a promotional ceremony for Sergeant Michael Firmin and Lieutenant David Ferland on Thursday, May 26, 2022, at 3pm in the Waterford Police Department training room. Light refreshments will be provided.

Thank you,

Marc Balestracci
Chief of Police
Waterford Police Department
41 Avery Lane, Waterford, Connecticut
860-442-9451 Ext. 2282



**MINUTES
BOARD OF SELECTMEN
Regular Meeting
December 7, 2021
5:00 P.M.
Waterford Town Hall (APPLEBY ROOM)**

RECEIVED TOWN RECORDS
DEC 10 2021
2021 DEC 10 PM 4:17

(Procedural Action: Check register to be signed by Board of Selectmen in accordance with CGS 7-83)

Members Present: First Selectman Robert Brule, Selectwoman Elizabeth Sabilia and Selectwoman Jody Nazarchyk

1. **Call to Order & Roll Call-** First Selectman Brule called the meeting to order at 5:00pm
2. **Pledge of Allegiance**
3. **Public Comment:** N/A
4. **First Selectman's Office:** To consider and act on a recommendation from the First Selectman, Rob Brule, to approve the adoption of the Waterford Community Park Master Plan (dated October, 2021).

MOTION by Nazarchyk, and seconded by Sabilia, VOTING IN FAVOR:
unanimous **VOTE:3-0**

5. **First Selectman's Office:** To consider and act on a recommendation from the First Selectman, Rob Brule, to dissolve the Waterford Town Center Development Ad-Hoc Committee.

MOTION by Nazarchyk, and seconded by Sabilia, VOTING IN FAVOR:
unanimous **VOTE:3-0**

6. **Public Works:** To consider and act on a request for an In Series Transfer from the Director of Public Works, Gary Schneider, in the amount of \$65,000.

MOTION by Nazarchyk, and seconded by Sabilia, VOTING IN FAVOR:
unanimous **VOTE:3-0**

7. Library: To consider and act on a request for an Out of Series Transfer from the Director of the Waterford Library, Chris Johnson, in the amount of \$2000, and forward to the Board of Finance.

MOTION by Nazarchyk, and seconded by Sabilia, VOTING IN FAVOR:
unanimous **VOTE:3-0**

8. Appointments and Resignations:

8a. To consider and act on the appointment of Rob Brule, First Selectman to the Retirement Commission to fill the term from 12/01/2021 -12/1/2022.

MOTION by Nazarchyk, and seconded by Sabilia, VOTING IN FAVOR:
unanimous **VOTE:3-0**

9. Correspondence:

9a Letter from Carolyn Battista

9b. Waterford Economic Development Commission-Cannabis Policy Recommendations

10. New Business:

10a. Further information **9b**

November 14th Planning and Zoning Commission-Cannabis Policy

11. Consent Agenda

11a. Tax refund-NA

11b. Minutes November 16, 2021-APPROVED

14. Adjournment- was made by Ms. Nazarchyk and seconded by Sabilia to adjourn at 6:10pm. VOTING IN FAVOR; unanimous, **VOTE:3-0**

Respectfully Submitted,



Cindy Dupointe
Recording Secretary



Marc Balestracci
Police Chief

WATERFORD POLICE DEPARTMENT
41 AVERY LANE
WATERFORD, CT 06385-2819



(860) 442-9451 TEL
mbalestracci@waterfordct.org

2

To: Representative Town Meeting
From: Marc Balestracci, Chief of Police
Date: May 16, 2022
Re: Waterford PD Special Response Team

I apologize for my absence at this meeting to answer questions, however, Lt. Nicole VanOverloop and a few members of the SRT team will be present to answer questions on behalf of the department.

Retired Chief Mahoney, in collaboration with Chief John Rich and the Ledyard Police Department, began preparing a Special Response Team approximately three years ago. This was in response to the State Police's potential inability to respond in a timely manner due to the forecasted number of retirements and increasing need for an emergency response team. This team, a joint effort of officers from both agencies, is highly trained and well equipped to handle the most challenging calls for police services. The team trains together monthly and prepares for calls such as an armed subject, active shooter, barricaded subject, hostage situations and more. These calls for service can be the most dangerous to the public as well as to police officers. By developing this team, it allows those best trained to have a lead role in de-escalation efforts and ensuring the safest resolution for all involved.

The team, comprised of negotiators, scouts and dynamic entry specialists, offer the residents of Waterford the quickest and best available response in many major incident. As our team currently consists of eight (8) officers, the need to build a partnership with the Ledyard Police Department is critical to establish proper safeguards to the team being deployed and also offers cost savings for training and equipment.

This agreement, if authorized, allows the team to expand to other local departments should they meet the high standards for entry, training and offer full commitment to the inter-local agreement.

Thank you,

Marc Balestracci
Chief of Police
Waterford Police Department

RECEIVED TOWN OF WATERFORD
MAY 16 2022
2:47 PM
TOWN CLERK

SOUTHEASTERN CONNECTICUT SPECIAL RESPONSE TEAM

WHEREAS, Section 7-148 cc of the Statutes of the State of Connecticut authorizes municipalities to enter into interlocal agreements; and

WHEREAS, the undersigned municipalities find that the deployment of a highly trained and skilled special response team coupled with a crisis negotiation team can substantially reduce the risk of injury or loss of life to citizens, police officers, criminal suspects and persons in crisis; and

WHEREAS, the undersigned municipalities recognize the inherent manpower and training demands associated with special response and crisis negotiation teams and agree that it is in the best interest of the participating municipalities to share manpower, resources, and equipment associated with special law enforcement responses; and

WHEREAS, the undersigned municipalities find that an interlocal agreement is beneficial in order to protect the safety and well-being of the citizens of the respective municipalities; and

WHEREAS, the undersigned municipalities wish to cooperate on providing police services and in pursuing grants and raising monies to obtain capital resources in furtherance of these goals under the terms of this agreement;

NOW, THEREFORE, the undersigned municipalities, acting by their respective chief executive officers, duly authorized, mutually agree, pursuant to this Interlocal agreement (hereafter, "Agreement") to establish the Southeastern Connecticut Special Response Team (hereafter "SCSRT") in accordance with the following:

ARTICLE ONE: PROVISION OF PERSONNEL AND EQUIPMENT

1. The chief executive officers of the undersigned municipalities hereby delegate to the chiefs of police of their respective municipalities the authority to determine when the provision of police personnel and equipment best serves the purposes of this agreement.
2. The participating chiefs, hereinafter collectively designated and referred to as the "Board", shall meet periodically as determined by the needs of the Unit, but at least once per year, and each Chief of Police shall have an equal vote on decisions affecting the administration of the SCSRT.
3. The chiefs of police, collectively, as the decision-making authority, have the responsibility for the coordination of grant applications and the administration of funding awards and other initiatives.

4. The Board anticipates and agrees to make resources available for at least one full or partial deployment per quarter of personnel and equipment pursuant to this agreement for the duration of this agreement. Additional deployments are authorized, without further action, by the mutual consent of the participating municipalities.
5. During the deployment of personnel and equipment pursuant to this agreement, the officers so deployed shall be deemed members of their respective departments acting to further the goals of this agreement and each shall have the same powers, duties, privileges and immunities as are conferred on the police officers of the municipality in whose jurisdiction the Unit or any of its officers is operating.
6. During a SCSRT emergency deployment, it is expected that the undersigned municipalities shall provide at a minimum the following quantity of personnel and equipment:

One or more specially trained and equipped police officers and one or more marked and/or unmarked police vehicles.
7. A municipality may elect not to participate in a deployment if it has a good faith reason to do so. However, each municipality, in its discretion, may determine the extent of its participation in any deployment through the specific assignment of personnel and equipment.
8. The resources or facilities that are assisting the requesting Agency shall be under the immediate command of a supervising officer designated by the assisting Agency. Such supervising officer shall be under the direct supervision and command of the requesting Agency.
9. The Board shall appoint collectively a supervisor from each of the participating departments to function as the SCSRT Team Commanders. The Team Commanders must at least hold the rank of sergeant in his/her department. The Board acknowledges appointment of Unit Commanders is necessary to maintain continuity of the unit and its members especially in the case of an emergency deployment. It will be preferable that the Team Commanders have experience and training in the area of tactical command. The Team Commanders shall have the authority to appoint assistant team leaders as necessary.
10. The SCSRT Commander will act as the liaison between the departments for all activities of the unit.
11. During each full deployment, the host municipality, which is the municipality requesting the services, shall make every effort to provide a sergeant or higher-ranking officer to coordinate operations with the SCSRT Team Commander while in the field.
11. The request for specialty equipment such as night vision, communication equipment, robotic equipment and others not listed, will be considered on an individual basis by the lending agency if a full deployment is not requested. The holder of such equipment may elect to send an officer with such equipment to ensure safe and proper usage of such equipment during a deployment.

ARTICLE TWO: DUTIES OF PERSONNEL

1. The Chief of Police or designee in the host municipality shall retain ultimate responsibility for operational decisions and act as incident commander during any operation or team deployment.
2. Each officer assigned to the SCSRT shall wear the unit's approved uniform.
3. All custodial arrests or investigations shall be processed in a manner designated by the host agency.
4. In the case of a planned deployment for a warrant service or other planned event, the host agency shall prepare and distribute to all participating officers an operations plan for each deployment of a non-emergency nature.

