

Agenda
Town Council Regular Meeting
Wednesday, November 04, 2020 at 8:00 AM
Via GoToMeeting Teleconference

Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/540973581>

You can also dial in using your phone: [+1 \(646\) 749-3122](tel:+16467493122) Access Code: 540-973-581

1. Pledge
2. Visitors
3. Approval of Minutes – October 21, 2020
4. Appointments/Reappointments
Appointments
Phil Sengle (G) Fair Rent Commission for a term until 6/30/2024
Jonathan Paiser (U) Public Works Commission for a term until 6/30/2023
Hugh Birdsall – Sustainability Committee
9 Town Transit Board of Directors
5. Chairman's Report
6. Town Manager's Report
7. Town Council Committee Liaison Reports
8. Executive Session – Personnel, pursuant to CGS 1-200(6)(A)
9. Legal Services
10. Adjourn

From: noreply@civicplus.com
To: [Mary Schettino](#)
Subject: Online Form Submittal: Application Form for Boards & Commissions
Date: Tuesday, October 20, 2020 12:59:40 PM

Application Form for Boards & Commissions

Select the Board,
Commission, or
Committee applying for

Fair Rent Commission

Personal Information

First Name	Phil
Last Name	Sengle
Address1	25 James Vincent Drive
Address2	<i>Field not completed.</i>
City	Clinton
State	CT
Zip	06413
Home Phone Number	(860) 552-4540
Business Address	NA
Business Phone Number	NA
Occupation	Retired
Email Address	psengle@gmail.com

Residency Information

Length of Residency in Clinton CT	12 years
Are you a registered voter	Yes
Party Affiliation	Green
Education	BSEE

Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees?	Yes
If yes, which	EDC alternate
Have you served on a Board, Commission, or Committee before?	Yes
If yes, which	BOS, Police Commission, Town Manager Search Committee. P & Z alternate
Please list organization memberships and positions held	American Legion Commander, Elks Veterans Committee Chair, First Church Endowment Chair
Please List Areas of Special Interest	Strengthening and supporting the town manager system, Also Fair Rent Commission Professionalism
Please list any experience you might have that would be of relevant interest in the decision making progress.	A charter member of Fair Rent Commission, circa 2011, and first Chairman

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [Mary Schettino](#)
Subject: Online Form Submittal: Application Form for Boards & Commissions
Date: Tuesday, October 27, 2020 11:59:42 PM

Application Form for Boards & Commissions

Select the Board,
Commission, or
Committee applying for

Public Works Commission

Personal Information

First Name	Jonathan
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Last Name	Paiser
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Address1	117 Kelseytown Rd
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Address2	<i>Field not completed.</i>
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City	Clinton
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State	CT
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Zip	06413
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Home Phone Number	910-813-5657
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Business Address	314 Rope Ferry Rd. Waterford, CT 06385
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Business Phone Number	860-447-1791 x6253
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Occupation	Electrician
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Email Address	paiser.jon.c@gmail.com
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Residency Information

Length of Residency in Clinton CT	18 months
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Are you a registered voter	Yes
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Party Affiliation	Unaffiliated
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Education	High School
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Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees?

No

If yes, which

Field not completed.

Have you served on a Board, Commission, or Committee before?

No

If yes, which

Field not completed.

Please list organization memberships and positions held

Field not completed.

Please List Areas of Special Interest

Field not completed.

Please list any experience you might have that would be of relevant interest in the decision making progress.

6 years service in US Navy

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [Mary Schettino](#)
Subject: Online Form Submittal: Application Form for Boards & Commissions
Date: Sunday, October 25, 2020 8:27:16 PM

Application Form for Boards & Commissions

Select the Board,
Commission, or
Committee applying for

Sustainability Committee

Personal Information

First Name	Hugh
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Last Name	Birdsall
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Address1	15 South Pkwy
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Address2	<i>Field not completed.</i>
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City	Clinton
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State	CT
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Zip	06413
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Home Phone Number	203-606-0211
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Business Address	15 South Pkwy, Clinton, CT., 06413
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Business Phone Number	203-606-0211
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Occupation	Teacher
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Email Address	hdbirdsall@aol.com
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Residency Information

