



AGENDA ENFIELD TOWN COUNCIL REGULAR MEETING

**Monday, October 18, 2021
7:00 PM - Council Chambers**
<https://youtu.be/oVuY5qjLz38>

- 1. PRAYER – Charlotte Riley**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL.**
- 4. FIRE EVACUATION ANNOUNCEMENT.**
- 5. MINUTES OF PRECEDING MEETINGS.**
 - **Special Meeting – October 4, 2021**
 - **Regular Meeting – October 4, 2021**
- 6. SPECIAL GUESTS.**
 - **Eagle Scouts Troop 818 – Aaron Ryan and Ryan Miller**
- 7. PUBLIC COMMUNICATIONS AND PETITIONS.**
- 8. COUNCILOR COMMUNICATIONS AND PETITIONS.**
- 9. TOWN MANAGER REPORT AND COMMUNICATIONS.**
- 10. TOWN ATTORNEY REPORT AND COMMUNICATIONS.**
- 11. REPORT OF SPECIAL COMMITTEES OF THE COUNCIL.**
- 12. OLD BUSINESS.**
 - A. Discussion/Resolution:** MOU with Fire Districts for Collection and Distribution of Taxes. (Tabled 11/16/2020)
 - B. Discussion/Resolution:** Resolution Authorizing the Town Manager to Enter into a Purchase and Sale Agreement with Bellsite Development. (Tabled 07/06/2021)
 - C. Discussion/Resolution:** Resolution Adopting the Revised Solid Waste Ordinance. (Tabled 08/02/2021)
 - D. Discussion/Resolution:** Resolution Adopting Revised Bulky Waste Transfer Station Fee Schedule. (Tabled 08/02/2021)
- 13. NEW BUSINESS.**
 - A. Consent Agenda – Action.**

- B. Appointment(s)–Town Council Appointed.
- C. Appointment(s) – Town Manager Appointed/Council Approved.
- D. Appointment(s) - P & Z Commission Appointed- Council Approved.

14. ITEMS FOR DISCUSSION.

A. **Consent Agenda – Review.

1. Discussion/Resolution: Request for Transfer of Funds for Winter Recreation \$6,000.

B. Appointment(s) – Town Council Appointed.

C. Appointment(s) – Town Manager Appointed/Council Approved.

D. Appointment(s) – P & Z Commission Appointed- Council Approved.

E. **Discussion/Resolution: Request for Transfer of Funds for the Demolition and Removal of 327 Hazard Avenue \$38,107.

F. **Discussion/Resolution: Request for Transfer of Funds to Close FY 2021.

G. **Discussion/Resolution: Request for Transfer of Funds for Freshwater Dam Capital Improvement Project \$100,000.

H. **Discussion/Resolution: Request for Transfer of Funds from the CT Office of Early Childhood Grant to the Enfield Child Development Center \$388,880.

I. **Discussion/Resolution: Resolution Authorizing Unspent Funds from the Office of Early Childhood Grant to be carried Forward to FY 22.

J. **Discussion/Resolution: Resolution Extending License Agreement for Annex Room Usage.

K. **Discussion/Resolution: Resolution Authorizing the Town Manager to Enter into and Sign the Amendment to Lease with Option to Purchase with the Opera House.

15. MISCELLANEOUS.

16. PUBLIC COMMUNICATIONS/APPLIES ONLY IF PRIOR TO 11:00 p.m.

17. COUNCILOR COMMUNICATIONS.

18. ADJOURNMENT.

*	REMOVE FROM AGENDA
**	MOVE TO MISCELLANEOUS
***	WOULD LIKE TO BE CONSIDERED FOR REAPPOINTMENT

**ENFIELD TOWN COUNCIL
MINUTES OF A SPECIAL MEETING
MONDAY, OCTOBER 4, 2021**

A Special Meeting of the Enfield Town Council was called to order by Chairman Ludwick on Monday, October 4, 2021. The meeting was called to order at 5:30 p.m.

ROLL-CALL – Present were Councilor Bosco, Cekala, Cressotti, Hemmeler, Ludwick, Mangini, Muller, Riley, Sferrazza, Szewczak, and Unghire. Also present were Town Manager, Christopher Bromson; Assistant Town Manager, Kasia Purciello; Town Clerk, Sheila Bailey; Town Attorney, James Tallberg

MOTION #5939 by Councilor Mangini seconded by Councilor Muller to go into Executive Session to discuss Real Estate Negotiations and Pending Claims and Litigation.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #5939** adopted 9-0-0.

EXECUTIVE SESSION

The Executive Session of the Enfield Town Council was called to order by Chairman Ludwick at 5:31: p.m.

ROLL-CALL - Present were Councilors Cekala, Cressotti, Hemmeler, Ludwick, Mangini, Muller, Sferrazza, and Unghire. Also present were Town Manager, Christopher Bromson; Assistant Town Manager, Kasia Purciello; Town Clerk, Sheila Bailey; Town Attorney, James Tallberg; Director of Finance, John Wilcox; Director of Public Works, Donald Nunes; Susan Choquette and Josh Prouser, Opera House Players.

Chairman Ludwick reconvened the Special Meeting at 6:21 p.m. and stated during Executive Session the Council discussed Real Estate Negotiations and Pending Claims and Litigation with no action or votes being taken.

OPT OUT ADU'S

Present for this item was Laurie Whitten, Director of Development Services

Ms. Whitten stated at the last meeting the Town Council had a discussion on accessory dwelling units regarding Public Act 21-29. She explained the purpose of that public act is to promote alternative, less expensive, and equitable housing. She noted Enfield is actually exempt from the Affordable Housing statute. She stated this was started by a group called, “Desegregate Connecticut”, and they’re trying to promote more fair housing throughout Connecticut.

She responded to the following questions raised at the last meeting:

How often does the Town receive applications for, or has the PZC approved accessory dwelling units or ADU's?

She stated the answer is never because they aren't allowed. She went on to note Enfield does allow accessory apartments, which are known as "in-law apartments", and they usually get about one per year. She explained accessory or in-law apartments are basically for in-laws or relatives, and they are temporary housing only, and they require a special permit from PZC. She noted the maximum apartment size is 400 to 750 square feet, and the minimum lot size where such an apartment can be placed is 17,000 square feet. She pointed out these are usually attached to, or somehow within the same house.

What is the effect if the Town does not completely opt out?

She explained if the Town does not opt out, they would be bound to include the regulations as proposed in the Act. She noted the accessory dwelling unit acts as a permanent structure as bound by full fire and building code regulations whereby the temporary apartments are not. She stated the maximum size would be about 1,000 square feet, or 30% of the primary structure of the residential zone. She noted there is no minimum lot size, but it does need to meet the zoning setbacks and coverage. She stated they've also included a maximum of one parking space per accessory dwelling unit.

Councilor Sferrazza referred to Enfield being exempt from this Act, and he questioned if that's because Enfield already meets and surpasses that, and Ms. Whitten responded that's correct because Enfield surpasses the 10% affordable housing units in Enfield, and Enfield is actually up to just below 13% right now.

Councilor Sferrazza stated his understanding Enfield not only met the bar set by the State, but has currently exceeded it, and Ms. Whitten responded that's correct.

Councilor Sferrazza stated his understanding Planning & Zoning has special use permits for additions to ensure proper setbacks and to look at water impacts. He noted during those special use permit sessions, it's his understanding the public has a right to come and speak for or against a project. Ms. Whitten responded all of that is true.

Councilor Sferrazza stated his understanding that if Enfield does not opt out, people will no longer have to abide by setbacks and there won't be a public hearing because this Act says it is just going to happen and Enfield gives up total local control. Ms. Whitten responded they would not have a public hearing, and the public would not be able to come and speak for or against the project, but they would still have to abide by the setbacks and coverage.

Councilor Sferrazza stated his understanding this takes away the voice from people, and Ms. Whitten responded that's correct.

Councilor Mangini stated her belief it is premature to vote on this. She referred to Councilor Sferrazza's comment about people not having the right to speak, and she noted she is against that. She stated if this is infrequent, why is it being addressed. She noted if Planning & Zoning is going

to be rewriting regulations, why don't they wait until they get to that juncture before the Council looks at these other issues.

Councilor Mangini stated she read that if the Town does not opt out, an ADU could be placed on a parcel with a single family, provided conditions for bulk and area requirements are met, and she noted this is not clear to her. She also read, "the Planning & Zoning Commission exercised discretion to opt out due to a lack of predictability with expected backyard privacy." She noted she interprets that as talking about quiet enjoyment, but she questioned how you can predict the lack of quiet enjoyment because it is unpredictable. She noted people have parties all the time in their backyards, and if people call the police, the party stops. She feels that is a fluid statement.

Ms. Whitten stated Planning & Zoning decided to go forward with the opt out, and she agreed that during the re-write they could look at the ADU's as a permitted use, but with regulations and guidance, not probably by right. She added she can't guarantee that it won't be by right, but she believes they will have a little more restrictions than by right and probably a public hearing.

Ms. Whitten stated the infrequency is for the in-law apartments, and the reason they don't have a number for the ADU's is because they're not actually permitted.

As concerns Councilor Mangini's comment about bulk and area requirements, Ms. Whitten stated the maximum size is 1,000 square feet with some restrictions in zoning setbacks and coverage, so it still has to abide by the existing bulk and area requirements regardless.

Ms. Whitten stated one of the concerns that she had related to the Thompsonville section because the coverage in that area is between 30% and 60% when the rest of Enfield's coverage is 20%. She noted if someone could by right put another dwelling unit on every single-family property in Thompsonville, they might have some issues because the density would increase, and they would actually have some utility issues. She stated that is a concern of the Planning & Zoning Commission.

