



**REGULAR MEETING OF THE COMMON COUNCIL  
MIDDLETOWN CONNECTICUT**

**MONDAY, APRIL 6, 2020  
7:00 PM**

**MINUTES**

The Regular Meeting of the Common Council of the City of Middletown was held remotely via WebEx on Monday, April 6, 2020, at 7:00 PM.

**Present:**

Councilwoman Jeanette White Blackwell	Councilman Vincent Loffredo
Councilwoman Meghan Carta	Councilman Anthony Mangiafico
Councilman Grady Faulkner, Jr.	Councilman Edward McKeon
Councilman Darnell Ford	Councilman Eugene Nocera
Councilman Edward Ford, Jr.	Councilman Philip Pessina
Councilman Anthony Gennaro, Sr.	Councilwoman Linda Salafia

Mayor Benjamin D. Florsheim, Chair  
Linda Reed, Council Clerk  
Daniel Ryan, Esq., Corporation Counsel

**Also Present:** Bryan Skowera, Director – Technology Services  
Eldon Bailey, Technology Services  
William Russo, Director – Public Works Director  
Christopher Holden, P.E. – Public Works Deputy Director  
Joseph Samolis, Planning, Conservation & Development Director  
Cathy Lechowicz, Director – Recreation and Community Services  
Barbara Knoll Peterson, Mayor's Administrative Assistant  
Brig Smith, Esq., General Counsel  
Kori Wisneski, Esq., Deputy General Counsel  
Justin Richardson, Human Resources  
Keisha Michael, Arts Coordinator  
Kevin Elak, R.S., Health  
Christine Bourne, Board of Education

Members of the Public: 10

**1. Call to Order**

Having verified that all Councilmembers have successfully logged into the system Mayor Benjamin Florsheim calls the meeting to order at 7:13 PM. He asks Councilman Anthony Gennaro to lead the Pledge of Allegiance.

The Clerk reads the Call of the Meeting and the Chair declares the call a legal call and the meeting a legal meeting.

The Chair thanks everyone for their patience and cooperation in being here for this meeting tonight. He acknowledges two individuals Council Clerk Linda Reed and Information Services Director Bryan Skowera for working very hard today and the days leading up to this meeting to be sure that the business of government could continue without interruption. We are all adjusting to a new reality and those who are helping us adjust to that. It is challenging, but this system and the work of these individuals is allowing our City to continue to work. He appreciates the efforts and for this meeting, these two individuals in particular.

Councilman Eugene Nocera states that he is grateful that the Mayor has recognized Council Clerk Linda Reed and Information Services Director Bryan Skowera because behind the scenes there was a tremendous amount of work to get us to where we are now. We can always improve, noting that this was not an easy task. He extends thanks to both City staff members, adding that it could not have been done without both of them.

The Chair thanks Councilman Nocera, adding that this is the feeling of all.

The Chair states that, if this is the appropriate time, he asks Technology Services Director Bryan Skowera to chime in as they are adding public comment to the agenda. He asks Director Skowera to explain how the members of the public, using WebEx, can raise their hand to be recognized.

Director Skowera states that members of the public, who wish to raise their hand to be called on during the public hearing, may do so when using one of the WebEx. At the bottom of the screen, there is an icon that looks

like head and shoulders, which is the participant's icon. If you click on that participant's icon, it will create a popup window on the right side of the screen. At the bottom, there is a bullhorn and a hand. If you click on the hand, you will be raising your hand until called upon. When done raising your hand, you can click on the icon again.

The Chair thanks Director Skowera, saying that, with these instructions in place, we will move forward with agenda business.

## 2. Emergency Resolution:

- A. **Approving that, due to the COVID-19 pandemic and the several directives and restrictions set forth in the several Executive Orders issued by the Hon. Ned Lamont, Governor of the State of Connecticut, the Common Council waives the following Rules of Procedures during the pendency of this crisis; namely (1) rather than holding a Common Council special meeting called "Questions to Directors Workshop" immediately prior to its regular meeting, a Questions to Directors opportunity will be available to Councilmembers after any appropriation, resolution, or ordinance has been moved and seconded during the regular meeting; (2) rather than televising meetings, Common Council meetings shall be livestreamed via an electronic platform; and (3) in lieu of live public comment on agenda items during the regular meeting, public comments may be submitted via email no later than one (1) hour prior to the regular Common Council meeting at [Council@MiddletownCT.gov](mailto:Council@MiddletownCT.gov).**

### APPROVED

**RESOLUTION No.: 19-20; K: review/ resolution/ CC emergency Rules of Procedure RES 19-20 – 6 April 2020**

**WHEREAS**, in response to the ongoing COVID 19 pandemic and the extraordinary and extreme public health concerns, Hon. Ned Lamont, Governor of the State of Connecticut, has issued a series of Executive Orders, which include limiting assembly for live public meetings, which includes that municipalities, including, but not limited to, municipal legislative bodies, conduct business using electronic meeting options; and

**WEREAS**, given the need to conduct necessary legislative business, the Common Council of the City of Middletown will use a web-based platform to proceed with its meetings during this period of time; and

**WHEREAS**, on November 14, 2019, the Common Council of the City of Middletown adopted Resolution No. 93-19, which sets forth its *Rules of Procedure* as the manual for the conduct of business and affairs of the Common Council; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:** that, due to the COVID-19 pandemic and the several directives and restrictions set forth in the several Executive Orders issued by the Hon. Ned Lamont, Governor of the State of Connecticut, the Common Council waives the following *Rules of Procedures* during the pendency of this crisis; namely (1) rather than holding a Common Council special meeting called "Questions to Directors Workshop" immediately prior to its regular meeting, a Questions to Directors opportunity will be available to Councilmembers after any appropriation, resolution, or ordinance has been moved and seconded during the regular meeting; (2) rather than televising meetings, Common Council meetings shall be livestreamed via an electronic platform; and (3) in lieu of live public comment on agenda items during the regular meeting, public comments may be submitted via email no later than one (1) hour prior to the regular Common Council meeting at [Council@MiddletownCT.gov](mailto:Council@MiddletownCT.gov)

**FISCAL IMPACT:** None

The Chair reads the resolution into the record. Councilman Eugene Nocera seconds the motion. The Chair calls on the City's General Counsel Brig Smith to explain the resolution. The Council Clerk asks for clarification as to who moved the motion. The Mayor has moved the motion and Councilman Nocera has seconded the motion.

General Counsel Brig Smith explains that the resolution tweaks a few of the practices of the Council's Rules of Procedure. The modifications allow the council to accomplish digitally what is accomplished physically when the Councilmembers are all together. The one big change, noting that Director Skowera explained a few minutes ago, is public comment. Under State law, the public has the right to hear a meeting, but not necessarily to speak at a meeting. Public comment is part of traditions in many communities. Public comment is provided for under Middletown's local law – our ordinances – that there be public comment for appropriations. There is an appropriation on tonight's agenda so, as technical matter, there needs to be public comment on that. The law is silent with respect as to how public comment occurs and that is public comment in the face of this pandemic. We are trying to do our best here. As Director Skowera explained, we will try to do our best to have live public comment and to include the emailed public comment. Attorney Smith states that he believes that it is sufficient and we will do our best to provide for public comment tonight

The Chairs asks if there is any further discussion or any questions about this resolution. The Chair calls on Councilwoman Linda Salafia.

Councilwoman Salafia states that she does not believe that the Chair, as Mayor, can move a resolution for approval under the Council Rules. She notes that either Councilman Nocera or Councilman Pessina as Majority Leader and Minority leader, respectively, can make that resolution.

Councilman Pessina states that he moves to approve the motion on behalf of the Mayor. Councilman Nocera reiterates that he has seconded the motion.

The Chair states that this is very helpful. The Chair asks if there is any further discussion. There being no further discussion, the Chair calls for a vote

Councilman Edward McKeon interjects with a point of order. He has raised his hand and was not acknowledged. On his part, the Council should do all that it can to preserve public comment in every instance, not just for appropriations.

The Chair replies that, what they will try to do for Councilmembers and panelists if they want to speak up. He states that in this resolution they are trying to preserve public comment, including in written form. He adds that the Council will not need to meeting in this forum for much longer. They will also work to incorporate suggestions from the public following this meeting as to how to improve this process.

The Chair asks if there is any further discussion.

Councilman Vincent Loffredo states that he would like further clarification. He states that, as introduced, this proposed resolution does not allow what is being proposed for public comment other than emails as presented for the Council to vote.

General Counsel Smith replies that, under the Executive Order for public meetings, we need to each identify ourselves before we speak because this is a virtual meeting rather than in person. He notes that it may seem artificial, but it is important to identify yourself before you speak whether as a panelist or attendee. He notes that Councilman Loffredo is correct as the resolution speaks to the email public CommNet, but it states "may" submit in lieu of live public comment, not "must." He believes that it is flexible enough to do either.

Councilman Loffredo states that he wants to be clear: does the resolution, as presented, mention verbal public comment or only email comment.

Attorney Smith replies that the resolution states that, in lieu of public comment on agenda items, public comments may be submitted via email no less than one (1) hour prior. He understands that this means, if we cannot do live public comment, an email is sufficient. There is nothing precluding us from doing live public comment to the extent that we can.

The Chair asks if there is any further discussion. There being none, the Chair calls for a roll call vote, asking that the Council Clerk read the roll. He reminds Councilmembers to unmute microphones for the call.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

### **3. Accept/Amend the Agenda**

The Chair asks for a motion either to approve the agenda as presented or to amend. The Chair calls on Councilman Vincent Loffredo.

Councilman Loffredo states that he has an amended for the agenda to Item 10F. Councilman Loffredo states that everyone should have received the amendment. He reads extracts from the amendment. In the first "Whereas," the Council and Mayor Benjamin Florsheim support stays as is. The second "Whereas," no change. The third "Whereas," is the same. The "Now therefore be it resolved," at the end of the resolution, following "you would: and then after the comma and pedestrian safety the following would be changed: "and shall consider and implement full modifications of said project mitigation and safety concerns." Then a new "Be until further resolved that" the Mayor will communicate this request to the Commissioner of DOT, DOT staff and cc copies of this communication to Governor Lamont, Middletown's congressional delegation, Connecticut General Assembly representatives, and the members of the Common Council,. Councilman Loffredo moves to approve the amendment. Councilman Pessina seconds the amendment.

The Council Clerk asks if this resolution is a substitute resolution, noting that the Council does not seem to be adding a new item to the agenda; rather, it seems to be a substitute resolution for agenda Item 10F. The Clerk asks if this understanding is correct.

Councilman Loffredo states that he is proposing to amend the resolution that is on the table, which has been sent out.

Councilman Grady Faulkner interjects, noting that Councilman Loffredo is not amending the agenda.

Councilman Loffredo states that he is amending an existing agenda item by (*inaudible*). Councilman Loffredo asks if he should hold off on this amendment until later on, which is fine, too. He states that he thought the Council was looking for amendments to the agenda, adding that he has sent this document to the Mayor and all Council reps. If there is a procedural issue, he can hold off until they reach item 10F and substitute the proposed amendment in place of the original resolution.

Councilman Eugene Nocera interjects, saying that Councilman Loffredo did it the right way, by alerting the Council that there will be an amendment for that item. He can read the language into the record at that time.

Councilman Loffredo replies, "Fine, very good."

Councilman Nocera states that he has a second amendment.

The Chair states that there is already a motion on the floor, so they should dispose of that matter first. The Chair states that he is not sure whether or not Corporation Counsel Daniel Ryan is on the line and can speak to the matter. He asks Attorney Ryan to speak as to whether the agenda should be amended or wait until the item comes up on the agenda.

Corporation Counsel Daniel Ryan replies that, since there will be another amendment, as well, the Council should accept the agenda as it is and then, when the amendments come up, vote on those amendments prior to voting on the motion.

Councilman Loffredo makes a point of order, saying that he is amending an agenda item and he has no problem waiting until that item comes up on the agenda. His concern is what Majority Leader Nocera is proposing. Councilman Loffredo asks if Councilman Nocera is proposing to add an item that was not published.

Councilman Nocera replies that he is looking to modify the working of a resolution. If there is any change, when we get to it.

Councilman Loffredo states that it is appropriate that it be done subsequently, when Item 10F comes up on the agenda.

Councilman Edward McKeon states that he would like to amend the agenda.

The Chair asks Councilman Loffredo if he will withdraw his motion for the existing amendment.

Councilman Loffredo withdraws the existing motion.

The Chair calls on Councilman McKeon.

Councilman McKeon moves to amend the agenda to allow for public discussion as we seem to have the technology to allow the public to make, give live testimony. He would like the Council to allow that live testimony at this meeting.

Councilman Nocera states that he has a second one along the same lines.

Councilman Loffredo seconds Councilman McKeon's motion.

The Chair asks if there is any further discussion. There being no further discussion, the Chair calls for a vote on the motion to accept the agenda as amended to allow for public comment after approval of the minutes. There being none, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye

Councilwoman Salafia                      aye

The Chair states that the motion to amend the agenda to allow for public comment is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

The Chair asks if there are any other amendments to the agenda. The Chair calls on Councilman Eugene Nocera.

Councilman Nocera states that the Council passed the emergency resolution, which points to public comment on appropriations. He moves to amend that to allow for public comment on Item 7A, as the only appropriation on the agenda. Councilman Pessina seconds the amendment.

The Chair states that this means, if adopted, would override the amendment just adopted allow public comment on general topics and limit public comment to Item 7A (appropriation). He asks if that is the intention.

Councilman Nocera replies that they want to be consistent with what was just adopted. In the future, it may be broadened, but we need to abide by what was adapted, which is to allow for public comment on appropriations.

Councilman Loffredo calls for a point of order.

The Chair states that the motion has been made and seconded. He calls on Councilman Loffredo.

Councilman Loffredo states that he raised the issue of public comment earlier as to whether or not the proposed resolution presented would allow for it. The City Attorney's office indicated that the language, as presented, did not prohibit public comment on all items. Now, if he understands what Councilman Nocera is proposing is that we only allow public comment on the appropriation and no other items.

Councilman Nocera replies that is not his intention, but Item 7A is not written that way. It needs to be included.

Councilman Loffredo replies that is why he raised the issue a while back and he was given the indication that General Counsel Smith needs to get back on and clarify.

The Council Clerk interjects, explaining that the notice of public hearing was published for Item 7A, the proposed appropriation, and the Council invited people to join the meeting to make public comment on that item.

Councilman Loffredo states that is required for any appropriation.

The Council Clerk replies, "Yes."

Councilman Loffredo states that he is proposing, as the Council normally does at a regular meeting, even one like this, the issue is whether we will allow people to comment as we normally would allow, but do so electronically.

The Chair calls on Councilman Edward McKeon.

Councilman McKeon states that he agrees with Councilman Loffredo that he City Attorney advised the Council that the meaning of that resolution is broader than stated, he will not support any amendment which limits the ability of the public to speak on any agenda item.

The Chair states that as the emergency resolution, as approved, and the amended agenda, submitted by Councilman Loffredo also having been adopted, if the Council moves forward without amending the agenda further, we will have public comment after approval of the minutes at which time members of the public will be allowed to speak on any agenda item., If that is correct and amenable to Councilmembers, he believes that they can continue on to other agenda items.

Councilman Nocera states that was his intention, so he withdraws his motion.

The Chair asks if there is any further amendment to the agenda or any motion to accept the agenda as amended.

Councilman Pessina moves to accept the agenda as amended.

The Council Clerk states that the Council already voted to accept the agenda, as amended.

Councilman Faulkner says, "Thank you very much."

**4. Approval of Minutes: Special Meeting (Questions to Directors) of March 2, 2020 at 6:00 PM**

The Chair asks for a motion to approve the minutes of the Special Meeting (Questions to Directors) of March 2, 2020 at 6:00 PM.

Councilman Philip Pessina moves to approve the Minutes of the Special Meeting (Questions to Directors) of February 3, 2020 at 6:00 PM. Councilman Edward McKeon seconds the motion. The Chair asks if there is any discussion. There being none, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved unanimously.

**5. Approval of Minutes: Regular Meeting of March 2, 2020 at 7:00 PM**

The Chair asks for a motion to approve the minutes of the Regular Meeting of March 2, 2020 at 7:00 PM.

Councilman Philip Pessina moves to approve the minutes of the Regular Meeting of March 2, 2020 at 7:00 PM. Councilman Anthony Mangiafico seconds the motion. The Chair asks if there is any discussion. There being none, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved unanimously.