Length of Residency in Clinton CT	27 years
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Are you a registered voter	Yes
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Party Affiliation	Green Party
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Education	B.A. in French from Yale University, MAT graduate degree from The School for International Training
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Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees?	Yes
If yes, which	Clinton Tree Committee
Have you served on a Board, Commission, or Committee before?	Yes
If yes, which	Clinton Tree Committee
Please list organization memberships and positions held	Current recording secretary for the Clinton Tree Committee
Please List Areas of Special Interest	Afforestation, Curbside Composting, Energy Efficiency, Environmental Justice
Please list any experience you might have that would be of relevant interest in the decision making progress.	<p>I taught in Connecticut public schools for 25 years.</p> <p>I have been teaching elementary school students in eastern Connecticut about climate change and sustainability for the past three years. I have worked with about 3,000 students so far.</p> <p>I authored and implemented a peer mentoring program for graduate students at the School for International Training in Brattleboro, VT.</p> <p>I was chairperson of the CT. Association of Programs for English Language Learners 2002</p> <p>I served on the Teacher Evaluation Committee at LEARN, in Old Lyme, CT.</p>

Email not displaying correctly? [View it in your browser.](#)

TOWN MANAGER'S REPORT

TO: Honorable Town Council Members

FROM: Karl F. Kilduff, Town Manager

DATE: November 4, 2020

Please find my report concerning various items of interest to the Town Council and community.

1. Council Business:

- a) COVID: As of this writing, Clinton moved from a “yellow alert” town to an “orange alert town” under the framework issued by the Department of Public Health. The framework is based on a rolling assessment of COVID cases. The framework seeks to control the spread of the virus within a community. At this point, there does not seem to be a statewide effort to control spread and the burden is being placed on municipalities. Under the “orange alert” status our efforts are focused on raising awareness with masks, washing and physical distancing. Public events need to be scaled back, group sizes should be limited, and indoor activities should be postponed. The “red alert” status involves more cancellations and further curbs.

Initially the Governor issued an Executive Order empowering “red alert” towns to revert back to Phase 2 of the re-opening plan. A new Executive Order is supposed to be issued that will extend that authority to “orange alert” towns. The trend of virus spread clearly indicates that the state level response is going to be necessary eventually as the growth in orange and red alert towns are growing.

- b) FY21-22 Budget: Budget season is rapidly approaching. I intend to issue a budget charge shortly to all departments for next fiscal year. If there are any specific budget goals or matters for inclusion from the Town Council, it would be helpful to have the Council’s input as soon as possible.

2. Connecticut Conference of Municipalities:

- a) The CCM Legislative Committee met on October 29, 2020. Josh Geballe, Chief Operating Officer for the State, spoke to the state’s on-going COVID preparations. He also spoke to technology enhancements under discussion to improve state operations.

The Committee also acted upon the balance of its legislative agenda. I attached for the Council’s reference the balance of the CCM legislative proposals.

3. River COG:

- a) The River COG met on October 28, 2020. The highlights of the meeting included:

- **Legislative Agenda:** The COG will work on a focused legislative agenda for the region in the next legislative session. The goal is to draft proposals which can be presented by December to members of the General Assembly from the region.
- **Transit Study:** As I have reported in the past, 9 Town Transit has been encouraged by the DOT to merge with Middletown Area Transit. Both districts have committees to negotiate a Memorandum of Agreement outlining the terms of the merger. DOT cooperation and funding is important along with trust building between the districts and the DOT.
- **Regional Plan of Conservation and Development:** The baseline data for the plan has been shared with the regional planning commission. Every town's local Commission has also been consulted at the start of the process.
- **Regional Housing Plan:** The COG voted to develop a regional affordable housing plan that would satisfy the requirement to have a plan in place under State statute 8-30j. Some towns in the COG region will do their own plan, but the majority were interested in a regional approach. Like the Natural Hazards Plan, the regional affordable housing plan is envisioned to have annexes that speak to each participating town for local adoption.
- **COVID Recovery:** The State is looking for COGs to take a lead on post-pandemic recovery efforts. The approach the state is using has had some problems in deployment to date and assigned staff/agencies are changing.

