



TOWN OF WATERTOWN CONNECTICUT

OFFICE OF THE TOWN MANAGER

Watertown Town Hall • 61 Echo Lake Road • Watertown, CT 06795

Tel: 860.945.5255 • Fax: 860.945.4974 • www.watertownct.org

Public Notice Small Cities Housing Rehabilitation Program Potential Conflict of Interest

The Town of Watertown has received an application to the Small Cities Housing Rehabilitation Loan Program from Mrs. Crystal Marcil, for repairs to her property located at 21 Heminway Court, Watertown CT. The fact that Mrs. Marcil is currently employed by the Town of Watertown as an employee at the town public school system presents a potential for a conflict of interest.

Be advised that the Town of Watertown will request a waiver from HUD through the State Department of Housing (DOH) regarding the potential of a conflict of interest and if approved provide funding to Mrs. Marcil through the Small Cities Housing Rehabilitation Loan Program.

The request will be made in accordance with Connecticut Small Cities Program Bulletin 87-002, dated February 3, 1987 issued by the State of Connecticut Department of Housing (DOH). See the attached. DOH can recommend to HUD that HUD grant a waiver of the potential conflict of interest if the conditions of the bulletin are met.

The first condition of Bulletin 87-002 is that there is disclosure of the potential conflict of interest. This requirement will be met by the following actions:

1. A file will be established and maintained by the Town containing all conflict of interest information relevant to this request.
2. This notice will be posted publicly with a 15 day period for any public comment by the citizens of the Town of Watertown. All comments shall be made in writing and addressed to Town Manager, Mark A. Raimo, 61 Echo Lake Road, Watertown CT 06795.
3. A written request will be made to DOH requesting a waiver be granted.

The second condition of Bulletin 87-002 requires an opinion from the local Town Counsel that the potential for conflict of interest is minimal and that the situation does not violate either local or state conflict statutes or rulings. Regarding Mrs. Marcil's application to the program, The Town of Watertown's Town Counsel has issued an opinion that *"I hereby certify that the potential for conflict of interest is minimal and that the situation does not violate either local or state conflict statutes or rulings."*


The third condition of Bulletin 87-002 is that the person applying for the waiver meets certain program requirements such as the low/moderate income requirements. This requirement has been met as it was determined that the gross household income of the occupant is below the 80% of area median income limit as prescribed by HUD.

Public Notice
Small Cities Housing Rehabilitation Program
Potential Conflict of Interest

The fourth condition of Bulletin 87-002 is that the person that this waiver is being applied for is not in a decision-making position in the CDBG Small Cities Program. Mrs. Marcil is not, nor has ever been, in a decision-making position concerning the creation, operation or administration of the Small Cities Housing Rehabilitation Loan Program.

The fifth condition of Bulletin 87-022 is that the Town must certify to all of the above and demonstrate that a system has been established to guarantee that no preferential treatment to the applicant has occurred. The Town will submit a copy of the waiting list which shows applications are received and addressed in the order that they are received.

1. Please contact the Town Manager, Mark A. Raimo, at 860-945-5255 with any questions or comments.



Mark A. Raimo, Town Manager

Posting Date 3/27/2024 (Town Clerk's Office and Town Website)