**6. Approval of Minutes: Special Meeting (Presentation By, and Discussion With, Mayor Benjamin Florsheim and Connecticut State Department of Transportation RE: Arrigoni Bridge Project to Commence Spring, 2020) of March 11, 2020 at 5:30 PM**

The Chair asks for a motion to approve the minutes of the Special Meeting of March 11, 2020 at 5:30 PM.

Councilman Philip Pessina moves to approve the minutes of the Regular Meeting of March 2, 2020 at 7:00 PM. Councilman Anthony Mangiafico seconds the motion. The Chair asks if there is any discussion.

The Chair calls on Councilman Vincent Loffredo.

Councilman Loffredo asks if those minutes were attached to the agenda, asserting that the attachment was not there and noting that he might have missed it.

The Council Clerk states that the minutes are posted on Granicus. Councilman Loffredo asks if it is there. The Council Clerk replies that the minutes are on Granicus and on the City website and, when the electronic agenda packet was sent to Councilmembers, the document was included in that as well. The Council Clerk states that minutes have been posted since early last week.

Councilman Loffredo states that, if it is all posted, he is fine.

Councilman Grady Faulkner states that there are several documents posted, not Council meetings. He asks if this is correct.

The Chair asks Councilman Faulkner to clarify the questions.

Councilman Faulkner states that the documents that are attached include documents with Dan Drew's name and DOT (Department of Transportations).

Councilman Pessina states that he believes that Councilman Faulkner is referring to . . . when that meeting was held, there was document provided as to how we arrived at the project. It was posted along with the DOT letters that gave the Council a timeline as to how this process got approval and when it got approval from the former Mayor.

The Chair replies, addressing Councilman Faulkner and saying that packets were distributed at that special meeting as well, consisting of correspondence between the City and the Department of Transportation, a brief history of the problem. He believes that this may be what is included in the packet.

Councilman Faulkner asks if that material is supposed to be part of the minutes.

Councilman Loffredo interjects, replying, "No."

Councilman Faulkner states that is what is here

Councilman Loffredo interjects, saying that is what he is raising. This other documents he did see. What he did not see were the minutes, which he did not see so he will be abstaining. Other may have seen it, but he did not and is not prepared to act on it, the minutes of that presentation.

The Chair confirms with the Council Clerk that the minutes have been posted on line.

The Council Clerk replies, "Absolutely," adding that she is trying to pull up that document on the iPad now and log into Granicus, noting that these minutes should be in both places: Granicus and on the City website. The Council Clerk states that, on the City website, the bubble that links to "Agendas and Minutes," the minutes are posted there. She will check on Granicus as well, reiterating that the minutes were posted early last week.

Councilman Loffredo states that when the Democrats caucused for the agenda, it was not posted at that time. It's alright, adding that he simply hasn't had time to find them. He will look at them, adding that they can be revisited at the next Council meeting, too.

The Chair asks if this item should be tabled.

Councilman Loffredo states that it can be tabled. Councilman Loffredo moves to table approval of the Special meeting minutes of March 11, 2020. Councilman Edward Ford, Jr. seconds the motion. The Chair asks if there is any discussion.

The Chair calls on Councilman Faulkner. Councilman Faulkner has no comments. The Chair calls on Councilman Pessina.

Councilman Pessina asks that the Council Clerk email the March 11<sup>th</sup> meeting minutes to all Councilmembers for review so everyone will be fully informed at the next meeting.

There being no further discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion to table is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia).

The Clerk also confirms that, in checking Granicus, both the March 11<sup>th</sup> special meeting minutes and the 168 page Conn DOT packet are posted on this evening's agenda on Granicus.

## **Public Comment on Agenda Items**

### **A. Public Hearing Opens**

The Chair opens the public hearing on any agenda items at 7:51 PM. He thanks the public for their participation in this virtual meeting. Based on the guidelines that were laid out, any member of the public wishing to speak on an agenda item may indicate they may raise their hand using the WebEx function. They will be called on and are asked to state their name and address for the record and that comments are limited to a five (5) minutes, limiting comments to items on the agenda.

Technology Services Director Bryan Skowera asks the Council Clerk if she is able to see anyone in the public looking to speak. The Council Clerk states that she has unmuted Steven Devoto to speak, adding that there is also another person in queue as well.

**Steven Devoto:** (476 Country Club Road) He is thrilled to be able to speak and thanks the Council for allowing public comments. He speaks first to Item 10C, fees for picnic at City parks, and Item 10F, the Arrigoni Bridge project. Relative to Item 10C he understands that it has been through three (3) councilmanic commissions. He is interested in the fiscal impact of the proposed fee change, raising the fee from \$25 to \$75 for a City resident and \$150 for non-City residents. He lives adjacent to Smith Park the Rich Pavilion used about 10 times a year for a picnic, mostly birthday parties. It is also used for company picnic, National Guard party. He attends the annual Westfield residents' picnic there every year. He thinks for birthdays parties and for Westfield residents the \$25 fee is reasonable. The proposed \$75 fee begins to make it more expensive than it may be worth. Some events are during the week. He believes that, if it is projected Citywide to generate a lot of income or if the extra costs of having a picnic are more than he understands them to be, he could understand the proposed rate increase. He wonders about the benefit of increasing the cost of using a City park for a picnic. With respect to the second item, Item 10F, as many know, he is Chair of the planning & Zoning Commission. He is not speaking on behalf of the Commission, adding that, in fact, there has been no presentation or discussion on any aspect with the Planning & Zoning Commission with respect to this project. Communication, in general, has been abysmal. That is not what he is opposed to proceeding with construction at this point. He is not opposed unilaterally opposed to the project as proposed; rather he is opposed to proceeding before there are studies that make it clear that it is beneficial for our City. Studies have begun on the impact of the project in Grand Street and Spring Street traffic, but those studies are not completed. No studies have been done to address commerce on Main Street, pedestrian traffic on Main Street, or bicycle traffic on Main Street. It would be irresponsible to begin construction without completion of these studies.

**Beth Emery** (76 West Poplar Road): She thanks the Council for opening the public hearing. She sent a letter to the Council following the provision to send written comments. She trusts that all Councilmembers have read her letter and ask that her letter be included in the record. It seems that for Item 10F there will be discussion of the language. She proposes that they be specific with DOT and provide language addressing motor vehicle traffic and bicycle traffic, that we represent bicycle traffic. Getting thru the St. John's Square area it will be critical in developing 100 mile network trail that will cross that bridge, it is important to take a look at that aspect. She supports the work that they ultimately want to do, but she does not believe that they have done adequate studies for that area. Another point that she wants to make is not in the letter that she sent. The last time that she spoke at the Council's March 11<sup>th</sup> special meeting, she pointed out that they had learned that it was illegal to be on the bridge, but she asked the question because she wanted to hear from DOT to cite where that provision is. DOT wrote back to her and stated that, in fact, following their investigation and consultation with the department's Bicycle Assessments Needs Coordinator, she reads from DOT agent Timothy Field, it has been clarified that there are no current State laws prohibiting the riding of bicycles on sidewalks unless prohibited by municipal ordinance. In the case of the Arrigoni Bridge, they recognize that there is no municipal ordinance regulating by bicycle use on the sidewalk. She tried to make sure that it was forwarded to the Councilmembers when she got that information, but it is very importance in discussion as to whether or not bicycles are brought into this, that the Council understand that this initial information from DOT was wrong and they have backtracked with when asked again. She wants to be sure to convey this information to the Council.

The Chair confirms that they did receive her letter and comments.

**Joseph Carta:** He commends the Mayor and Council for putting this WebEx meeting together to reach out to people. He is glad that the Council is being proactive. He offers a comment on the tripling of the fees for the parks. He does not think that it is reasonable to change residents, increasing from \$25 to \$75 to use City parks. He reiterates that it is simply not reasonable. Thank you.

## **B. Public Hearing -- Closes**

There being no further public comment, the Chair closes the public hearing on agenda items is closed at 8:15 PM.

Councilman Vincent Loffredo asks to make appoint of order. Since the Council adopted the resolution, it mentioned emails. He asks that any emails related to agenda items be read into the record.

The Chair states that he has at least two (2) letters. He asks the Council Clerk to read the letters into the record.

*April 6, 2020*

*Mayor Florsheim and Council Members:*

*I'm writing to ask that you and the Common Council continue to fight for a pause on the DOT project for downtown Middletown. I feel strongly that DOT haven't done the work necessary to ensure that Middletown residents will not be adversely affected by the plan. As far as I can tell, it prioritizes commuters over everyone else.*

*I'd like to see construction paused until a more thorough study can be done, and I'm hopeful that you'll continue to fight for Middletown's residents and oppose the fast tracking of this plan.*

*To be clear, I'm not against ANY project. I'm against a project that is prioritizing the wrong things.*

*Thank you in advance,  
Izzi Greenberg*

*April 6, 2020*

*Dear Mayor Florsheim, and Middletown Common Council Members,*

*We are writing today to continue to urge our city leaders to do all that you can to preserve and protect our uniquely vibrant Downtown. As both property owners and business owners on Main Street we continue to be very concerned about the planned DOT work in our Downtown. We simply do not want it to happen.*

*This work as currently scheduled will change the landscape of our Downtown, making it harder to live, shop and work here. We simply cannot afford the loss of parking, and damage to our downtown neighborhoods.*

*Our downtown is just that . . . ours . . . the city of Middletown....we should not fall victim to this ill planned project that does nothing to benefit the citizens and taxpayers of Middletown, and in fact will hurt us.*

*We are fortunate to still have an economically viable Main street, with vibrant retailers and restaurants because generations before us fought to protect it and because local families have spent their lives building vibrant businesses in this Downtown,*

*This DOT work as currently planned will forever damage what generations have worked so hard to preserve. We need to protect it so it will be here for future generations.*

*Once we overcome this current health crisis, the economic landscape will be challenging at best.....if this work is allowed to go ahead now it may just be too hard to for many businesses to overcome.*

*We support your and the Council's efforts to pause this work until a better solution can be found.*

*Please continue to fight for our beloved Downtown!*

*Sincerely,*

*Diane and Joel Gervais*

*Owners  
Amato's Toy & Hobby  
395 Main Street  
Middletown, CT 06457*

*Doing business on Main Street Middletown for 80 years!*

The Council Clerk states that there is also a letter from Beth Emery, asking if it should be read aloud. Councilman Mangiafico notes that the Council Rules provide that any member of the public gets only one opportunity to speak. The Council Clerk suggests that the letter be incorporated into the minutes, per Beth Emery's earlier request. Councilman Mangiafico state that seems to be more appropriate.

The Chair states that all Councilmembers all have the letter and Beth Emery's comments do incorporate many of the thoughts expressed in her letter.

*April 6, 2020*

*Beth Emery  
76 W. Poplar Rd.  
Middletown, CT 06457*

*Dear Honorable Members of the Common Council,*

*I write/speak in support of Item F. on the 4/6/2020 Common Council agenda requesting "that the Connecticut Department of Transportation (DOT) suspend work on the St. John's Square Project (Project No. 0082-3020) until such time as DOT meets with a Committee of City of Middletown leaders, provides results of traffic and pedestrian studies, and considers alternatives to the changes as currently proposed."*

*I do however request that a small change in language be made. Instead of using "provides results of traffic and pedestrian studies" please revise to: "provides results of **motor vehicle** traffic, **bicycle traffic** and pedestrian studies."*

*I fear that without including the term bicycle, that it will be easy for the DOT to only consider motor vehicle traffic. I would like the city of Middletown to make it very clear to DOT that the safety of bicyclists is important. I encourage a broad ranging complete streets approach to the entire St. John's Square project area.*

*Your resolution also provides for a "committee of Middletown leaders." I trust that this yet to be named committee will include a member(s) of the Middletown Complete Streets Committee. I would be very happy to serve on this committee.*

*DOT documents infer that a complete streets committee was consulted regarding the project, yet they provide no evidence of names, meeting dates, and notes. As an engaged and energetic member of Middletown's Complete Streets committee I have no knowledge of consultation occurring, nor has the St. John's Square area project ever appeared as an agenda item or discussed at one of our meetings. The committee is continually asking the department of Public Works to keep us informed and involved in all road work and sidewalk projects funded by both the city and state, so that we can actively and constructively participate in making Middletown a more bicycle and pedestrian friendly city. Our requests are not always heeded. Any informal sideline conversations with DOT by one member of the committee, is just that—informal—and most likely related specifically to the plans for the removal of traffic lights on Rt 9.*

*Moreover, when CT DOT held public meetings regarding the removal of traffic lights on RT 9, few if any individuals realized that DOT was combining projects in the presentation, thus the public focus was specifically on RT 9 traffic light removal. I believe if CT DOT had been clear or had held an independent meeting regarding the St John's Square project, we would not be in the situation we are in now.*

*Thank you for this resolution. I believe this is an important statement, and one that if heeded can hopefully result in a completed project that meets the needs of Middletown residents and first and foremost the safety and livability needs of residents and businesses in that area.*

*Sincerely,*

*Beth Emery*

The Chair reads into the record a letter that he and the Councilmembers received, but which did not reach the Council Clerk.

*April 5, 2020*

*Dear Mayor and members of the Common Council.*

*I do know Main Street Middletown! For twenty-seven years I worked downtown. Nineteen of the twenty-seven years I owned my own business and then I worked as the downtown manager for Middletown's Downtown Business District until 2010. For the past four years I have served as a Commissioner of the DBD, currently as chairperson. I am not speaking on behalf of the DBD. I am speaking as a person who does know the beat of our Main Street.*

*We should never want the goal to be to move people faster through Main St. We want cars and pedestrians to see all the Main Street area has to offer. I know this is a busy and stressful time therefore, I will not go into details and note specific points. I simply want to state that I hope the Common Council passes the resolution to slow, or better yet, stop the work on Main Street proposed by the Connecticut Department of Transportation known as the St. John's Square section of the Arrigoni Bridge project.*

*Please contact me if so needed.*

*Thank you for your time.*

*Be safe, be well,*

*Marie C. Kalita  
73 Virginia Drive  
Middletown, CT. 06457  
860-344-0075*



- A. **Public Works: \$65,000 -- Acct. No. 1000-27000-xxxx-xxxx; appropriation for Landmark Architects to provide proposal for architectural and engineering services for Woodrow Wilson Recreation & Community Center**

APPROVED

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**CITY OF MIDDLETOWN**  
MUNICIPAL BUILDING  
MIDDLETOWN, CONNECTICUT 06457

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**REQUEST FOR ADDITIONAL APPROPRIATION**

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Appropriation Number:  Date of Request:

Amount Requested:

Fund:

Code:

Budget Item:

Department:

Date Advertised before Meeting:  Date Advertised after Meeting:

Reason for Request:

Signature: \_\_\_\_\_

Requested by:

Status:

Status Date:

Councilman Philip Pessina moves to approve the proposed appropriation as read by the Council Clerk. Councilman Edward McKeon seconds the motion.

The Chair asks if Councilman Pessina to read the proposed appropriation as part of the motion to approve. Councilman Eugene Nocera interjects, confirming that, rather than having the Council Clerk's reading as part of the motion, we need to have a councilmember read the motion into the record and move to approve. The Chair replies that is his understanding as well. Councilman Nocera asks that Councilman Edward

McKeon make the motion as a member of Public Works & Facilities Commission. Councilman McKeon defers to Councilman Pessina

Councilman Pessina reads the proposed appropriation and moves to approve. Councilman Eugene Nocera seconds the motion

The Chair asks if there is any discussion. The Chair calls on Councilman Grady Faulkner, Jr., acknowledging that Councilwoman Linda Salafia would also like to speak,

Councilman Faulkner asks if the \$65,000 is something that was in the original school project proposal.

The Chair asks Councilman Nocera if he can speak to this question.

Councilman Nocera states that he can offer a historical perspective historically, from the inception of this project, noting he has been on the committee from the beginning. It was the Building Committee's hope that the City would be able to use the existing structure of the gym, pool, and auxiliary gym as an annex for the Recreation Department. It was apparent at the time that these facilities are used extensively by the community and the Recreation Department. They are in good shape to be retained. It was the unanimous sentiment of the Building Committee that it would be a shame to demolish these buildings because they are not structures that could be maintained or renovated by the current building project. He asks the Recreation Director Cathy Lechowicz to add her perspective as to why it is essential to move forward with this work, now more than ever before.