4. Miscellaneous:

- a) Bus Service: I met with the Director of 9 Town Transit and Director of RiverCOG to discuss bus service at the Shore Line East train station. It appears as if the planned bus shelter cannot be easily accessed by a bus. The configuration of the parking lot that the State acquired and abutting street create a challenge for bus service to connect commuters to the train. A further discussion needs to be had with the Town, 9 Town Transit and the COG on possible – workable – solutions.



September 30, 2020

TO: CCM Legislative Committee

FROM: Susan Bransfield, First Selectwoman of Portland, Chair
Mike Criss, First Selectman of Harwinton, Vice Chair

RE: **Recommendations for CCM's 2021 State Legislative Program: CCM Committee on Public Safety, Crime Prevention, and Code Enforcement**

Below are the recommendations of the CCM Committee on Public Safety, Crime Prevention, and Code Enforcement for inclusion in *CCM's 2021 State Legislative Program*. The report contains Legislative Proposals Recommended for Inclusion.

LEGISLATIVE PROPOSAL RECOMMENDED FOR INCLUSION

- * 1. **Ensure the State provide a sustainable funding stream through the General Fund for the annual operational expenses of Connecticut Regional Fire Schools.** In recent years, the funding levels for these schools has been highly unstable.
- 2. **Modify existing law to allow local police departments to be reimbursed by another department for the initial POST certification training costs of a police officer, who has been employed with the department for less than four years, and decides to transfer to the other department.** The reimbursement rate should be tiered over the four year period to allow for 100% reimbursement if transferring within the first year of employment, 75% if transferring within the second year of employment, 50% if transferring within the third year of employment and 25% if transferring within the fourth year of employment. *Current law allows the host town to recover 50% of the training costs from the department in which the police officer is transferring if the officer is transferring within the first two years of their employment when certification was obtained.*
- 3. **To provide stability and reliability, ensure the funding distribution for the Resident State Trooper program is maintained at its current rate.**

##

If you have any questions, please contact Michael Muszynski, Advocacy Manager, at mmuszynski@ccm-ct.org, or (203) 500-7556.

* Because this item is a state funding proposal, it will be referred to the CCM Board of Directors for approval.



October 29, 2020

TO: CCM Legislative Committee

FROM: Elinor Carbone, Mayor of Torrington, Chair
Erika Wiczenski, First Selectwoman of Willington, Vice-Chair

RE: **Recommendations for CCM's 2021 State Legislative Program: CCM Committee on Education**

Below are the recommendations of the CCM Committee on Education for inclusion in *CCM's 2021 State Legislative Program*. The report is divided into the following sections: (i) Legislative Proposals Recommended for Inclusion, (ii) Administrative Proposals and (iii) Proposal to be Referred.

LEGISLATIVE PROPOSALS RECOMMENDED FOR INCLUSION

- * 1. Provide municipalities stability and predictability in budgeting for special education by:
 - a. **Requiring that special education funding follows the student** until such fiscal year concludes when such student changes school districts during the fiscal year,
 - b. **Establishing a legislative task force to examine (1) potential regional opportunities for the provision of special education services, and (2) potential opportunities to increase the involvement of Regional Education Service Centers for the provision of special education services,**
 - c. **Allowing a town to reduce their MBR in an amount that reflects costs associated with special education students once those students leave the district, and**
 - d. **Decrease the Excess Cost grant threshold to at most 2.5 times the district's average per-pupil expenditure and fully fund the grant.**
- 2. Provide regional school districts with increased predictability and stability in budgeting by requiring:
 - a. **Regional school districts to use a 3-5 year moving average to identify and establish operating costs, and**
 - b. **The establishment of regional boards of finance to provide oversight to such regional boards of education.** Such regional boards of finance shall have the same authorities as a local board of finance and shall be comprised of representative membership identical to the regional board of education in the regional school district in which they are located.
- * 3. Provide municipalities predictability and stability in budgeting for education by:

* Because this item is a state funding proposal, it will be referred to the CCM Board of Directors for approval.