**Town of Watertown
Housing Rehabilitation Program Waiting List**

01-Melko, 78 Westview Drive-Complete	4/5/2023 2:52 PM	File folder
02-Perugini, 33 Gorham St-Complete	4/5/2023 2:58 PM	File folder
03-Stoto, 811 Cheyenne Rd- Complete	4/5/2023 3:06 PM	File folder
04-Perugini, 41 Hillside Ave-Withdrawn	9/14/2022 3:00 PM	File folder
05-Kobialka, 63 Capewell Avenue	9/14/2022 3:02 PM	File folder
06-Christofini, 2193 Litchfield Rd Over income	3/1/2023 12:10 PM	File folder
07-Bavone, 97 Eaton St-Complete	1/21/2023 2:45 PM	File folder
08-Werenko, 636 Platt Rd-Complete	11/1/2023 4:22 PM	File folder
09-Shepard, 480 Thomaston Rd-Over Income	2/28/2022 11:47 AM	File folder
10-Graboski, 80 Morin Street-Withdrawn	3/1/2023 12:10 PM	File folder
11-Klaiber, 54 Highland Avenue-Complete	1/19/2024 2:47 PM	File folder
12-Denske, 31 Clyde Street-Over Income	12/10/2021 3:51 PM	File folder
13-Smith, 95 Hillcrest Avenue-Withdrawn	2/10/2023 1:21 PM	File folder
14-Gronau, 81 Manila Street-Complete	10/10/2022 11:05 AM	File folder
15-Leandri, 36 Lancaster Street-Complete	9/27/2022 5:10 PM	File folder
16-DeMeis, 52 Edward Ave-Over Income	4/1/2022 9:54 AM	File folder
17-St. Onge, 176 Charter Oak Dr-Initial	2/19/2024 7:17 AM	File folder
18-Ward, 970 Middlebury Rd-Complete	1/18/2023 3:04 PM	File folder
19-Melko, 78 Westview Dr Withdrawn	6/14/2022 1:43 PM	File folder
20-Ramirez-Sanchez, 436 Davis Street Withdrawn	3/20/2023 11:57 AM	File folder
21-McHale 111 Georgetown Dr Not eligible reverse m...	2/24/2022 4:14 PM	File folder
22-Augelli 189 Chimney Rd Withdrawn	5/20/2022 4:02 PM	File folder
23-Testa-DiBenedetto, 28 Aubrey Court-Complete	10/4/2022 3:16 PM	File folder
24-Lattanzio, 96 Eaton Street-Complete	9/12/2022 3:03 PM	File folder
25-Civil, 68 Frances Street-Withdrawn	6/23/2023 1:53 PM	File folder
26-Deveikas, 52 Hazel Street-Initial	3/25/2024 10:48 AM	File folder
27-Marcil, 21 Hemingway Court-Initial	3/26/2024 6:20 AM	File folder
28-Damiano, 24 Prospect St - Withdrawn	10/23/2023 1:59 PM	File folder
29-Parent, 245 Cherry Ave Initial	10/23/2023 2:51 PM	File folder
30-Swanson, 815 Thomaston Rd	12/14/2023 1:19 PM	File folder



STATE OF CONNECTICUT

DEPARTMENT OF HOUSING

CONNECTICUT SMALL CITIES PROGRAM BULLETIN 87-002

February 3, 1987

TO: All CDBG Small Cities Program Grantees

SUBJECT: **CONFLICT OF INTEREST**

Due to a number of recent requests for information and rulings in regard to conflict of interest, the Small Cities Program is issuing this bulletin to advise grantees in regard to current DOH Small Cities policy.

A conflict of interest would exist if any town employee or a person in a program decision-making capacity signs a contract with any portion of the CDBG Small Cities Program--including rehabilitation and consulting. This follows from the municipality's signed assistance agreement (relevant portion enclosed) and from the Code of Federal Regulations 24 CFR 570.611 (also enclosed).

However, the Department of Housing can waive conflict of interest if certain criteria are met:

1. There is disclosure of potential conflict of interest.
2. An opinion of local Counsel (legal opinion) is submitted that the potential for conflict of interest is minimal and that the situation does not violate either local or state conflict statutes or rulings.
3. The person applying for the waiver meets other program requirements such as low/moderate income guidelines.
4. The person applying for the waiver is not in a decision-making position in the CDBG Small Cities Program.
5. The municipality must certify to all the above, and also demonstrate that a system has been established to guarantee that no preferential treatment to the applicant has occurred. This might require a numbered and dated system for accepting and processing applications, for example.
6. Finally, the municipality must submit a letter to the Commissioner of the Department of Housing requesting a waiver from conflict of interest guidelines based on the above criteria.

1179 Main Street • Hartford, Connecticut 06103-1089

An Equal Opportunity/Affirmative Action Employer

If the CDBG Small Cities Unit feels that the potential for conflict of interest is minimal and if the applicant meets the above criteria for a waiver, staff will recommend approval.

Disclosure would be considered met by establishing a file for conflict of interest documentation and by applying to the Department of Housing for a waiver (and by meeting all the above criteria). Some reasonable form of public notice is needed with open access to the conflict of interest file.

Attachments: Excerpt from Municipality's Assistance Agreement
with DOH (#46, Under "Miscellaneous Provisions")
Excerpt from Code of Federal Regulations
24 CFR 570.611

Project, if the Commissioner finds that deficiencies in the Municipality's management have endangered any part of the funds disbursed under the grant-in-aid, or for other reasons as described in Paragraph 7 of this agreement.