Ms. Whitten stated part of zoning is to provide predictability for what people can use their property for and for what a neighbor can use their property for, so if someone is purchasing a single family home next to another single-family home, a person believes they are only buying that house next to a single-family dwelling, not a single-family dwelling with another house as an accessory dwelling unit.

She stated as a Planner, she absolutely believes they need to have permit fees for accessory dwelling units, but she believes it needs to be done in the proper fashion.

Councilor Riley stated if a house already met the whole coverage, are they not allowed to do an ADU, and Ms. Whitten explained it would be based on the existing coverage prior to the ADU being added, therefore, they could not exceed the maximum coverage for the site with a new unit.

Councilor Riley stated if Enfield didn't opt out, and the State decided to change the regulation they already wrote, would they then be able to have another opportunity to opt out, or would Enfield be

locked in for good if they don't opt out. Ms. Whitten deferred to Legal, but she thinks that would be a new Act, and they would have to look at it.

Councilor Riley stated if Enfield opts out of this, it will still keep the ability of Enfield having a public hearing on the situation. Ms. Whitten stated if Enfield opts out of this currently, they will still require a public hearing to have an in-law apartment because Enfield still does not allow ADU's, but she believes they will be permitted under certain circumstances.

Councilor Riley questioned the timeframe as to when a regulation might be written regarding this, and Ms. Whitten stated their complete rewrite is hopefully going to be done in the spring of 2022.

Councilor Szewczak stated if Enfield does not opt out, and these units go into single family lots, are there additional utilities brought in, i.e., electric, sewer, or utility, or are they just an extension of the primary dwelling. Ms. Whitten stated her belief it could be either.

Councilor Szewczak stated people are always very conscious of when they are buying a home as to what their expectation is of what they will have in that neighborhood. She pointed out when the State takes over a town's zoning, it is always very controversial.

Councilor Szewczak stated her belief it is important for Enfield to opt out of this and take care of this in a way that is best for Enfield.

Councilor Cressotti stated a lot of the reasons people add in-law apartments is for the elderly, disabled persons, or children. He noted he is against having separate dwellings, but if they are attached to the house, that could be equitable for people. He stated housing has to be fair for everyone.

Councilor Cressotti stated he would feel comfortable if he knew what the regulations are going to be before opting out. He referred to this Act and the required training and certification for Planning and Zoning commissioners and the Zoning Enforcement official. He questioned whether that was taken into consideration as to why they want to opt out. Ms. Whitten stated that wasn't necessarily considered as a primary consideration, however, when Planning & Zoning decided to opt out, it was a unanimous vote in August. She noted their reasoning was because of over-taxing utilities, the lack of predictability, drainage issues, traffic, on the street parking, and the lack of oversight. She stated a lot of subdivisions were created in wetlands, and that could always be a concern if everybody decides to build out to their maximum coverage.

Councilor Cressotti stated he would feel more comfortable if he knew what the new zoning regulations are, and he could then vote on it.

Ms. Whitten stated they did discuss they should address it and prepare for it and allow it, but by local guidance and not the State's guidance.

Attorney Tallberg stated Public Act 21-29, an act concerning the zoning enabling act, accessory apartments, training for certain land use officials, etc., is a 28-page piece of legislation. He noted he attempted to summarize it in his memo of July 16, 2021. He stated according to the Act, many

of the provisions become effective October 1, 2021, and any existing zoning regulations that conflict with those new portions of the state law that took effect October 1, 2021 will be deemed null and void, which he believes is effective January 1, 2022. He noted he is referring to Section 6 of the Act, Page 13 of 20. He stated his interpretation is that municipalities have until January 1, 2023 to opt out, but because many of the provisions took effect last Friday, there is a smaller window where they can be out of compliance, and if the town is out of compliance, it is possible that on January 1, 2022 certain provisions might be null and void.

Councilor Cekala questioned if Enfield does not opt out, can a person by right put another dwelling on their home if they already reached the coverage percentage that's allowed by Enfield's regulations. Ms. Whitten responded absolutely not. Councilor Cekala stated her understanding that they still have to abide by Enfield's zoning regulations even if Enfield hasn't opted out, and Ms. Whitten responded correct.

Councilor Unghire questioned how ADU's would benefit Enfield. She stated she is not yet convinced this will improve things. She noted Enfield is a residential area and a suburb, and this would turn Enfield into an urban area. She stated her understanding only four other states have passed and approved this – California, Oregon, Vermont, and New York. She stated her belief this will not improve Enfield. Ms. Whitten stated her personal belief that in the right lots and in the right place, this could be a great opportunity for new dwelling units, however, if it is done without any guidance or rules it could backfire.

Councilor Szewczak stated whether this would have the most impact on R44 and R88 districts, more so than densely built districts. She noted these units can be as small as 400 square feet, so it could be that the R33's may be effected by this. She stated her belief good local control is needed in order to get a really good plan. Ms. Whitten responded statistically, Councilor Szewczak is probably correct.

Chairman Ludwick stated if a lot isn't conforming already, this doesn't have to conform, and Ms. Whitten stated the ADU would still be able to be placed there provided they haven't met their maximum coverage.

Chairman Ludwick referred to the January 1, 2022 date and noted they don't have a lot of time because that is what the State built into the regulations. He acknowledged P&Z is working on regulations, but it won't be ready until spring. He noted the urgency was built in by the memo that was sent in July of this year, and that's why P&Z acted in August, and that is why they are trying to act now because they don't have a lot of time.

Chairman Ludwick questioned if someone wished to put in an ADU, would they have to go to Wetlands, and Ms. Whitten stated they would need to go to Wetlands if wetlands were impacted. Chairman Ludwick questioned whether they must have a public hearing, and Ms. Whitten responded no.

Chairman Ludwick questioned how it would work if the Town of Enfield has an easement due to a pipe on a property, and a person decides to put an ADU in their backyard. He questioned how that would work with connecting to sewage pipes. He pointed out Enfield has many wetlands with

people getting water in their basements. He went on to question who regulates who ADU's can be rented to, and Ms. Whitten stated the public act says it can be occupied by anybody.

Chairman Ludwick stated Enfield already has the first-time homeowner's program, which is working. He noted this is bringing people from outside of town, and they are buying homes anywhere in Enfield. He stated Enfield is committed to providing affordable housing to anyone who wants to purchase a home. He stated his belief Enfield has no choice but to opt out because they have to trust their local boards to do the right thing. He noted P&Z is working on the regulations, but the State put the legislation together where they don't have a lot of time to work through that. He stated people can already add in-law apartments if they want to. Ms. Whitten responded that's correct, and there is a public hearing.

Chairman Ludwick stated perhaps P&Z can add in a special use permit for ADU's, so there's a public hearing. He noted people need a special use permit for a shed.

Mr. Bromson referred to ADU's in Thompsonville and parking requirements for ADU's and Ms. Whitten responded the Act calls for a maximum of one parking space for an ADU.

Mr. Bromson asked the Town Attorney if the drop-dead date based on Enfield's situation is the first of this year or the first of next year. Attorney Tallberg stated a town may not opt out after January 1, 2023. He noted between October 1, 2021 and January 1, 2023 any of Enfield's regulations that conflict with this, are subject to being declared null and void. He stated it is a case-by-case basis. He noted if on a particular lot, somebody came in and said they wanted to do something, they could argue based on the new law they're entitled to do something because it conflicts with the Town's regulation.

Chairman Ludwick stated Enfield is providing affordable housing, and Enfield is committed to providing affordable housing all over town.

Councilor Riley questioned how blight would be handled in the case of a blighted ADU. She went on to state they should trust Planning & Zoning when they had a unanimous vote on this. She feels Planning & Zoning is going to do what is right for the town.

Ms. Whitten stated she's not sure if there's anything in Enfield's zoning regulations that would become null and void.

Ms. Whitten stated part of the Act requires the town do a five-year housing plan and housing study, which they will have to show affordable housing promotion. She noted they will be doing that regardless.

Chairman Ludwick closed the Special Meeting at 6:59 p.m.

Sheila M. Bailey
Town Clerk
Clerk of the Council

Respectfully Submitted,
Jeannette Lamontagne
Secretary to the Council

**ENFIELD TOWN COUNCIL
MINUTES OF A REGULAR MEETING
MONDAY, OCTOBER 4, 2021**

A Regular Meeting of the Enfield Town Council was called to order by Chairman Ludwick on Monday, October 4, 2021. The meeting was called to order at 7:05 p.m.

PRAYER – The prayer was given by Chairman Muller.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was recited.

ROLL-CALL – Present were Councilor Bosco, Cekala, Cressotti, Hemmeler, Ludwick, Mangini, Muller, Riley, Sferrazza, Szewczak and Unghire. Also present were Town Manager, Christopher Bromson; Assistant Town Manager, Kasia Purciello; Town Clerk, Sheila Bailey; Town Attorney, James Tallberg; Director of Development Services, Lauren Whitten; Director of Finance, John Wilcox; Director of Public Works, Donald Nunes

FIRE EVACUATION ANNOUNCEMENT

Chairman Ludwick made the fire evacuation announcement.

MINUTES OF PRECEDING MEETINGS

MOTION #5940 by Councilor Mangini, seconded by Councilor Muller to accept the minutes of the September 20, 2021 Special Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #5940** adopted 9-0-2, with Councilors Bosco and Szewczak abstaining.

MOTION #5941 by Councilor Muller, seconded by Councilor Unghire to accept the minutes of the September 20, 2021 Regular Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #5941** adopted 9-0-2, with Councilor Bosco and Szewczak abstaining.

SPECIAL GUESTS

There were no special guests this evening.

PUBLIC COMMUNICATIONS & PETITIONS

Amanda Marquez, 8 Hoover Lane

Stated her belief Covid-19 is mainly spread by microscopic aerosols generated by breathing, talking, sneezing, and coughing, exactly the same way other viruses are spread, and the

vast majority of these infections easily penetrate common masks. She spoke at length about the ineffectiveness of masks and stated her belief people have a moral responsibility to question government and to stand up and speak out against injustices, especially when it comes to children. She noted when it comes to masks, there is a simple solution, and it is – those who choose to wear a mask can do so, and those who don't are not mandated against their free will.