- a. **Providing incentives for local governments and boards of education to consolidate non-education related services.** Incentives may include state grants for the initial capital costs necessary for consolidation or ensuring shared services do not impact the MBR. In addition, it will be necessary to remove collective bargaining impediments to establishing service sharing arrangements between boards of education and local governments.
- b. **Establishing a cap on the per pupil tuition endowed academies and magnet schools are allowed to charge local governments for provision of education and special education services,** and establish a state funding mechanism to subsidize such tuition charged to local governments.

ADMINISTRATIVE PROPOSALS

- * 1. Urge the administration, and if necessary the legislature, to **(1) ensure that costs associated with preparing and maintaining public health measures as a result of COVID-19 in schools do not impact the municipalities MBR, and (2) any student enrollment changes as a result of the pandemic should not negatively impact state financial assistance for education.**
2. **Work with the Office of Policy and Management (OPM) to provide municipalities with more advanced notice regarding their MBR amount.**

PROPOSAL TO BE REFERRED

1. **Collaborate to ensure that education inequities and desegregation efforts are considered in the ongoing discussion regarding housing and zoning issues.**

Refer to CCM's Municipal CEO Working Group regarding affordable housing and zoning rules.

###

If you have any questions, please contact Michael Muszynski, Advocacy Manager, at mmuszynski@ccm-ct.org, or (203) 500-7556.

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October 29, 2020

TO: CCM Legislative Committee

FROM: Anthony Salvatore, Town Manager of Cromwell, Chair
Pete Bass, Mayor of New Milford, Vice Chair

RE: **Recommendations for CCM's 2021 State Legislative Program: CCM
Committee on Labor Relations**

Below are the recommendations of the CCM Committee on Labor Relations for inclusion in *CCM's 2021 State Legislative Program*. The report is divided into the following sections (i) Legislative Proposals Recommended for Inclusion and (ii) Legislative Proposal to Oppose.

LEGISLATIVE PROPOSALS RECOMMENDED FOR INCLUSION

1. **Help prevent unreasonably contested workers' compensation claims by:**
 - a. Allowing municipal employers a 45-day period to review workers' compensation claims from the date at which the municipal employer receives notice of such claim being filed.
 - b. Allowing a municipal employer to maintain the ability to appeal a workers' compensation claim if such claim is not denied within the 45-day period following notice that such claim has been filed.
2. **Promote and eliminate barriers to shared services.** Allow for towns and cities to more efficiently allocate resources by:
 - a. Exempting the establishment of such service sharing agreements from the definition of "change in working conditions" for purposes of collective bargaining.
 - b. When service sharing arrangements affect two or more collective bargaining units, the interests of all employees affected by the new arrangements will be represented by either a coalition of bargaining units or a new bargaining unit will be created to represent all affected employees.

LEGISLATIVE PROPOSAL TO OPPOSE

1. **Oppose any bills that are similar to the following bill from the 2020 session, HB 5270 "An Act Concerning The Right Of A Public Employee To Join Or Support A Union".** The proposed bill last year required municipal employers to provide certain information regarding new and current employees, access to new employee orientations, access to municipal government buildings to conduct meetings with bargaining unit members, use of municipal employer communication systems to conduct union business, and directed employee requests to cancel or change certain deductions to the unions rather than the municipal employer.

###

If you have any questions, please contact Zachary McKeown, Senior Legislative Associate at zmckeown@ccm-ct.org or (860) 462-9556.

October 29, 2020

TO: CCM Legislative Committee

FROM: Matt Knickerbocker, First Selectman, Bethel, Chair
Matt Hoey, First Selectman, Guilford, Vice Chair

RE: **Recommendations for CCM's 2021 State Legislative Program: CCM
Committee on Transportation and Infrastructure**

Below are the recommendations of the Committee on Transportation and Infrastructure for inclusion in *CCM's 2020 State Legislative Program*.