Recreation Director Lechowicz states that she has been in this position for 2 ½ years. When she came on as Director, shortly thereafter, the discussion was the building project and the desire to maintain the annex portion of the Woodrow Wilson building because it is extensively used by the Recreation Department. The Recreation Department and the Senior Division share space at 61 Durant Terrace. When that building was constructed, the primary purpose was for the Senior Center. The Recreation Department was added to that plan. They are over capacity with use of the Senior Center has increased over six hundred percent (600%) in the five (5) years that they have been in that building. Any member of the Council, who has been in that building during program planning, can tell that there are things coming out in every direction and they are busting at the seams for storage and programming space, the Recreation department has never had a permanent home, but has moved around the City several times. It has never had a dedicated space for programming. They rely heavily on the schools for programming and are grateful for that space. The drawback is that they have no daytime space for programming except for weekends. They need to work with the schools, who also use the schools heavily in the evening. In the summer, they use the schools for camps and, as the schools develop their programs, it is harder to find space to run Recreation Department programming. The Woodrow Wilson building, the annex portion, the facility is adequate with some issues that will need to be addressed, which is why they want to hire this individual to do a study so they understand the investment and commitment needed for Recreation to live in that building.

The Chair calls on Councilman Philip Pessina.

Councilman Pessina states that also under consideration is the fact that the parks bond will be used to redo the pool at Veterans Park. They are now upgrading Crystal Lake Park. When this pool is done, it will be out of service for a full year, so this pool will afford swimming opportunities. He notes that it is all tied in and that they need the space. He notes that he is the Chair of Recreation/ Senior Center. They need the space at the Senior Center and the Recreation Director needs the space for the little ones for summer camps, including the pool and whatever else they need to use. It is a viable project, something that the City needs. We need to think about what we are going through presently. If everything works out, we would have space that could be used for the South End of Town as a shelter, adding it is a viable and necessary need. All the City has now is in the other end of town, noting that there is a heavy population in the South End. He states that recreation and all that is combined make this project viable for the City.

Councilman Eugene Nocera interjects, asking that Mayor also call upon the Director of Public Works, who has been instrumental in having this project, it is a City project. He asks Public Works Director William Russo to speak about his effort to bring in Landmark Architects to develop a plan to move this project forward. It is a plan that they feel is important enough to invest some small funds in to move to the next step.

The Chair calls on Public Works Director William Russo to address Councilman Nocera's questions.

Public Works Director Russo states that Councilman Nocera brought this project to them because of their familiarity with the architect and engineer firms that they deal with on a daily basis. They have heard the needs of the Recreation Director Cathy Lechowicz. The resume of Paul Piso of Landmark Architects, which was brought to Public Works and which the five (5) Councilmembers heard. He explains that this firm is doing a similar project in West Haven, reiterating that their resume is extensive in this line of work. On things that Councilman Nocera did not mention is that the money allocated for the school -- some \$300,000 -- is allocated for this to compete the wall, doorway, and entrance. He asks Councilman Nocera if this is correct.

Councilman Nocera replies, "Yes," adding that it went through State review and they fully approved the plan to have an annex. When there is demolition, the buildings have to be separated and a new wall has to be constructed where the buildings are separated. The cost of adding that new walls is part of the Woodrow

Wilson bond and includes repair of the roof. That is an extensive piece of work in the range of \$300,000 and it is not on the City's dime; rather, it is through the referendum that was passed for the middle school project. The work that has to be done for the community center/recreation center is a small amount of work to make sure that they are ready to open and add in meeting space for recreation.

Public Works Director Russo adds that is correct, noting that the cost includes everything from a custodian that recreation will need, operations costs of the pool, and the cafeteria that Recreation Director Lechowicz also said is needed. This money, if appropriated, will do all of that and, as Councilman Nocera has stated, there is \$300,000 already earmarked to start the project. What Landmark Architects will give to the Committee will be the rest of the costs of the operations. He notes that Recreation Director Lechowicz has met on more than one occasion with Paul Piso and has given the needs of the Senior Center.

Councilman Faulkner interjects, saying, "Senior/Community Center."

Councilman Nocera replies, "Yes."

The Chair calls on Councilwoman Linda Salafia.

Councilwoman Salafia states that many of her question have been answered. She wants to know how Landmark Architects was choosing, asking if there was an RFP (request for proposal). She notes that she is not questioning their ability; rather she is asking how they were chosen.

Public Works Director Russo replies that Landmark Architects was chosen and they did a professional services agreement. He believes that he signed it along with the Finance Director and the mayor and they then did a Professional Services Agreement for this amount with Landmark Architects.

Councilwoman Salafia asks if they did not open it up to any others. She asks if they did the high school or are doing the middle school.

Public Works Director Russo replies that they are not.

Councilwoman Salafia reiterates that they did not do an RFP.

Public Works Director Russo interjects, explaining that they did not want to mix doing the school with the Senior Center/Community Center. They wanted to leave it as two separate projects because there are two separate funding sources.

Councilwoman Salafia replies that she understands that adding that she still believes that they should have done a formal RFP, opening it up to everyone, a request for qualifications. Her next question is that, some of the project when it is designed, and approved and started, the \$300,000 will come out of the school bond. She asks if any of the money is coming from the Parks Fund.

Public Works Director Russo replies, "No, it will not."

Councilwoman Salafia asks if Director Russo has any idea what he total cost might be, ballpark.

Public Works Director Russo replies that they do not at this time and he does not want to speculate.

Councilwoman Salafia asks, "None whatsoever?"

Public Works Director Russo replies, "No, "adding that they had one meeting with Mr. Piso in front of Public Works & Facilities Commission where the five (5) commission members heard his proposal and voted for the \$65,000. If appropriated by the Council, it will get him to work to get to where we are. Mr. Piso will look at getting things like air conditioning, heating how well the filtration system is with the pool, what we have to do to bring the cafeteria up to the needs for the Recreation director. He would not want to speculate as to price yet.

Councilman Nocera interjects, adding that the Public Works & Facilities Commission has met with Landmark Architects and they directed them to understand that project and what they are looking for with a proposal that does not exceed \$600,000.

Councilwoman Salafia asks if this includes the \$300,000.

Councilman Nocera replies that the \$300,000 has nothing to do with the \$600,000.

Councilwoman Salafia notes that they this means that are looking at \$900,000 proposal possibly.

Councilman Nocera replies that the \$300,000 is already been approved by the State.

Councilwoman Salafia replies that it is already part of the cost of the Recreation Center.

Councilman Nocera replies, yes, it is part of that cost.

Councilwoman Salafia notes that the \$300,000 is for the wall so the total cost is about \$900,000, just so we have an idea.

Councilman Nocera replies yes, roughly.

Councilwoman Salafia states that she has no opinion about whether it is needed or not needed, she just wants to have an idea about the cost. She adds that she has nothing against Landmark Architects, but, in this day and age, it is her opinion that we should be doing a request for qualifications (RFQ), noting that there are a lot of architects and planners out there, who would be interested.

The Chair states that he appreciates Councilwoman Salafia's comments and apologizes for missing her earlier in the discussion.

There being no further discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion to approve the proposed appropriation is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia).

#### **8. Department, Committee, Commission Reports and Grant Confirmation Approval**

Councilman Grady Faulkner, Jr. reads and moves for approval of the Department, Committee, and Commission Reports and Grant Confirmation Approval, agenda items 8A, 8B, and 8C. Councilman Eugene Nocera seconds the motion.

There being no discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion to approve is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia).

**A. City Clerk's Certificate  
APPROVED**



**City & Town Clerk's Office  
245 deKoven Drive  
Middletown, CT 06457**

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**Certification**

I, Ashley Flynn-Natale, City and Town Clerk of the City of Middletown and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on March 2, 2020 at 7:00 p.m. and the special meetings on March 2, 2020 at 6:00 p.m. and March 11, 2020 at 5:30 p.m. have been advertised in the local newspaper.

Dated at Middletown, Connecticut, this 27<sup>th</sup> day of March, 2020.



Attest:

*Ashley Flynn-Natale*  
Ashley Flynn-Natale  
City & Town Clerk

**B. Monthly Reports -- Finance Department: Transfer Report to March 23, 2020**

APPROVED

Transfers of Funds - Operating Budget Accounts					
		From	To		
		2/20/20	3/23/20		
FY 2019-2020					
Date	Department	Budget Item	From Account No.	To Account No.	Amount
02/21/20	Sewer	Contingency Fund	2050-65000-57020		(3,000.00)
		Refunds		2050-65000-52175	3,000.00
02/21/20	Water	Contingency Fund	5000-60000-57020		(5,000.00)
		Repairs/Maintenance to Vehicles		5000-60000-53520	5,000.00
02/24/20	Library	Juvenile	1000-07000-53410		(2,357.02)
		AV Materials: Adult AV		1000-07000-53123-x-04300	292.49
		AV Materials: Juvenile AV		1000-07000-53123-x-04302	1,127.03
		Reference Materials/Updates		1000-07000-53150	937.50
		Adult	1000-07000-53405		(9,000.00)
		Repairs/Maintenance to Buildings		1000-07000-53380	9,000.00
02/24/20	Senior	Contractual Services	1000-32000-55185-0130		(4,000.00)
		General Administrative		1000-32000-52110-0130	2,000.00
		General mSpecialized Equipment		1000-32000-53100-0130	2,000.00
02/28/20	EODM	General Administration	1000-11000-52110		(100.00)
		Contractual Services		1000-11000-55185	100.00
02/28/20	PW/Engineering	General Administrative	1000-22000-52110-0223		(500.00)
	PW/Highway	Snowplowing Private Contractors	1000-22000-55471-0226		(1,000.00)
		Code Enforcement	1000-22000-55719-0226		(2,000.00)
		Towing	1000-22000-53340-0226		(1,000.00)
	PW/Administration	General Administrative		1000-22000-52110-0220	1,000.00
	PW/Building	General Administrative		1000-22000-52110-0221	500.00
	PW/Recycling	General Administrative		1000-22000-52110-0222	300.00
	PW/Traffic & Paint	Traffic Sign Supplies & Equipment		1000-22000-53260-0231	1,000.00
	PW/Garage	Tires		1000-22000-53530-0225	1,000.00
	PW/City Hall	Repairs/Maintenance to Buildings		1000-22000-53380-0227-50001	700.00
02/28/20	Fire	Drug, Alcohol, Physicals, Lab Test	2010-50000-55140-0500		(3,000.00)
		Building Materials	2010-50000-53235-0500		(4,000.00)
		Repairs/Maintenance to Buildings		2010-50000-53380-0500	7,000.00
		Compensatory Time Reduction	2010-50000-51490-0500		(7,326.06)
		Stipends		2010-50000-51371-0500	7,326.06
02/28/20	Fire	Scott Mask Mount TIC	2040-50300-79765-x-x-2019		(2,500.00)
		Scuba Cylinders		2040-50300-79668-x-x-2019	2,100.00
		Scott Mask Mount TIC	2040-50300-79765-x-x-2020		(5,000.00)
		Outdoor Power Equipment	2040-50300-79559-x-x-2020		(1,000.00)
		Specialized Rescue & Testing Equipment		2040-50300-79670-x-x-2020	6,400.00
		Major Facility Repairs	2040-50300-79533-x-x-2020		(4,200.00)

		Training Equipment	2040-50300-79538-x-x-2018		(1,000.00)
		Training Equipment	2040-50300-79538-x-x-2019		(2,000.00)
		Training Equipment		2040-50300-79538-x-x-2020	7,200.00
03/05/20	Water	Contingency Fund	5000-60000-57020		(2,500.00)
		Refunds		5000-60000-52175	2,500.00
03/10/20	Clerk	General Administrative	1000-04000-52110		(2,000.00)
		Salaries & Wages, PT Temp		1000-04000-51220	2,000.00
03/10/20	Water	Pump Station - Repair/Replace/Improve	5010-60000-79567-x-x-2019		(15,000.00)
		Computers & Software		5010-60000-79766-x-x-2019	15,000.00
03/10/20	Human Resources	Arbitration Services	1000-05000-55135-0170		(6,500.00)
	OGC	Court Costs		1000-05000-55130-0050	6,500.00
03/10/20	PW/Highway	General Specialized Equipment	1000-22000-53100-0226		(7,000.00)
		Snowplowing Private Contractors	1000-22000-55471-0226		(2,000.00)
	City Hall	Repairs/Maintenance to Buildings		1000-22000-53380-0227-50001	3,000.00
	PW/Bldg & Grnds	Repairs/Maintenance to Buildings		1000-22000-53380-0229	6,000.00
03/10/20	IT	Consultant Services	1000-03500-55180		(1,000.00)
		Citywide Physical Security Maintenance		1000-03500-53310	1,000.00
03/11/20	Human Resources	Arbitration Services	1000-05000-55135-0170		(7,500.00)
	OGC	Court Costs		1000-05000-55130-0050	7,500.00
03/11/20	Water	Contingency Fund	5000-60000-57020		(5,000.00)
		Repairs/Maintenance to Vehicles		5000-60000-53520	5,000.00
03/16/20	PW/Highway	General Specialized Equipment	1000-22000-53100-0226		(3,000.00)
	PW/Bldg & Grnds	Repairs/Maintenance to Buildings		1000-22000-53380-0229	3,000.00
03/17/20	Parking	General Administrative	1000-18500-52110		(5,000.00)
		General Vehicle Services		1000+-18500-53510	5,000.00
03/20/20	PW/Highway	Towing	1000-22000-53340-0226		(2,000.00)
		Snowplowing Private Contractors	1000-22000-55471-0226		(600.00)
	PW/Recycling	Contractual Services		1000-22000-55185-0222	2,600.00
03/20/20	Library	General Administrative	1000-07000-52110		(3,000.00)
		Network Maintenance		1000-07000-55835	1,500.00
		Office Equipment Maintenance		1000-07000-55436	1,500.00
					0.00

**C. Grant Confirmation & Approval – Board of Education – miscellaneous grants: \$2,339,768.28 APPROVED**

**CITY OF MIDDLETOWN**  
MUNICIPAL BUILDING  
MIDDLETOWN, CONNECTICUT 06457

**REQUEST FOR COMMON COUNCIL CONFIRMATION AND APPROVAL  
OF THE FOLLOWING GRANT**

---

Grant Number:  Date of Request:

Name of Grant:

Amount Requested:  Code:

Grant Period: From:  To:  Rev Code

Type of Grant:  Amount Loaned from General Fund:

Department Administering Grant:

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

**Description of services to be provided by this Grant:**

2607-SAMHSA Project Aware \$360,000; 2401-Excess Cost SPED \$1,313,068.00; 2721-SPED Medicaid \$7,479.00; 2732-SWAIM Strings Pgm \$10,310.00; 2799-Food Services \$149,883.78; 8001-Retirees/COBRA \$386,362.12; 8003-Workers Comp Claims \$4,904.50; 8004-Preschool Pgm Fees \$15,860.50; 8005-Summer School Receipts \$850.00; 8009-Maintenance/Rentals \$3,027.00; 8011-Chromebook Replacement \$505.00; 8012-Sale of Electricity \$36,698.00; 8023-Central Office Receipts \$2,778.57; 8034-ADED Enrichment \$27,000.00; 8035-ADED GED/Pearson Receipts \$292.25; 8036-Even Start Fam Lrn Pgm \$754.00; 8090-Drama Club Receipts \$2,800.00; 8093-FingerPrint Receipts \$514.00; 8095-SPED Tuition Reimb \$12,136.31; 9010-Keigwin Parent Fees \$525.00; 9151-Student Activities WWMS \$4,020.25. Total Special Programs through 2/14/20 \$14,761,314.45 ADDITIONS \$2,339,768.28 Total Special Programs through 3/16/20 \$17,101,082.73.

Signature: \_\_\_\_\_  
Requested by:   
Status:   
Status Date:

**9. Payment of all City bills when properly approved APPROVED**

Councilman Darnell Ford moves for approval of the payment of all City bills when properly approved. Councilman Grady Faulkner, Jr. seconds the motion.