Matthew Schmidt, 55 North Main Street

Spoke against the school mask mandate because he feels the forced masking of children is wrong. He feels this is an atrocity because government officials are complicit in forcing children to wear a medical device that he believes causes harm. He noted he finds it ironic the majority of this Council refuses to wear a mask. He stated it is either a case of rules for thee, but not for me, or this Council lacks the courage to do what's necessary to address the harm of forced masking of Enfield's school children. He stated it is time for a local governmental body, in the name of public health, to use its power to defend its most vulnerable populace.

Robert Tkacz, Woodgate Circle

Agreed with the past two speakers. He noted CDC calculates deaths with heart disease being number one at about 600,000, followed by cancer at about 300,000. He noted in 2019 Covid-19 was number three, but in 2020 it dropped down to number seven. He stated people wearing masks are afraid they will get a disease, but he believes they will get it anyways.

Mr. Tkacz stated he gave the Town Manager a document showing some of the richest people in the U.S. and the world are backing marijuana, and he feels for Enfield to opt out is wrong. He noted a recent survey of Massachusetts Police Chiefs showed they were apprehensive four years ago, but 90% are with the marijuana sales, and they are not having any problems that were predicted. He stated the real problem is that people want guns locked up, but not medicine cabinets where children can find opioids.

He referred to the School Board and stated instead of talking about horrifically bad math scores, they want to talk about events.

Nick Hopkins, 2 Varno Lane

Stated his belief homeowners should be able to build an accessory apartment on their property with some reasonable restrictions. He feels a person should absolutely be able to build a small structure to house an elderly parent or adult child with disabilities.

Mr. Hopkins stated at the last Town council meeting it was stated that any existing zoning regulations that don't comply with the new law would be voided on January 1, 2022 if they don't opt out. He stated his belief that was mis-stated. He referred to Section 6E of the new law that states existing regulations that don't comply with the guidelines of the new law are voided by January 1, 2023 if the town doesn't opt out. He read the following:

“If a municipality fails to adopt new regulations or amend existing regulations by January 1, 2023 for the purpose of complying with the provisions of subsection A to D, inclusive of this section and unless such municipality opts out of the provisions of subsections in accordance with the provisions of subsection F of this section, any non-compliant existing regulation shall become null

and void and such municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of subsections A-D inclusive of this section until such municipality adopts or amends a regulation in compliance with said subsections. A municipality may not use or impose additional standards beyond those set forth in subsections A-D inclusive of that section.”

He stated they have until January 1, 2022 to pass new zoning regulations that go further than the guidelines of the new state law if they wish to. He noted any regulations passed after January 1, 2022 will be required to comply with the state rules, but their existing ones would not be voided. He stated they have until January 1, 2023 to opt out of the state guidelines. He noted if they don’t opt out, any of the existing regulations that go further than the new law become void. If they opt out of the accessory apartment guidelines, but don’t pass their own by January 1, 2023, they are automatically opted into the state’s new guidelines.

Mr. Hopkins stated the Town either must adopt new regulations or amend existing regulations and they must opt out of the provision. He noted if they simply opt out, but don’t actually pass new regulations that would comply with A-D, they’ve automatically opted in.

He stated his belief that if more local control is wanted, they need to have their own regulations in place before 2022. He feels it makes most sense not to opt out before the regulations are drawn up.

Mr. Hopkins stated this new law sets some standards for accessory apartments that make sense and are predictable and understandable for homeowners. He feels the current zoning rules for accessory apartments only state, “An accessory apartment is a second dwelling unit located within a detached single-family dwelling situated on an individual lot. Such dwelling unit shall be subordinate to the principal dwelling in terms of size, location, and appearance.” He stated this is very vague, and he can’t imagine this is helpful for P&Z or homeowners considering whether they would like to build an accessory apartment for their love done.

He stated if there’s concern about people using ADU’s as short-term rentals, that can be restricted. He noted other towns have done that in Connecticut, but that is completely separate from this law. He stated his belief they should not opt out of this law just based on the misconception they can opt out of the new zoning regulation officer and certification requirements. He stated his belief this law allows them to opt out of that, and it’s just something the State just imposed.

Mr. Hopkins stated they are not allowed to opt out of this law entirely. He feels the Town should reasonably balance letting people use their property how they want, along with the rights of their neighbors to enjoy their own property.

He feels the smartest thing is for the Council to evaluate whether Enfield needs accessory apartment rules that go beyond the new law and to consider whether those rules are part of a section that they can actually opt out of. He stated his belief they are not ready to do that, especially if they are unsure what the deadlines are. He recommends postponing opting out until they’ve decided that they need stricter regulations and that they’ve actually drafted them. He noted there

is a window between now and January 1, 2022 to do that if they believe they need stricter ADU requirements.

Walter Kruzel, 21 Charnley Road

Stated two weeks ago, they proclaimed Constitution Week in Enfield, but recently the Legislature voted for the ADU bill to take powers away from local Planning & Zoning boards. He noted the Legislature also extended the Governor's executive powers until February for the sixth time on this so-called emergency.

Sheila Munroe, 3 Stacey Lane

Stated on July 23, 2021 the Department of Education released a resource to help schools, colleges and universities improve their ventilation systems to prevent the spread of Covid-19 and to provide healthy learning environments. She noted that resource outlines how the American Rescue Plan funds can be used to improve air quality and is part of the Department's broader effort to support schools as they prepare to welcome students back for in-person learning in the fall. She questioned if the \$11 million dollars of Covid money received by the Town is part of that plan. She stated if that is the case, she requested the upgrades to the schools be named. She noted if the air is being cleaned properly to fulfill the APR's expectations, wouldn't that be part of the solution, so they could unmask children so they can breathe.

Ms. Munroe stated now is the time to install air purification systems as well as central air conditioning in every school. She noted children deserve nothing less, and the available funds must be used on the children for their continued health and safety. She stated if children are demanded to wear masks 10 hours per day, she demands they use any and all measures to insure a healthy resolution.

Matthew Despard, 3 Gordon Lane

Stated his belief the Council should not opt out of this ADU legislation this evening. He feels they really need to look at this law again. He agreed with Mr. Hopkins in that they need to come up with their own regulations by January, 2022.

Chris Dantonio, 18 Montano Road

Spoke in favor of accessory apartments and allowing them as a right in Enfield. He feels zoning can be used as a force for good and bad. He noted a lot of the origins of zoning, especially exclusionary single-family zoning is not very pretty, and it has created a lot of segregation across the country. He stated he does not believe Enfield is that special in that case. He noted he is glad Enfield is doing well with affordable housing. He feels affordability plays a small part in accessory apartments, but he doesn't believe it is exclusive. He acknowledged it does seem a little heavy handed for the state to come down with these requirements. He stated his belief it does not remove local control because the town still has the ability to create good and sound zoning laws to create well-designed accessory apartments. He feels it is preemptive to opt out when they don't have a good alternative.

Robert Tkacz, Woodgate Circle

Stated he spoke to the Town Manager about the walking police officers in Thompsonville and told him they should allow only black and brown police in that area and no white officers. He stated he was told the town tries to hire them, but they can't come. He stated his belief they need

a whole new HR Department. He noted they're coming to other towns, they're easy to hire, they're looking for jobs, there are a lot of Hispanic people that could qualify, and he believes they should not hire any more white police officers.

Mr. Tkacz stated the Town Council's vote tells him that they don't trust the Enfield Police Department because they want to control them. He stated his belief they should let the Police Chief do his job and allow the marijuana.

He noted an article in the Hartford Courant talks about a conviction analysis finding disparity in the courts. He stated it starts in the street by arresting black and brown people, and when they get to the court, there's a higher conviction rate, and he feels this is wrong. He noted the Council has the power to change it, and they are not doing it.

Mr. Tkacz stated the Council must change its attitude about what's going on in the town, especially Thompsonville because he believes Thompsonville will never be revitalized with this attitude.

COUNCILOR COMMUNICATIONS & PETITIONS

Councilor Mangini stated ERFC had a wonderful fundraiser on Saturday. She noted it is a great program, and she was happy to see the many people who came out to support ERFC.

She stated October is Breast Cancer Awareness Month. She stated her hope that people will contribute to breast cancer funds.

Councilor Cressotti stated he attended the Enfield Fencing Club opening this past weekend. He noted it's exciting to see this sport come to Enfield.

He spoke about the Family Day on the Town Green, which was hosted by ERFC. He thanked Connie Provencher for her time and effort organizing this event, as well as all her co-workers who put on Family Day. He also noted the Farm to Table Dinner was well attended. He noted the food and company was excellent. He also commended all the sponsors who attended. He stated Connie Provencher asked him to thank everyone who supported this event.

Councilor Cressotti stated a resident from 36 Oakridge Street contacted him about the high rate of speed by motorists in this neighborhood. He noted this road is being used as a cut through and he questioned if this could be an area that could be studied for some traffic calming, i.e., stop sign, speed bumps.

Councilor Unghire stated she attended an open house at Enfield High School, and she spent some time in the School Career Center and spoke with Colene Ceniglio and Jamie Botteron, and they do a great job.

She stated she attended the ribbon cutting of the new Enfield Fencing Club. She noted the demonstration was exciting. She stated this facility is in the Stop & Shop Plaza.

Councilor Unghire stated she attended the Enfield Together Coalition meeting, and they are having a drug take-back day on October 23rd. She noted there are drop boxes at the Enfield Police Department and Enfield Town Hall.