- * 1. **Improve municipal infrastructure** by:
 - a. Maintaining current funding for grant and bond programs.
 - b. Allowing municipalities to create Stormwater Authorities to offset costs of implementing the current MS4 General Permit.
 - c. Continuing efforts to expand and improve broadband access throughout the state.
- 2. **Enhance safety for pedestrians and vehicular traffic** by
 - a. Allowing municipalities to utilize photographic traffic enforcement technology.
 - b. Increasing funding for local initiatives to improve the safety and accessibility for bicyclists and pedestrians in urban, suburban and rural community centers through grants such as but not limited to the "Community Connectivity Grant Program".
 - c. Allowing municipalities increased authority to set local speed limits on state roads within their jurisdiction.
- 3. **Improve our Public Transit System** by
 - a. Maintaining the current .5% of sales tax that is directed to fund public transit operations and is scheduled to sunset.
 - b. Increasing municipal input over existing fixed route systems allowing for greater flexibility and ensuring that transit routes meet need and demand.
 - c. Requiring fixed route service providers to report to the public transit district body.
- * 4. **Ensure equitable statewide distribution of Congestion Mitigation Air Quality (CMAQ) funding** and expand the use of CMAQ funding for micro-transit (bike share, shuttles, scooters) programs and for Leading Pedestrian Interval (LPI)/Concurrent phase pedestrian signal changes.

###

If you have any questions, please contact Randy Collins, Advocacy Manager, at rcollins@ccm-ct.org or (860) 707-6446.

* Because this item is a state funding proposal, it will be referred to the CCM Board of Directors for approval.

October 29, 2020

TO: CCM Legislative Committee

FROM: Scott Shanley, General Manager, Manchester, Chair
Shari Cantor, Mayor, West Hartford, Vice Chair

RE: **Recommendations for CCM's 2021 State Legislative Program: CCM
Committee on Taxes and Finance**

Below are the recommendations of the CCM Committee on Taxes and Finance for inclusion in *CCM's 2021 State Legislative Program*. The report is divided into the following sections (i) Committee Statement and (ii) Legislative Proposals Recommended for Inclusion.

COMMITTEE STATEMENT

The CCM board of directors should provide an overall statement/introduction of the adopted 2021 Legislative Program that calls for the Governor and the General Assembly to “do no harm” and at a minimum maintain the current level of state municipal aid. Specifically, related to taxes and finances, the state should maintain current state funding for programs such as but not limited to Educational Cost Sharing, PILOT and LOCIP funding. Additionally, the General Assembly should not place any additional burden upon the property tax system by enacting new property tax exemptions.

LEGISLATIVE PROPOSALS RECOMMENDED FOR INCLUSION

- * 1. **Promote municipal revenue diversification** and reduce the current over-reliance on a regressive property tax system by 1) Allowing municipalities the option to establish and assess user fees for public services provide to for properties qualifying for a tax exemption under CGS 12-81 and not reimbursed by existing PILOT programs; 2) allow town and cites to assess fees on telecommunications and electric distribution companies that use the public right-of-way; and 3) allow any town or city to establish a Stormwater Authority to offset costs of implementing the current MS4 General Permit.
- 2. **Create additional Tiers within the Municipal Employee Retirement System (MERS)** for new hires that are mirrored after the Tiers available within the State Employee Retirement System (SERS).
- 3. **Provide funding to create and promote a statewide career development program to encourage and assist people of color to pursue careers in law enforcement and paramedicine.**

###

If you have any questions, please contact Randy Collins, Advocacy Manager, at rcollins@ccm-ct.org or (860) 707-6446.

* Because this item is a state funding proposal, it will be referred to the CCM Board of Directors for approval.



October 29, 2020

TO: CCM Legislative Committee

FROM: Mark Walter, Town Administrator of Columbia, Chair
Robert E. Lee, Town Manager of Plainville, Vice Chair

RE: **Recommendations for CCM's 2021 State Legislative Program: CCM Committee on Land Use, Housing and Community Development**

Below are the recommendations of the CCM Committee on Land Use, Housing and Community Development for inclusion in *CCM's 2021 State Legislative Program*. The report is divided into the following sections (i) Legislative Proposals Approved for Inclusion, (ii) Legislative Proposal for Further Discussion, and (iii) Legislative Proposal to Oppose.