There being no discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

- Councilwoman Blackwell      aye
- Councilwoman Carta            aye
- Councilman Faulkner            aye
- Councilman Darnell Ford       aye
- Councilman Edward Ford       aye
- Councilman Gennaro            aye
- Councilman Loffredo            aye
- Councilman Mangiafico        aye
- Councilman McKeon            aye
- Councilman Nocera             aye
- Councilman Pessina            aye
- Councilwoman Salafia         aye

The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). There being no discussion, the Chair calls for the vote. It is approved unanimously with 12 aye votes

(Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

**10. Resolutions, Ordinances, etc.**

**A. Approving the Arts & Culture Office request to allocate \$58,500 of the Art Support Services Grant (FY19/20)**

**APPROVED**

**RESOLUTION No. 20-20; K: review /resolution/ MCA Arts FY19-20 RES 20-20 – 6 April 2020**

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:** That Arts & Culture Office requests that \$58,500 of the Art Support Services Grant (FY19/20) be allocated as follows for project and general operating support:

<u>Organization</u>	<u>Amount</u>
Oddfellows Playhouse Youth Theater	\$12,000
The Buttonwood Tree Performing Arts Center, Inc.	\$15,000
The Greater Middletown Chorale, Inc.	\$11,000
Greater Middletown Concert Association, Inc.	\$10,000
Center for Creative Youth	\$5,465
Resonant Motion, Inc.	\$2,535
Connecticut Ballet	\$2,500
 TOTAL	 <u>\$58,500</u>

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:** That any agency receiving an Arts & Culture Office grant award must comply with the new matching fund ordinance.

**Fiscal Impact:** There is no new fiscal impact; the funds are budgeted for FY19/20.

Councilman Edward McKeon reads and moves for approval of the proposed resolution. Councilman Edward Ford, Jr. seconds the motion.

The Chair calls on Councilman Edward McKeon.

Councilman McKeon states that he is a strong believer in the arts as an economic development generator for the City. He has sat on many of these (groups), not on all as there were some conflicts, but these are organization that have done excellent work in bringing art to Middletown and encouraging youth and adults to be involved in the arts. It is something we do every year and it is an important function. The arts are important for Middletown and will be increasingly important as the City pulls itself out of this current crisis.

The Chair calls on Councilman Grady Faulkner, Jr.

Councilman Faulkner asks about the Center for Creative Youth. He asks if it sponsors students at Wesleyan.

Councilman McKeon states that the City's Arts Director is present and, since he missed that presentation he will defer to the Director.

The Chair calls on the Middletown Commission for the Arts Director Kisha Michael for this question. He confirms that his microphone is unmuted; however, there is no audio.

Recreation Director Cathy Lechowicz interjects, saying that the Arts Director Kisha Michael texted her earlier that she was having a problem, asking the Council Clerk if anything can be done. Council Clerk confirms that Director Michael is connected and unmuted, which is the only control from the WebEx dashboard. Information Technology Director Bryan Skowera interjects, saying that it does not appear that Director Michael has an audio device connected to speak.

Councilman Faulkner replies, no problem, adding that he is simply curious as to what this is. He will speak to Director Michael separately. The Chair states that we will get that answer for him.

There being no further discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

- Councilwoman Blackwell      aye
- Councilwoman Carta            aye
- Councilman Faulkner            aye
- Councilman Darnell Ford        aye
- Councilman Edward Ford        aye
- Councilman Gennaro            aye
- Councilman Loffredo            aye
- Councilman Mangiafico         aye
- Councilman McKeon            aye
- Councilman Nocera             aye
- Councilman Pessina            aye

Councilwoman Salafia aye

The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). There being no discussion, the Chair calls for the vote. It is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

- B. Approving that the City enter into a 5-year lease agreement with FIDELUX LIGHTING, LLC to lease approximately 23,500 sq. ft. of space at 180 Johnson Street, Middletown, CT to be used for Office and Manufacturing Space; and that the Mayor is hereby authorized to sign all documents necessary, subject to review by the Office of General Counsel as to form and content.**

**APPROVED**

**RESOLUTION No: 21-20; K: review/ resolution. PCD Fidelux lease RES 21-20—6 April 2020**

**WHEREAS** FIDELUX LIGHTING, LLC is a Connecticut company which produces various types of LED lighting; and,

**WHEREAS** FIDELUX LIGHTING, LLC is a current tenant of 180 Johnson Street, Middletown, CT; and,

**WHEREAS**, FIDELUX LIGHTING, LLC is looking to move it office operations and manufacturing space to Middletown; and,

**WHEREAS**, there is sufficient space available at 180 Johnson Street, Middletown, CT to accommodate their business growth; and,

**WHEREAS**, the business currently employs 15 people and looks to add at least 10 more in the coming year; and,

**WHEREAS**, expected revenue to the City will be approximately \$100,000 annually with the approval of the lease; and,

**WHEREAS**, the Economic Development Committee approved the lease to move forward to the April Common Council meeting at their meeting on March 10, 2020; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:** the Council approves that the City enter into a 5-year lease agreement with FIDELUX LIGHTING, LLC to lease approximately 23,500 sq. ft. of space at 180 Johnson Street, Middletown, CT to be used for Office and Manufacturing Space; and that the Mayor is hereby authorized to sign all documents necessary, subject to review by the Office of General Counsel as to form and content.

**FINANCIAL IMPACT** – The lease will generate over \$100,000 annually over the 5-year term of the lease.

LEASE AGREEMENT  
BETWEEN  
THE CITY OF MIDDLETOWN  
AND  
FIDELUX LIGHTING, LLC

THIS LEASE AGREEMENT made as of the \_\_\_ day of \_\_\_\_\_, 202\_\_\_, by and between the City of Middletown, with its offices located at 245 DeKoven Drive, P. O. Box 1300, Middletown, Connecticut 06457, hereinafter referred to as the LANDLORD, and FIDELUX LIGHTING, LLC with its offices located at 180 Johnson Street, Middletown, Connecticut, 06457, hereinafter referred to as the TENANT.

WITNESS:

ARTICLE I  
Basic Data: Definitions

Section 1.1

The following sets forth basic data, hereinafter referred to in this Lease, and, where appropriate, constitute definitions of the terms hereinafter listed.

(a) TENANT: FIDELUX, LLC.

(b) Present Mailing Address of TENANT:  
180 John Street, Middletown, CT 06457.

(c) The Demised Premises: The Demised Premises contains 23,500 rentable square feet in the following locations:

First Floor: Building F -5,300sqft, Building G – 5,500sqft, Building H – 3,000sqft, Building O – 5,200sqft

Second Floor: Building B – 4,500sqft

(d) Lease Term: 5 year term. Upon the written request of the TENANT, at least sixty (60) days prior to the expiration of the Term, the LANDLORD, in its sole and absolute discretion, may extend this Lease Agreement for one additional five (5) year term, provided that the TENANT is not in default of this Lease Agreement, or is not otherwise in default of any taxes or assessment charges due to

the City of Middletown. The Rental Rate set forth below in this Section shall be renegotiated and agreed upon in writing by the Parties before the commencement of the additional term.

(e) Commencement Date: April 1, 2020.

(f) Rental Rate: Rent shall be based on the amount of leased square feet of rentable space, as set forth more particularly in the attached **Exhibit B**, and shall be due on the first day of each month subject to a ten (10) day grace period. The TENANT shall be obligated to pay rent in accordance with the following schedule:

Lease Year	Lease Period	Annual Gross Rent	Monthly Rent
Year 1	April 1, 2020 - March 31, 2021	\$105,900.00	\$8,825.00
Year 2	April 1, 2021 - March 31, 2022	\$108,547.50	\$9,045.63
Year 3	April 1, 2022 - March 31, 2023	\$111,261.19	\$9,271.77
Year 4	April 1, 2023 - March 31, 2024	\$114,042.72	\$9,503.56
Year 5	April 1, 2024 - March 31, 2025	\$116,893.79	\$9,741.15

(g) Use: LED Lighting Manufacturing Space and Office Space.

(h) Operating Expenses: Building operating expenses are included in the rental rates with the exception of all utilities including, but not limited to natural gas, steam, water, electricity charges, heating, cooling, and the like (herein "Utilities"). For those spaces whereby the Utilities are not sub-metered, the LANDLORD has the right to sub-meter any and all Utilities, in the LANDLORD's sole and absolute discretion. If the LANDLORD sub-meters Utilities, it shall provide TENANT thirty (30) days-notice before requiring the TENANT to assume responsibility for said charges.

(i) Advanced Rent/Security Deposit: Not Applicable (Existing Tenant).

(j) In-Kind Rent: ONLY IF APPLICABLE

(k) Landlord Improvements: ONLY IF APPLICABLE

(l) Subletting: TENANT will not sublet the Lease in whole or in part without the written consent of the LANDLORD. If the TENANT sublets without the consent of the LANDLORD, the LANDLORD shall have the unilateral discretion to terminate the lease upon thirty (30) days' notice. No subletting shall in any way impair the continuing primary liability of TENANT hereunder, and no consent, if any is given, to any sublet in a particular instance, shall be deemed to be a waiver of LANDLORD'S rights to prevent any assignment as provided herein. TENANT shall be required to sublet at fair market rental value and LANDLORD shall be entitled to receive any excess rentals or other charges payable by the subtenant over the amounts being paid by the TENANT to LANDLORD, and such sum shall be payable by TENANT as additional rent to LANDLORD on the first of each month, together with TENANT'S monthly rent.

(m) Parking: The LANDLORD shall designate in writing the number of spaces and location of where TENANT and its employees may park. Long-term parking of vehicles, registered or unregistered, shall require written permission of the LANDLORD. Long-term parking is defined as a period of 30 days or more.

(n) Capped Remediation Area: Capped Remediation Area: The Tenant is specifically prohibited from placing heavy, static loads on the area highlighted in the attached **Exhibit E** as  or from using the area for anything other than a parking lot for passenger vehicles for itself, visitors, and guests. The TENANT further guarantees that no activity shall result in the damage to the geo-membrane or related cap infrastructure. To the extent that Tenant violates this agreement and uses the aforementioned area for anything other than parking for passenger vehicles, Tenant agrees that it shall be fully responsible for repairing the cap and the lot as required by the City. In addition, Tenant shall defend, indemnify, and save harmless, the City, its officers, agents, servants, and employees from and against any and all claims, liabilities, losses, damages, attorneys' fees, and settlement expenses arising from property damage to the cap or parking lot as a result of the Tenant's misuse of the parking lot as described herein.

ARTICLE II  
Premises

Section 2.1 – Description of Premises

LANDLORD hereby Leases to TENANT and TENANT hereby Leases from LANDLORD, upon and subject to the terms and provisions of this Lease, the premises, hereinafter referred to as the Demised Premises and storage area, if applicable, as defined in Section 1.1 (c) herein and shown on **Exhibit A** and **Exhibit B**, which has been attached hereto and incorporated herein.

Section 2.2 – LANDLORD'S Reservations

Excepting and reserving to the LANDLORD the roof and exterior walls of the building of which the Demised Premises are a part; and further reserving to the LANDLORD the right to place in the Demised Premises, in such manner as to reduce to a minimum the interference with the TENANT'S use of the Demised Premises, utility lines, pipes and the like, to serve premises other than the Demised Premises, and to replace and maintain and repair such utility lines, pipes and the like in, over and upon the Demised Premises as may have been installed in said building. The LANDLORD shall have free and immediate access to the infrastructure cited in Section 2.1 at all times.

## ARTICLE III

Operating Expenses/ Utilities and TENANT'S ContributionSection 3.1 – Operating Costs

Included in Gross Rent

Section 3.2 – Responsibility for Utilities

The LANDLORD, in its sole and absolute discretion, may sub-meter any Utilities at the Demised Premises, and charge the TENANT for said use at the LANDLORD'S cost. The TENANT shall pay for all the Utility charges associated with the use of the Demised Premises. Please note that open-flame heaters are prohibited.

## ARTICLE IV

Use of PremisesSection 4.1 – Permitted Use

It is understood, and the TENANT so agrees, that the Demised Premises and storage area, if applicable, during the Term of this Lease Agreement and any authorized extensions of the Lease shall be used and occupied by the TENANT only for the purposes specified as the use thereof in Section 1.1(g) of this Lease Agreement and for no other purpose or purposes.

Section 4.2 – TENANT'S Alterations and Improvements

The TENANT shall not make any alterations, improvements and/or additions to the Demised Premises without first obtaining, in each instance, the prior written consent of the LANDLORD. LANDLORD agrees in advance to all alterations requested by TENANT to renovate and improve the facility as set forth in the attached document, **Exhibit C**. Also set forth in **Exhibit C** is whether such improvements will need to be removed when this Lease Agreement is terminated. TENANT shall also obtain a building permit(s) and any other applicable construction permits necessary to legally accomplish said alterations, improvements, and/or additions.

By executing this LEASE, TENANT covenants that it has sufficient funds on hand, and has provided proof of said funds to the LANDLORD, to undertake TENANT alterations as displayed in **Exhibit C**. Failure to complete TENANT alterations as displayed in **Exhibit C**, within one year of execution of this lease agreement shall be a default of said LEASE and LANDLORD shall have all remedies as detailed in Section 8.4 of this LEASE.

Section 4.3 – Operational Covenants

The TENANT further agrees to conform to all of the following provisions during the entire Term of this Lease Agreement:

- (a) The TENANT shall always conduct its operations in the Demised Premises under its present trade name unless the LANDLORD shall otherwise consent in writing;
- (b) No auction, fire or bankruptcy sales may be conducted within the Demised Premises without the prior written consent of the LANDLORD. The TENANT'S request for permission must be made at least 30 days in advance of when any such sale occurs;
- (c) The TENANT shall not use the areas adjacent to the Demised Premises for business purposes including but not limited to the distribution of handbills or advertising of any type without the prior written consent of the LANDLORD.
- (d) The TENANT shall not utilize, for any purpose, spaces other than what are allotted as part of this LEASE without written permission from the LANDLORD.
- (e) TENANT hereby agrees to maintain the Demised Premises and operations within in accordance with all State and City of Middletown Health Codes, Building Codes and City Ordinances.
- (f) The TENANT shall receive goods, in such areas, as may be designated by the LANDLORD. All trash, refuse and the like shall be kept in such areas as designated by the LANDLORD and must comply with all appropriate health and building code regulations and rules.
- (g) The TENANT shall not perform any act or carry on any practice which may injure the Demised Premises or any other part of the LANDLORD'S Premises of which the Demised Premises are a part or cause anything beyond reasonable odor or loud noise associated with the uses listed in 1.1(g) or constitute a nuisance or menace to any other occupants or other persons in the Premises, and in no event shall any noises or offensive odors be emitted from the Demised Premises.
- (h) TENANT shall disclose all toxic or hazardous substances used and/or stored within the Demised Premises. TENANT shall provide landlord with the Material Safety Data Sheet (MSDS) as well as a written description of why the material is used and/or stored within the Demised Premises and how the material shall be housed. All hazardous and toxic chemicals MUST be kept in an appropriate storage locker/cabinet and current MSDS shall be maintained on-site by the TENANT at all times. Any spills or releases of hazardous or toxic substances must be reported to the LANDLORD immediately. The LANDLORD reserves the right to terminate the LEASE if it is determined by the LANDLORD that the TENANT is engaged in the misuse, improper storage, or unsafe handling of hazardous or toxic substances within the Demised Premises. The TENANT will indemnify, defend,

and save harmless the LANDLORD from any environmental claims, damages, or injury cases arising from the TENANT'S use, storage, or maintenance of hazardous materials in the Demised Premises.

(i) TENANT agrees to maintain the Demised Premises in a condition suitable and safe for employees in accordance with OSHA standards. The Demised Premises shall remain free of mold or other environmental hazards. The LANDLORD shall be notified immediately about the intrusion of water, mold, or airborne pollutants.

(j) The TENANT agrees that its employees and others connected with the TENANT'S operations at the Demised Premises will abide by all of the reasonable rules and regulations from time to time established by the LANDLORD.

(k) The TENANT is responsible for contracting for janitorial services unless otherwise set forth herein.

## ARTICLE V Maintenance

### Section 5.1 – TENANT Repair Obligations

Except as specifically provided herein, the TENANT agrees that from and after the date that the possession of the Demised Premises is delivered to the TENANT and continuously throughout the Lease Term, the TENANT will keep neat and clean and maintain in good order, condition and repair, the Demised Premises and every part thereof. The TENANT further agrees that the Demised Premises shall be kept in a clean, sanitary and safe condition and shall in all respects comply with the laws of the State and the ordinances of the City of Middletown and in accordance with all directions, rules and regulations of the Health Officer, Fire Marshal, Building Inspector and all other proper officers of the governmental agencies having jurisdiction over the Demised Premises.