MOTION #5942 by Councilor Muller, seconded by Councilor Mangini to suspend the rules to address under Miscellaneous Items 14 A1-A3, E, F, G, H, I, J, K, and L

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #5942** adopted 10-0-0.

Chairman Ludwick commended Enfield residents for all their Halloween decorations.

Chairman Ludwick advised people to read their history regarding using military on the streets. He feels it is dangerous to put the military on the streets.

TOWN MANAGER REPORT & COMMUNICATIONS

Mr. Bromson referred to Councilor Cressotti's remarks about traffic calming and stated this will be a topic at the Public Safety Committee meeting tomorrow morning.

Referring to Mr. Tkacz's comments about the police, Mr. Bromson stated it has been a priority to recruit and keep minority officers in the town. He noted a lot of younger officers want an urban setting for police work. He stated Enfield has tried, and they've worked with NAACP to advertise in their magazines to try and recruit minorities. He noted since he last spoke to Mr. Tkacz, the Town hired two minority officers in the span of about a month. He stated since Chief Fox has been here, they went from one African American to three African American officers and they went from two Hispanic officers to four Hispanic officers, and they are hiring another one. He noted this does not include all the female officers that they've hired.

Mr. Bromson stated this Town Council, after the budget, invested \$400,000 in manpower in addition to the upgrades to put a substation in Thompsonville. He noted Chief Sferrazza previously said he asked for many years to commit resources to Thompsonville, and that was done. He noted they have four officers committed to Thompsonville only. He stated he would cringe to think that Mr. Tkacz really meant that they're going to say that in certain areas, black and Hispanic officers are the only ones that can patrol. He noted that is not something that they would entertain doing. He stated they are going to hire the best people, and those people will work throughout the town.

He stated there was a good discussion with the Opera House Players in Executive Session this evening.

Rails to Trails

Ms. Whitten stated awhile ago, the DOT gave a presentation to the Town Council on the actual freight line on the eastern part of town, which will become active. She noted a lot of people hoped it would become a rail to trail, but that is not going to happen, however, there is the possibility that they could have a shared right-of-way with the trail and the railroad itself.

Ms. Whitten stated the first step would be the town's submittal to the DOT, which would be a conceptual trail design. She noted they would have to show that they could fit a four or ten-foot trail within the right-of-way, which must be at least 25 feet from the edge of the railroad tie. She noted she did a quick GIS survey, and it looked as though most of the six-mile-long trail could support that, but then there are areas of woods and wetlands, bridges, etc. which are impediments. She stated if they were to move forward, they'd have to conduct a title search for the entire six miles of the railroad to ascertain what easements have already been granted, which would probably be very cumbersome and costly.

She noted if they did produce a conceptual trail design, they would review the right-of-way mapping, the locations of the crossings, turnouts, the topography, and site line impediments, etc. She stated they would look at existing operations and the potential impact on future operations. She noted as far as she can tell, this freight line is going to become live again.

Ms. Whitten referred to dual use of the trail and noted they would have to have a design approval process with Connecticut DOT. She noted there's entry permitting just to even get the land survey done, and they must have an agreement with the DOT and all the title holders. She stated the Town would have to buy out the title holders or have a subordination with each one of them.

She stated the next step would be to submit to the Surface Transportation Board, which is an independent federal agency, which is charged with economic regulation of various modes of transport, especially railroad, and they interact with Congress, executive agencies, state, and local governments. She noted she was told it would be a hard sell to have this dual combination within the same right-of-way.

Ms. Whitten stated she did ask one of the representatives if they ever heard of a rail running alongside a trail in the State of Connecticut, and they could not come up with one example.

She stated she calculated some estimates, and the anticipated known costs are \$1.5 million dollars for a four-foot-wide path, inclusive of construction costs. She noted if it were to be a 10-foot-wide path, the cost would be \$3.6 million dollars.

Councilor Sferrazza stated his understanding it is a federal decision as to whether the train will be using this track, and Ms. Whitten stated ultimately it is federal, but it really comes from CT DOT.

Councilor Sferrazza stated his understanding one railcar can handle ten truckloads and could be more cost effective for a business. He noted if that were to be a reality, could that be an economic incentive for a business to want to build or purchase something if they have access to a rail line. Ms. Whitten stated her belief it would be if someone wanted to utilize the rail line, and there is a company that does want to use it. She added it could be an economic incentive.

Councilor Sferrazza stated his understanding the estimate of \$1.5 million dollars would come from Enfield taxpayers, and Ms. Whitten responded yes.

Mr. Bromson recommended Ms. Whitten could see if someone could look at the easement issues concerning distances to get a cost for that.

Chairman Ludwick stated he does not want to abandon this idea. Mr. Bromson noted the Council will be kept updated.

Amtrack/Eversource

Ms. Whitten stated Amtrack erected 8-foot fencing on Depot Street, and that prevents people from accessing the open space that Eversource owns on the north side of the tracks in the area where the tracks come into Enfield from across the river. She noted she emailed Eversource concerning this matter.

She stated they thought about how else people can access that property. She noted they looked at the idea of developing a trail, which goes south from the boat launch on Parsons Road. She stated they could apply for a grant through Eversource, so they could create a little trail system. She noted this must be sponsored by a non-profit, but there are no non-profits in Enfield that are actually for conservation or environmental things. She stated she will look at some of the dog groups, who could walk their dogs there. She noted the hard part will be getting Amtrack to offer the easement.

Councilor Hemmeler stated there has been some misinformation out there, so she requested the Town Manager explain why an organization as large as the Town would carry debt, what the debt is made up of, and that it was the taxpayers that actually voted for it.

Mr. Bromson stated Enfield, like any other city or town in the state, must have a balanced budget, which is state law. He noted when they go through the process every year, that is done. He noted Enfield has had very good fiscal stewardship over decades, to the point where they must have a rainy-day fund of about \$13 million dollars in the bank. He noted before the last budget, they had \$39 million dollars, and even after the expenditures and the CIP, there is over \$30 million dollars.

He stated Enfield has bonds and obligations, like any other city or community. He noted each year he must go before Standard and Poor's for them to go over every facet of the annual report and all financial statements. He stated that was done this year, and Standard and Poor's knows what Enfield's past borrowing is, and they encouraged Enfield to do the referendum questions because they want to see investment in the town. He pointed out Enfield has invested in its infrastructure over the years.

Mr. Wilcox stated as of the end of 2020, Enfield had a little over \$103 million dollars of outstanding debt. He noted \$81 million dollars of that was for roads projects from Roads 2005, 2010, and 2015 projects. The high school is about \$21 million dollars. He noted the debt will fluctuate because they will be bonding for the JFK Middle School project and the sewer plant.

Mr. Wilcox stated Enfield has a very healthy fund balance with a total fund balance of \$39.9 million dollars with \$8 million restricted, therefore, they had about \$31.8 million dollars of unassigned funds. He stated the previous Council adopted a Fund Balance Policy requiring them to maintain an unassigned Fund Balance of at least 9% of their projected expenditures. He noted for 2022, the Fund Balance reserve requirement is about \$13.8 million dollars, and they have about \$18 million dollars over that.

Mr. Wilcox stated they are in very good fiscal shape, and Standard & Poor's rates the town every year, and Enfield's rating is AA Stable, and Standard & Poor's expects Enfield to remain at AA. He noted under Standard & Poor's definition, this means the Town of Enfield's capacity to meet its financial commitments on the obligation is very strong.

Councilor Sferrazza stated his understanding that having an AA rating correlates directly to what Enfield must pay when they borrow money, so they get a more favorable rate because of the AA rating, and Mr. Wilcox responded that's correct.

Mr. Bromson stated last year and this year, Enfield got a favorable borrowing rate, and they got as low as any municipality in Connecticut. He stated last year they re-negotiated and saved about a million dollars over a few years because of Enfield's high standing in the rating industry.

Councilor Unghire requested the Town Manager add Spier Avenue as an area to be looked at for speeding problems.

TOWN ATTORNEY REPORT & COMMUNICATIONS

Attorney Tallberg stated last week on September 28th, Governor Lamont ordered Executive Order #14, which renewed through February 15, 2022 the declarations of public health and civil preparedness emergencies that were originally declared on March 10, 2021. He noted some of the executive orders were allowed to expire, but some were extended all the way through February 15, 2022, i.e., the masking requirements in schools pursuant to Executive Order #9, Section 1 and the extension of municipal orders allowed under Executive Order #13A. He noted there has been some commentary about masks in schools and whether those orders should be obeyed. He stated his only observation is that, although it was 25 years ago when he was sworn into the bar, he swore to uphold the laws and the Constitution of the United States, not just the laws he liked, but all the laws, and those Executive Orders have the force of law. He stated as the Town Attorney, it is his recommendation that the Town follow the laws.

Referring to Mr. Hopkins comments about the ADU's, Attorney Tallberg stated lawyers often disagree about things, especially statutory interpretation. He noted he would not concede the point made by Mr. Hopkins with regards to the deadlines. He stated they can agree that the section he read in the record, which is part of Section 6, Subsection 6b-e, in particular, provides that as of January 1, 2023 any existing regulation that does not comply with this new Act shall be null and void. He stated what is less clear is what happens with these rolling sets of deadlines that started October 1 and include January 1, 2022. He stated the section that Mr. Hopkins did not read into the record states is Section 6, Page 13 of 28, "Effective January 1, 2022 any zoning regulations adopted pursuant to Section 8-2 of the general statutes, as amended by this act, shall..." and that lists three pages of requirements that are consistent with the spirit and intent of this new law. He stated some of his peers in the Connecticut Association of Municipal Attorneys have construed this to call into doubt what would happen to existing regulations as of January 1, 2022. He noted reasonable lawyers can disagree about these things, and it is not unusual when you have a new law that in an adversary process, lawyers who practice land use and want to see broader rights will go to court and argue for a broader interpretation, and on the other side, town attorneys will argue that

they don't have these obligations. He stated as Enfield's Town Attorney, he does not want to litigate these issues, but he knows for certain that January, 2023 they'll be null and void. He noted it's not really clear what's going to happen between now and then. He stated he can say for sure that if the Town opts out, they don't have to worry about it, and that is the basis for his advice.