LEGISLATIVE PROPOSALS APPROVED FOR INCLUSION

1. Tax Assessment Appeal Proceedings:
 - a. **Prohibit contingency fee arrangements and/or agreements,**
 - b. Amend CGS Section 12-117a and Section 12-119 to **require persons representing property owners or lessors in certain appeals concerning real property assessments to be either attorneys, certified public accountants, or certified or provisionally licensed real estate appraisers** and to prohibit them from entering into contingency fee agreements in such appeals, and
 - c. Amend CGS Section 12-117a to **require that within ninety days of filing an appeal, the plaintiffs shall file an appraisal of the subject property completed by a person or a firm licensed to perform appraisals in the State of Connecticut.** Failure to file such an appraisal within such time period shall be grounds for dismissal of the appeal.
2. An unfunded mandate now, CCM recommends that sections 47a-42 and 49-22 of the Connecticut General Statutes be amended to **require that the state and municipalities split, 50/50, the cost burden, in light of the environment we are currently in, for all costs of the removal and storage of their property.** This share of responsibility will be an opportunity for the state to fully understand and track the cost burden of evictions on municipalities. In addition, require that the property of deceased tenants, as outlined in 47a-11d of the Connecticut General Statutes, be the responsibility of the landlord.
 - a. **CCM would support, as opportunities arise, increased financial support for rental assistance programs in the state.**
3. **Eliminate the requirement that municipalities post legal notices in the newspaper.** The pandemic, COVID-19, has shifted the course of daily business from in-person meetings and visits to town halls to doing it all online. It has also called on municipal government to work more efficiently and streamline how they conduct their business. Communities and their residents have adapted and are now streaming public meetings, submitting applications for permits through town and city websites, and much more. Keeping that in

mind and building on that momentum, CCM would request that we relieve municipalities of the unfunded mandate of being required to post legal notices in the newspaper.

PROPOSAL FOR FURTHER DISCUSSION

The Land Use, Housing and Community Development Policy Committee has requested that the proposal below be **considered by CCM's Working Group discussing the Desegregate CT agenda and CCM's Research Department look into how other New England states use Clean Water Act funding for this purpose.**

1. **Require DEEP to allocate Clean Water Act funding towards subsurface wastewater systems**, to provide DPH with a more competitive position for obtaining funding to develop technical standards and training programs for local health departments and design engineers.

From Linda Painter and Patrice Carson:

After discussing thresholds for DEEP wastewater review and alternative wastewater treatment systems with our local health district representatives, it appears that the primary issue related to use of alternative systems relates to DPH regulations and is not necessarily a statutory issue. While the use of alternative systems is authorized in CT, no technical standards have been developed at this point, leaving engineers with little guidance as to what would be acceptable before they undertake a permitting process with DPH. The lack of standards also forces reviews to the state agency level, as there are no standards for local health departments to use in review of alternative systems.

We understand that DPH has sought Clean Water Act funding to assist in developing technical standards and training for alternative subsurface wastewater disposal systems, but has been unsuccessful in receiving funding due to the focus on urban sanitary sewer system retrofits and repairs. According to our local staff, Connecticut is the only state in New England that has not allocated any of its Clean Water Act funding to subsurface wastewater systems. We are not sure if it is possible, but one way to reduce the barriers to use of these systems is to direct DEEP to allocate a certain percentage of Clean Water Act funding to subsurface wastewater systems. That could provide DPH with a more competitive position for obtaining funding to develop technical standards and training programs for local health departments and design engineers.

To provide some background into the issue we are trying to solve, here are excerpts taken from the Homes Builders and Remodelers Association testimony on SB 1013 in 2019:

Regulatory authority of traditional wastewater management in Connecticut is current bifurcated between DPH and DEEP based on the capacity of the system (gallons per day, or gpd) to be used to process the wastewater from a building or group of buildings. Additionally, for residential buildings (homes, apartments, condos), the determination of total gpd is based on the Public Health Code's standard of 150 gpd/bedroom for the first 3 bedrooms in a dwelling unit. For units with 4 bedrooms or more, the standard for additional bedrooms is 75 gpd. Thus, a 2-bedroom apartment is assumed to produce 300 gpd, a 4-bedroom home is assumed to produce 525 gpd, while a 5-bedroom home is assumed to produce 600 gpd, and so on. Higher gpd means larger (and more expensive) systems are required to handle wastewater flows.