### Section 5.2 – LANDLORD Repair Obligations

The LANDLORD agrees to keep in good order, condition and repair foundations and structural portions of the Demised Premises including roof, walls, elevators, exterior glass and glass windows and exterior doors irrespective of which party installed the same. The LANDLORD shall not be responsible to make any other improvements or repairs upon the Demised Premises except as specifically detailed in this Lease Agreement.

## ARTICLE VI Indemnification

### Section 6.1 – Indemnification

The TENANT shall at all times during the Term of this Lease Agreement, from and after the date possession of the Demised Premises is delivered to the TENANT, hold the LANDLORD, its officers, agents, servants and employees harmless and indemnified against any and all loss, damage, cost, expense or liability arising from bodily injury or death of any persons and damage or loss of any property resulting or arising out of or in connection with the TENANT'S LEASE or use of the Demised Premises or by reason of any act or thing done or omitted to be done in, upon or about the Leased Premises or any part thereof, unless such loss, damage, cost, expense or liability shall be caused by the negligence of the LANDLORD. The TENANT shall hold the LANDLORD, its officers, agents, servants and employees harmless, indemnified, and free and clear of any and all claims, demands, penalties, liabilities, judgments, costs and expenses, including but not limited to reasonable attorney's fees, arising in connection with the use of the site, Demised Premises, by the TENANT or its employees, agents, guests, visitors, or invitees. For the purposes of this Section, the Demised Premises shall include the service areas adjoining the same and any sidewalk adjacent to the Demised Premises. This indemnification shall survive the termination of this Lease Agreement and shall include indemnity against all costs, expenses and liabilities incurred in connection with any claim or proceeding and the defense thereof, including but not limited to reasonable attorney's fees and court costs.

### Section 6.2 – TENANT'S Improvements

The TENANT agrees to use and occupy the Demised Premises and to use such other portions of the Premises as it is herein given the right to use at its own risk. Any work performed by the TENANT shall require building permits from the City of Middletown Building Department. The LANDLORD shall have no responsibility or liability for any loss or damage to the TENANT'S Leasehold improvements or to fixtures or any other personal property of the TENANT or those claiming by, through or under the TENANT. The provisions of this Section shall apply during the entire Lease Term and during any earlier period that the LANDLORD has given prior written permission to the TENANT to enter the Demised Premises.

### Section 6.3 – Loss or Damage

Except for claims arising from the LANDLORD's willful misconduct or negligence not covered by the insurances required of the TENANT hereunder, the TENANT waives all claims against the LANDLORD for injury or death to person, damage to property or to any other interest of the TENANT sustained by the TENANT or any party claiming through the TENANT, resulting from: (i) any occurrence in or upon the Demised Premises; (ii) leaking of roofs, bursting, stoppage or leaking of water, gas, sewer or steam pipes or equipment, including but not limited to sprinklers; (iii) wind, rain, snow, ice, flooding, freezing, fire, explosion, earthquake, excessive heat or cold or other casualty; (iv) the operating and mechanical systems or equipment of the Premises or of the Demised Premises being defective, out of repair or failing; and (v) vandalism, malicious mischief, theft or other acts or omissions of any other parties including but not limited to other tenants, contractors and invitees at the Premises. The TENANT agrees that his property loss risks shall be borne by his insurance and the TENANT agrees to look solely to and seek recovery only from his insurance carriers in the event of such losses. The TENANT agrees to waive any and all of its rights to subrogate against the LANDLORD and/or its insurer for any loss, damages or liability resulting in, on, under or around the Demised Premises.

## ARTICLE VII

LANDLORD'S Access to PremisesSection 7.1 – Right of Entry

The LANDLORD and its designees shall have the right to enter upon the Demised Premises (a) at any time in the case of an emergency; (b) at all reasonable hours for the purpose of inspecting; or (c) when making non-emergency repairs at a mutual reasonable time while taking care to not harm the operations or assets of the TENANT. If repairs are required to be made by the TENANT pursuant to the terms of this Lease Agreement or if the TENANT is required to perform any other obligation under this Lease Agreement, the LANDLORD may demand that the TENANT make such repairs or perform such obligation forthwith. If the TENANT refuses or neglects to commence such repairs or perform and complete the same with reasonable dispatch, after such demand, the LANDLORD may, but is not required so to do, make or cause such repairs or performance to be done and shall not be responsible to the TENANT for any loss and/or damage that may accrue as a result thereof. If the LANDLORD makes or causes such repairs or performance to be done, or endeavors so to do, the TENANT agrees that it will forthwith, on demand, pay to the LANDLORD the cost thus incurred, and if the TENANT shall be in default of such payment, then the LANDLORD shall have its remedies provided herein.

## ARTICLE VIII

Miscellaneous ProvisionsSection 8.1 – Insurance

TENANT shall, at its expense during the term hereof, maintain insurance for the Leased Premises in accordance with the requirements set forth in **Exhibit D** and deliver to LANDLORD without demand a Certificate of Insurance form showing said coverage.

TENANT further agrees, in the event of any loss, to waive all rights of subrogation against the LANDLORD.

In addition to the foregoing, LANDLORD requires TENANT, at its expense during the term hereof, to maintain adequate property insurance, including business income, to cover tenants own interests. In the event that the TENANT elects to not maintain such insurance, the TENANT understands and agrees that pursuant to Section 6.3 of this Agreement, the TENANT waives all claims against the LANDLORD that would otherwise have been covered by such insurance. TENANT further agrees, in the event of any loss, to waive all rights of subrogation against the LANDLORD.

Section 8.2 – Notices.

Notices to be given by one party to the other under this Lease shall be in writing, mailed or delivered as follows:

If to the LANDLORD: City of Middletown  
Attn: Director  
Planning, Conservation and Development Office  
245 DeKoven Drive  
Middletown, CT 06457

If to the TENANT: FIDELUX LIGHTING, LLC  
180 Johnson Street  
Middletown, CT 06457

Mailed notice shall be sent by United States Certified or Registered Mail, postage prepaid. Such notices shall be deemed to have been given when mailed.

Section 8.3 – Condemnation

If all or any part of the Leased Premises is taken by eminent domain, this Lease shall expire on the date of such taking, and the rent shall be apportioned as of that date. No part of any such award shall belong to TENANT.

Section 8.4 – LANDLORD'S Rights upon Default

In the event of any material breach of this Lease by the TENANT, which shall not have been cured within THIRTY (30) DAYS, then the LANDLORD, besides other rights or remedies it may have under applicable law, shall have the immediate right of reentry and may remove all persons and property from the Leased Premises pursuant to the summary process laws of the State of Connecticut; such property may be removed and stored in a public warehouse or elsewhere at the cost of, and for the account of, the TENANT. If the LANDLORD elects to reenter as herein provided, or should it take possession pursuant to any notice provided for by law, it may either terminate this Lease or may, from time to time, without terminating this Lease, relet the Leased Premises or any part thereof, for such term or terms and at such rental or rentals and upon such other terms and conditions as the LANDLORD in LANDLORD's own discretion may deem advisable. Should rentals received from such reletting during any month be less than that agreed to be paid during the month by the TENANT hereunder, the TENANT shall pay such deficiency to the LANDLORD monthly. The TENANT shall also pay to the LANDLORD, as soon as ascertained, the cost and expenses incurred by the LANDLORD, including reasonable attorney's fees, relating to such reletting.

In addition to any material breaching any agreement or covenant set forth in this LEASE, the following shall constitute a default and subject the TENANT to termination of the LEASE:

- (a) Failure on the part of the TENANT to make payment of rent or any other monetary amount due under this LEASE within the prescribed time period.
- (b) With respect to a nonmonetary default under this LEASE, failure of the TENANT to cure the same within thirty (30) days after receiving written notice from the LANDLORD of said default.

(c) The commencement of any of the following proceedings, with such proceeding not being dismissed within thirty (30) days after it has begun (i) the TENANT hereby created being taken on execution or by other process of law; (ii) the TENANT being judicially declared bankrupt or insolvent according to law; (iii) an assignment being made of the property of the TENANT for the benefit of creditors; (iv) a receiver, guardian, conservator, trustee in involuntary bankruptcy or other similar officer being appointed to take charge of all or any substantial part of the TENANT's property by a court of competent jurisdiction; or (v) a petition being filed for the reorganization of the TENANT under any provisions of the Bankruptcy Code or any federal or state law now or hereafter enacted.

(d) The TENANT filing a petition for reorganization or for rearrangement under, or otherwise availing itself of any provisions of, the Bankruptcy Code or any federal or state law or hereafter enacted providing a plan or other means for a debtor to settle, satisfy, or extend the time for the payment of debts.

(e) If the TENANT abandons or vacates the Demised Premises.

#### Section 8.5 – Quiet Enjoyment

The Landlord agrees that if the TENANT shall pay the rent as aforesaid and remain in compliance with the covenants and agreements herein contained on its part to be performed, the TENANT shall peaceably hold and enjoy the said rented premises without hindrance or interruption by the Landlord or by any other person or persons acting under or through the Landlord.

#### Section 8.6 – Termination and Surrender upon Termination

(a) LANDLORD'S Rights to Terminate: If the LANDLORD deems that the TENANT'S conduct could have a negative effect on the reputation of the LANDLORD, has the right, in its sole discretion, to terminate this Lease Agreement immediately. The LANDLORD also shall have the right, in its sole discretion, to terminate this Lease Agreement without cause by giving thirty (30) days written notice to TENANT of such termination specifying the date of such termination.

(b) Surrender of the Demised Premises Upon Termination: At the end of the Lease term the, TENANT shall surrender the Lease property in as good condition as it was in at the beginning of the term, reasonable use and wear excepted, and it shall be vacated of all property owned or leased by the TENANT. If the TENANT fails to surrender the Lease property in appropriate condition as set forth herein, the LANDLORD shall have all rights and remedies available to it under applicable law, including charging said TENANT for any clean-up or rehab charges or keeping any upfront rent or security deposit to cover said costs.

#### Section 8.7 – Subordination

This Lease and the TENANT's Leasehold interest is and shall be subordinate, subject and inferior to any and all liens and encumbrances now and thereafter placed on the Leased Premises and all advances paid under such liens and encumbrances.

#### Section 8.8 – Holdover

No receipt of money by the LANDLORD from the TENANT after the termination of this Lease, the service of any notice, the commencement of any suit or final judgment for possession shall reinstate, continue or extend the term of this Lease or affect any such notice, demand, suit or judgment.

#### Section 8.9 – Waiver

No waiver of default of the TENANT shall be implied and no express waiver shall affect any default other than the default specified in such waiver and that only for the time and to the extent therein stated. The invalidity or unenforceability of any provision of this Lease shall not affect or impair any other provision.

#### Section 8.10 – Exclusivity of Remedies

All rights and remedies of the LANDLORD and the TENANT under this Lease shall be cumulative and none shall exclude any other rights and remedies allowed by law or statute.

#### Section 8.11 – Assignment, Provisions Binding

The TENANT shall not assign this Lease without the LANDLORD'S prior written consent, provided that the TENANT and the proposed assignee, including any owner, member, associate, or individual that is a member or officer of the TENANT and the proposed assignee are not delinquent in the payment of any and all taxes, assessments or any other charges levied lawfully against such person or entity by the City of Middletown or any other governmental entity. Any attempt to assign this Agreement in violation of this Section shall render such assignment null and void.

Each of the provisions of this Lease shall extend to and shall, as the case may require, bind or inure to the benefit, not only of the LANDLORD and of the TENANT, but also of their respective heirs, legal representatives, successors and permitted assigns, provided this clause shall not permit any assignment/subletting contrary to the provisions of Article 1 or this Section hereof.

#### Section 8.12 – Entire Agreement

All of the representations and obligations of the LANDLORD and the TENANT are contained herein and no modification, waiver or amendment of this Lease, or any of its conditions or provisions, shall be binding upon the LANDLORD and the TENANT unless in writing, signed by both the LANDLORD and the TENANT.

#### Section 8.13 – Installments of Rent

The receipt by the LANDLORD of any installment of the Gross Rent shall not be a waiver of any other rental payments then due or of any default of the TENANT hereunder.

#### Section 8.14 – No Brokerage

The TENANT warrants and represents that he has dealt with no broker in connection with the consummation of this Lease, and in the event of any brokerage claims against the LANDLORD predicated upon prior dealings with the TENANT named herein, the TENANT agrees to defend the same and indemnify the LANDLORD against any such claim.

Section 8.15 – Recording of Lease

At the request of either party, LANDLORD and TENANT shall execute a Notice of Lease in a form prescribed by Section 47-19 of the Connecticut General Statutes for the purpose of giving record notice of the appropriate provisions of this Lease.

Section 8.16 – Requirements of Law

The TENANT shall, at its own expense, promptly observe and comply with all present and future laws, ordinances, requirements, orders, directions, rules and regulations of the federal, state and city governments and of all other governmental authorities having or claiming jurisdiction, directly or indirectly over the Demised Premises or appurtenances or any part thereof, including but not limited to, environmental rules, regulations and laws, and hazardous materials rules, regulations and laws.

Section 8.17 – Compliance with Law

The TENANT covenants and agrees, at its sole cost and expense, to comply with all present and future laws, orders, and regulations of all state, federal, municipal and local governments.

Section 8.18 – Payment of Taxes

The TENANT shall pay all taxes, if any, herein defined as all general and special taxes, whether ordinary or extraordinary, including existing and future assessments for roads, sewer, utilities, other local improvements, and other governmental charges which may be lawfully charged, assessed, or imposed upon all or any portion of the Demised Premises on both land and all improvements contained therein. Taxes may also be lawfully charged, assessed, or imposed on the Tenant for all fixtures and equipment of every type and also upon all personal property in the Demised Premises. The Tenant shall pay all license fees and other charges which may be imposed lawfully upon the business of the Tenant, which is conducted upon the Demised Premises. LANDLORD SHALL SEND TENANT A TAX BILL FOR THE PORTION OF SPACE IN WHICH THE TENANT IS IN ON A BIENNIAL BASIS. TAXES ARE NOT PART OF THE BASE RENT AS STATED IN ARTICLE 1.1, SECTION (F).

Section 8.19 – Governing Law; Interpretation

This LEASE will be governed and interpreted by the laws of the State of Connecticut, without regard to its conflict of law provisions. To the extent that any court action is permitted consistent with or to enforce any part of this LEASE, the Parties hereby consent to the exclusive jurisdiction of the state and federal courts of the State of Connecticut. Accordingly, with respect to any such court action, TENANT (a) submits to the personal jurisdiction of such courts; (b) consents to service of process; and (c) waives any other requirement (whether imposed by statute, rule of court, or otherwise) with respect to personal jurisdiction, venue or service of process. Should any provision of this LEASE be declared illegal or unenforceable by any court of competent jurisdiction and such provision cannot be modified to become legal and enforceable, excluding the general release language, such provision will immediately become null and void, leaving the remainder of this Agreement in full force and effect.

Section 8.20 – Waiver of Prejudgment Remedy Hearing and Notice

TENANT ACKNOWLEDGES THAT THIS IS A "COMMERCIAL TRANSACTION" AS SUCH TERM IS DEFINED IN CHAPTER 903a OF THE CONNECTICUT GENERAL STATUTES, AS AMENDED. TENANT ACKNOWLEDGES THAT, PURSUANT TO SUCH SECTION, IT HAS A RIGHT TO NOTICE OF AND HEARING PRIOR TO THE ISSUANCE OF ANY "PREJUDGMENT REMEDY". NOTWITHSTANDING THE FOREGOING, TENANT, BY EXECUTING THIS LEASE, HEREBY KNOWINGLY AND WILLINGLY WAIVES ALL RIGHTS TO SUCH NOTICE, JUDICIAL HEARING OR PRIOR COURT ORDER UNDER CHAPTER 903a OF THE CONNECTICUT GENERAL STATUTES, AS AMENDED, OR AS OTHERWISE ALLOWED BY THE LAW OF ANY STATE OR FEDERAL LAW WITH RESPECT TO ANY PREJUDGMENT REMEDY WHICH PAYEE OR ITS SUCCESSORS OR ASSIGNS DESIRE TO USE IN CONNECTION WITH ANY SUIT ON THIS CONTRACT, AND AUTHORIZES LANDLORD'S ATTORNEY TO ISSUE A WRIT FOR PREJUDGMENT REMEDY WITHOUT COURT ORDER, PROVIDED THE COMPLAINT SHALL SET FORTH A COPY OF THE WAIVER.