Chairman Ludwick referred to masks, and on the box, it says it doesn't protect you which is interesting. He questioned if a child became sick from wearing a mask, what recourse would a parent have. Attorney Tallberg stated that is not a question he can answer.

Councilor Sferrazza stated his understanding Executive Orders are not recommendations, but in fact they are law, and it is his understanding a violation is a Class D Felony, and Attorney Tallberg stated it is actually legislation that can be invoked, so they have this mechanism in place when there is an emergency, and they are valid and enforceable. He stated some of them have been challenged in court, not with much success. He stated Councilor Sferrazza is correct in that they have the force of law.

REPORT OF SPECIAL COMMITTEES OF THE COUNCIL

There were no reports this evening.

OLD BUSINESS

Items A through D remained tabled.

MOTION #5943 by Councilor Mangini, seconded by Councilor Muller to remove Item E. from the table.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #5943** adopted 11-0-0.

RESOLUTION #5944 by Councilor Muller, seconded by Councilor Cekala.

WHEREAS, the Planning and Zoning Commission (PZC) has recommended that the Town opt out of Public Act No. 21-29 Accessory Dwelling Units (ADU) provisions; and

WHEREAS, in order to opt out of the ADU provisions, the Town Council must hold a public hearing subsequent to the PZC public hearing and gain a two-thirds vote in favor of opting out; and

WHEREAS, the Town Council held a public hearing on September 20, 2021; and

WHEREAS, there are legitimate concerns with the proposed ADU regulations,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council vote to opt out of Public Act No. 21-29 Section 6(f) for the ADU provisions.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #5944** adopted by an 8-3-0 vote, with Councilors Cekala, Cressotti and Mangini voting against the resolution.

NEW BUSINESS

There were no New Business items.

ITEMS FOR DISCUSSION

All items have been moved to Miscellaneous.

MISCELLANEOUS

MOTION #5945 by Councilor Muller, seconded by Councilor Mangini to accept the Consent Agenda.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #5945** adopted 11-0-0.

- Resolution to approve \$8,000 transfer of funds to Enfield Beautification Committee
- Resolution to approve \$7,500 transfer of funds for Family Resource Center
- Resolution for transfer of \$10,000 donated for Family Resource Center

Resolutions appended to these minutes

RESOLUTION #5946 by Councilor Muller, seconded by Councilor Mangini.

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter, the following transfer is hereby made:

TO: COVID-19 Fund

Enfield Express – Buildings	24500340-572000	\$600,000
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FROM: COVID-19 Fund

Revenue-Grants-COVID-Federal	24540000-460004	\$600,000
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CERTIFICATION: I hereby certify that the above-stated funds are available as of September 28, 2021.

/s/ John Wilcox, Director of Finance

Mr. Bromson stated due to the Council's vision and looking at this a couple years ago and leasing with the option to buy brings them to this point. He noted at the height of COVID, the Town was looking for new and innovative ways to deliver services to residents in a safe way. He noted as part of the building consolidation plan, they moved the tax and assessor's office to this new location. He stated this building comes with two acres and this area can be used for about 100 new parking spaces, which will accommodate visitors to Higgins Park and the Farmers Market.

He noted the Higgins Park is under construction, and the playscape is up. He stated hopefully after action tonight, there will groundbreaking for the outdoor basketball court. He noted the Council already funded the walking trails-one trail a quarter of a mile and another for a third of a mile. He stated that groundbreaking will soon take place.

Mr. Bromson stated they also will be leasing with an option to buy the 9,000 square foot St. Adalbert's gymnasium, and this facility can be used for tournament basketball, pickleball, volleyball, indoor walking track, a climbing wall, stages for theater, and this will be part of the Town Green. He stated these plans are being completely paid for by the U.S. Government because Enfield had the forethought to do this for COVID, and it was eligible, as is the \$450,000 to put in the parking area. He noted this is one of the first items that they are bringing forward under American Recovery. He pointed out anyone can go online to see the recommendations for the rest of that funding. He stated each project will be brought forward for Council consideration.

He referred to a comment under Public Communications about American Recovery funding, and he pointed out the Town of Enfield's funding is separate from the school system's funding. He noted the Town of Enfield's funding is \$12.9 million dollars over two years, and they received \$6.3 million dollars. He stated the School Department is more, but it is eligible for all of the projects raised earlier. He noted they are working with the Superintendent of Schools on a joint project for the athletic fields at the high school, and they will have more information in the next few weeks.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #5946** adopted 10-0-0. Councilor Bosco absent at the vote.

RESOLUTION #5947 by Councilor Muller, seconded by Councilor Unghire.

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter, the following transfer is hereby made:

TO: COVID-19 Fund

Enfield Express – Buildings	24500340-572000	\$125,000
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FROM: COVID-19 Fund

Revenue-Grants-COVID-Federal	24540000-460004	\$125,000
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CERTIFICATION: I hereby certify that the above-stated funds are available as of September 28, 2021.

/s/ John Wilcox, Director of Finance

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #5947** adopted 10-0-0. Councilor Bosco absent at the vote.

RESOLUTION #5948 by Councilor Muller, seconded by Councilor Mangini.

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter, the following transfer is hereby made:

TO: General Fund

Unallocated Charges-Water/Sewerage	10800092-541100	\$1,236,934
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FROM: General Fund

Unallocated Charges-Transfers to Capital	10800092-593010	\$ 636,000
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Revenue-Appropriated Fund Balance	10040000-499000	\$ 600,934
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CERTIFICATION: I hereby certify that the above-stated funds are available as of September 28, 2021.

/s/ John Wilcox, Director of Finance

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #5948** adopted 10-0-0. Councilor Bosco absent at the vote.

RESOLUTION #5949 by Councilor Muller, seconded by Councilor Mangini.

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter, the following transfer is hereby made:

TO: General Fund

Unallocated Charges – Water/Sewerage	10800092-541100	\$370,000
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FROM: General Fund

Revenue – Appropriated Fund Balance	10040000-499000	\$370,000
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CERTIFICATION: I hereby certify that the above-stated funds are available as of September 29, 2021.

/s/ John Wilcox, Director of Finance

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #5949** adopted 10-0-0. Councilor Bosco absent at the vote.

RESOLUTION #5950 by Councilor Muller, seconded by Councilor Mangini.

WHEREAS, the FY2021-2022 budget includes funding for four part-time Youth Center Assistant positions; and

WHEREAS, a \$1.00 per hour wage increase has been proposed for the part-time Youth Center Assistant positions; and

WHEREAS, in order to fund the proposed wage increase, one of the four part-time Youth Center Assistant positions will have to be abolished.

NOW, THEREFORE, BE IT RESOLVED, that the number of part-time Youth Center Assistant positions be reduced from four to three; and

BE IT FURTHER RESOLVED, that in accordance with Chapter V, Section 14 of the Town Charter, the Enfield Town Council does hereby approve the wage adjustment for the remaining three Youth Center Assistant positions by increasing the current wage rate by \$1.00 per hour and the starting wage to \$14.00/hour.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #5950** adopted 10-0-0. Councilor Bosco absent at the vote.

RESOLUTION #5951 by Councilor Muller, seconded by Councilor Mangini.

WHEREAS, the Town of Enfield (Town) intends to purchase the gymnasium located at 90 Alden Avenue; and

WHEREAS, pursuant to Connecticut General Statutes 8-24, the Town Council will refer this acquisition to the Planning and Zoning Commission for a report in conformance with the requirements of Connecticut General Statutes 8-24; and

NOW, THEREFORE, BE IT RESOLVED, that the acquisition listed above is referred to the Planning and Zoning Commission in conformance with the requirements of Connecticut General Statutes 8-24.

Mr. Bromson stated this is the new basketball tournament facility that they are just referring to get permission to buy it.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #5951** adopted 10-0-0, with Councilor Bosco absent at the vote.

RESOLUTION #5952 by Councilor Muller, seconded by Councilor Mangini

WHEREAS, the Council has determined that it is in the best interests of the Town that a basketball court be installed at Higgins Park, and that such basketball court be opened for use for the fall of 2021; and

WHEREAS, conducting a competitive bidding process would add significant delays to the project which would delay opening until the summer of 2022.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Chapter V, Section 8, Paragraph (d) of the Enfield Town Charter, the Enfield Town Council does hereby determine that it is against the best interests of the Town to require competitive bidding for the construction of a basketball court at Higgins Park.

Mr. Bromson stated this is part of the Higgins Park, and it is both the two walkways and the basketball court that was previously funded. He stated they did a lot of these projects before adopting the budget because he knew there was going to be a long lead time, and that is why they did them separately. He noted they have a well-known contractor for the basketball court.

He noted a week from Friday, there will be two ribbon cuttings for the basketball courts just completed at Alcorn and LaFayette.

Mr. Nunes stated the contractor, who did LaFayette Park, is available to start work on Wednesday, depending on the outcome of tonight's resolution, and it would be within the budget that was set. He noted things are working out well.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #5952** adopted 10-0-0, with Councilor Bosco absent at the vote.

RESOLUTION #5953 by Councilor Muller, seconded by Councilor Mangini.

WHEREAS, the Council has determined that it is in the interests of the Town that a walkway be installed at Higgins Park as part of the master plan, and that such walkway could be opened for use for the fall of 2021; and

WHEREAS, conducting a competitive bidding process would add significant delays to the project which would delay opening until the summer of 2022.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Chapter V, Section 8, Paragraph (d) of the Enfield Town Charter, the Enfield Town Council does hereby determine

that it is against the best interests of the Town to require competitive bidding for the construction of a walkway at Higgins Park.