Currently, CGS sec. 22a-430(g) requires DPH to regulate subsurface sewage disposal systems (i.e., a traditional septic system) with a threshold of 7,500 gpd or less and traditional septic systems with capacities greater than 7,500 gpd and all alternative treatment septic systems regardless of capacity are currently regulated by the DEEP.

Since 2007, CGS sec. 22a-430(g) has required DPH to promulgate regulations on AT systems with capacities of 5,000 or less and then to regulate said systems. Funding that accompanied the original bill was stripped. The following session the deadline date to promulgate these regulations was repealed. To date, these regulations have not been produced and as a result these systems remain under DEEP's regulatory authority. DEEP's processes are convoluted where AT system approvals have taken up to two years. There is no regulatory certainty nor is there predictability. Many developers will design their projects in order to avoid entering into the abyss that is DEEP regulatory authority. Because of the current regulatory regime many projects that would fall under DEEP never see the light of day simply because of the expectation or fear that the DEEP would have regulatory authority. In contrast, DPH regulates in strict yet fair and transparent processes. DPH has processes and protocols in place that allow for efficient and thorough review of technical codes and standards by regulators with input from industry experts. Most importantly, approvals are rendered in a timely and predictable manner.

PROPOSAL TO OPPOSE

1. CCM's policy committee on Land Use, Housing and Community Development has recommended that **CCM oppose any bills that are similar to the following bill from the 2020 session, H.B. 5473 – AAC the Granting of Variances by Zoning Boards of Appeals, that should come up in the 2021 session.** Members of the Policy Committee will be sending along technical reasons why CCM should oppose such a proposal.

###

If you have any questions, please contact Donna Hamzy, Advocacy Manager, at 203-843-0705 or via email at <mailto:dhamzy@ccm-ct.org>.

October 29, 2020

TO: CCM Legislative Committee

FROM: Brandon Robertson, Town Manager of Avon, Chair
Laura Hoydick, Mayor of Stratford, Vice Chair

RE: **Recommendations for CCM's 2021 State Legislative Program: CCM Committee on Energy and Environmental Management.**

Below are the recommendations of the CCM Committee on Energy and Environmental Management for inclusion in *CCM's 2021 State Legislative Program*. The report is divided into the following sections (i) Legislative Proposals Recommended for Inclusion, and (ii) Legislative Proposals to Support as Opportunities Arise.

LEGISLATIVE PROPOSALS RECOMMENDED FOR INCLUSION

1. Virtual Net Metering Credit Cap
 - a. **Eliminate the Virtual Net Metering Credit Cap (CGS 16-244u).** Such change should include the requirement that electric distribution companies allow "unassigned" VNM credits to be applied to future bills on a month-to-month basis, known as "banking," as expressed in CGS 16-244u(c).
 - b. **In order to maximize underutilized land, CCM suggests that once the cap has been eliminated, provide preferential consideration for projects proposed to be placed on "preferred" sites (i.e., landfills, brownfields, etc.).**
2. **Allow any town or city to establish a Stormwater Authority to offset costs of implementing the current MS4 General Permit.** Previously proposed language is attached below.
3. Community Choice Aggregation
 - a. **Require a study of community choice aggregation (CCA) programs by the Commissioner of Energy and Environmental Protection.** CCM would recommend the study identify and highlight the differences between CCA and municipal aggregation, see below:
 - i. In CT, municipal aggregation (of residents in town) is opt in – the town must obtain consent of the resident to allow it to include that resident's account in its aggregation. As such, municipal aggregation has gone nowhere. MA's municipal aggregation, for example, is opt out – the town announces the plan and residents are included unless they notify the town not to include their account. CCA also is opt out.
 - ii. Similar bill was raised in 2020, [H.B. 5348](#)
 - b. Community choice aggregation (CCA) allows local governments to procure wholesale electricity for retail customers within their jurisdiction on a combined

basis (e.g., by contracting with a retail electricity supplier). The participating local government may operate the CCA directly or contract with a third party to do it.