IN WITNESS WHEREOF, the parties have hereunto caused to be set their respective hands and seals on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed, Sealed and Delivered in the Presence of:

\_\_\_\_\_

**LANDLORD, CITY OF MIDDLETOWN**

\_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_, Duly Authorized  
Date: \_\_\_\_\_

\_\_\_\_\_

**TENANT,**

\_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_, Duly Authorized  
Date: \_\_\_\_\_

**EXHIBIT B – Description of Rentable Space**

Tenant will rent the following spaces at 180 Johnson Street in the following quantities:

<u>Location</u>	<u>Square Feet</u>
BLDG F	5300
BLDG G	5500
BLDG H	3000
BLDG O	5200
BLDG B	4500
TOTAL	23500

**EXHIBIT C – Tenant Alterations**

Not Applicable

**EXHIBIT D – Insurance Requirements**

To be added by Risk Management prior to execution

**EXHIBIT E – Parking**

Parking will be located to the east of the main entrance to the office space.



There being no further discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). There being no discussion, the Chair calls for the vote. It is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

**C. ORDINANCE: Approving revisions to Chapter 214 (“Parks, Facilities, and Recreational Areas”), Article III (“General Regulations”), Section 214-21 (“Designation of Picnic Areas”), increasing the picnic user daily fee and modifying guidelines, including winter season closure.**

**TABLED**

**ORDINANCE No 03-20; K: review/ ordinance/ / picnic fees 214-21 – ORD 03-20 – 6 April 2020**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:** that Chapter 214, Article III, Section 214-21 of the Middletown Code of Ordinances be revised as follows:

**Chapter 214. Parks, Facilities, and Recreational Areas**  
**Article III. General Regulations**

§ 214-21. Designation of picnic areas.

Picnicking in accordance with guidelines set by the Parks Division shall be limited to such places as are designated by the City Public Works and Facilities Commission.

A. The City of Middletown Public Works Department allows picnics at specific park sites. There are restrictions for use at these areas, and a reservation is required.

B. ~~A user fee of \$25 per day is required to reserve a picnic area within the Public Works Department parks.~~ The picnic user fee shall be \$75 per day for residents and \$150 per day for non-residents.

C. Parks within the City of Middletown ~~are officially closed~~ will close for the winter season based on weather and at the discretion of the Director of Public Works or his/her designee. While dates may shift depending on the weather. ~~Parks the parks traditionally~~ close on December 1 of each year and reopen on March 1 of each year.

D. Persons not having a permit for the use of parks, facilities, or fields must give way at all times to permit holders.

Councilwoman Meghan Carta reads the proposed ordinance amendment and moves to approve. Councilman Philip Pessina seconds the motion.

The Chair calls on Councilman Eugene Nocera.

Councilman Nocera states that it is his understanding that these fees, that are proposed to be raised for the picnic area, have been addressed by two (2) members of the public this evening. In light of the economic crisis that we now face, he is hesitate to raise fees. He is asks that Corporation Counsel advise how the Common Council can table this matter, leaving it for further discussion, if appropriate.

The Chair calls on Corporation Counsel Dan Ryan, repeating the question: is it appropriate for us to have a motion to table this item.

Corporation Counsel Ryan replies that he sees no reason why the Council cannot table this item.

Councilman Vincent Loffredo moves to table the item. Councilman Philip Pessina seconds the motion to table, adding that he is in total agreement with Councilman Nocera’s comments. He suggests that the item be tabled until such time as the City is back on its feet economically at which time the matter can be taken up again. It should not go on the next agenda or the following one until the Mayor and the Council have a good picture on economic conditions. No fees should be raised a t this time.

The Council Clerk reminds the Council that there is already another motion on the floor, the original motion to approve. The Council Clerk defers to Corporation Counsel Ryan as to how to address.

Corporation Counsel Ryan states that the motion to table supersedes the underlying motion.

Councilman Loffredo makes a point of order, saying that, since he made the original motion to table, he would like to amend, incorporating the comments offered by Councilman Pessina; namely, that this item remain tabled until such time as the Council so decides. The intent is not to bring it back to the next Council meeting. It will be brought forward after we deal with the financial situation that has emerged.

The Chair clarifies that motion to be considered: it is a motion to table the proposed ordinance until some time to be determined.

The Chair calls on Councilman Grady Faulkner, Jr.

Councilman Faulkner asks what the genesis of the proposed fee change is, asking if it is economic.

The Chair calls on Councilman Eugene Nocera.

Councilman Nocera states that, in the Public Works & Facilities Commission meeting, a month or two ago, they were looking at the fee structure and this was one, in particular that is low compared to surrounding areas. Our lives have changed dramatically in a short time and he does not believe that the Council should entertain this matter until there is information as to where the City stands with its economic base.

There being no further discussion, the Chair calls for a roll call vote on the motion to table the proposed ordinance amendment, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion to table is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). There being no discussion, the Chair calls for the vote. It is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is tabled.

- D. Approving that Mayor Benjamin D. Florsheim be authorized to sign and submit an application to the State of Connecticut for a grant in the amount of \$28,000.00 in Local Capital Projects Improvement Program (LoCIP) funds, for the cost of the work to install a new fire and alarm system at the Greater Middletown Military Museum, which will include a combination of a fire alarm system, radio box system, and security system, all components to be a continuous monitoring system and wired to the City of Middletown Local Dispatch call center; and that a new line item be created in the Capital Improvement Plan entitled “Military Museum Fire & Alarm System Upgrade” in the amount of \$28,000.00.**

**APPROVED**

**RESOLUTION NO: 22-20; K:review/ resolution/DPW LoCIP Military Museum alarm RES 22-20 – 6 April 2020**

**Whereas**, it is necessary for the City of Middletown Office of Public Works Department to upgrade and install a fire and alarm system at the Greater Middletown Military Museum via hiring of Fire Alarm Specialty Design, LLC (FASD)., and

**Whereas**, currently, the Greater Middletown Military Museum has a basic home alarm system where in the event of a burglary or other emergencies, only a single point of contact is available via mobile phone. Such a self-monitoring system is contingent on the single point of contact being readily available at all times of the day, both day and night;, which is not viable or feasible on a daily basis, and

**Whereas**, the installation of a new fire and alarm system at the Greater Middletown Military will include a combination of a fire alarm system, radio box system, and security system. All three (3) components will be a continuous monitoring system and wired to the City of Middletown Local Dispatch call center. By being wired to the City of Middletown Local Dispatch call center, it allows for immediate response by emergency services personnel, and

**Whereas**, these needs meet the guidelines for projects eligible for Local Capital Projects Improvement Program funds, costing \$28,000.00.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:** That Mayor Benjamin D. Florsheim be authorized to sign and submit an application to the State of Connecticut for a grant in the amount of \$28,000.00 in Local Capital Projects Improvement Program (LoCIP) funds, for the cost of the work to install a new fire and alarm system at the Greater Middletown Military, which will include a combination of a fire alarm system, radio box system, and security system, all components to be a continuous monitoring system and wired to the City of Middletown Local Dispatch call center; and

**BE IT FURTHER RESOLVED:** That a new line item be created in the Capital Improvement Plan entitled "Military Museum Fire & Alarm System Upgrade" in the amount of \$28,000.00.

**FISCAL IMPACT:** Funds for these needs are available through the Local Capital Projects Improvement Program (LoCIP).

Councilman Eugene Nocera reads the proposed resolution and moves to approve. Councilman Philip Pessina seconds the motion.

The Chair calls on Councilman Eugene Nocera.

Councilman Nocera states that most of the Council is aware that the system in this beautiful new building did not function in the way as expected with a break-in and damages caused to the facility. This alarm system would straighten out that situation for the future.

There being no further discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico, McKeon, Nocera, Pessina, and Salafia). There being no discussion, the Chair calls for the vote. It is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico, McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

**E. Approving submission of the ED049 grant application to the Commissioner of Administrative Services for replacement of underground heating oil tanks at Moody Elementary School and Macdonough Elementary School,**

**APPROVED**

**RESOLUTION 23-20; K: review /resolution. BOE oil tank RES 23-20– 6 April 2020**

**WHEREAS,** the City Common Council of the Middletown, County of Middlesex, Connecticut, does hereby find as follows:

**WHEREAS,** the Board of Education must replace underground heating oil tanks that are 32 years old at Moody Elementary School and at Macdonough Elementary School; and

**WHEREAS,** said replacement of underground heating oil tanks previously approved under Resolution No. 64-18 on May 7, 2018 was not able to be completed due to expansion of scope and cost of then approved budget; and

**WHEREAS,** the City Common Council authorizes the Middletown Board of Education to apply to the Commissioner of Administrative Services and to accept or reject a grant for the replacement of underground heating oil tanks that are 32 years old at Moody Elementary School and at Macdonough Elementary School; and

**WHEREAS,** the replacement of underground heating oil tanks that are 32 years old at Moody Elementary School and at Macdonough Elementary School are hereby assigned to the Middletown Board of Education Building Committee; and

**WHEREAS,** the City Common Council hereby authorizes at least the preparation of schematic drawings and outline specifications for the replacement of underground heating oil tanks that are 32 years old at Moody Elementary School and at Macdonough Elementary School; and

**WHEREAS,** the City authorizes the preparation of the grant applications; and

**WHEREAS**, the total cost of the work is \$414,317 including a contingency of 25% of construction costs with 66.43% (\$275,231.00) funded by the State and 33.57% (\$139,086.00) funded from the Middletown Board of Education's 2019-20 Land Improvement Expenditure Line Item (representing \$69,914.00 for the replacement of underground heating oil tank that is 32 years old at Macdonough Elementary School; and \$69,173.00 for the replacement of underground heating oil tank that is 32 years old at Moody Elementary School). and

**WHEREAS**, education specifications and written approval of such education specifications will be made by the Middletown Board of Education.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:** that the submission of the ED049 grant application to the Commissioner of Administrative Services for replacement of underground heating oil tanks at Moody Elementary School and Macdonough Elementary School is approved.

**Fiscal Impact:** The funds will come from the current Board of Education budget.

Councilman Darnell Ford reads the proposed resolution and moves to approve. Councilman Grady Faulkner, Jr. seconds the motion.

There being no discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico, McKeon, Nocera, Pessina, and Salafia). There being no discussion, the Chair calls for the vote. It is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico, McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

The Chair states that here is question. Someone has asked if the WebEx meeting, which was scheduled for two (2) hours, shut down or continue. The Chair asks Information technology Director Bryan Skowera what to expect.

Director Skowera replies that the 2-hours is simply the anticipated length of the meeting. There is no hard limit. It will continue as long as it is hosted.

- F. Approving that the that the Common Council and Mayor request that the Connecticut Department of Transportation (DOT) shall, before commencing work on the St. John's Square Project (Project No. 0082-3020), meet with a Committee of City of Middletown leaders regarding the impact of said project on traffic patterns and pedestrian safety, and shall consider and implement reasonable modifications to said project to mitigate pedestrian safety concerns, and that the Mayor will communicate this request to the Commissioner of DOT and DOT staff who have been assigned to the project and cc copies of this communication to Governor Lamont, Middletown's Congressional delegation, CT General Assembly representatives, and the members of the Common Council.**

**APPROVED, AS SUBSTITUTED**

**RESOLUTION No: 24-20; K: review / resolution/ CC Arrigoni Bridge project RES 24-20- 6 April 2020**

**WHEREAS**, the Middletown Common Council and Mayor Benjamin Florsheim support the work that the Connecticut Department of Transportation (DOT) is doing on the Arrigoni Bridge, consisting of replacing the bridge decks and making superstructure steel upgrades and repairs as well as making substructure repairs to improve the overall capacity, reliability, and integrity of the bridge; and

**WHEREAS**, a new protective fence system, ranging in height from eight (8) feet to 12 feet will also be installed on both the approach and main spans of the bridge as part of this project; and

**WHEREAS**, neither traffic studies nor pedestrian studies have been completed as part of the proposed work.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:** that the Common Council and Mayor request that the Connecticut Department of Transportation (DOT) shall, before commencing work on the St. John's Square Project (Project No. 0082-3020), meet with a Committee of City of Middletown leaders regarding the impact of said project on traffic patterns and pedestrian safety, and shall consider and implement reasonable modifications to said project to mitigate pedestrian safety concerns, and

**BE IT FURTHER RESOLVED** that the Mayor will communicate this request to the Commissioner of DOT and DOT staff who have been assigned to the project and cc copies of this communication to Governor Lamont, Middletown's Congressional delegation, CT General Assembly representatives, and the members of the Common Council.

**FISCAL IMPACT:** None

Councilman Anthony Mangiafico reads the proposed resolution and moves to approve: *Approving the City of Middletown Common Council's requests that the Connecticut Department of Transportation (DOT) suspend work on the St. John's Square Project (Project No. 0082-3020) until such time as DOT meets with a Committee of City of Middletown leaders, provides results of traffic and pedestrian studies, and considers alternatives to the changes as currently proposed.*

Councilman Edward McKeon seconds the motion.

**WHEREAS**, the Middletown Common Council and Mayor Benjamin Florsheim support the work that the Connecticut Department of Transportation (DOT) is doing on the Arrigoni Bridge, consisting of replacing the bridge decks and making superstructure steel upgrades and repairs as well as making substructure repairs to improve the overall capacity, reliability, and integrity of the bridge; and

**WHEREAS**, a new protective fence system, ranging in height from eight (8) feet to 12 feet will also be installed on both the approach and main spans of the bridge as part of this project; and

**WHEREAS**, neither traffic studies nor pedestrian studies have been completed as part of the proposed work.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:** that the Common Council and Mayor request that the Connecticut Department of Transportation (DOT) shall, before commencing work on the St. John's Square Project (Project No. 0082-3020), meet with a Committee of City of Middletown leaders regarding the impact of said project on traffic patterns and pedestrian safety, and shall consider and implement reasonable modifications to said project to mitigate pedestrian safety concerns, and

**BE IT FURTHER RESOLVED** that the Mayor will communicate this request to the Commissioner of DOT and DOT staff who have been assigned to the project and cc copies of this communication to Governor Lamont, Middletown's Congressional delegation, CT General Assembly representatives, and the members of the Common Council.

**FISCAL IMPACT:** None

The Council Clerk asks if, based on the Council's earlier discussion, there is a substitute resolution.

Councilman Vincent Loffredo interjects, stating that he has an amendment, a substitute resolution. He reads the substitute resolution into the record:

**WHEREAS**, the Middletown Common Council and Mayor Benjamin Florsheim support the work that the Connecticut Department of Transportation (DOT) is doing on the Arrigoni Bridge, consisting of replacing the bridge decks and making superstructure steel upgrades and repairs as well as making substructure repairs to improve the overall capacity, reliability, and integrity of the bridge; and

**WHEREAS**, a new protective fence system, ranging in height from eight (8) feet to 12 feet will also be installed on both the approach and main spans of the bridge as part of this project; and

**WHEREAS**, neither traffic studies nor pedestrian studies have been completed as part of the proposed work.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:** that the Common Council and Mayor request that the Connecticut Department of Transportation (DOT) shall, before commencing work on the St. John's Square Project (Project No. 0082-3020), meet with a Committee of City of Middletown leaders regarding the impact of said project on traffic patterns and pedestrian safety, and shall consider and implement reasonable modifications to said project to mitigate pedestrian safety concerns, and

**BE IT FURTHER RESOLVED** that the Mayor will communicate this request to the Commissioner of DOT and DOT staff who have been assigned to the project and cc copies of this communication to Governor Lamont, Middletown's Congressional delegation, CT General Assembly representatives, and the members of the Common Council.

Councilman Philip Pessina seconds the motion.

The Chair calls on Councilman Loffredo.

Councilman Loffredo states that this amendment is put together in concert with the Mayor, Councilman Nocera, and himself based on discussion about the matter with other Democratic Council representatives. He said it was a dialog within the Democratic caucus. Before proceeding, he believes that it is appropriate for the Mayor to comment regarding how he sees this matter moving forward and addressing the other issue, which deals with setting up another committee and how his office has agreed to participate and support this. He asks that the Mayor explain how he sees such a committee, who he sees on the committee in terms of City leaders.

