



Lower Connecticut River Valley Council of Governments

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Lower Connecticut River Valley Council of Governments And Lower Connecticut River Valley Metropolitan Planning Organization

MINUTES OF REGULAR MEETING

June 23, 2021

RiverCOG Members;

Chester: Lauren Gister *
Clinton: Karl Kilduff *
Cromwell: Anthony Salvatore *
Deep River: Angus McDonald *
Durham: Laura Francis *
East Haddam: Robert Smith *
East Hampton: David Cox *
Essex: Norm Needleman *
Haddam: Bob McGarry *
Killingworth: Cathy Iino *
Lyme: Steve Mattson *
Middlefield: Ed Bailey *
Middletown: Ben Florsheim
Old Lyme: Tim Griswold *
Old Saybrook: Carl Fortuna *
Portland: Susan Bransfield *
Westbrook: Noel Bishop *

MPO Members:

Middlesex Chamber of Commerce: Darlene Briggs *
Estuary & Middletown Area Transit Districts: Joe Comerford

*present

Others Present:

Brianna DeVivo, Senator Murphy's Office
Grayson Wright, CT DOT
Jonathan Ferrigno, Eversource
Julia McGrath, Congressman Courtney's Office
TJ Magnoli, Eversource
Ellen Graham, Senator Blumenthal's Office
Jeff Pugliese, Middlesex Chamber of Commerce
Erik Shortell, FHWA
Bill Villano, Workforce Alliance
Jeff Riley, Centerbridge
Irene Haines, Representative House District 34
Cathy Lezon, Eversource
Sofia DiNatale, Sustainable CT Fellow for RiverCOG
Megan Schweickert, Sustainable CT Fellow for RiverCOG

RiverCOG

Carol Conklin, Regional Election Monitor
Jake Manke, DEMHS Region 2 Coordinator
Christine Goupil, Representative House District 35

Staff Present:

Sam Gold
Torrance Downes
Eliza LoPresti
Margot Burns
Robert Haramut
Kevin Armstrong
Janice Ehle/Meyer
Megan Jouflas
Ben Lovejoy

1. Call to Order, Roll Call, Introductions

Chairman Salvatore called the meeting to order at 9:00 A.M. This meeting took place via Zoom. Roll was called by Sam Gold.

Public Speaking

Representative Haines discussed things accomplished during the legislative session. She highlighted the passing of the budget with funding of municipalities and ECS. During special session the recreational marijuana bill and budget implementer passed. There is another special session to come, probably in September.

Senator Needleman discussed the energy committee and planning and development committees' legislative accomplishments. He was asked by Mr. Griswold about the body camera data storage for small towns that have resident state troopers. State help does not seem like it will be possible at this time, mostly due to understaffing. Ms. Bransfield noted that Portland will be unable to comply with the CALEA certification due to prohibitive costs and asked if there was a chance of any changes to the rule or for post-certification. Sen. Needleman stated that he can have a conversation with Sen. Winfield about this topic. Chairman Salvatore noted that the proposed legislation for post-certification was sound and urges the Senator to review.

Representative Goupil noted that there is an anticipated state bid for resource storage. She stated that the transportation committee is looking at their priorities so to let her know if there is anything specific they should be aware of. She urged towns to get their ARPA funding priorities in line in case of any that are eligible for state ARPA funding.

2. Household Hazardous Waste Discussion

CIRMA, insurer for the household hazardous waste facility, has changed carriers and they will no longer cover the facility retroactively back to 2005 (when the facility was established) as of June 30, 2021. The new insurance carrier's policy that will cover us retroactively is \$17,893 annually as compared with the \$1,000 that we now pay. This cost will be spread evenly among the ten towns that are allowed to use the HHW facility. Mr. Gold feels that we need to pay the cost of the coverage. Secondly, the lease for the facility will be ending relatively soon and RiverCOG will need to

negotiate with the town of Essex about it. The COG is being asked to endorse the engagement of Al Smith, an attorney from Murtha Cullina to guide us moving forward.