ARTICLE THREE: REIMBURSEMENT AND LIABILITY

1. Each participating municipality agrees that it shall be responsible for its respective police department expenses incurred while participating in each deployment, whether that municipality's equipment and personnel was operating within or outside its own jurisdiction. Any entitlement to reimbursement, except as stated herein, is hereby waived by the chief executive officer of each municipality that is a party to this agreement. Such expenses may include, but are not limited to:
 - a) The actual payroll (including overtime) cost to the municipalities of all personnel assigned;
 - b) The replacement cost of all equipment lost, destroyed or made unavailable for further service as a result of proper use in a SCSRT deployment. Nothing in this section waives a municipality's right to seek reimbursement for equipment lost or destroyed negligently, recklessly, willfully, or purposefully.
 - c) Fuel and maintenance for police vehicles;
 - d) The cost of repairing damaged equipment;
 - e) Awards for death, disability or injury to personnel arising as a result of services provided pursuant to this agreement to the extent that such awards exceed Worker's Compensation coverage;
 - f) Worker's Compensation claims as set forth in C.G.S. 31-275, et seq.;
 - g) Survivor's benefits as set forth in C.G.S. 7-323.

2. In the event outside funding becomes available to pay for the expenses of the municipalities operating under this agreement, such funds shall be allocated among the participating municipalities on a proportional cost basis agreed to in advance. This does not include subrogation. The proportional cost basis may be adjusted to each deployment or initiative depending on the location of the host, number of personnel assigned to the deployment by each agency, etc.
3. The services performed under this agreement shall be deemed for public and governmental purposes, and all immunities from liability enjoyed by the local government within its boundaries shall extend to its participation under this agreement outside its boundaries.
4. Each municipality shall indemnify and hold harmless the other municipalities to this agreement from all claims, including, but not limited to, third party claims, for property damage or personal injury (including death) which may arise out of and be attributable to a municipality or to the actions of those acting on behalf of each municipality. Each town shall be liable only for their own percentage of negligence as determined by the courts or a jury.

ARTICLE FOUR: APPOINTMENT OF A DEPOSITORY MUNICIPALITY, PURSUIT OF REGIONAL GRANT INITIATIVES, AND REVENUE SHARING/USAGE

1. Appointment of a Depository Municipality; Functions of Depository Municipality
 - a) The Board of SCSRT shall mutually select a depository municipality from one of the members of SCSRT which shall receive and hold in trust for SCSRT all monies obtained by SCSRT from grants or other sources. Said monies shall be held in a special revenue account (hereafter, the "SCSRT Joint Account") or an account with like budgetary permissions that will allow the convenient use of said funds as needed by SCSRT. The depository municipality agrees, in furtherance of the goals of this agreement, to pass any ordinance or resolution required by its own municipal Charter in order to effectuate the creation of said SCSRT Joint Account.
 - b) Upon a request from any member municipality, the depository municipality shall provide an accounting of all funds contained in the SCSRT Joint Account.
 - c) Upon an affirmative majority vote of the member municipalities, the depository municipality may be changed. Upon a vote to change the depository municipality, the prior depository municipality shall, within 60 days of said vote, turn over all funds and provide a full accounting to the successor depository municipality.
 - d) In the event that a depository municipality withdraws from SCSRT or no longer wishes to serve in said capacity, a successor depository municipality shall be appointed by the members of SCSRT. At such time, the prior depository municipality shall, within 60 days of said appointment, turn over all funds and equipment purchased with funds from the Shared Revenue Account to the successor municipality. The prior depository municipality shall, within 60 days, provide a full accounting, and an itemized list of transferred equipment to the successor depository municipality.

2. Pursuit of Regional Grant Initiatives, Development of Capital Goals

- a) It shall be an essential function and purpose of SCSRT to pursue grants and other initiatives to raise monies in order to purchase capital resources to further the purposes of this agreement.
- b) From time to time, and as necessary, SCSRT shall meet to develop a short-term (1 year) and long term (5-year) capital plan for the SCSRT. The monies raised pursuant to this agreement shall be utilized to further the capital goals set by SCSRT.
- c) The Board shall designate a member of a participating agency with the responsibility of researching and applying for grants to further the acquisitions of equipment, training and/or reimbursement money.

3. Revenue Sharing

- a) All revenue raised and remitted to the SCSRT Joint Account shall be shared and used for the collaborative and joint purposes of the SCSRT. Nothing in this provision shall be construed to conflict with or alter the reimbursement or funding provisions of Article III regarding deployments.
- b) Expenditures from the SCSRT Joint Account of \$500 or less can be made by the Team Commander, without prior approval. All expenditures greater than \$500 from the SCSRT Joint Account shall require the unanimous vote of all SCSRT member municipalities in writing via electronic mail (e-mail).
- c) Any property obtained with funds from the SCSRT Joint Account shall be considered property of the depository municipality, held for the benefit of itself and all other SCSRT municipalities. No property obtained with monies from the SCSRT Joint Account or with funds attributable to said account shall be sold, modified, gifted, or otherwise transferred without the unanimous vote of all member municipalities in writing.
- d) Any depository municipality which misappropriates funds from the SCSRT Joint Account or otherwise disposes of property obtained with SCSRT funds in violation of this section shall be liable to all of the other member municipalities for the loss to SCSRT and any and all costs, including court costs and attorney's fees, incurred in recovering said funds or property from the depository municipality or any other third party.
- e) Funds from the SCSRT Joint Account are intended for equipment and services for the unit and shall not be used to pay salary or overtime to SCSRT members.

ARTICLE FIVE: MISCELLANEOUS

- 1. The Chief of Police of the municipality providing assistance may, if necessary to protect the safety and well-being of said municipality, recall any personnel or equipment provided pursuant to this agreement.

2. Each participating jurisdiction shall have a defined policy regarding the selection process of potential candidates prior to an officer's appointment to their respective SRT team. Each participating Jurisdiction agrees to set standards in common SRT categories such as physical fitness, firearm proficiency and mandatory training hours. Each Participating agency will create and enforce a policy to remediate any officer who fails to meet the departments requirements and standards, up to and including removal from the SRT Team.
3. Withdrawal from this agreement by any municipality hereto shall be made by thirty (30) days' written notice to all other municipalities but shall not terminate the agreement among the remaining municipalities.
4. If any provision of this agreement shall be unlawful, void, or for any reason unenforceable, then that provision shall be deemed severable from this agreement and shall not affect the validity and enforceability of any remaining provisions.
5. This Agreement contains the entire understanding between the parties hereto and supersedes any and all prior understandings, negotiations, and agreements whether written or oral, between them respecting the written subject matter, hereof.
6. This Agreement, to the extent permitted herein, shall inure to the benefit of and be binding upon the parties hereto and any and all successors and assigns.
7. This Agreement shall be governed by and construed in accordance with the laws and relevant ordinances and regulations of the State of Connecticut and the participating municipalities.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as follows:

TOWN OF LEDYARD

By: _____

Frederic B. Allyn, III, Mayor

TOWN OF WATERFORD

By: _____

Robert J. Brule, First Selectman



MINUTES
BOARD OF POLICE COMMISSIONERS

May 9, 2022 at 5:00 p.m.
Zoom Meeting ID: 872 2673 5856

PRESENT: Chairman M. Gelinas, Commissioner J. Dimmock, Vice Chairman T. Sheridan,
Secretary C. Gamble, Commissioner R. Brule

ABSENT:

DEPARTMENT: Chief M. Balestracci, LT N. VanOverloop, LT T. Silva, Sgt. D. Ferland
Traffic Officer J. Nickerson, Training Officer Surdo, CSO A. Reed

LEGAL COUNCIL: Attorney E. Duggan, Attorney R. Avena

PLEDGE OF ALLEGIANCE:

PUBLIC INPUT:

No public input.

CALL TO ORDER AND ESTABLISH A QUORUM:

Chairman Gelinas called the meeting to order at 5:00 p.m. in the General Meeting Room of the Waterford Police Department. A Quorum was established.

ACCEPTANCE OF MINUTES:

MOTION: Made by Commissioner Gelinas and seconded by Commissioner Dimmock to accept the minutes from the April meeting. Commissioner Brule abstained. The motion passed.

CORRESPONDENCE:

Correspondence was reviewed.

TRAFFIC COMMISSION REVIEW:

Traffic report received.

CHIEF'S REPORT:

- a. K9 Reports for April
April report was received.
- b. Investigative Services and Youth Reports for April
April report was received.
- c. Training Report for April
April report was received.
- d. Records Report for April
April report was received.
- e. Community Service Officer Report for April
April report was received.
- f. Patrol Report for April
April report was received.
- g. Animal Control Report for April
April report was received.
- h. Community Engagement Report for April
April report was received.

OLD BUSINESS:

- a. Special Response Team Inter-local agreement with Ledyard PD – Chief Balestracci explained that this agreement allows us to team up with Ledyard in the event of a major incident. LT VanOverloop will present agreement to the RTM in June. Discussion ensued regarding liability for providing assistance to non-member communities.

MOTION: Made by Commissioner Dimmock and seconded by Commissioner Gamble to approve the agreement with the provision that more details be provided for presentation to the RTM. Motion passed 4-1, Commissioner Sheridan voting against.

- b. Speed bumps on Beach Road have been approved by the Recreation & Parks Commission. There will be a total of three removable speed bumps. No known date set for installation at this time.
- c. Airbnb letter to Planning Commission – wording was discussed. Attorney Avena will edit letter.

MOTION: Made by Commissioner Sheridan and seconded by Commissioner Dimmock to approve wording of letter. Motion passed unanimously.

- d. Chief of Police Selection Process - Chief researched department procedures in other towns and found that there is no standardization across towns. Discussion about continuing to work on process.

NEW BUSINESS:

- a. Authorization for out of series transfers till July 8, 2022. Chief Balestracci requested authorization to complete out of series transfers until the end of the fiscal year.

MOTION: Made by Commissioner Sheridan and seconded by Commissioner Dimmock to grant Chief Balestracci authorization to complete out of series transfers till July 8, 2022. Motion passed unanimously.