Mr. Bromson stated there are three more weeks for the Enfield Farmers Market. He noted it has been a great success with many wonderful vendors, music, and ice cream for the children. He stated hopefully they'll be moving to the Enfield Square again for the winter season.

Chairman Cekala stated the walking path is the reason why they do not have a softball field in that area. She noted they were super enthused about tearing down that softball field, and she does not understand why a bid request did not go out months ago on this. She stated she was not in favor of the way Higgins Park is now being created. She stated she is not in favor of this bid waiver because it should have been done months ago.

Mr. Bromson stated they were doing so many projects with Public Works, and that's why they have a description under the Novak Report to add an additional administrator because they are just overwhelmed with over 80 projects, and they're going from one to the next, and it has been a herculean task to try and get all the fields open. He determined the fact that they could not get anyone interested to do it, so it was decided to go this route. He noted Councilor Cekala's remarks are understood.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #5953** adopted 9-1-0, with Councilor Cekala voting against the resolution. Councilor Bosco absent at the vote.

PUBLIC COMMUNICATIONS

Chris Dantonio, 18 Montano Road

Stated he saw a very quick poll about the cannabis dispensary on the Enfield CT Open Forum on Facebook. He noted 1,667 voted in favor of a dispensary; 200 voted they did not care either way and 68 voted they did not want a dispensary. He noted this is something to think about. He referred to rushing to a vote or making a vote without taking the public into account.

Matthew Schmidt, 55 North Main Street

Referred to the legal ramification of going against the mask mandate and stated this country has had bad laws in the past that effected people poorly, and it took people fighting those laws to get them changed.

Mr. Schmidt stated he does not know if the Town Attorney has looked at the Prep Act, which is a federal law that provides broad immunity to agencies such as municipal and state agencies in implementing covered counter measures, and masking is one. He noted he does not know if that is an option, i.e., if the Town were to have a different mask policy of some sort and whether that would trump that. He stated his hope the Council will look into that. He noted there are a number of amendments to the Prep Act, one of which allows veterinarians to give Covid vaccines.

Robert Tkacz, Gatewood Circle

Stated when any poll is run across the country regarding marijuana usage, 63% to 83%-Massachusetts was 83%. He noted they may as well change the town from Enfield to Mayberry because there's no crime here.

COUNCILOR COMMUNICATIONS

There were no comments.

ADJOURNMENT

MOTION #5954 by Councilor Mangini, seconded by Councilor Unghire to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #5954** adopted 10-0-0, and the meeting stood adjourned at 8:20 p.m.

Respectfully submitted,

Sheila M. Bailey
Town Clerk
Clerk of the Council

Jeannette Lamontagne
Secretary to the Council

Appended to the minutes of the
October 4, 2021 Town Council
meeting. See page 11

**ENFIELD TOWN COUNCIL
REQUEST FOR TRANSFER OF FUNDS**

RESOLUTION NO. _____

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter,
the following transfer is hereby made.

TO: Enfield Beautification Committee

Miscellaneous	10190955-589000	\$8,000
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FROM: General Fund

Contingency	10800092-584000	\$8,000
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CERTIFICATION: I hereby certify that the above-stated funds are available as of
September 22, 2021.



John Wilcox, Director of Finance

9/22/21

Date:

APPROVED BY: 

Christopher Bromson, Town Manager

10/1/21

Date:

**ENFIELD TOWN COUNCIL
REQUEST FOR TRANSFER OF FUNDS**

RESOLUTION NO. _____

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter, the following transfer is hereby made.

TO: Family Resource Center OEC Summer Funding Grant

Instructional Supplies	24540470 561100	\$7,500
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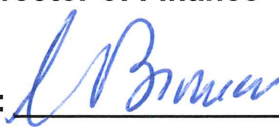
FROM: Family Resource Center OEC Summer Funding Grant

Parent Activities	24540470 532500	\$7,500
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CERTIFICATION: I hereby certify that the above-stated funds are available as of
September 24, 2021



John Wilcox, Director of Finance

APPROVED BY:  Town Manager

Date: 10/1/21

Appended to the minutes of the
October 4, 2021 Town Council
meeting. See page 11

**ENFIELD TOWN COUNCIL
REQUEST FOR TRANSFER OF FUNDS**

RESOLUTION NO. _____

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter, the following transfer is hereby made.

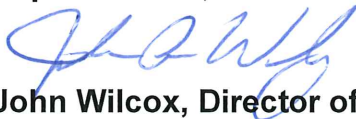
TO: Family Resource Center USA Hauling and Recycling

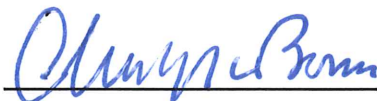
Instructional Supplies	22046136 561100	\$5,000
Other Supplies/Materials	22046136 561900	\$5,000

FROM: Family Resource Center

FRC USA Hauling and Recycling	22046136 460163	\$10,000
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CERTIFICATION: I hereby certify that the above-stated funds are available as of
September 24, 2021.


John Wilcox, Director of Finance

APPROVED BY:  Town Manager

Date: 10/1/21



TOWN OF ENFIELD

October 8, 2021

Honorable Member
Enfield Town Council
Enfield, Connecticut

Subject: Resolution Authorizing the Transfer of Funds for Winter Recreation \$6,000

Councilors:

Highlights:

- The Leisure Services Subcommittee met on 10/6/2021 and indicated they would like to move forward on providing winter recreation services to residents this upcoming winter.
- This transfer will allow the Recreation to purchase snowshoes in various sizes, snowman kits, and snow fort building supplies to be available for lending at the Central Library.
- Lastly, this transfer will allow for the provision of a temporary ice rink at Powder Hollow Park available for resident use.

Budget Impact:

Funding will be transferred from contingency.

Recommendation:

That the Town Council adopt the attached resolution.

Respectfully Submitted,

Kasia Purciello
Assistant Town Manager

Attachments:

1. Resolution.

ENFIELD TOWN COUNCIL
REQUEST FOR TRANSFER OF FUNDS

RESOLUTION NO. _____

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter, the following transfer is hereby made.

GENERAL FUND

FROM:

10800092-584000 \$ 6,000
General Fund - Unallocated-Contingency

TO:

10300340-561800 \$ 5,000
Buildings & Grounds-Athletic
Supplies/Materials

10800092-593025 \$ 1,000
General Fund - Unallocated-Trf To Library
Fund

LIBRARY FUND

FROM:

22505530-480001 \$ 1,000
Lib/Leisure-Rec Programs-Gen Fund Transfer In

TO:

22505530-561800 \$ 1,000
Lib/Leisure-Rec Programs-Athletic
Supplies/Materials

CERTIFICATION: I hereby certify that the above-stated funds are available as of October 12, 2021.



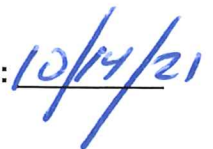
John A. Wilcox, Director of Finance

APPROVED BY: _____



Town Manager

Date: _____





TOWN OF ENFIELD

September 29, 2021

Honorable Members
Enfield Town Council
Enfield, Connecticut

Subject: Request for Transfer of Funds for the Demolition and Removal of 327 Hazard Avenue \$38,107

Councilors:

Highlights:

- The former Buildings & Grounds wood shop located at 327 Hazard Avenue is unused and in poor condition. The building would require extensive repairs in order to be used again. The Town continues to pay monthly connection charges for electricity.
- There are no prospective plans to use the building, and if it continues to deteriorate it will eventually become a hazard to public safety.
- The Department of Public Works believes that it is in the best interest of the Town of Enfield to demolish and remove the building.
- The Department of Public Works respectfully requests that Town Council transfer the sum of \$38,106.20 from available funds for the demolition and removal of the former Buildings & Grounds wood shop located at 327 Hazard Avenue

Budget Impact:

There will be no impact on the town budget.

Recommendation:

I recommend that the Town of Enfield Town Council approve the attached resolution.

Respectfully Submitted,

Donald Nunes
Director of Public Works

Attachments:

1. Resolution.

**ENFIELD TOWN COUNCIL
REQUEST FOR TRANSFER OF FUNDS**

RESOLUTION NO. _____

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter the following transfer is hereby made.

TO: Department of Public Works-Buildings and Grounds

Construction Services	10300340-545000	\$38,107
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FROM: General Fund

Contingency	10800092-584000	\$38,107
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CERTIFICATION: I hereby certify that the above-stated funds are available as of October 7, 2021



John Wilcox, Director of Finance

10/13/21
Date:

APPROVED BY:



Christopher Bromson, Town Manager

10/14/21
Date:



TOWN OF ENFIELD

October 13, 2021

Honorable Member
Enfield Town Council
Enfield, Connecticut

Subject: Request for Transfer of Funds to Close FY 2021

Councilors:

Highlights:

- This is a "Housekeeping" transfer to remove all negative budget items from the FY2021 fiscal year.
- This is an annual transfer request.
- Most of the accounts in this transfer are salary and benefit related accounts caused by salary increases due to union contract negotiations or benefit election changes.

Budget Impact:

There is not budget impact to this transfer.

Recommendation:

I recommend that the Town Council approve the attached resolution.

Respectfully Submitted,

John A. Wilcox
Finance Director

Attachments:

1. Resolution
2. Attachment A

ENFIELD TOWN COUNCIL
RESOLUTION NO. _____

Resolution Approving Transfers of Funds to Close Fiscal Year 2020

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter, the following transfer referred to as Attachment A, is hereby made.