42. In the management of funds received under this contract, the Municipality shall comply with the Federal requirements as contained in Circular No. A-87, "Cost Principles for State and Local Governments" and Circular No. A-102, "Uniform Requirements for Assistance to State and Local Governments." In assuring compliance with circulars no. A-87 and A-102, it is understood that the Commissioner shall have all of the rights granted to the Federal Government by those circulars.

MISCELLANEOUS PROVISIONS

43. The Municipality shall remain fully obligated under the provisions of the contract notwithstanding its designation of any third party or parties for the undertaking of all or any part of the Project with respect to which assistance is being provided under this contract to the Municipality. Any grantee which is not the applicant, shall comply with all lawful requirements of the Municipality necessary to insure that the Project to the Municipality is carried out in accordance with the Municipality's Assurances and Certifications, including those with respect to the assumption of environmental responsibilities of the Municipality.

44. No member or Delegate to Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit to arise from the same.

45. If any court shall hold a provision or provisions of this agreement to be invalid, the remainder of this agreement shall not be thereby affected if the Project can be effectively accomplished pursuant to the terms of such remainder.

46. The Municipality will adopt and enforce appropriate measures to assure that no member of its governing body and none of its officers or employees shall, prior to the completion of the Program, acquire or maintain any interest in any contract or proposed contract with the undertaking of the Program. The Commissioner may waive the requirements of this paragraph upon the written request of the Municipality.

47. Nothing contained in this contract shall create or justify any claim against the State, its Agencies or Officers, by any person or entity whatsoever, that is not party to this contract.

48. At its own expense the Municipality will protect, defend, and save harmless the State, its Agencies and employees from any suit or claim by any person or entity whatsoever not a party to this contract which arises from the Project or from this agreement.

project be awarded to eligible business concerns which are located in, or owned in substantial part by persons residing in the same metropolitan area (or nonmetropolitan county) as the project. Grantees shall adopt appropriate procedures and requirements to assure good faith efforts toward compliance with the statutory directive. HUD regulations at 24 CFR Part 135 are not directly applicable to activities assisted under this part but may be referred to as guidance indicative of the Secretary's view of the statutory objectives in other contexts.

§ 570.608 Lead-based paint.

(a) Section 401(b) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831(b)) directs the Secretary to prohibit the use of lead-based paint in residential structures constructed or rehabilitated with Federal assistance in any form. Such prohibitions are contained in 24 CFR Part 35, Subpart B, and are applicable to residential structures constructed or rehabilitated with assistance provided under this part.

(b) Section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822) directs the Secretary to establish procedures to eliminate as far as practicable the hazards of lead-based paint poisoning with respect to any existing housing which may present hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Pursuant to such authority and the Secretary's general rulemaking authority, the Secretary has promulgated requirements regarding the elimination of lead-based paint hazards in HUD-associated housing at 24 CFR Part 35, Subpart C, and requirements regarding notification to purchasers and tenants of HUD-associated housing constructed prior to 1950 at 24 CFR Part 35, Subpart A. The requirements of 24 CFR Part 35, Subpart A, are applicable to purchasers and tenants of residential structures constructed prior to 1950 and assisted under this part, and the requirements of 24 CFR Part 35, Subpart C, are applicable to existing residential structures which are reha-

bilitated with assistance provided under this part.

§ 570.609 Use of debarred, suspended, or ineligible contractors or subrecipients.

CDBG funds shall not be used directly or indirectly to employ, award contracts to, or otherwise engage the services of, or fund any contractor or subrecipient during any period of debarment, suspension, or placement in ineligibility status under the provisions of 24 CFR Part 24.

§ 570.610 Uniform administrative requirements and cost principles.

The recipient, its agencies or instrumentalities, and subrecipients shall comply with the policies, guidelines, and requirements of OMB Circular Nos. A-102, Revised, A-110, A-87, and A-122, as applicable, as they relate to the acceptance and use of Federal funds under this part.

§ 570.611 Conflict of interest.

(a) **Applicability.** (1) In the procurement of supplies, equipment, construction, and services by recipients, and by subrecipients (including those specified at § 570.204(e)), the conflict of interest provisions in Attachment O of OMB Circulars A-102, and A-110, respectively, shall apply.

(2) In all cases not governed by Attachment O of OMB Circulars, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient, by its subrecipients, or to individuals, businesses and other private entities under eligible activities which authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties of facilities pursuant to § 570.202, or grants, loans and other assistance to businesses, individuals and other private entities pursuant to § 570.203, § 570.204 or § 570.456).