- a. Noise Ordinance – Attorney Mark Kepple spoke on behalf of residents living near the commercial area located at 262 Boston Post Road to address complaints of loud music and asked for enforcement of the current noise ordinance. Lengthy discussion ensued about the noise concerns.
- b. Police Commission Nominations for term starting June 1, 2022 as follows:
T. Sheridan, Chairperson; C. Gamble, Vice-Chairperson; J. Dimmock, Secretary; M. Gelinis, Commissioner.

MOTION: Made by Commissioner Dimmock and seconded by Commissioner Brule to accept nominations. Motion passed unanimously.

Rob Brule left the meeting at 6:35pm.

- c. Executive Session

MOTION: Made by Commissioner Gelinas and seconded by Commissioner Sheridan to enter into executive session at 6:37 p.m. to discuss union negotiations. Motion passed unanimously.

STATEMENT: I hereby move that the members of the Board of Police Commissioners, together with Chief Marc Balestracci and Labor Counsel Eileen Duggan, go into executive session for the purpose of discussing strategy and/or negotiations with respect collective bargaining with the police bargaining unit. This action is taken without prejudice to the Board's right to discuss such matters in a private meeting pursuant to Connecticut General Statutes §1-200 (2).

The Board came out of Executive Session at 6:56 p.m. There were no motions made or action taken while in Executive Session.

MOTION: Made by Commissioner Dimmock and seconded by Commissioner Sheridan to adjourn the meeting at 7:00 p.m. Passed unanimously.

Respectfully submitted by:



Diane Driscoll
Recording Secretary

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

May 23, 2022

Mr. Paul Goldstein
Moderator, Representative Town Meeting
15 Rope Ferry Road
Waterford, CT 06385

Moderator Goldstein:

At the Board of Finance meeting held Wednesday, May 18, 2022, it was approved to recommend to the Representative Town Meeting for an appropriation request in the amount of \$10,000 from Capital Non-Recurring undesignated line 205-31520 for a new oil tank installation at Eugene O'Neill and forward to the RTM for approval.

I respectfully request you place this item on the agenda of the next meeting of the Representative Town Meeting. Copies of justification documentation are attached hereto.

Respectfully Submitted,

Glenn Patterson

Glenn Patterson
Chairman, Board of Finance

Attachments

RECEIVED & ON RECORD
WATERFORD, CT
2022 MAY 24 AM 8:58
Glenn Patterson
TOWN CLERK

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

May 9, 2022

Mr. Glenn Patterson
Chairman
Board of Finance
15 Rope Ferry Road
Waterford, CT 06385

Dear Chairman Patterson,

The Board of Selectmen, at the meeting on Tuesday, May 3, 2022 voted to approve the following request for an appropriation;

Public Works: To consider and act on a request from the Director of Public Works, Gary Schneider, to approve and appropriate funds for a new emergency project in the amount of \$10,000 from Capital and Non-recurring line # 205-31520 (Undesignated Fund balance) for the Eugene O'Neill Underground Temporary Tank.

Therefore, I respectfully request that you consider and act on this request. I have attached pertinent back up material from the designated department.

Sincerely,

Robert Brule

Robert Brule
First Selectman

cc: Kimberly Allen, Director of Finance

INTER-OFFICE MEMORANDUM

TOWN OF WATERFORD

To: Robert Brule, First Selectman
From: Gary J. Schneider, Director of Public Works
Date: April 28, 2022
Re: Additional Appropriations – Eugene O'Neill



Building Maintenance is requesting an emergency appropriation of \$10,000 for the failure of the underground heating oil tank at Eugene O'Neill.

Failure of the integrity of an underground heating oil tank at the Eugene O'Neill Site. Known underground storage tanks existing on site are a 2,000 gallon heating oil tank and an abandoned tank. The 2,000 gallon tank services the Mansion and on April 25 2022, during a normal heating system maintenance service, observed was an oil stain on the concrete wall where the supply and return lines are fed through from the underground tank. Further investigation found that air was being sucked into the supply line and that it was traced to a point exterior of the mansion. The fact that the piping or the tank is allowing the air into the line means that the tank or piping is not intact.

This tank is under the concrete ramp and is not accessible for inspection of the piping to the tank. This is the only tank that feeds the two boilers that provides heat and hot water to the cafeteria, showers, residences and offices.

Due to the failure of a component of the underground tank the existing tank will be emptied and a temporary above ground tank and piping to the existing boiler will be installed. The existing fuel will be transferred. A LEP was called to investigate and guide the town through the process. The removal and replacement of the tank is programed in next year (FY23) funding request.

Please place Building Maintenance on the agenda for May 3, 2022, and then forward to the Board of Finance, if approved.

Cc: Kimberly Allen, Finance Director

**Service
Station
Equipment, Inc. ***



Petroleum Contractors Since 1984

Web Site: SSE-INC.Net

Members of NFPA, PEI, CBIA, ICPA

Veeder Root/ Gilbarco ASC

1-800-801-TANK

April 27, 2022

Paul Koelle
Public Works Facilities Manager
Town of Waterford
15 Rope Ferry Road
Waterford, CT 06385

RE: Eugene O'Neill Theater Center

Via Email: pmoelle@waterfordct.org

****Service Station Equipment is a CT DAS State Approved - Vendor Contract #'s 16PSX0111 & 17PSX0214****

Supply & Install (1) 1000-Gallon Double Wall Skid Tank
Supply & Install Event Gauge Interstitial Monitor
Supply & Install New Double Tap Fittings
Run New Copper in to Boiler Room
Supervise Oil Delivery
Prime/Test & Run Boiler w/ Town of Waterford's Boiler Service Company

Labor & Material \$8,958.10

Note: Pricing for oil removal will be quoted when we locate the tank, based on most cost-effective means.

Tanks,
Martin D. McKinney, Jr.
Martin D. McKinney, Jr.
President
MDM/jl

Accepted By: _____

Date: _____

PO# _____

20 Murphy Rd North Franklin, Ct 06254

Phone: 860-848-2278 Fax: 860-848-4449

Page 1 of 2

CT Home Improvement Lic. # 582539 CT Plumbing Lic. # 208469 CT Weights & Measures DLR # 106 RI "Gas Station" Lic.

20 Murphy Rd North Franklin, Ct 06254

Page 2 of 2

Phone: 860-848-2278 Fax: 860-848-4449

CT Home Improvement Lic. # 582539 CT Plumbing Lic. # 208469 CT Weights & Measures DLR # 106 RI "Gas Station" Lic.

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

4

May 23, 2022

Mr. Paul Goldstein
Moderator, Representative Town Meeting
15 Rope Ferry Road
Waterford, CT 06385

Moderator Goldstein:

At the Board of Finance meeting held Wednesday, May 18, 2022, it was approved to recommend to the Representative Town Meeting for an appropriation request in the amount of \$155,000 from Capital Non-Recurring undesignated line 205-31520 for Southwest Underground Tank Removal/Closure and forward to the RTM for approval.

I respectfully request you place this item on the agenda of the next meeting of the Representative Town Meeting. Copies of justification documentation are attached herto.

Respectfully Submitted,

Glenn Patterson

Glenn Patterson
Chairman, Board of Finance

Attachments

RECEIVED FOR RECORD
WATERFORD, CT
2022 MAY 23 PM 2:09
Glenn Patterson
TOWN CLERK

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

May 9, 2022

Mr. Glenn Patterson
Chairman
Board of Finance
15 Rope Ferry Road
Waterford, CT 06385

Dear Chairman Patterson,

The Board of Selectmen, at the meeting on Tuesday, May 3, 2022 voted to approve the following request for an appropriation;

Public Works: To consider and act on a request from the Director of Public Works, Gary Schneider, to approve and appropriate funds for a new project in the amount of \$155,000 from Capital and Non-recurring line # 205-31520 (Undesignated Fund balance) for the Southwest School Underground Tank Removal/Closure and forward to the Board of Finance for consideration.

Therefore, I respectfully request that you consider and act on this request. I have attached pertinent back up material from the designated department.

Sincerely,

Robert Brule

Robert Brule
First Selectman

cc: Kimberly Allen, Director of Finance

INTER-OFFICE MEMORANDUMTOWN OF WATERFORD

To: Robert Brule, First Selectman
From: Gary J. Schneider, Director of Public Works
Date: April 21, 2022
Re: New Capital Improvement Project Request



The Department is requesting the creation of a new ^{CNR}~~CIP~~ project and the funding for the closure of the underground storage tank systems at the Southwest School Site. Existing on site are a 10,000 and a 2,000 gallon heating oil tanks and piping systems that are beyond their service life.

This request is in response to the Notice of Violation (NOV) issued by the Connecticut Department of Environmental Protection. It is the recommendation of the Department based on information from the engineer that the best course of action is to stop using the tanks and remove them from the site.

I have attached the proposed Scope of Service from the Engineer who has also estimated the construction and closeout documents that will be required in order to close out the NOV.

The amount of funds requested for the project is \$155,000. We would like to request to be placed on the agenda for the Board of Selectman for the May 3, 2022 meeting.



MEMORANDUM

DATE: April 21, 2022
TO: Gary Schneider, Director of Public Works, Town of Waterford
FROM: D. Scott Atkin
RE: Preliminary Opinion of Construction Costs
Former Southwest Elementary School, 51 Daniels Avenue

There are currently two registered underground storage tanks (USTs) and associated underground piping at the former Southwest School site on Daniels Avenue:

- A 10,000-gallon STI-P3 steel heating oil tank
- A 2,000-gallon STI-P3 steel heating oil tank

The status of the tanks and the quantity of any remaining product is unknown at this time. The 10,000-gallon tank is reportedly in use and received a fuel deliver of more than 6,000-gallons earlier this year.