The Chair states that this resolution and the amendment largely grew out of two recent meetings that took place regarding the Arrigoni Bridge and St John's Square. Project being pursued by the Department of Transportation the first was a Council workshop where Councilmembers met with the administration to talk about the history of the project as it moved thru the approval stages with the previous administration. At that time, it was suggested by a number of Councilmembers that, given the concerns about the elements of this project, as it relates to downtown Middletown, a committee be established to ensure the proper guidance was being given to the administration in its deliberations with DOT for this project as well as any future projects that could have an impact on pedestrian, bicycle, and infrastructure relative to the economic climate on main Street. There was a second event that many Councilmembers attended at McDonough School, a community forum, hosted by the City and Department of Transportation to provide an update on the status of the project, particularly, input from community members on the proposed change to Rapallo Avenue from a two-way street to a one-way street in the proposed plan. The Department of Transportation had not gotten the approvals to make changes of that nature to a local road and that happens to be one of the many points of concerns for members of the public with that plan, based on the feedback that was heard at these meetings, he, along with members of the administration, met virtually with the DOT design team working on the execution of this project, which is the replacement of the decks on the Arrigoni Bridge and, on the Middletown side, changes to the St. John Square section of the North End in downtown Middletown, including reengineering the intersection at Grand and Rapallo and the addition of a right hand turn lane at Washington Street and main Street the call that they had with DOT was a way of relaying and reiterating the concerns raised that the public meeting and talking to them about their plans for Rapallo Avenue. This raises the possibility of whether the work on at St. John's Square could be feasibly delayed until further studies were completed. As many know, a traffic study has been completed, but not released yet related to the Route 9 signal removal project. There were two (2) traffic studies in association with that project. For the record and members of the public, the Chair adds that even though those traffic studies have been conducted in association with the Route 9 project, the Route 9 project itself is, to use DOT's language, "back at the drawing board." There were a number of proposals that have come forward for the removal of the signals on Route 9. DOT has said that it is using the data, the information from these studies to revisit their design of a flyover ramp at Rapallo Avenue or any other various proposal that has come down the pike about the Route 9 signal removal. The result of these traffic studies, to his knowledge, have not been made public and we have asked about the possibility of conducting similar studies or the release of the studies related to the other project before work begins. *(Inaudible)*

*Because the connection was interrupted, at 9:03 PM, the Chair asks the Council Clerk to take attendance by roll call to ensure that all Councilmembers are connected to the meeting.*

The Chair continues, saying that there was a meeting at McDonough School and in the Council Chamber to talk about the history of this project. There was also a telephone meeting with DOT last week to discuss the project further and to reiterate to DOT the concerns that about the proposed changes to Rapallo Avenue, which they proposed. While it may not be officially posted yet, DOT did indicate that they are willing to change that element before construction continues. They also states that they would be willing to meet in the near term, in the next few day, so that the Mayor's Office can work on scheduling this. He notes that, with a group of people currently serving, with people who are no longer serving in Middletown, with people who are no longer employed at DOT. There are a lot of new folks, who, they have agreed, before construction begins in earnest and as long as we can make that happen, which we intended to do, noting that it is incredibly important for this City's voice to be heard on this subject. The Chair adds that, to meet with a group of representatives with the City, it should include members of the Council, the Complete Streets Committee, and the business community. At this 11<sup>th</sup> hour for this project, the recommendations and suggestions for pedestrian and cyclist safety are things we are working hard to make happen and will report back to the Council. He knows it is not a cancellation of the State project, adding that neither the Council nor the administration have that power. Unfortunately, past communications protocols were problematic and they are working in that. He notes that it needs to be a continued a regular topic of discussion. For example, we need to work on implementation of the recommendations. That, as a matter of course, we need to think about pedestrian and cyclist safety not only when there is a DOT project. This is something that the members of the public and the Council have been working on for some time. He is committed by the spirit of this resolution n making that happen. He appreciates the opportunity to talk about these conversations to date and will answer any questions.

The Chair calls on Councilman Edward McKeon

Councilman McKeon states that, he is an advocate of this resolution Right out front, he wants them to know that he is not asking the State to postpone work ion the entryways, which is vital for the bridge. His own feeling about the State and its communications with the City is that, as Steven Devoto said earlier, have been abysmal. The State came to the City 10 years ago, saying that they wanted a plan, but that plan never changed. The plans 10 years ago show the work at St. John's Square, despite residents' objection to these plans. The plans that they have delivered in the past year are the same showing that they had no intent. We need to go into these meetings knowing that they are resolute in doing two (2) thigs: putting more traffic on Main Street and making that traffic go faster. These are their goals. All indications show that they are not concerned about pedestrians; rather they are concerned with motor vehicles. He thinks it is an issue that need to be pressed to make sure that pans consider pedestrians and bicycles. We also need to let DOT know that it is a quality of life issue. For merchants on Main Street, it is a business issue. For North End residents, it is a life issue. It is built into this plan, whether they will admit it or not, some institutional racism. They are proposing changes to the North End, which will make the quality of life inferior to what it is now. It is important that they realize that and that has to be part of what we ask then to address. He is

adamant in his commitment to be sure that the work done is the best for Middletown and does not reflect DOT's persistent goal to take the lights off Route 9 and put all the traffic from Route 9, heading west on Route 66, into the North End of Main Street. That will not work. It will destroy the character of Middletown. It will destroy the merchants. While it may be a State highway and the State has authority, it is Main Street – it is our Main Street – and we need to speak up for our Main Street.

The Chair calls on Councilman Vincent Loffredo.

Councilman Loffredo states that he echoes 100% the comments of Councilman McKeon as well as the Mayor's work and involvement. It is disturbing to him and to others to see how this matter has been handled over the past several years. As elected individuals, we have the responsibility to appreciate the time and effort that this resolution is before the Council. The comment that we, as a body, and the Mayor working with us, it is important that we present a united front in our efforts with this issue to voice our concerns and work hard. It is Main Street. It may also be utilized as a portion of Main Street, but that does not in any way abrogate (*inaudible*). For the record, he adds that the State, the consultation process set forth in the statutes= at section 13a-57a *Consultation with municipal officers in planning of highway within municipality*. In reading the language, it seems to him that they engaged us and the executive branch Mayor and "he shall consult," meaning the Commissioner of DOT. In part this reads:

. . . he shall consult, to the fullest extent possible, with the chief executive officer and the planning commission, if any, of such town, city or borough or consolidated town and city or consolidated town and borough so as to conserve, preserve and, if possible, enhance the environment by insuring through such consultations that the proposed works will have the least adverse impact on the environment.

He states that this proposal, for years, has never taken the state into account. It is not enhancing, preserving; rather, it is undermining and destroying our community. It's a serious reservation, a serious shortcoming of this proposal.

The chair calls on Councilman Eugene Nocera.

Councilman Nocera states that he supports the comments of Councilman McKeon and Councilman Loffredo. We have worked with the State on this issue and respect their right to repair the bridge and support that work has to be done. What we are asking them is to respect our City and residents' needs. These are not self-serving needs, but essential needs that we need to protect. He thanks the Mayor for working with the Council on this matter.

The Chair calls on Councilman Philp Pessina.

Councilman Pessina states that he echoes everything that has been said, adding that it was evident at the McDonough School meeting that the businesses, representatives of family owned businesses, who would have been terribly and will be terribly impacted. He was miffed to understand that the State do not know where Kings Avenue is and we have viable businesses there, which are doing well. There was no consideration of traffic entering or leaving that area as well as that whole neighborhood. He is 100 percent in support of this. We will make a large cry, with the Mayor as our leader, to get this stopped and to look at the fabric of Main Street. We cannot let them destroy what years have put in with blood, sweat, and tears by all of these businesses. We need to get together to get this done for Middletown.

The Chair calls on Councilwoman Linda Salafia.

Councilwoman Salafia states that she agrees totally with what has been said. She suggests that, while she does not have a copy of the new resolution, the first paragraphs describe work to be done on the bridge and that is needed. She does not believe that the resolution, as written, actually says that they should go ahead and fix the bridge, but not touch the North End. Perhaps we should add language specifying that we recognize that the bridge, itself, is broken and needs to be fixed, but hold off on any of the work on Middletown streets. They will lose time. They can actually work on the bridge, fixing it. She does not believe that, as written, clearly indicates that we agree with fixing the bridge, but don't touch the North end.

The Chair calls on Councilman Vincent Loffredo.

The Council Clerk alerts that Councilman Grady Faulkner, Jr. and Councilman Anthony Gennaro have their hands raised to speak.

The Chair states that he will give the floor to Councilman Loffredo to address that question, as author of the amendment and will then call on Councilman Faulkner and Councilman Gennaro.

Councilman Loffredo states that Councilman Loffredo states that, for clarification, the intent of the first "Whereas" is that we support the work that DOT is doing on the Arrigoni Bridge, adding that it is clear and consistent. The first "Whereas" addresses all of the work, the work on the decks and so forth. We go on record saying we support the installation of the protective fence system and so forth. He believes that first two "Whereas" statements address the concern expressed by Councilwoman Salafia.

Councilwoman Salafia interjects, saying that she understands that the intent; however, she did not read it that way. She would prefer that the resolution came right out and said “we support” continuing work instead of saying that is the intent.

Councilman Loffredo replies that the resolution states “the Middletown Common Council and Mayor Benjamin Florsheim support the work,” indicating that the word “support is clearly there. He does not (*inaudible*).

Councilwoman Salafia replies that she cannot look at his resolution document and be on this web meeting at the same time. She cannot see what was exactly written.

Councilman Loffredo replies that, for the record, it is there and her concerns have been addressed.

The Chair thanks both Councilman Loffredo and Councilwoman for their comment. The Chair calls on Councilman Grady Faulkner, Jr.

Councilman Faulkner states that he wants to emphasize, as he brought up at the workshop, that is amazing that the City was not given any safety studies, traffic studies, input from the City Police Department as to what goes on and the fact that there is a school and a church right in that area as well as the businesses with customers, who cross that street. He explains that this is why we want to modify the plan, The DOT plays a game that they can only talk to, and who can talk to them, is the executive – the Mayor. Clearly that is why we did this. We appreciate the Mayor sharing the changes that were made, saying that he is right on board with this.

The Chair calls on Councilman Anthony Gennaro, Sr.

Councilman Gennaro states that most of his questions have been answered. He is in agreement in principal and shares the concerns that others have. He is curious – noting this may be a question for the City Attorney -- as to whether or not this resolution any weight in the future if we need to take further action, if they are not willing to play ball with the City. He is concerned that there will be active construction, noting that now, with the COVID 19, the Governor has indicated that they can move forward with the road projects. The owners near Eli’s are concerned about their area being impacted when we get back to work. He would like to see that work done quickly, adding that, in any negotiations that the Mayor may have, are able to get these areas done quickly. He notes that with traffic light now, perhaps we can get things back in order quickly. He reiterates that perhaps legal can reply to this question.

The Chair calls on General Counsel Brig Smith.

Attorney Smith states that the resolution offers the City’s position, its hopes, and its goals with respect to the issue. This is something that is driven by the State so the resolution enunciates our position. Council leadership can push that position, but the resolution cannot do much more than it does. Another resolution could say it more strongly, but the tools in our toolbox are limited to what we are doing now; namely, saying that we, as a community are saying this; we as a Council are taking this position. He wishes that there was better news, but this is what it is.

Councilman Gennaro replies that is basically what he understood. He knows that the Mayor can sit down with them and address certain issues. Hearing all of these comments, he would like to add one more item. He would move that the Mayor get things done. He is concerned about the businesses there. It will be give and take in any negotiation, he is hoping that we get to the better side of things.

The Chair calls on Councilman Edward Ford, Jr.

Councilman Edward Ford echoes that comments already made in terms of this issue. He adds to what Councilman Gennaro has said, stating that he is concerned for the businesses that are there and for the school that is just around the corner. His question is for the State delegation, asking has the City has heard anything from them as to anything that they are able to do in these negotiations, to offer support. He specifically asks if the Chair has heard from them.

The Chair replies that he has been in touch with the State delegation and they have been involved with the project. Most of the approval process happened between the City and the DOT itself. The State delegation is aware of it and we have been coordinating with the on the conversations that we have had with DOT. It is his understanding that it not general practice for legislators to make recommendations about a project’s design elements in coordination with the City. They focus more on funding for the types of studies and the work that we are looking at. The delegation is aware of this at the DOT offices and over the phone. One of the first meeting that touched on this project more on the Route 9 project included State Senator Matt Lesser. A toll entry was under consideration in Middleton as a way of paying for a possible Route 9 project so the delegation was actively involved in how that came about and that proposal. That is something that we have been communicating and coordinating. He is not aware that any of them has been involved specifically in this resolution or anything of that nature.

The Chair calls on Corporation Counsel Dan Ryan, Esq,

Attorney Ryan states that he has a procedural questions, which requires clarification by the maker of the motion, Councilman Loffredo. That is, at one point, he referred to it as a substitute resolution and then at another point he call it an amendment. If it’s an amendment, then we simply vote on the substitute and not go back and vote on the underlying monition, he explains that he is not clear what Councilman Loffredo meant.

The Chair calls on Councilman Vincent Loffredo.

Councilman Loffredo states that this was an amendment by substitution. His amendment is to substitute this resolution for the underlying. He asks if Attorey Ryan wants to recommend that the working be modified to replace the current amendment with the substitution

Attorney Ryan replies that then he takes it that this is a substitute resolution so, before the Council can vote on the substitute resolution itself.

Councilman Loffredo replies, “Correct.”

The Council Clerk asks, for the record of the minutes, although it have been referred to as an amendment, it has always been a substitute resolution. Is that correct?

Councilman Loffredo replies, "Correct."

The Chair states that it has been confusing and it is a substitute resolution.

Councilman Loffredo states that to address the question raised by his colleagues regarding the (inaudible) of the State, part of this is (inaudible) as the Mayor mentioned, we are creatures of the State and be bound by the statutes that are passed by previous members of the Connecticut General Assembly. This is good practice for the Council as to what happens to us or doesn't happen to us regarding how DOT treats us regarding their statutory responsibilities. For us to seek, if need be, at a future meeting of the Connecticut General Assembly through our representatives, to seek to have provisions that are currently in effect modified and changed. To properly reflect that, if we find what happens to us to be not appropriate, the we can urge they be changed for ourselves and any other communities in terms of our input be more properly considered in terms of what they do in terms of all of the concerns that have been raised by all of the various public hearings as well as the Mayor and other members of the City Council.

The Chair asks if there are any further comments. There being none, the Chair offers some closing remarks. He appreciates everyone indulging that administration and each other with some very discussion not only in this setting but over the past several months we have spent a great deal of time making sure that Middletown is heard on this project. He appreciates the role that every person has made. Thinking what he sees as minor progress, but nonetheless progress, it was mentioned by Councilman Gennaro and Councilman Ford that the impact is significant. We have heard about that at the school meeting and the next day when he visited business owners. They talked about the impact of the proposed changes on Rapallo. Before we know the full economic impact of those proposed changes, this was going to take, as Councilman Pessina mentioned, the lack of attention paid to the intersection of Kings Avenue. AS he mentioned before, that was a point in our follow-up meeting about Rapallo. They indicated willingness to make a few specific changes top that intersection based on comments raised. At that meeting, AS Councilman Faulkner mentioned, this has been a persistent concern with a lot of the work happening in the North End over the years as well as the concern about the (inaudible) project, which was raised at McDonough School. There is concern as to the frequency that it will use Spring Street and other residential streets in the North End to cut from the bridge to Route 66 or Newfield Street. This is a concern and he wants people to know that, regardless of what comes of this discussion tonight or the project, we are still in control of our own, whether it is Rapallo Avenue or anywhere else. We are under control of the traffic, and, in general, our own fate as it comes to our local roads. It is small percentage that we are talking about, but a very important percentage in terms of the fact that we are talking about Main Street and Washington Street. In terms of the roads that we don't; have control over in the North End, we do have control over of all of the others that are not State roads. There are a lot of opportunities for us to move forward with this project is a way that is more centered in terms of families at that school, of people who walk and ride their bikes in that part of our City. DOT is willing to help us out by providing barriers to keep traffic from going on Spring Street during construction. In talking with our traffic experts that the Police Department, there is a possibility of closing that street to traffic and redirecting it to the one way street so that it cannot be used as a cut through. These are all discussion that we will have to make together as a Council, as a City. They are decisions that are in opium power to make sure that we are engineering our City in a way that is relative of what we are talking about. Because voices have been heard loud and clear over the past several months, we are in a position that DOT knows are concerns and making sure that actions are taken to make sure that these concerns are addressed. He hopes that this resolution get us closer in that direction.