(b) **Conflicts prohibited.** Except for approved eligible administrative or personnel cost, the general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities

§ 570.612

assisted under this Part or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such interest or benefit during, or at any time after, such person's tenure.

(c) **Persons covered.** The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or subrecipients under § 570.204, which are receiving funds under this part.

(d) **Exception: threshold requirements.** Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it determines that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project. An exception may be considered only after the recipient has provided the following:

(1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(2) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(e) **Factors to be considered for exceptions.** In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d) of this section, HUD shall consider the cumulative effect of the following factors, where applicable:

24 CFR Ch. V (4-1-85 Edition)

(1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;

(2) Whether an opportunity was provided for open competitive bidding or negotiation;

(3) Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(4) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;

(5) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(6) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(7) Any other relevant considerations.

(48 FR 42568, Sept. 23, 1983; 48 FR 48778, Oct. 14, 1983)



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Sherman R. Slavin 1922-2009

Charles D. Stauffacher
Retired 2014

William L. Stevens
Retired 2023

March 11, 2024

Mark Raimo
Town Manager
61 Echo Lake Road
Watertown CT 06795

RE: Housing Rehabilitation Program
Conflict of Interest opinion

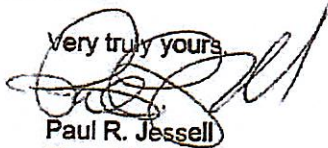
Dear Mr. Raimo:

Watertown residents Daniel and Crysail Marcil of 21 Heminway Court, Watertown, have submitted an application to participate in Watertown's Housing Rehabilitation Program. Because Crystal Marcil is employed by the Watertown Board of Education, the State Department of Housing Rules require, among other things, that I, as Town Attorney, issue an opinion as to whether Crystal Marcil has a conflict of interest sufficient to require disqualification from participation in the program.

Crystal Marcil's employment for the Board of Education does not place her in a position where she has any authority over or connection to the Housing Rehabilitation Program, either in any decision-making role or in the operation of the program. More, it is readily apparent from my review that Mr. and Mrs. Marcil have not received any preferential treatment concerning their participation in the program. Finally, Mr. and Mrs. Marcil meet all of the family size and income requirements necessary to be eligible to participate in the program.

In my opinion, given all of the facts presented to me, the potential for any conflict of interest arising out of the Marcil's participation in the program is minimal, nor does this situation run afoul of local or State conflict of interest statutes or rulings.

Very truly yours,


Paul R. Jessell
Town Attorney

PRJ/mjp

cc: Lisa Cattaneo
Bob Calio

TOWN OF WATERTOWN
HOUSING REHABILITATION LOAN PROGRAM APPLICATION

For Town Use Only

Date Received: _____

Application No. _____

I. PROPERTY INFORMATION

ADDRESS: 21 Hemingway Ct
Watertown CT 06795

NAME (S) ON TITLE: Daniel and Crystal Marci

II. PERSONAL APPLICANT INFORMATION

Name: Daniel Marci Social Security # [REDACTED]

Address: 21 Hemingway Ct E-Mail Address: [REDACTED]

Watertown CT 06795

Telephone: (with area code) (H) _____ (W) [REDACTED] CCH

Best Time to Be Reached 9am - 6pm

Are you or any member of your immediate family or anyone with whom you have business ties an employee, agent, currently elected or appointed official of the Town or the Program Consultant A&E Services Group, LLC? _____ Yes X No _____ If Yes, please explain: _____

Are you a United States citizen? X Yes _____ No _____

If No, are you a "qualified alien"? _____ Yes _____ No _____

If you are a "qualified alien" please attach copy of supporting documentation.

III. DESCRIPTION OF PROPERTY (CHECK ONE)

RESIDENTIAL:
X Single Family (Owner Occupied) _____ Single Family (Rental)
_____ Multi-Family (Owner Occupied) _____ # of units in building _____
_____ Multi-Family (Non-Owner Occupied) _____ # of units in building _____
_____ Multi-Family with mixed use _____ # of units in building _____

IV. PROPERTY TAX

Are the real estate taxes paid to date? X Yes _____ No _____

If not, is there a payment plan in place? _____ Yes _____ No _____

If yes, is it being maintained? _____ Yes _____ No _____

If applicable, Sewer & Water taxes paid to date? X Yes _____ No _____

Approximate amount due on taxes: \$ _____