These tanks were installed in November 1988 and are past their 30-year life expectancies. Four years ago, the DEEP issued a notice of violation (NOV) because the annual cathodic protection testing of the tanks had not been performed. Recently, the DEEP reached out the Town and required a plan to address the NOV. That plan was submitted today.

The USTs and underground piping systems need to be closed in accordance with the DEEP's UST regulations and guidance as soon as possible. If they are not closed in the near future, the DEEP will "red tag" (i.e., lock out) the tanks and issue either another NOV or an Order to the Town requiring that the tanks and piping be removed within 30 days.

B&L has been authorized a budget of up to \$2,500 to assist the Town in responding to the NOV issued in February 2018.

Under separate cover, we have provided the Town with a proposal to assist in achieving compliance with the NOV and the UST regulations. This proposal provides for evaluation of the product in the tanks and tank closure options, developing an RFP package for publicly bidding the tank closure project, updating closure cost estimates, assisting the Town with the bidding and bid evaluation process, providing construction administration and environmental inspectors during the construction phase of the project, confirmatory sampling, preparing tank closure reports, and preparing documents requesting that the February 2018 NOV be closed. The recommended budget for this work is \$35,000.

This proposal also included an optional limited subsurface investigation to be performed near each tank. The purpose of the investigation would be to evaluate potential releases from the tank and the approximate quantity, of contaminated soil and/or groundwater, that would need to be addressed during the tank removal process. It is fairly common to encounter a small amount of petroleum-impacted soil during a tank removal project from historic overfills or minor spills during filling. However, if there has been a leak in one or both tanks, the quantity and associated costs of remediation work may be significant; it is difficult to estimate prior to getting in the field without some preliminary testing. The recommended budget for this optional site investigation scope item is \$15,000.

The quantity of fuel remaining in the tanks are unknown. Some of the fuel may be usable at another site and could be transferred from this tank or these tanks, but some or all of it may not be re-usable. In all likelihood, the bottom six to eight inches of each tank will contain solids or sludges and will not be re-usable. To be conservative, the Town should estimate 8,000-gallons of product and sludge and a disposal cost on the order of \$25,000.

Based upon recent bids (for a project that involved two slightly larger tanks), tank and piping removal, and backfill will likely cost on the order of \$70,000 to \$80,000.

The largest unknowns at this time are potential remediation costs. The bid prices for the tank removals referenced above include a minimal (30 cubic yards) of soil removal and offsite disposal. If there has been a release from the tanks or piping, remediation costs could add significant costs to this project - on the order of \$200 per ton of contaminated soils.

Barton & Loguidice

April 21, 2022

Mr. Gary Schneider
Director of Public Works
Town of Waterford
15 Rope Ferry Road
Waterford, Connecticut 06385

Re: Underground Storage Tanks - Former Southwest School
51 Daniels Avenue, Waterford, CT

Dear Gary,

Barton & Loguidice, LLC (B&L) is pleased to present this proposal to provide environmental consulting services to the Town of Waterford relative to the two underground storage tanks (USTs) at the former Southwest School at 51 Daniels Avenue. The scope of services includes providing a response to DEEP's NOV issued on February 14, 2018 and assisting the Town with achieving compliance with the State's UST regulations.

There are two steel STI-P3 USTs at the site: tank SW1R1 is a 10,000-gallon heating oil tank and tank SW2R1r is a 2,000-gallon heating oil tank. The tanks were reportedly installed in November 1988 and are currently past their 30-year life expectancies.

On February 14, 2018, the Town received Notice of Violation (NOV) # NOVUST-GB18-0018 from the Connecticut Department of Energy & Environmental Protection (DEEP) as the result of a field inspection. At the time, the tanks had been in the ground for over 29 years. The NOV was issued because the annual cathodic protection system testing required by the UST regulations on the tanks and associated steel piping had not been performed.

The Town was given thirty days to complete the annual cathodic protection system testing and submit a Compliance Statement to the DEEP along with the test results. If the testing could not be performed within the 30 days, the Town was to submit the Compliance Statement with a schedule for resolving the violation and bringing the USTs into compliance.

Based upon a recent notification from the DEEP's UST Program, it appears that the Town did not submit the Compliance Statement and may not have performed the testing. This recent DEEP notification requires submittal of a Compliance Statement and Action Plan by April 21, 2022. A response to this notification has been prepared and will be submitted to the DEEP today. The Action Plan and associated schedule must be reviewed and approved by the DEEP.

As the tanks are now past their life expectancy, the Action Plan outlines the tasks necessary to close the tanks in accordance with the DEEP's UST regulations. It also provides a schedule for each required task.

Scope of Services

B&L is proposing the following scope of services for this project:

- Stick the tanks to determine the approximate quantity of fuel oil remaining in each tank and if water is present in the tanks. This information will help us evaluate if groundwater has entered the tanks, which is a sign of a leak, and assist the Town in developing a plan to transfer any usable product to other sites.
- Evaluate tank closure options, including removal and abandonment in place.
- Develop a Request for Proposal (RFP) package for soliciting a tank removal contractor
- Update budget estimates for tank removals.
- Assist the Town with the bidding process and evaluation, including attending a pre-bid meeting, responding to requests for additional information, preparing addenda, and reviewing bidder's submittals and qualifications.
- Prepare and submit the notification of intent to permanently close the tanks to the DEEP.
- Provide construction administration and confirmatory sampling services during the tank removals and any necessary environmental cleanup.
- Prepare tank closure reports for submittal to the DEEP.
- Prepare and submit a document requesting that the NOV be closed.
- Provide tank closure information to the Town needed for EZ File system notification of the change in the tank's status to "permanently closed".

As an optional scope item, B&L can perform a limited subsurface investigation prior to tank removal to further assess potential releases and environmental impacts from the tanks. This optional investigation would allow us to assess potential cleanup costs during tank removal. The investigation would consist of:

- Utility clearing and call-before-you-dig notifications
- Four soil borings around each of the two USTs
- Field screening of soil samples for visual and olfactory evidence of a release, and for organic vapors with a PID
- Analytical testing of up to eight soil samples and two groundwater samples if evidence of petroleum release(s) are encountered
- A summary of the investigation results with recommendations for cleanup activities that may be necessary to comply with the DEEP's Remediation Standard Regulations
- Updated tank closure budget estimates

This proposal does not include design and permitting for alternate fuel oil supply. A separate proposal for these services could be provided at your request.

Proposed Schedule

The proposed schedule is based on approval of the Action Plan by DEEP on or before June 15, 2022, the Town obtaining funding approval by July 1, 2022, and authorization for B&L to proceed with the work by July 15, 2022.

The quantity of any remaining product in the tanks will be evaluated by July 15, 2022.

Plans and specifications for the tank closure RFP document and updated construction cost estimates will be prepared within six weeks of authorization to proceed. If authorized by the Town, the limited subsurface investigation will also be performed at this time.

Notification of the schedule to permanently close the tanks will be submitted to the DEEP thirty days prior to tank closure.

The UST Closure reports and formal request to close out the NOV will be prepared within thirty (30) days of completing tank closure field work.

Proposed Fees

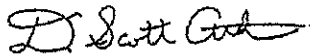
B&L is proposing to provide these services on an hourly rate (time and materials) basis in accordance with the on-call engineering services agreement with the Town. We recommend a budget of \$35,000 for these services.

If the Town would like to proceed with the optional limited subsurface investigation, we recommend a budget of \$15,000 for these services. This estimate include B&L's professional fees, direct expenses, and subcontractor fees for utility markout, drilling, and laboratory analyses.

If contaminated soils are encountered, then additional time will be required to oversee excavation and soil management activities and additional confirmatory sampling may be required. This estimate assumes up to an extra two days and six additional confirmatory soil samples may be required in the event that contaminated soils are encountered. If additional time or samples are required, then additional costs will be incurred in accordance with our agreement with the Town.

Thank you for the opportunity to provide this proposal to the Town. We look forward to continuing to work with you on this project. Please feel free to contact me if you have any questions or comments on this proposal.

Sincerely,



D. Scott Atkin, LEP
Senior Associate

Authorization

Barton & Loguidice, LLC (B&L, "Engineer") is authorized to proceed with the services described herein for the Town of Waterford (Town, Waterford, "Owner") in accordance with our existing agreement and this proposal.