Mr. Needleman explained the particulars of the parcel of land that the HHW facility is on and that he insists on us holding the insurance coverage retroactively. He is insisting that the new insurance policy includes liability for past activity no matter the cost. Additionally, he feels that Essex was not treated equitably for having the HHW facility on their property.

Ms. Bransfield, who is on the HHW subcommittee, stated we need to make sure that the towns that will be paying the insurance premium need to be made aware because its not been put in their budget. She also wants to ensure that all the parties participating also have retroactive insurance, not just the COG.

Ms. Iino asked for clarification on how the insurance cost will be split. Since this cost increase is an operating cost related to the facility, only the ten towns that are allowed to use the facility will share the cost evenly.

a. Murtha Cullina Engagement Letter

Mr. Cox moved to hire Murtha Cullina, second by Mr. Griswold. Vote was unanimous in favor with Mr. Needleman abstaining.

Mr. Fortuna moved to purchase insurance coverage that retroactively goes back to 2005 on July 1, 2021, with CIRMA's new carrier. Second by Mr. Cox. After discussion a roll call vote was held in which the motion carried.

***Discussion:** Ms. Bransfield will be abstaining since her town will not be contributing to the cost of the insurance. The cost to each of the ten towns involved will be \$1,851.80. The towns that do not utilize the Essex HHW facility are Cromwell, Durham, Middlefield, Middletown, Portland, East Haddam and East Hampton.*

Chairman Salvatore suggested two votes – one for the insurance increase and one for the tail purchase (that Mr. Needleman previously mentioned). Mr. Gold clarified that we do not have a price to purchase tail insurance, the only insurance on the table to purchase is to pay the increased cost of regular pollution insurance that will cover the facility retroactively to 2005. Ms. Bransfield asked for clarification at this time. There was confusion about tail insurance vs. the insurance we are purchasing, which is not a tail but does pay retroactively back to the facility's inception. Ms. Ehle/Meyer explained that CIRMA is still providing the pollution insurance for the facility that is \$1,000/year that does not include retroactive insurance. The new carrier that is proposing the cost of \$17,893 in addition to the \$1,000 regular cost. There is no tail being purchased at this time. The towns that do not use the HHW facility will not see an increase in insurance cost. Chairman Salvatore and Mr. Griswold stated that there should be a split motion for the ten towns that would be purchasing the new insurance in whatever fashion the HHW committee agrees upon.

Mr. Fortuna and Mr. Cox amended the previous motion to separate the votes as described.

Mr. Fortuna moved to approve the purchase of the regular pollution insurance policy that will cost each of the 17 towns \$62.50/year. Second by Mr. Cox. Vote was unanimous in favor.

Mr. Fortuna moved to approve the purchase of the new insurance policy that will cover the facility retroactively to 2005 and for the ten towns that are affected to split the cost of \$17,893. Mr. Cox seconded.

Discussion: *Ms. Iino will agree to it as we have to purchase it but she asked for clarification in terms of what the towns are agreeing to and how the cost will be divided. She asked if the slam fund could be utilized to reduce the cost. Mr. Gold suggested adding to the motion that the HHW subcommittee will be appointed to determine how to pay for the insurance – whether it is spread out among the towns or other funds are used. Mr. Fortuna clarified that it is up to them to make a recommendation, not to decide. Mr. Griswold suggested the ten towns be informed then vote separately on this. Mr. Needleman suggested that this is a perfect use of the slam fund, he is not sure that any towns have availed themselves of that fund because of a sudden hit in their waste cost. Ms. Bransfield noted that that fund is contributed to by all 17 towns but this cost only pertains to some of the towns which is not consistent with what we are discussing. Mr. Needleman stated he is adamant about not adding more towns to the facility and that all the agreement should be clarified because it was written before the northern towns were involved. Ms. Ehle/Meyer clarified that the slam fund is for all 17 towns and is to be used to cover extra costs if a town is slammed with additional waste. This past year it was used for the second time since its inception. Ms. Bransfield asked why we would take from that fund if it is a separate cost for services that were never available to 7 of the towns that participate.*