There being no further discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion to approve the substitute resolution is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico, McKeon, Nocera, Pessina, and Salafia). There being no discussion, the Chair calls for the vote. It is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico, McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

- G. Approving that the City of Middletown will participate in the Deferment Program created in Executive Order #7S, as amended, as follows: (1) From March 10, 2020 through and including July 1, 2020, all taxes on real property, personal property, motor vehicles, sanitation, municipal water, sewer and electric rates, charges or assessment shall be deferred by ninety (90) days from the date that such tax became due and payable; (2) Notwithstanding the foregoing, financial institutions and mortgage servicers that hold property tax payments in escrow on behalf of a borrower shall continue to remit property taxes to the City of Middletown, so long as the borrower remains current on their mortgage or is in a forbearance or deferment program, irrespective of the borrower's eligibility for or participation in the Deferment Program; and be it further resolved that the Mayor shall be authorized to notify the Secretary of the Office of Policy and Management no later than April 25, 2020, of the City of Middletown's participation in the Deferment Program.**

**APPROVED****RESOLUTION No: 25-20; K: review/ resolution/ COVID19 tax deferment RES 25-20 – 6 April 2020**

**WHEREAS**, on March 10, 2020, the Governor of the State of Connecticut declared a public health emergency and civil preparedness emergency for the State of Connecticut, pursuant to Connecticut General Statutes Sections 19a-131 and 28-9, in response to the global pandemic of COVID- 19 disease associated with a novel coronavirus that is currently affecting multiple countries and states; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency to combat the coronavirus that is currently infecting the population of the United States; and

**WHEREAS**, the effects of the transmission of COVID-19 has resulted in the spread of infections in Connecticut and throughout the country, as well as resulting in shortages of personal protective equipment and other supplies that could jeopardize public safety and civil preparedness; and

**WHEREAS**, on April 1, 2020, Governor Lamont issued Executive Order #7S, which recognized that Chapter 204 of the Connecticut General Statutes sets forth tax collection deadlines that will be difficult for residential and commercial property owners to meet in light of the significant job and economic losses experienced by Connecticut residents and businesses; and

**WHEREAS**, municipalities have sought relief on behalf of taxpayers who are struggling due to business operations being suspended or ceased, layoffs and other complications due to the COVID-19 pandemic; and

**WHEREAS**, Governor Lamont's Executive Order #7S created a Deferral Program to assist taxpayers in dealing with the effects of the COVID-19 pandemic; and

**NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN** that the City of Middletown will participate in the Deferral Program created in Executive Order #7S, as amended, as follows:

1. From March 10, 2020 through and including July 1, 2020, all taxes on real property, personal property, motor vehicles, sanitation, municipal water, sewer and electric rates, charges or assessment shall be deferred by ninety (90) days from the date that such tax became due and payable.

2. Notwithstanding the foregoing, financial institutions and mortgage servicers that hold property tax payments in escrow on behalf of a borrower shall continue to remit property taxes to the City of Middletown, so long as the borrower remains current on their mortgage or is in a forbearance or deferment program, irrespective of the borrower's eligibility for or participation in the Deferral Program.

**BE IT FURTHER RESOLVED** that the Mayor shall be authorized to notify the Secretary of the Office of Policy and Management no later than April 25, 2020, of the City of Middletown's participation in the Deferral Program.

**Fiscal Impact:** To Be Determined

Councilman Philip Pessina reads the proposed resolution and moves to approve: Councilman Anthony Gennaro seconds the motion

The Chair states that here will be discussion. He explains that his resolution is offered in response to Executive Order 7S issued a few days ago by Governor Lamont. This has to do with the ability of municipalities to either defer or to reduce the interest rate for local property taxes because of the COVID 19 crisis. The approach that we are suggesting is to defer the payment of property taxes. He asks City Attorney Smith to answer questions that Councilmembers may have about this resolution and to give a bit of background as to what the timeframes is, what he resolution does.

Attorney Smith states that this resolution will defer when taxpayer payment are due. They are due July 1<sup>st</sup> becomes delinquent August 3, 202 because August 1<sup>st</sup> is a Saturday. What this resolution does is extend this payment period 90 days from July 1<sup>st</sup> so that the last day to pay would be October 1<sup>st</sup> rather than July 1<sup>st</sup>. The thought is buying more time lone thing the resolution does, and we have done this, is to extend the deferment for all taxpayers, noting that some towns under this Executive Order limits it to those who can certify that they, or someone they know or are caring for, is suffering from COBVID 19 or its effect. We, like many town, are not requiring that certification and will simply apply this to all taxpayers with the exception of escrowed funds as banks have plenty of money to pay the City fully and on time. There is a mandate form the State that we adopt this program or a similar program and report it to the Secretary of OPM (Office of Policy & Management) by April 25<sup>th</sup> . It time sensitive and it came in hot and late and folks did a great job to get the resolution together, get it in the agenda, and get it in front of the Council.

Councilman McKeon asks if the motion has been made.

The Council Clerk replies that a motion to approve has been made by Councilman Pessina and seconded by Councilman Gennaro.

The Chair calls on Councilman McKeon

Councilman McKeon states that anything we can do to help our resident through this health crisis and the attending financial crisis that we are only beginning to see the tip of the iceberg. We will be confronted with a lot of situations, some that the City will be able to help and others that it will not be able to help. Where we can help, we need to do so. He strongly supports this resolution.

The Chair calls on Councilwoman Linda Salafia.

Councilwoman Salafia states that she noticed that the water bills are not included in this resolution and are going out next month. She assumes that this bill will also be deferred. She ask if the City will be mailing the bills or just waiting the 90 days.

The Chair calls on Attorey Smith, as for that mailing piece, water bills, sewer bills are included in the deferral. These taxing elements are included as part of the waiver. As for the mailing, he does not know how the mailing go out, but reiterate that the charges are included in the Executive Order.

Councilwoman Salafia states that, when people are notified, they should also be told that it includes water, sewer and sanitation.

The Chair states that he made a note and will be sure to talk with the Water & Sewer Department to make sure it is clear. He states that is a good point.

He Chair calls on Councilman Grady Faulkner, Jr.

Councilman Faulkner states that, from the City's perspective, what is the cash impact for continuing payroll and things such as that. He asks if that is backed by the State.

The Chair states that is a good question. He notes that there is no one from the Finance Department on the line presently. We worked with Finance to make sure that this is something that the City could accommodate based models and the understanding that we will confuse to receive escrow payments from those who pay through their mortgages. The cash flow is in place, so the regular business of the City can continue.

The Chair calls on Councilman Eugene Nocera.

Councilman Nocera states, at this point, as Councilman McKeon indicated, we are prepared to do everything that we can to assist citizens, but to follow-up on Councilman Faulkner's comment. We need some hard data soon as to what to anticipate for cash flow as we build our budget. He knows that the Chair will provide that information. It is critical to have a paradigm as we build this budget out and anticipate any revenue issues that will impact services. Councilman Nocera states that we understand that this is very important to our citizens.

The Chair calls on Councilman Loffredo. Councilman Loffredo calls for appoint of information, stating that he lives in the sanitation district. He received the semi-annual bill this past week so, for clarification, of people want to postpone payment that is de April 1<sup>st</sup>, they can defer under the 90 day extension for these bill as well.

The Chair states that is correct.

There being no further discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). There being no discussion, the Chair calls for the vote. It is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico, McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

## 11. Mayor's Appointments APPROVED

The Mayor reads the proposed list of appointments

**Commission on Conservation & Agriculture:**

- **Michael Thomas (D):** reappoint as regular member, filling the balance of a 3-year term to February 15, 2023

Councilman Vincent Loffredo moves to approve the proposed appointments. Councilman Philip Pessina seconds the motion.

There being no discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell	aye
Councilwoman Carta	aye
Councilman Faulkner	aye
Councilman Darnell Ford	aye
Councilman Edward Ford	aye
Councilman Gennaro	aye
Councilman Loffredo	aye
Councilman Mangiafico	aye
Councilman McKeon	aye
Councilman Nocera	aye
Councilman Pessina	aye
Councilwoman Salafia	aye

The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico, McKeon, Nocera, Pessina, and Salafia). There being no discussion, the Chair calls for the vote. It is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico, McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

**12. Mayor's Update on FY 2020-2021 Budget Process**

The Chair states that he wants to update the Council on the budget process, including new orders from the State in light of this health crisis Executive Order 7C, which was one of the first orders from Governor Lamont, extends the statutory deadline by 30 days for all municipal budget submission, which, for us, occurs on April 1<sup>st</sup>. We are fortunate in a couple of respects. First, we have been working for several months, going department by department with the Finance Office, on developing the budget that he will propose. They have been doing this with an eye towards efficiency, with an eye towards maintaining as much as possible flat levels of funding. A couple of factors have come out in the past several days. One is the release of town aid that had been delayed for a number of months. The other is that this extension for the budget submission deadline bought us time to delay our annual bond sale. Middletown, thanks to the work of many people on this call earned a AAA bond rating for the 5<sup>th</sup> year in a row, which is a great asset for our City budget as well as the economy. This usually means that we can anticipate on an annual bond sale that adds significantly to the bottom line for the budget. If the bond sale had been scheduled for a couple of weeks ago, the usually stable municipal bond Markey was upside-down. It has come back and has the potential to come back even further based on the intentions of the Federal Reserve and Treasury Department to start purchasing municipal bonds as a way of stimulating the economy. There is a bond sale schedule this week – Thursday, April 8<sup>th</sup> -- and we are fortunate that this Executive Order extends our budget deadline as it allows us to incorporate the results of that bond sale into our final budget package. It is his intention to wait until the bond sale occurs to make some final decisions about the budget. It is his intention to present that budget in the form of a budget address within that deadline. It is his intention to do that the following week, the week after this week. He will keep the Councilmembers, especially members of the Finance & Government Committee, apprised of the decision in that process. He will also couch by saying that the impacts of this health crisis on everything that we do, but certainly on the budget, remain. We won't know the full scope for many, many months or perhaps years to come. There may be emergency funding that we want to entertain as a Council that may be needed by our City. We will perhaps be entertaining appropriations down the line and certainly are keeping that in mind as we make our budget decisions. He wants to update people as to why there is no budget proposal at this budget meeting and why it has not yet been made. It is unfortunate that we are in these circumstances for many reasons, but it's a good thing that we have this extra time to make sure that our fiscal picture accurately reflects the fiscal health of the City of Middletown rather than face circumstances that are beyond our control. If people have questions he is glad to answer them.

The Chair calls on Councilman Eugene Nocera.

Councilman Nocera states that he has a couple of questions. He asks if he is to assume that the budget will be presented at the next Council meeting on May 4<sup>th</sup> and we should build the budget calendar from that point forward. He asks if this is a fair assumption.

The Chair replies that it is a fair assumption at this time. We will see what additional guidance may come from the State, but we are on track at this point. We have the structure of the budget in place and are prepared to go forward on that calendar.

Councilman Nocera suggests that the Council Clerk and any subcommittee begin to build that calendar and review it with the Mayor.

The Chair replies, "Absolutely."

The Chair calls on Councilman Vincent Loffredo.

Councilman Loffredo states that, for clarification, the Chair states that he will give a budget address next week, which is in the month of April. Subsequently, Councilman Nocera referred to a budget address on May 4<sup>th</sup>. He asks the Chair to clarify if the budget will be released in April.

The Chair replies that he is planning to have a proposal ready by the end of next week. If the Council wants to discuss now or next week (inaudible) when a proposal is released, he is happy to do so. It is his intention to issue that proposal publically and then convene with the Council to review, not necessarily at the same time, but at the Council meeting. If we need to talk about it, he is willing to entertain that.

Councilman Loffredo replies that, to start, the Chair mentioned the statutory deadlines extended by 30 days, so, therefore, under the Carter and based on this Executive Order, extended the calendar for this budget to May 1<sup>st</sup> instead of April 1<sup>st</sup>. Is that the correct interpretation.

The Chair replies that, yes, he believes so.

Councilman Loffredo replies that he wants to make sure because he thought that they were following the Charter requirements, allowing them to go 30 days per the Executive Order to extend the entire budgetary process 30 days for the Chair. The charter requires that the Council act by May 15<sup>th</sup> and, therefore, would go to June 15<sup>th</sup> when they set the tax rate. He asks if this is how they are interpreting the Executive Order, adding that he wants to be clear on the 30 day extension of the Executive Order. He wants to make sure it is being applied for the Chair as well as for the Council responsibilities per the Charter.

The Chair replies that is helpful, noting that is his interpretation as well. He does not think that there is any requirement that it be released exactly 30 days after the deadline, but if helpful, since he has the Executive Order in front of him, he will read the paragraph laying this out relative to municipal budget deadlines. The Chair reads from the Executive Order:

***Extension of Municipal Budget Adoption Deadlines.*** *Notwithstanding any provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter or ordinance, that conflicts with this order, all municipal budget deadlines for the preparation of the municipal budget for the fiscal year ending June 30, 2021 that fall on any date prior to and including May 15, 2020 are extended by thirty (30) days. The legislative body of the municipality, or in a municipality where the legislative body is a town meeting, the board of selectmen, may alter or modify the schedules and deadlines pertaining to the preparation and submission of a proposed budget and the deliberation or actions on said budget by the legislative body or other fiscal authority, including any required public hearing(s), publication, referendum or final budget adoption. All submission dates may be postponed until such time as the legislative body approves said modified schedule and deadline, consistent with the thirty (30) day extension.*

The Chair calls on Councilman Nocera,

Councilman Nocera states that, to follow-up on Councilman Loffredo's question, it would be wise for them to work backwards from the June 15<sup>th</sup> date, which we are going to follow for the 30 days. If that is the case, we will build a calendar backwards from June 15<sup>th</sup> to your budget presentation on or about May 1<sup>st</sup>. He asks the Chair if that is a fair plan.

The Chair replies, "Yes," adding that he is getting confirmation from the Finance Director that is the correct interpretation. It is 30 days from April 1<sup>st</sup> to May 1<sup>st</sup> for the budget presentation and 30 days from May 15<sup>th</sup> to June 15<sup>th</sup> for the adoption.

The Chair thanks the Council. It is an interesting set of circumstances for this first budget that we are working on together. He hopes that final product is something that we will all be proud of.

The Council Clerk asks for clarification, saying that, since the budget workshops were scheduled to begin next week, a cancellation will be sent out. There were several inquiries received today, asking what to do. The replacement dates will be announced.

Councilman Vincent Loffredo states that he cannot hear so he asks that the Chair restate.

The Chair reiterates that the budget workshops will be rescheduled.

The Council Clerk states that the budget workshops were scheduled to begin on Monday April 13<sup>th</sup>, so they will be posted as postponed. Department heads will be alerted that the workshops will be set for a date to be announced rather than next week.

The Chair reiterates that the workshops will be rescheduled.

The Chair calls on Councilman Philip Pessina.

Councilman Pessina announces that he will work with Councilman Nocera to get those dates established to be republished. It is a good plan. Where the Chair is headed is where we all want to be; namely, for Councilmembers and the community to have input.

He Chair states that is a good point. There were elements of the Executive Order that waived requirements for public input on budgets. He didn't look that closely he believes that applies to budgets that are adopted by referendum or town meeting, but, regardless, even if applicable to Middletown, we want to do things like this to make an opportunity for the public to have voices heard. There will be an opportunity for public input.

**13. Meeting Adjournment**

There being no further business, Councilman Grady Faulkner, Jr. moves to adjourn. Councilman Edward Ford, Jr. seconds the motion.

There being no discussion, the Chair calls for a vote. The motion is unanimously approved by voice vote with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico, McKeon, Nocera, Pessina, and Salafia). The motion to adjourn is approved.

The Chair thanks Council Clerk Linda Reed and Technology Services Director Bryan Skowera for their work facilitating this meeting.

The Chair declares that the meeting is adjourned at 10:13 PM.

ATTEST:

LINDA S.K. REED,  
COMMON COUNCIL CLERK

*K; review/ minutes/ 20 April 06 – Regular Meeting minutes – 6 April 2020*