In addition, B&L is authorized to proceed with the optional limited subsurface investigation described in this proposal if this statement has been initialed:

Signature

Date

Name and Title



UST Compliance Inspection Checklist
Connecticut Department of Energy and Environmental Protection
Storage Tank and PCB Enforcement Unit
79 Elm Street, Hartford, CT 06106
860-424-3374

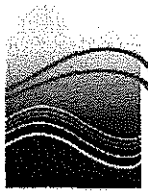
GENERAL:

Inspection Date: 2/14/2018

Site ID:	152-3068	Inspector	Gary Bellmar
Site Name	SOUTHWEST SCHOOL	Reason	Compliance
Site Address	DANIELS AVE. Waterford, CT 06385	Inspection Type	Full Inspection

Contacts	
Contact Type	Contact Information
Owner	TOWN OF WATERFORD, 15 ROPE FERRY RD WATERFORD, CT 06385, Phone: (203) 444-5801-
Registrant	TOWN OF WATERFORD, 15 ROPE FERRY RD WATERFORD, CT 06385

Tank ID: SW1R1 - Currently In Use (10000 gallons) – Installed: 11/1/1988			
Construction	Coated & Cathodically Protected Steel (sti-P3)	Life Expectancy	30 years
Construction Notes		Tank Options	
Corrosion Protection Type: Galvanic (Sacrificial Anode)			
Impressed Current System		Structure to soil voltage	
Compartment: a - Heating Oil(on-site consumption) (10000 gallons)			
Spill Prevention	Spill Containment	Overfill Prevention	Ball Float Device
Product Notes		Spill Prevention Note	
Release Detection	No release detection required		
Piping – Installed: 11/1/1988			
Construction	Other (Specify)	Corrosion Protection Type	Not Required
Construction Notes	Piping material: B Piping Installed: 11/88	Piping Options	Single Walled, Containment Sumps @ Tanks, Metallic fittings isolated from soil and water
Piping Release Detection			
Pump Type	American Suction (Check Valve is at Tank)	Line Leak Detector	
Primary Method	Precision LTT Every 3 years		
Tank ID: SW2R1 - Currently In Use (2000 gallons) – Installed: 11/1/1988			
Construction	Coated & Cathodically Protected Steel (sti-P3)	Life Expectancy	30 years
Construction Notes		Tank Options	Double Walled
Corrosion Protection Type: Galvanic (Sacrificial Anode)			
Impressed Current System		Structure to soil voltage	
Compartment: a - Heating Oil(on-site consumption) (2000 gallons)			
Spill Prevention	Spill Containment	Overfill Prevention	Ball Float Device
Product Notes		Spill Prevention Note	
Release Detection	No release detection required		
Piping – Installed: 11/1/1988			



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

NOTICE OF VIOLATION
NOV # **NOVUST-GB18-0018** - Site # **152-3068**

**TOWN OF WATERFORD
15 ROPE FERRY RD
WATERFORD, CT 06385-2806**

The purpose of this Notice is to inform you that personnel of the Department of Energy and Environmental Protection ("DEEP") have made observations or otherwise obtained information indicating that a violation of law has occurred at the property located at DANIELS AVE., Waterford, CT 06385. On 2/14/2018, the DEEP, Bureau of Materials Management and Compliance Assurance, Storage Tank and PCB Enforcement Unit conducted an inspection. Based upon that inspection, it appears that you have failed to comply with Sections 22a-449(d) 101-113 of the Regulations of Connecticut State Agencies. Specifically:

Regulation: CT state regulation (d)-1(e)(1)(E)

Violation Reason: Cathodic protection systems require annual testing to ensure that a structure to soil test voltage reading of at least minus 0.85 volts is maintained.

Required Action: The UST system owner or operator must have the requisite CP test performed on the tank and/or piping.

Applies To: TANK SW1R1 (Containing Heating Oil(on-site consumption) with Capacity of 10000 gallons)

Applies To: TANK SW2R1 (Containing Heating Oil(on-site consumption) with Capacity of 2000 gallons)

When you have corrected the violation(s) alleged in this Notice, you should submit in writing the details of the corrective action(s). The submittal should be made within thirty (30) days on the enclosed Compliance Statement, and *sent to the UST NOV Compliance Office*. Until the DEEP has received such a statement, the DEEP will presume you remain in violation. If the violation(s) cannot be corrected within thirty (30) days, provide a schedule of compliance (that includes a timetable) on the enclosed Compliance Statement within thirty (30) days describing the actions you will take to correct the violation(s). Your actions in response to this Notice, including submission of the attached Compliance Statement, may affect the DEEP's decision whether or not to take formal enforcement action.

The Compliance Statement should include, but not necessarily be limited to (1) initial analytical results for samples taken from the site; (2) analytical results for samples showing that contamination at the site has been corrected; (3) analytical results evaluating the migration or lack thereof of contamination at the site, (4) documentation confirming that the alleged violations have been remedied, and (5) measures taken to prevent future such violations at this site or other sites or (6) a schedule for providing (1) through (5).

COMPLIANCE STATEMENT

This Compliance Statement shall be signed by: (I) You (*if an individual-the individual signs*); (*if a corporation or partnership-by a responsible corporate officer/general partner or a duly authorized representative of such person, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies*); or (*if a municipality-chief elected official or principal executive officer*) and (II) if different, by the individual responsible for actually preparing such statement, each of whom shall read and sign the certification regarding false statements on the Compliance Statement.

Within fifteen days of the date you become aware of a change in any information in the Compliance Statement, or that any information was inaccurate or misleading or that any relevant information was omitted, submit the correct or omitted information to the UST NOV Compliance Office as indicated in the Notice of Violations.

Notice of Violation No.	NOVUST-GB18-0018
Facility Name:	SOUTHWEST SCHOOL
(Site)Address:	DANIELS AVE.
	Waterford, CT 06385

In accordance with the directions in the above-referenced Notice of Violation, I certify that the noted violations have been corrected in the following manner:

Attach additional sheet(s) as needed
(Enclose supporting documentation demonstrating compliance)

Certification of Accuracy

I certify that the information in this Compliance Statement and any attachments thereto are true, accurate and complete, and I understand that any false statement may be punishable as a criminal offense under Connecticut General Statutes Section 22a-6 and 53a-157.

Date

Signature

Telephone

Name and Title

Address

Date

Preparers Signature, if different than the above

Telephone

Name and Title

Address

Printed February 14, 2018

Your written response is required for non-Compliance with DEEP Notice of Violation ("NOV").

If you are receiving this letter, you are the registered contact associated with at least one (1) active NOV currently past due with the Department of Energy & Environmental Protection's ("DEEP's"), Underground Storage Tank ("UST") Program. For public information on the violations contained in the active NOV, please go to [Connecticut Underground Storage Tank Open Data at Underground Storage Tanks \(USTs\) - Enforcement Summary | Connecticut Data](#).

The NOV required that you correct the cited violation(s) and also required that you submit in writing the details of the corrective action(s) taken, or to be taken, to correct the cited violation(s), within thirty (30) days. As of the date of this email, DEEP has not received a completed response to the NOV. Therefore, you must respond to this email no later than **April 21, 2022** to avoid further action by DEEP to compel compliance with the applicable Regulations of CT State Agencies.

DEEP must receive in your submission a signed compliance statement and/or documents indicating that underground storage tank violations have been corrected and that, if applicable, corrective actions have been taken to investigate and remediate soil and groundwater contamination at or emanating from the active NOV site. If corrective action is not yet completed, an action plan, with a time schedule to reach compliance, shall be submitted in writing for DEEP review and approval.

DEEP reserves the right to, pursuant to the DEEP's Enforcement Response Policy, take formal enforcement action at any time, such as the issuance of an administrative order or referral of this case to the Office of the State Attorney General, which may include penalties of \$25,000 per day per violation as allowed by Connecticut General Statutes.

You must submit your written response to this email by **April 21, 2022** that addresses all issues identified in the NOV to deep.ustnov@ct.gov. If you need to request an extension of time to submit your written response, or have any questions regarding any of the above, please contact DEEP directly by phone at (860) 424-3374 or send an email to deep.ustnov@ct.gov.

Sincerely,

Ethan Requardt
Connecticut Department of Energy & Environmental Protection
Bureau of Materials Management & Compliance Assurance
Emergency Response & Spill Prevention Division

FIFTEEN ROPE FERRY ROAD



WATERFORD, CT 06385-2886

Ethan Requardt
Seasonal Resource Assistant
Connecticut Department of Energy and Environmental
79 Elm Street, Hartford, CT 06106-5127

April 20, 2022

Dear Mr. Requardt,

The Town of Waterford is in receipt of your correspondence (Ten Day Letter) dated April 11, 2022, regarding the Notice of Violation NOVUST-GB18-0018 - Site # 152-3068 at 51 Daniels Avenue, Waterford, CT.

Please be advised that the building serviced by the two heating oil tanks (SW1R1 and SW2R1) at this location is no longer in use. The property is being considered for disposition by the Town via a future request for proposals to redevelop the site for single family residential use.

In response to your letter, the Town has engaged, through its consulting firm Barton & Loguidice, a Licensed Environmental Professional to respond to the outstanding items in the Notice of Violation and to propose an action plan and timeline to reach compliance for DEEP review and approval. Please see the attached correspondence from Barton & Loguidice outlining the Town's proposed plan.

Please direct questions and correspondence on this matter to Gary Schneider, Public Works Director, at gschneider@waterfordct.org, or via phone at (860) 444-5846.

Thank you,

Robert A. Avena, Esquire
Waterford Town Attorney

Barton & Loguidice

April 21, 2022

UST NOV Compliance Officer
Storage Tank and PCB Enforcement Unit
Department of Energy & Environmental Protection
79 Elm Street
Hartford, Connecticut 06106

Re: NOV # NOVUST-GB18-0018, Site # 152-3068
Southwest School, 51 Daniels Avenue, Waterford

To Whom It May Concern:

This letter is being submitted on behalf of our client, the Town of Waterford. This submittal includes a *Compliance Statement and an Action Plan / Schedule for achieving compliance with the NOV and the UST regulations.*

The Town is in receipt of the notice of violation (NOV) referenced above; it is dated February 14, 2018. The NOV noted that "cathodic protection systems require annual testing to ensure that a structure to soil test voltage reading of at least minus 0.85 volts is maintained" and required that the "UST system owner or operator must have the requisite CP test performed on the tank and/or piping".

At the time that the NOV was issued, the two tanks at the Southwest School site were just over 29 years old. Now, the tanks are over 30 years old and the Southwest School is no longer in operation. It is currently only being used for storage and occasional meetings / trainings.

Recently, the Town received a notice informing them that this NOV was active and that a response was required by today, April 21, 2022. The attached Action Plan has been developed by Barton & Loguidice, LLC (B&L) in conjunction with and agreement by Town staff and the Town Attorney. The Compliance Statement has been signed by me as the Preparer. The First Selectman will sign the Compliance Statement as Chief Elected Official of the Town when he returns to the office next week. We will re-submit the Compliance Statement at that time.