Mr. Gold recommended that we proceed with purchasing the insurance and appoint the HHW subcommittee to make a recommendation on how it's paid for. The insurance needs to be purchased by July 1 which is in 7 days. Ms. Bransfield agreed that the discussion about the slam fund should not happen yet. Ms. Iino inquired as to the balance of the slam fund. Chairman Salvatore clarified that the motion being voted on now does not include mention of the slam fund.

Mr. Fortuna asked if the tail insurance is a yearly expense. Mr. Gold clarified that this is not about purchasing tail insurance, which is a separate thing that we have not been given a quote for yet. This is pollution insurance that will retroactively cover the facility to 2005 and yes it will be a yearly expense. Mr. Fortuna asked if the liability ever goes away at some point. Ms. Ehle/Meyer stated that we do not know. Mr. Needleman stated that Essex will want to be insured against any possible contamination as a result of the existence of that facility on their property. Ms. Bransfield asked that since there are other uses on that property, do the other entities on that property have insurance since you can't always tell where the contamination comes from. Mr. Needleman stated that this is on Essex property and is contained in a small area but it's hard to discriminate since pollution travels. He feels that the whole thing was not well conceived.

Mr. Fortuna asked if we are voting to buy the tail and recommend that the subcommittee come up with a recommendation. Mr. Gold clarified that we are voting to purchase pollution insurance going forward for the year that also covers retroactively to 2005. There is no tail involved. Mr. Needleman stated that going forward the liability insurance for Environmental

issues will be more expensive and that at \$1,000/year it was underpriced for a long time. Mr. Griswold stated if we discontinued use of the Essex facility we could perhaps have a site analysis to get a clean bill of health, especially since Calamari and other facilities share the land, someone should be able to determine if our pollution is in the ground. If it closes perhaps a Phase II analysis is in order. Mr. Needleman agreed and stated that there has never been a spill at the site, which is only used for loading of materials, which is probably why the insurance was so inexpensive for so long. He feels that the facility is a good regional asset but the way the property is is complicated. Chairman Salvatore then called for a roll call vote and stated that the HHW committee will look at the situation and come up with recommendations up to and including possible closure of the site and analysis. The results of the vote are as follows:

Aye votes: Lauren Gister, Chester, Karl Kilduff, Clinton, Angus McDonald, Deep River, Bob McGarry, Haddam, Cathy Iino, Killingworth, Steve Mattson, Lyme, Tim Griswold, Old Lyme, Carl Fortuna, Old Saybrook, Noel Bishop, Westbrook.

Abstentions: Anthony Salvatore, Cromwell, Laura Francis, Durham, Rob Smith, East Haddam, David Cox, East Hampton, Norman Needleman, Essex, Ed Bailey, Middlefield, Susan Bransfield, Portland.

Ms. Bransfield moved to turn the issue back over to the HHW subcommittee to make recommendations to the full COG board, second by Mr. McDonald. Vote was unanimous in favor.

***Discussion:** Mr. Fortuna suggested the committee look at three options for payment of the new insurance rate: a per capita option, a past practices option, which would be equalizing the cost between all the ten towns, and then a combination option possibly utilizing some of the slam fund, at least for the first year because all the towns involved have already passed their budgets. He recommends that in year two the responsible towns pick up the cost.*

Chairman Salvatore agreed with the above and also that they look at closing the site and what it would take to do so. Mr. Griswold mentioned that there is also deferred maintenance on the building. Ms. Ehle/Meyer stated for the record that the slam fund balance is currently \$15,708.