CERTIFICATION: I hereby certify that the funds stated in Attachment A are available as of October 13, 2021

Created: John A. Wilcox, Director of Finance
Date: October 13, 2021

Department	Account	Description	To Amount	From Amount	Account	Description
General Fund						
Town Manager						
	10120000	511000 Salaries	49,653	5,206	10120000	550000 Other Purchased Services
	10120000	516000 Stipend	5,206	1,118	10120000	589000 Miscellaneous Expenditures
	10120000	522000 Social Security	1,118			
Town Attorney						
	10130000	511000 Salaries	4,377	1,960	10130000	532200 Professional Development
	10130000	521500 Life Insurance/Disability	16	2,492	10130000	533200 Legal
	10130000	522000 Social Security	49			
	10130000	522100 Medicare	10			
Registrar of Voters						
	10150000	522000 Social Security	48	48	1015000	532200 Professional Development
Town Clerk						
	10160100	521000 Health/Medical Insurance	16,150	2,115	10160100	554000 Advertising
	10160100	522000 Social Security	513	513	10160100	533900 Other Professional Services
Records Management						
	10161600	511000 Salaries	2,115	267	10161600	561200 Office Supplies
	10161600	516000 Stipend	63			
	10161600	521000 Health/Medical Insurance	1			
	10161600	522000 Social Security	165			
	10161600	522100 Medicare	38			
Human Resources						
	10170000	511000 Salaries	6,574	6,574	10170000	533900 Other Professional Services
Finance						
	10180100	511000 Salaries	5,384	6,354	10180100	533100 Financial/Audit
	10180100	516000 Stipend	8			
	10180100	521000 Health/Medical Insurance	962			
Treasury						
	10181000	511000 Salaries	4,103	4,103	10181000	521000 Health/Medical Insurance
Assessor						
	10183000	511000 Salaries	11,491	5,287	10183000	533900 Other Professional Services
	10183000	521000 Health/Medical Insurance	5,287	2,436	10183000	555000 Printing and Reproduction
General Services						
	10184000	511000 Salaries	2,436	111	10184000	522000 Social Security
	10184000	512000 Salaries - Part Time	111			
Historic District Commission						
	10190960	512000 Salaries - Part Time	172			
	10190960	522000 Social Security	10			
	10190960	522100 Medicare	3			
	10190960	553500 Postage	20			
Planning and Zoning Commission						
	10190961	553500 Postage	2	207	10190961	512000 Salaries - Part Time

Department	Account	Description	To Amount	From Amount	Account	Description
Public Safety Communications						
	10200250	521000 Health/Medical	41,767	14,948	10200250	511000 Salaries
				2,211	10200250	532200 Professional Development
				24,608	10200250	543200 Equipment Repair and Maintenance
School Security						
				99,168	10200270	514000 Overtime
Police Services						
	10200500	511000 Salaries	247,353	2,731	10200500	558000 Travel
	10200500	514000 Overtime	212,137	14,500	10200500	562600 Gasoline
	10200500	519000 Employee Separation Pay	21,468			
	10200500	521000 Health/Medical	37,570			
	10200500	521200 Heart & Hypertension	41,877			
	10200500	521500 Life Insurance/Disability	22			
	10200500	522000 Social Security	4,210			
	10200500	522100 Medicare	8,521			
Emergency Management						
	10250000	512000 Salaries - Part Time	2,534			
	10250000	521500 Life Insurance/Disability	4			
	10250000	522000 Social Security	157			
	10250000	522100 Medicare	36			
Public Works Administration						
	10300100	511000 Salaries	19,293			
	10300100	513000 Salaries-Temp/Seasonal	90			
	10300100	516000 Stipend	17			
	10300100	521000 Health/Medical	4,105			
Custodial Maintenance						
				23,505	10300345	514000 Overtime
Highway Maintenance						
	10300370	521000 Health/Medical	360	360	10300370	515100 Shift
Refuse Collection and Disposal						
	10300390	521000 Health/Medical	1,880	1,880	10300390	511000 Salaries
Development Services Administration						
	10600100	511000 Salaries	6,876			
	10600100	516000 Stipend	8			
	10600100	521000 Health/Medical	1,499			
	10600100	521500 Life Insurance/Disability	16			
	10600100	522000 Social Security	69			
	10600100	522100 Medicare	17			
Planning						
				28,188	10606100	521000 Health/Medical
T'ville Revitalization						
	10606155	514000 Overtime	5,891			
	10606155	521000 Health/Medical	18,123			

Department	Account	Description	To Amount	From Amount	Account	Description
	10606155	522100 Medicare	1,045			
Economic and Comm Develop						
	10606600	511000 Salaries	2,114			
	10606600	521500 Life Insurance/Disability	16			
	10606600	522000 Social Security	810			
	10606600	522100 Medicare	189			
Building Inspection						
	10606800	511000 Salaries	16,920			
	10606800	512000 Salaries - Part Time	8,436			
	10606800	514000 Overtime	1,390			
	10606800	516000 Stipend	50			
Employee Benefits						
	10800091	519000 Employee Separation Pay	211,424	65,803	10800091	523000 Pension-Municipal Employee
				211,424	10800091	523100 Pension-Police
Unallocated Charges						
				506,262	10800092	593070 Transfer to Collective Bargaining
Debt Service						
	10800096	583000 Interest Expense	3,573	3,573	10800096	533100 Financial/Audit
Total General Fund			1,037,952	1,037,952		

Social Services

Social Services Admin

22040001 521000 Health/Medical 12,611

Congregate Living

22040413 521000 Health/Medical 3,462 4,981 22040413 511000 Salaries
22040413 522000 Social Security 1,230
22040413 522100 Medicare 289

Child Development

12,611 22040432 521000 Health/Medical

Neighborhood Services

22040460 511000 Salaries 1,686 1,686 22040460 521000 Health/Medical

Family Resource Center

22040470 512000 Salaries - Part Time 1,905 6,399 22040470 511000 Salaries
22040470 516000 Stipend 650
22040470 521000 Health/Medical 3,329
22040470 521500 Life Insurance/Disability 48
22040470 522000 Social Security 379
22040470 522100 Medicare 88

Total Social Services Fund

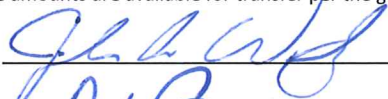
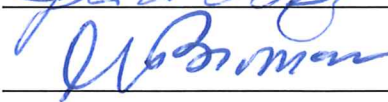
25,677 25,677

Department	Account	Description	To Amount	From Amount	Account	Description
Library Fund						
Library & Leisure - Admin						
	22505500	511000 Salaries	9,032			
	22505500	516000 Stipend	137			
Library						
				9,169	22505510	521000 Health/Medical Insurance
Total Library Fund			<u>9,169</u>	<u>9,169</u>		

Information Technology Fund						
Information Technology						
	24012100	511000 Salaries	7,110	7,250	24012100	553100 Telephone
	24012100	516000 Stipend	140			
Public Communications						
	24012107	512000 Salaries - Part Time	118	241	24012107	543000 Repairs/Maintenance
	24012107	522000 Social Security	58			
	24012107	522100 Medicare	65			
Total Information Technology Fund			<u>7,491</u>	<u>7,491</u>		

I hereby certify that the amounts are available for transfer per the guidelines established by the Town Council.

Finance Director

Town Manager



TOWN OF ENFIELD

October 13, 2021

Honorable Members
Enfield Town Council
Enfield, Connecticut

**Subject: Request for Transfer of Funds for Freshwater Dam Capital Improvement
Project \$100,000**

Councilors:

Highlights:

- The training wall of the Freshwater Pond Dam is in poor condition and requires repairs. The Town is currently under an order from Connecticut DEEP to complete repairs. Failure to complete repairs could result in negative publicity, damage to property, and fines levied against the Town.
- The Council has previously appropriated the sum of \$350,000 for repairs. After engineering and design expenses, \$274,540 of that sum remains for the cost of construction.
- The Department of Public Works has issued a request for proposals for this construction work, and the low bid was \$372,320.
- The low bidder, New England Infrastructure, Incorporated of Hudson, Massachusetts, is expected to complete repairs by the end of this year if a purchase order is issued promptly.
- The Department of Public Works respectfully requests that Town Council transfer the sum of \$100,000 from available funds to complete the required repairs.

Budget Impact:

This transfer will increase the town budget.

Recommendation:

I recommend that the Town of Enfield Town Council approve the attached resolution.

Respectfully Submitted,

Donald Nunes
Director of Public Works

Attachments:

1. Resolution.

ENFIELD TOWN COUNCIL
REQUEST FOR TRANSFER OF FUNDS

RESOLUTION NO. _____

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter, the following transfer is hereby made.

GENERAL FUND

FROM:

10040000-499000 \$100,000
General Fund Revenue – Appropriated Fund Balance

TO:

10800092-593010 \$100,000
General Fund - Unallocated-Transfers to
Capital

CAPITAL AND NON-RECURRING FUND

FROM:

31042022-480001 \$100,000
CIP Fund Revenue FY21-22 - Gen Fund Transfers In

TO:

31008335-545000 \$100,000
Freshwater Dam Training Wall - Construction
Srvcs

CERTIFICATION: I hereby certify that the above-stated funds are available as of October 13, 2021.



John A. Wilcox, Director of Finance

APPROVED BY:  **Town Manager**

Date: 10/14/21



TOWN OF ENFIELD

October 6, 2021

Honorable Member
Enfield Town Council
Enfield, Connecticut

Subject: Request for Transfer of Funds from the CT Office of Early Childhood Grant to the Enfield Child Development Center \$388,880

Subject: Resolution Authorizing Unspent Funds from the Office of Early Childhood Grant to be carried Forward to FY 22

Councilors:

Highlights:

- The ECDC received additional funding from the Office of Early Childhood (OEC) which is to be used in various capacities over the course of the next 2 years at the Center.
- The purpose of the additional funds from OEC is to assist the Enfield Child Development Center (ECDC) with addressing impacts caused by the pandemic and to enhance operations.