The Town's attached Action Plan calls for the Town to forego the CP testing and focus efforts on closing the tanks in accordance with DEEP UST regulations. Until the tanks have been removed, they will be designated as temporarily out-of-service and no further fuel oil deliveries will be accepted.

This Action Plan is being submitted for review and approval of the DEEP as prescribed in the recent notice from the DEEP to the Town.

If you have any questions or comments concerning this NOV response or its attachments, please do not hesitate to contact Gary Schneider, Waterford Director of Public Works, or me.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Scott Atkins".

D. Scott Atkins, LEP
Senior Associate

cc: Rob Brule; Town of Waterford
Gary Schneider; Town of Waterford
Abby Piersall; Town of Waterford
Atty. Rob Avena; Suisman, Shapiro Attorneys at Law

COMPLIANCE ACTION PLAN

Notice of Violation No.: NOVUST-GB18-0018
Facility Site No.: 152-3068
Facility Name: Southwest School
Site Address: 51 Daniels Ave., Waterford, CT 06385

Facility Description: One 10,000-gallon STI-P3 fuel oil UST, one 2,000-gallon STI-P3 fuel oil UST, and related piping and appertunances. Collectively the "UST systems".

This NOV called for cathodic protection testing to be performed on the UST systems within thirty (30) days. This testing has not been performed. As the UST systems are now more than to be 30 years old, the Town of Waterford is proposing alternate measures, described in this Action Plan, to achieve compliance with this NOV and the UST regulations.

These alternate measures are the closure of the UST systems. Detailed actions and a proposed schedule are as presented below. The proposed schedule is subject to funding approval; it also assumes approval of this Action Plan by the DEEP by June 15, 2022.

The UST systems will be designated as temporarily out-of-service. No fuel oil deliveries will be accepted and the heating systems will be turned off. This action will be effective immediately.

The UST systems status will be updated to reflect the temporarily out-of-service status via the DEEP's EZFile system for UST Notifications. This action will be completed by May 2, 2022.

Town staff and administration will pursue tank closure funding through standard procedures, which includes approvals from the Board of Selectman, Board of Finance, and Representative Town Meeting. This action will be started in early May and should be completed by July 1, 2022.

The Town will contract with a qualified professional engineer or LEP to develop plans and specifications for closure of the UST systems. This action will be completed by July 15, 2022.

The quantity of any product remaining in the UST systems will be evaluated and the product will be removed from the tanks. This action will be completed by July 31, 2022.

A Request for Proposal (RFP) package will be developed. This RFP package will include plans and technical specifications for closure of the UST systems in accordance with current UST regulations and DEEP guidance documents. It will also include provisions for addressing any releases from the UST systems to soil and groundwater. This action will be completed by September 7, 2022.

The UST closure project will be publicly bid and a contract will be awarded by November 15, 2022.

A Notification of Scheduled Permanent Closure of USTs Form will be submitted to the DEEP. This action will be completed at least 30 days prior to closure activities.

Closure of the UST systems will be completed. This action will be completed by January 31, 2023.

UST closure reports and an NOV Compliance Statement will be prepared and submitted to the DEEP. In addition, the status of the USTs systems will be updated to permanently closed in the DEEP's EZFile system for UST Notifications. These actions will be completed by March 4, 2023.

COMPLIANCE STATEMENT

This Compliance Statement shall be signed by: (I) You (if an individual-the individual signs); (if a corporation or partnership-by a responsible corporate officer/general partner or a duly authorized representative of such person, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies); or (if a municipality-chief elected official or principal executive officer) and (II) if different, by the individual responsible for actually preparing such statement, each of whom shall read and sign the certification regarding false statements on the Compliance Statement.

Within fifteen days of the date you become aware of a change in any information in the Compliance Statement, or that any information was inaccurate or misleading or that any relevant information was omitted, submit the correct or omitted information to the UST NOV Compliance Office as indicated in the Notice of Violations.

Notice of Violation No. **NOVUST-GB18-0018**
Facility Name: **SOUTHWEST SCHOOL**
(Site)Address: **DANIELS AVE.**
 Waterford, CT 06385

In accordance with the directions in the above-referenced Notice of Violation, I certify that the noted violations have been corrected in the following manner:

NOV compliance will be addressed via the measures and schedules proposed in the attached Compliance Action Plan.

Attach additional sheet(s) as needed
(Enclose supporting documentation demonstrating compliance)

Certification of Accuracy

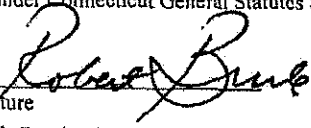
I certify that the information in this Compliance Statement and any attachments thereto are true, accurate and complete, and I understand that any false statement may be punishable as a criminal offense under Connecticut General Statutes Section 22a-6 and 53a-157.

4/25/2022
Date

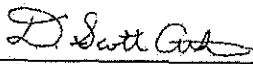
(860) 444-5834
Telephone

04/21/2022
Date

(860) 633-8770
Telephone


Signature
Rob Brule, First Selectman, Town of Waterford
Name and Title

15 Rope Ferry Road, Waterford, CT 06385
Address


Preparers Signature, if different than the above
D. Scott Atkin, LEP, Sr. Associate, Barton & Loguidice, LLC
Name and Title

41 Sequin Drive, Glastonbury, CT 06033
Address

Printed February 14, 2018

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

5

May 23, 2022

Mr. Paul Goldstein
Moderator, Representative Town Meeting
15 Rope Ferry Road
Waterford, CT 06385

Moderator Goldstein:

At the Board of Finance meeting held Wednesday, May 18, 2022, it was approved to recommend to the Representative Town Meeting for an appropriation request in the amount of \$1,705,358 from Capital Non-Recurring undesignated line 205-31520 to resurface the following roads: Lakes Pond Road, Butlertown Road, Daniels Avenue, Niantic River Road (partial), and Gardiner's Wood Road and forward to the RTM for approval.

I respectfully request you place this item on the agenda of the next meeting of the Representative Town Meeting. Copies of justification documentation are attached herto.

Respectfully Submitted,

Glenn Patterson

Glenn Patterson
Chairman, Board of Finance

Attachments

RECEIVED FOR RECORD
MAY 24 2022
2022 MAY 24 AM 8:57
TOWN CLERK

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

April 20, 2022

Mr. Glenn Patterson
Chairman
Board of Finance
15 Rope Ferry Road
Waterford, CT 06385

Dear Chairman Patterson,

The Board of Selectmen, at the meeting on Tuesday, April 19, 2022 voted to approve the following request for an appropriation;

Public Works: To consider and act on the following request for an appropriation of \$1,705,358 from the CNR Undesignated Fund #205-31520 to resurface several roads. This request substitutes Gardiners Woods Road for Oil Mill Road. If approved, please forward to the Board of Finance for further consideration.

Therefore, I respectfully request that you consider and act on this request. I have attached pertinent back up material from the designated department.

Sincerely,

Robert Brule

Robert Brule
First Selectman

cc: Kimberly Allen, Director of Finance

INTER-OFFICE MEMORANDUMTOWN OF WATERFORD

To: Robert Brule, First Selectman
From: Gary J. Schneider, Director of Public Works
Date: April 12, 2022
Re: Paving Projects



The Public Works Department is requesting an appropriation of \$1,705,358 from the CNR Undesignated Fund #205-31520 to resurface several roads. This request substitutes Gardiners Woods Road for Oil Mill Road. If approved, please forward to the Board of Finance for further consideration.

The Department is also requesting that this project be treated as one project and not be broken into the individual roads. Although the Department is confident in the estimates, this will allow flexibility if one road comes under and funds are needed to complete another on the list.

Background:

The Department had presented to the Boards and RTM a resurfacing project that would address the following roads;

- Lakes Pond (PCI = 60)
- Butlertown (PCI = 58)
- Daniels (PCI = 62)
- Niantic River Road (portion of) (PCI = 55)
- Oil Mill Road (PCI = 56)

The funds for these roads were placed into a CNR Undesignated Fund project line item. The Department is recommending that instead of resurfacing Oil Mill Road, the conditions on Gardiner's Wood Road (PCI = 52) have greater needs that must be addressed.

The condition of Gardiners Wood Road had deteriorated to a point where the Department must continuously expend resources to keep the road in a passable condition. When a road surface reaches a point where there are patches on patches and nothing is stable, it must be addressed not as spot repairs anymore, but as a resurfacing project. As part of this project, in the northern section, the Department will place several small diameter pipes under the road and raise the road by several inches in an attempt to keep the water off the road.

Although Oil Mill Road will still need to be addressed, there are several projects that would impact the timing when the resurfacing of Oil Mill should take place. On the section north of Parkway North there is the construction of the solar field. The Department has concerns that the truck traffic may affect the condition of the existing pavement. The construction of this site should be completed before any road work on this portion of Oil Mill Road is attempted.

On the section south of Parkway South there is a potential development in the vicinity of Gurley and Oil Mill Road. This development, Stone Ridge Business Park proposes to provide water and sewer to the site by trenching 600 (+/-) feet south on Oil Mill Road to the existing water and sewer lines. This development is in the planning and permitting phase. Again, this work should be completed before any road work on this portion of Oil Mill Road is attempted.

The Department current estimates are:

- Lakes Pond \$175,265
- Butlertown \$571,468
- Daniels \$263,705
- Niantic River Road (portion of) \$350,795
- Gardiners Wood Road \$344,125

Oil Mill Road will be placed in the FY 24 Capital Program for resurfacing

Public Works requests to be on the next Board of Selectman's meeting and have this project forwarded to the Board of Finance, if approved.