3. Public Speaking

a. Regional Election Monitor – Carol Conklin

Before Ms. Conklin spoke, Mr. Fortuna stated that she recently had some health issues and that we are grateful she is here with us and are wishing her a speedy recovery. Mr. Gold noted that almost immediately after her surgery Ms. Conklin was back to work helping our election officials. Chairman Salvatore stated on behalf of the COG that everyone appreciates her.

Ms. Conklin reported that the registrars spent April and May cleaning up the voter list by tracking moves in and out of towns. She reminded all that the referendums are “owned” by each town and that the state wants little to do with those. Therefore, when the need for a decision comes up it is up to each town and its attorney to make it.

The state is making a move to rewrite their voter database. Party caucuses for municipal elections will happen in July. An in-person training for moderators was held to good response.

b. Workforce Alliance Update – Bill Villano

Mr. Villano updated about the Governor’s Workforce Council; there was a bill that put \$20 million a year into the career connects program. There are about 150,000 people on unemployment now and most will be exhausting their benefits in September. This group is disproportionately female and minority and made less than \$35,000/year before being on unemployment. His office is fully open but customer traffic is still relatively slow as employers struggle to find workers. His board is one of four in the US to win an award from the US Dept. of Labor. They will receive 1.4 million dollars over thirty months to continue work with re-entry populations. All towns in our region have individuals on probation or parole and they are becoming a larger part of our workforce. To be able to get them back into the workforce is critical for our state.

Ms. Francis asked if Workforce Alliance could hold a municipal job fair as many municipalities are having a hard time recruiting seasonal and regular employees. She also suggested a survey to see if a fair would be worth it. Mr. Villano stated that he can look into his pool of IT people to see if he has some prospects for Durham. They did have a hiring event recently for youth and not many people came though there were about forty employers there.

Ms. Goupil stated that her constituents cited lack of childcare as an issue for people returning to work. Agencies around the district streamlined during Covid and haven’t expanded back to their previous flexible nature. Perhaps help for hiring and possibly paying more to childcare staff would help the job situation overall.

4. Presentation – Centerbridge Plans for East Haddam Landing – Jeff Riley

Mr. Riley gave a presentation on proposed development for the property that used to house the old East Haddam town hall, plus others adjacent to it, in order to create a destination area. The presentation can be found at: https://centerbrookarchitects-my.sharepoint.com/:p/g/person/riley_centerbrook_com/ERx35AEfc4FJgPZpCtQhMNIBr73vts0uFLv1y-FS8pjQ8Q?e=QbaB2z

5. LCRVMPO Business

a. Approval of Minutes of May 26, 2021 LCRVCOG & LCRVMPO Meetings

Mr. Bailey moved to approve the minutes of the May 26, 2021 meeting; second by Mr. Cox. Vote was unanimous in favor.

b. Review and Prioritize Corridor Study Applications

The one application received was for the Air Line Trail to Farmington Canal Trail connector to look at the best route between the two trails and goes through Portland, Middletown, Meriden, and Cheshire. It’s a 23-mile section. SCRCOG will probably look at their sector and we will coordinate.

Ms. Bransfield moved to make this corridor study application the regional priority, second by Ms. Gister. Vote was unanimous in favor.

c. Bike/Ped Plan Update

FHI has been hired as the consultant to do the update to the Bike/Ped plan. A steering committee has been established.

d. Regional Transportation Safety Plan Update

VN Engineers has been in talks with all the towns for the past 12 months; the draft report is getting finished up now. This plan identifies high-frequency crash sites and looks at counter measures to reduce crashes.

e. Other Transportation Updates (FTA Sec. 5310, Affirmative Action, etc.)

FTA Sec 5310 applications are now available; these are to request funds for equipment to improve mobility for senior and disabled populations. The applications are due Aug. 3 to the COG and CT DOT. At the September COG meeting they will be reviewed and prioritizes.