Budget Impact:

There is no impact to the Town budget.

Recommendation:

That the Town Council approve the attached Resolution.

Respectfully Submitted,

Cynthia Guerreri
Director of Social Services

Attachments:

1. Resolutions (2)

RESOLUTION NO. _____

TO: Enfield Child Development Center

Stipends	24540432-516000	\$88,000
Equipment	24540432-573000	\$101,600
Safety Supplies	24540432-561600	\$15,000
Supplies/Materials	24540432-560000	\$100,000
Professional Development	24540432-532200	\$20,000
Instructional Supplies	24540432-561100	\$9,200
Health Services	24540432-533300	\$50,000
Technology	24540432-573400	\$5,000

FROM: Child Day Care State Grant

Child Day Care State Grant	24544432-413660	\$388,800
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CERTIFICATION: I hereby certify that the above-stated funds are available as of
October 6, 2021

John W. B.

John Wilcox, Director of Finance

APPROVED BY: LB McIn Town Manager Date: 10/14/21

ENFIELD TOWN COUNCIL

RESOLUTION NO. _____

**Resolution Authorizing Unspent Funds from the Office of Early Childhood Grant
to be carried Forward to FY 22**

WHEREAS, Enfield Child Development Center received additional funds from the OEC
in the amount of \$388,800 for the state fiscal year 2021-22; and

WHEREAS, OEC allows these funds to be spent through state fiscal year 2022-23.

NOW THEREFORE BE IT RESOLVED, that any unspent funds at the end of FY 22 be
carried forward.

Submitted: October 8, 2021

Submitted by: Cynthia Guerreri, Director of Social Services



TOWN OF ENFIELD

October 5, 2021

Honorable Member
Enfield Town Council
Enfield, Connecticut

Subject: Resolution Extending License Agreement for Annex Room Usage

Councilors:

Highlights:

- The Opera House Players (OHP) have requested to extend their existing license agreement for use of Room D222 and D220 in the Enfield Annex. The new license agreement will expire December 31, 2022.
- The previous license agreement is set to expire December 31, 2021.
- OHP uses the rooms to store materials for their productions.
- There is no fee charged for usage of these rooms.

Budget Impact:

There is no budget impact.

Recommendation:

That the Town Council adopt the attached Resolutions.

Respectfully Submitted,

Kasia Purciello
Assistant Town Manager

Attachments:

1. Resolution

ENFIELD TOWN COUNCIL

RESOLUTION NO. _____

Resolution Extending License Agreement for Annex Room Usage

WHEREAS, the License Agreement between the Town of Enfield and The Opera House Players, Inc. (OHP) for Rooms D222 and D220 in the Enfield Annex (124 North Maple Street) will expire on December 31, 2021; and

WHEREAS, OHP has requested that the term of the License Agreement be extended for an additional period expiring December 31, 2022.

NOW THEREFORE BE IT RESOLVED, that the Enfield Town Council authorizes the Town Manager to sign the attached Second Amendment to the License Agreement.

Date Prepared: October 5, 2022
Prepared by: Kasia Purciello, Assistant Town Manager

SECOND AMENDMENT TO LICENSE AGREEMENT

The Opera House Players, Inc. (OHP) and the Town of Enfield (Town) entered into a License Agreement for Rooms D222 and D220 in the Enfield Annex at 124 North Maple Street (Agreement).

WHEREAS, the initial term of the Agreement was scheduled to expire on June 1, 2021; and

WHEREAS, the OHP and Town amended the Agreement and extended the expiration date to December 31, 2021; and

WHEREAS, the Town and OHP would like to extend the term of the Agreement for an additional period that will expire on December 31, 2022.

NOW THEREFORE, the Town and OHP agree to amend Paragraph 2. **DURATION**, subparagraph a. of the Agreement as follows:

This Agreement shall be for the period commencing retroactively as of January 1, 2019 and expiring on December 31, 2022.

All other terms and conditions of the Agreement shall remain in full force and effect.

The Opera House Players, Inc.

Town of Enfield

By: _____

By: _____

President

Christopher W. Bromson
Town Manager

Date: _____

Date: _____



TOWN OF ENFIELD

October 8, 2021

Honorable Member
Enfield Town Council
Enfield, Connecticut

**Subject: Resolution Authorizing the Town Manager to Enter into and Sign the
Amendment to Lease with Option to Purchase with the Opera House**

Councilors:

Highlights:

- The Opera House Players, Inc., (OHP) has approached the Town to extend their lease at 100 High Street for a period of one year ending December 31, 2022.
- The lease between OHP and the Town commenced on January 1, 2019 and will terminate on December 31, 2021.
- OHP will continue paying \$1,000 monthly for rent.
- All other terms and conditions of the Lease shall remain in full force and effect.

Budget Impact:

There is no budget impact.

Recommendation:

That the Town Council adopt the attached resolution.

Respectfully Submitted,

Kasia Purciello
Assistant Town Manager

Attachments:

1. Resolution.

ENFIELD TOWN COUNCIL

RESOLUTION NO. _____

**Resolution Authorizing the Town Manager to Enter Into and
Sign the Amendment to Lease with Option to Purchase
with The Opera House Players, Inc.**

WHEREAS, the Town and The Opera House Players, Inc. entered into a two-year Lease with Option to Purchase for 100 High Street; and

WHEREAS, the term of the Lease expired on December 31, 2020; and

WHEREAS, the Town and the Opera House Players, Inc. amended the above-noted lease and extended the expiration date to December 31, 2021; and

WHEREAS, the parties wish to extend the term of the lease for an additional one-year period commencing January 1, 2022 and ending December 31, 2022.

NOW THEREFORE BE IT RESOLVED, the Town Manager, Christopher W. Bromson, is authorized to enter into and sign the Second Amendment to Lease with Option to Purchase with The Opera House Players, Inc. in the name and on behalf of the Town of Enfield, subject to review and approval by the Town Attorney.

Date Prepared: October 6, 2021
Prepared By: Town Manager's Office

SECOND AMENDMENT TO LEASE WITH OPTION TO PURCHASE

On January 10, 2019, The Opera House Players, Inc. (Tenant) and the Town of Enfield (Landlord) executed a Lease with Option to Purchase (Lease) for the premises known as 100 High Street (Leased Premises) and more specifically described in Schedule A of the Lease.

Whereas, on November 4, 2020, an Amendment to the Lease was fully executed by Landlord and Tenant adding a third year to the Lease for the period of January 1, 2021 through December 31, 2021 (First Amendment).

Whereas, the Tenant and Landlord desire to extend the Term of the Lease by adding a fourth year to the Lease.

Whereas, the Tenant and Landlord have executed this Second Amendment to Lease with Option to Purchase in order to memorialize the desired amendments.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree that the provisions of the Lease and the First Amendment are amended as follows:

Section 2. **TERM OF LEASE** is changed to: This lease shall be for a period of four (4) years. The initial term of this Lease commenced on January 1, 2019 and terminated on December 31, 2019. The second year of the Lease commenced on January 1, 2020 and will terminate on December 31, 2020 (second year). The third year of the Lease commenced on January 1, 2021 and will terminate on December 31, 2021 (third year). The fourth year of the Lease will commence on January 1, 2022 and will terminate on December 31, 2022 (fourth year). The term of this Lease shall expire upon the exercise of the Tenant's Option to Purchase as set forth in Section 18 of this Lease or upon the Tenant's exercise of the early termination provisions of the new Section 16.a., set forth herein.

Section 3. **RENT** is changed to: For the initial term of this Lease, Tenant shall pay rent to the Landlord in the amount of nine thousand and 00/100 Dollars (\$9,000.00) per annum or seven hundred fifty and 00/100 Dollars (\$750.00) per month. For the second year, the third year, and the fourth year of this Lease, Tenant shall pay rent to the Landlord in the amount of twelve thousand and 00/100 Dollars (\$12,000.00) per annum, or one thousand and 00/100 Dollars (\$1,000.00) per month. Monthly rent payments are due on the first of each month, in advance, payable to Landlord, to the attention of the Finance Department at the address set forth in above-referenced Lease or such other place that the Landlord may from time to time designate by written notice to the Tenant.

Section 16. **TERMINATION**. The first sentence is changed to: In the event the Tenant exercises the early termination provisions of Section 16.a., herein, or in the event the Tenant does not exercise the Option to Purchase as set forth in Section 18 of this Lease, the Tenant shall on the expiration or sooner termination of the Lease, surrender to the Landlord the Leased Premises, including all replacements, changes, additions, and improvements constructed or placed by the Tenant thereon, with all equipment in or appurtenant thereto, except all movable trade fixtures, including shelving and equipment, installed by the Tenant, broom clean, free of sub-tenancies, and in good condition and repair, reasonable wear and tear excepted.

Section 16.a. **EARLY TERMINATION OF LEASE**. At any time during the third year or fourth year of the Lease, Tenant may terminate the Lease, and any Amendments thereto, without penalty. Tenant shall provide Landlord with written notice of its intent to exercise the early termination provisions herein no less than 30 (thirty) days prior to the termination date.

Section 18. **OPTION TO PURCHASE**. The first sentence is changed to: As long as (i) this Lease is still in existence; and (ii) Tenant is not in default of any condition of the Lease or this Amendment; the Tenant shall have the option to purchase the Leased Premises (Option), including the buildings and improvements thereon, for a purchase price of One and 00/100 (\$1.00) Dollar (Option Price) upon written notice to Landlord no later than November 1, 2021 if during the third year or no later than November 1, 2022 if during the fourth year of this Lease.

All other terms, conditions and provisions of the Lease shall remain in full force and effect.

Town of Enfield

By: _____
Christopher W. Bromson
Town Manager

(date)

The Opera House Players, Inc.

By: _____
Joshua Prouser
Its President

(date)