Cc: Kimberly Allen, Finance Director

Lakes Pond Road

April 11, 2022

Estimate of Paving Related Items	\$	136,515
Allowances		
Sight line Improvements	\$	8,000 2 locations grading, tree removal, rock
Rock Removal/Minor Widening	\$	10,000 Rock removal and additional pavement (min 24')
Drainage Structures	\$	2,000 Basin Tops and corrugated pipe replacement
Traffic Control (Police)	\$	2,500 At the intersection of Rt 85
Loam	\$	5,000 LS
Metal Beam Rail	\$	11,250 \$45/lf x 250 (includes anchors)
Total	\$	175,265

A black and white map showing a network of roads and geographical features. Roads are labeled: JORDAN, KONGSIC, ROAD, BUTLER, BULLY, TUB, BROOK, DUNSTON, GREG, HILL, and FEVER. A large area is labeled "WATERFORD SPEED BOAT RING". The map includes contour lines and a dashed line at the bottom.



Butlertown Road

April 11, 2022

Estimate of Paving Related Items \$ 545,468

Allowances

Rock Removal/Minor Widening	\$	7,500	Rock removal and additional pavement (min 24')
Loam	\$	5,000	Rural road, not much curbing
Metal Beam Rail	\$	13,500	\$45/lf x 300 (includes anchors)
Total	\$	571,468	

A hand-drawn map showing a network of roads and geographical features. The map includes labels such as 'ROAD', 'BROOK', 'JORDAN', 'WATERFORD SPEED ROAD', 'MOUNTAIN', 'POLLY', 'LASSY', 'GRACE', 'KIDNAPING', 'EXPRESS', 'DRAFT', 'COMMERCE', 'JOHN'S', 'TRUCK ROAD', 'HILL', 'GOLF', 'BROCK', and 'PETER'. The map shows various road intersections, a winding river or brook, and several small ponds or lakes.



Daniels Avenue

April 11, 2022

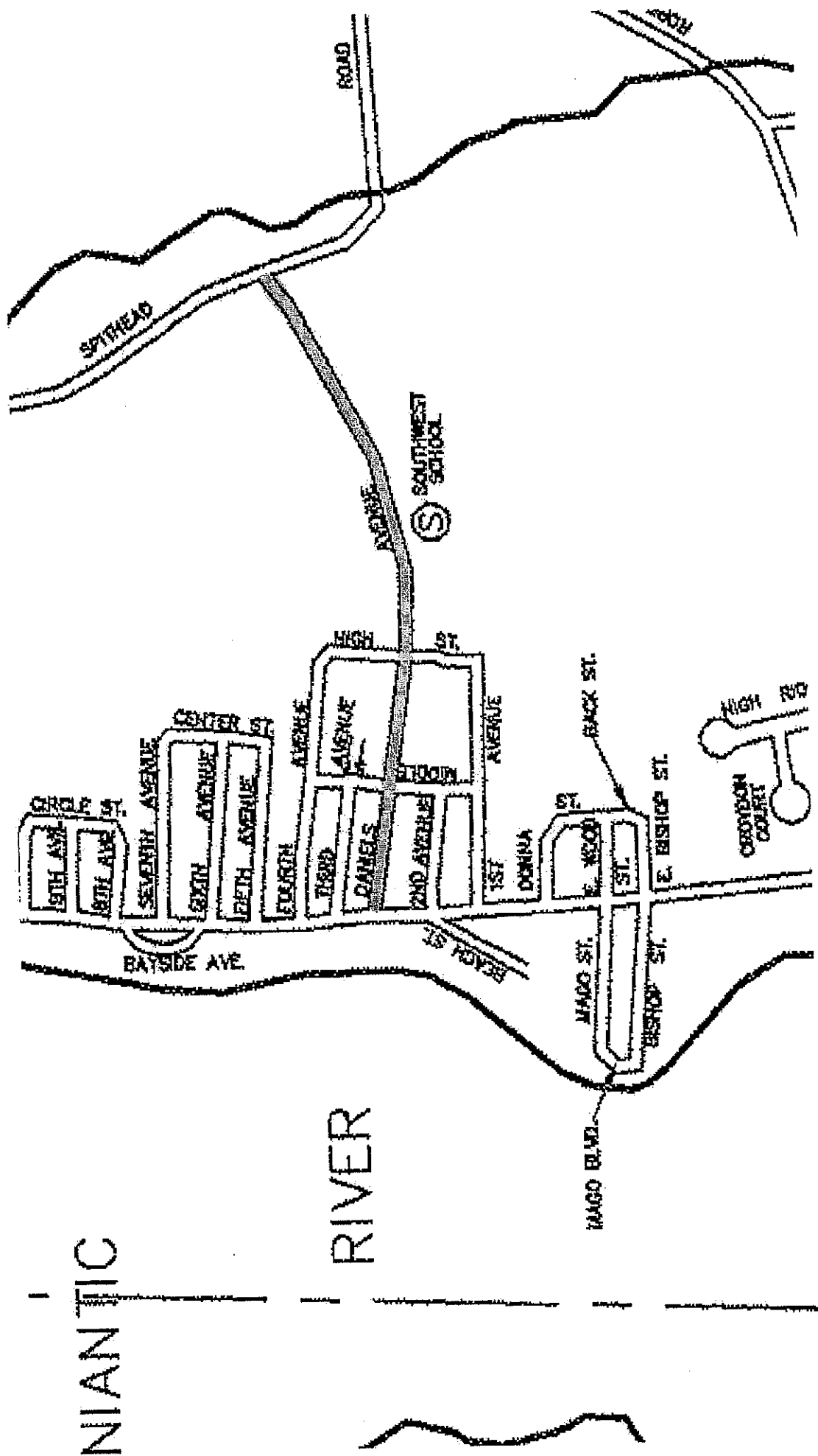
Estimate of Paving Related Items \$ 238,705

Allowances

Sight line Improvements	\$	2,000	1 location grading, tree removal
Rock Removal/Minor Widening	\$	-	Rock removal and additional pavement (min 24')
Drainage Structures	\$	4,000	Basin Tops and corrugated pipe replacement
Traffic Control (Police)	\$	1,500	At the intersection of Spithhead
Pave Intersections	\$	4,000	4 Intersections 25' into side street
Metal Beam Rail	\$	13,500	\$45/lft x 300 (includes anchors)

Total \$ 263,705

Daniels Ave.



Niantic River Road (Portion)

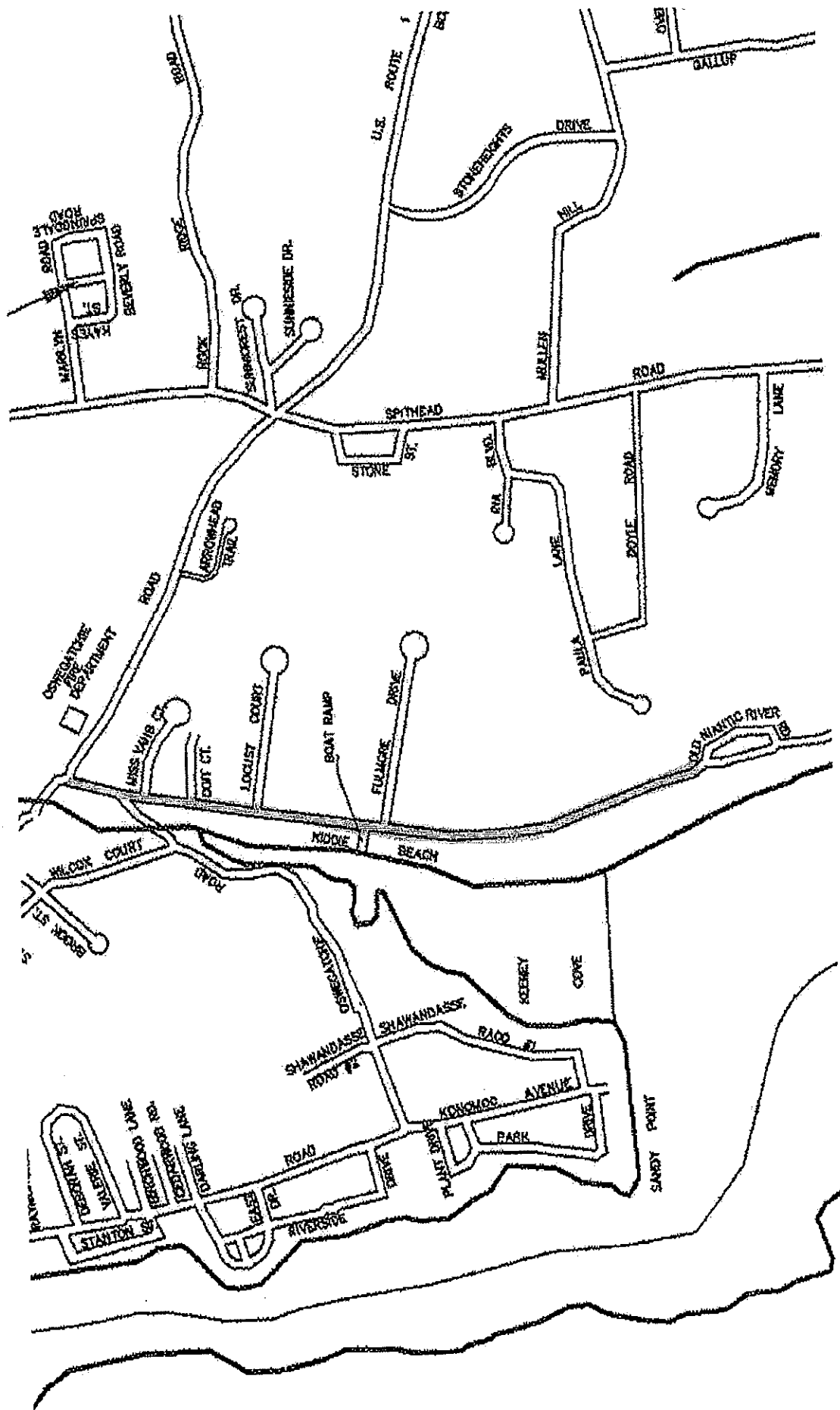
April 11, 2022

Estimate of Paving Related Items \$ 300,545

Allowances

Sight line Improvements	\$	-
Rock Removal/Minor Widening	\$	-
Drainage Structures	\$	4,000 Basin Tops and corrugated pipe replacement
Traffic Control (Police)	\$	2,000 At the intersection of Route 1
Traffic Loops	\$	2,500 At Route 1
Pave Intersections	\$	8,000 2 Intersections 25' into side street
Metal Beam Rail	\$	33,750 \$45/lf x 750 (includes anchors)
Total	\$	350,795