6. LCRVCOG Business

a. Authorization of Agreement with OPM on RSG Funding

Ms. Bransfield moved to authorize the Executive Director or the Chairman to enter into agreement with OPM for the Regional Services Grant funding. Second by Mr. Smith. Vote was unanimous in favor.

b. Adoption of FY22 RiverCOG Budget

Mr. Cox moved to approve the FY22 RiverCOG budget, second by Mr. Bailey. Vote was unanimous in favor.

c. ARPA County Set Aside Request

After discussion it was decided that since there is no specific project to ask funding for yet that this item will be tabled until the CEOs feel more comfortable asking their boards to commit funds. It was proposed to reserve 15% of each town's county share funding toward one or more regional projects.

Ms. Bransfield moved to table this item; Mr. Bishop seconded. Vote was unanimous in favor.

d. Update on Regional Plan of Conservation & Development Update

There will be a public hearing on the plan on Wednesday, June 30, 2021 at 7:00 pm via Zoom. Public comments will be accepted until that date.

e. Regional Housing Plan Update

There was a project kickoff with the consultants and staff at the end of May. Town liaisons will be used to facilitate information sharing. An introductory workshop will be held in August for the liaisons. The project website should launch at the end of June and a survey will launch on that site by July.

f. Natural Hazard Mitigation Plan Update

All municipal meetings to adopt the plan have been scheduled except for Middletown. Adoptions are currently underway.

g. Hydrilla Update

There was a press conference at Harbor Park in Middletown with Senator Blumenthal and others about his appropriations request to abate Hydrilla in the river. All Senators in New England have been reached out to. Sen. Sanders (VT) has signed on already. Capital Region has been notifying their municipalities on Hydrilla and Water Chestnut in the upper river.

At this time Ms. Burns updated that the Lower Connecticut River Land Trust is working with CLCC developing community outreach about the relationships with our communities and the Land Trust Exchange.

h. MIRA Update

Mr. Bailey reported that they are moving toward putting out a RFP for changes on how to handle trash. The plant is planned to be closed by June of 2022 with us starting to ship trash out of state. They are still working with DEEP on many issues, the largest one being whether they can use the facility in Hartford as a transfer station.

i. Legislative Update

A two-year budget was passed with no significant tax increases. COG funding was modified with a new formula and a GIS bill was established in that. There were updates to municipal elections and updates to ways that municipalities can receive some fees electronically. Outdoor dining as a right was passed and municipal meetings can remain remote through April 2022.

j. Approval of the DEMHS MOA for 2029 EMPG Grant That Serves New Haven Area Special Services Team

Ms. Gister moved to authorize the Executive Director to enter into agreements on behalf of the COG and to authorize the Secretary to sign on behalf of the council. Second by Mr. Smith. Vote was unanimous in favor. Abstentions: Mr. Griswold, Ms. Bransfield, Chairman Salvatore

k. DEMHS Update

Was sent out in writing prior to the meeting.

l. Sustainable CT Fellows – Sofia DiNatale & Megan Schweickert

Ms. Schweickert and Ms. DiNatale introduced themselves and discussed what they can help municipalities with this summer.

7. Chairman & Executive Director's Reports

a. Executive Director's Evaluation

Chairman Salvatore moved to approve a 2.5% wage increase for Executive Director Gold; second by Mr. Bishop. Vote was unanimous in favor.

Discussion: Mr. Gold's contract expired in December of 2020 with an automatic one-year extension so negotiations with him will occur prior to December 2021.

Mr. Gold reported that we have executed a 36-month lease extension for our current office space at the same rental rate we have been at. We can get out of the lease after 17 months if we prefer, we just

need to give 6 months notice. We will be assessing office space needs over the next year and have a recommendation prior to June 30, 2022 on what is needed

8. Other Business

Dave Dickson of UCONN Stormwater Corps was able to select Killingworth and Clinton as the towns his team will work with this summer. He has not yet had confirmation from Killingworth.

9. Adjournment

Mr. Smith moved to adjourn the meeting at 11:15 AM, second by Mr. Bailey. Vote was unanimous in favor.

Respectfully submitted,
Eliza LoPresti