A detailed street map of a coastal area, likely a beach town. The map shows a network of roads including U.S. Route 1, Spyhead Road, and various local streets like Stone St, Arrowhead Trail, and Locust Court. Key features include a beach area labeled 'KIDDE BEACH', a 'BOAT RAMP', and a 'PARK'. The map also shows the 'OLD NANTIC RIVER' and 'SANDY POINT'. A small building is marked with a square and labeled 'OVERSIGHT DEPARTMENT'. The map is oriented with the beach and river at the bottom and the main road network at the top.



Gardiners Woods Road

April 11, 2022

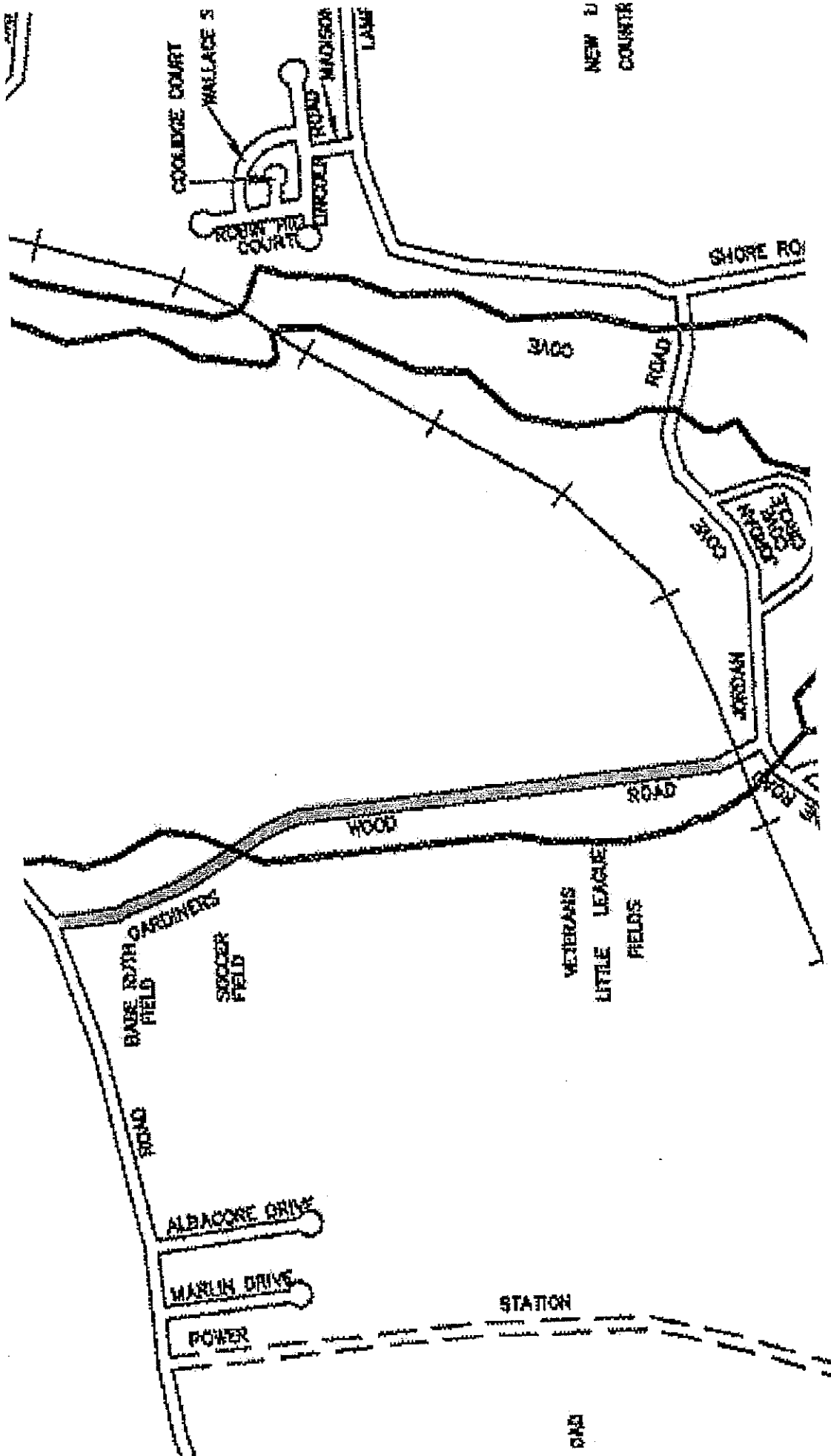
Estimate of Paving Related Items \$ 329,125

Allowances

Install pipes \$ 15,000 Install small diameter pipes (LS)

Total \$ 344,125

Gardiner's Wood Road



From: Robert Avena <RAvena@sswbogg.com>
Sent: Tuesday, May 24, 2022 1:52 PM
To: David Campo; Robert Brule; Kimberly Allen
Subject: RE: RTM Meeting of April 4, 2022, Item 7 American Tower Proposed Agreement

CAUTION: This email originated from outside of the organization.

Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.

Hi David : Pursuant to our phone call, I would ask that the Cell Tower Easement matter not be acted on at the next meeting and the RTM vote to pass on any action on it. The cell tower company is withdrawing that offer, and requesting whether the town is interested in extending the existing lease with a prepayment clause, a matter to be taken up only with the Board of Selectmen as a contractual matter, Rob Avena, Esq.

Robert A. Avena, Esquire
Suisman Shapiro
20 South Anguilla Road
P.O. Box 1445
Pawcatuck, CT 06379

Direct Line: (860) 650-8008
Main Line: (860) 442-4416
Facsimile: (860) 599-3778
E-mail: ravena@sswbogg.com
Firm Website: www.suismanshapiro.com

This law firm is a debt collector and may be attempting to collect a debt. If this communication relates to a debt owed to one of our clients, any information obtained will be used for that purpose. Please note, however, that if you have previously received a discharge in bankruptcy, this law firm is not attempting to collect a debt, but is only enforcing a lien against the subject property.

Please note: the information contained in this e-mail and any attachments hereto is intended only for the personal and confidential use of the designated recipients. The message may be an attorney-client communication and as such, is privileged and confidential. If the reader/recipient of this message is not the intended recipient, you are hereby notified that you have received this e-mail and all attachments hereto in error and that any review, dissemination, distribution or copying of this e-mail or any of its attachments is strictly prohibited. If you have received this communication in error, please notify the sender immediately by e-mail and destroy the original message received. Thank you.

From: David Campo <DCampo@waterfordct.org>
Sent: Tuesday, May 24, 2022 11:22 AM
To: Robert Avena <RAvena@sswbogg.com>
Subject: FW: RTM Meeting of April 4, 2022, Item 7 American Tower Proposed Agreement

From: Robert Avena <RAvena@sswbogg.com>
Sent: Monday, March 21, 2022 5:19 PM
To: David Campo <DCampo@waterfordct.org>

Cc: Kimberly Allen <kallen@waterfordct.org>

Subject: RTM Meeting of April 4, 2022, Item 7 American Tower Proposed Agreement

CAUTION: This email originated from outside of the organization.

Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.

Dear David : Kim Allen , Finance Director, and I are continuing to review and discuss the terms of the proposed agreement regarding the leased cell tower at the Miner Lane Transfer Station Parcel with representatives of the Lease Holder, American Tower. Therefore, at the next RTM meeting, we will be requesting that this matter be further postponed, and not taken off the table, until the June meeting of the RTM, thanks, Rob Avena, Esq.

Robert A. Avena, Esquire
Suisman Shapiro
20 South Anguilla Road
P.O. Box 1445
Pawcatuck, CT 06379

Direct Line: (860) 650-8008

Main Line: (860) 442-4416

Facsimile: (860) 599-3778

E-mail: ravena@sswbagg.com

Firm Website: <https://link.edgepilot.com/s/18fa881c/SUDTTM4ufECQ6wIjpV6LgA?u=http://www.suismanshapiro.com/>

This law firm is a debt collector and may be attempting to collect a debt. If this communication relates to a debt owed to one of our clients, any information obtained will be used for that purpose. Please note, however, that if you have previously received a discharge in bankruptcy, this law firm is not attempting to collect a debt, but is only enforcing a lien against the subject property.

Please note: the information contained in this e-mail and any attachments hereto is intended only for the personal and confidential use of the designated recipients. The message may be an attorney-client communication and as such, is privileged and confidential. If the reader/recipient of this message is not the intended recipient, you are hereby notified that you have received this e-mail and all attachments hereto in error and that any review, dissemination, distribution or copying of this e-mail or any of its attachments is strictly prohibited. If you have received this communication in error, please notify the sender immediately by e-mail and destroy the original message received. Thank you.

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.