4. Provide/maintain adequate funding for land preservation efforts.

1. Current funding levels:

- i. "\$7 million in "Grants-in-aid to municipalities for open space land acquisition and development for conservation or recreational purposes," and,
- ii. "\$13.5 million in "Recreation and natural heritage trust program for recreation, open space, resource protection and resource management."

These are bonded funds that have been authorized by the General Assembly, but they have not been allocated by the State Bond Commission.

LEGISLATIVE PROPOSALS TO SUPPORT AS OPPORTUNITIES ARISE

1. Municipal Open Space Funding Proposal

- i. The Connecticut Land Conservation Council has historically proposed enabling language providing a local option for land conservation and stewardship funding that would impose a 1% conveyance fee on home sales of \$150k or more to support open space preservation.
- ii. <https://www.cga.ct.gov/2017/TOB/h/pdf/2017HB-06946-R00-HB.pdf>

2. Broadband Equity – CCM supports equitable, affordable and adequate access to broadband technology for all CT residents. CCM stands ready to support the state in this effort and suggests the following preliminary items for consideration:

a. Establish a Broadband Working Group to:

- i. Evaluate the state of the state's broadband coverage, access, bandwidth and speed to identify areas where there is no coverage or not enough coverage, including attention to, (1) municipalities, (2) schools and districts, and (3) commercial zones.
- ii. Advocate for further public-private partnerships and incentivize broadband, tech, and digital providers to provide additional services to communities in high need.
- iii. Support one-touch make-ready, which requires the person attaching new equipment to a utility pole perform all of the make-ready work.

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If you have any questions, please contact Donna Hamzy, Advocacy Manager, at 203-843-0705 or at dhamzy@ccm-ct.org.

AN ACT CONCERNING MUNICIPAL STORMWATER AUTHORITIES

Section 1. Section 22a-498 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) For purposes of this section, "municipality" means any town, city, borough, consolidated town and city or consolidated town and borough. "Municipality" does not include any local school district, regional school district, metropolitan district, district as defined in section 7-324 or any other municipal corporation or authority authorized to issue bonds, notes or other obligations under the provisions of the general statutes or any special act.

(b) Any municipality [selected by the commissioner to participate in the pilot program established pursuant to section 22a-497] may, by ordinance adopted by its legislative body, designate any existing board or commission or establish a new board or commission as the stormwater authority for such municipality. If a new board or commission is created, such municipality shall, by ordinance, determine the number of members thereof, their compensation, if any, whether such members shall be elected or appointed, the method of their appointment, if appointed, and removal and their terms of office, which shall be so arranged that not more than one-half of such terms shall expire within any one year.

(c) The purposes of the stormwater authority shall be to: (1) Develop a stormwater management program, including, but not limited to, (A) a program for construction and post-construction site stormwater runoff control, including control detention and prevention of stormwater runoff from development sites; or (B) a program for control and abatement of stormwater pollution from existing land uses, and the detection and elimination of connections to the stormwater system that threaten the public health, welfare or the environment; (2) provide public education and outreach in the municipality relating to stormwater management activities and to establish procedures for public participation; (3) provide for the administration of the stormwater management program; (4) establish geographic boundaries of the stormwater authority district; and (5) recommend to the legislative body of the municipality in which such district is located the imposition of a [levy] fee upon the [taxable] interests in real property within such district, the revenues from which [may] shall be used in carrying out any of the powers of such district. In accomplishing the purposes of this section, the stormwater authority may plan, layout, acquire, construct, reconstruct, repair, maintain, supervise and manage stormwater control systems.

(d) (1) Any stormwater authority created by a municipality pursuant to subsection (a) of this section may levy fees, [from] approved by the legislative body of the municipality in accordance with the provisions of subdivision (3) of this subsection, on property owners of the municipality, except as specified in subdivision (2) of this subsection, for the purposes described in subsection (b) of this section. In establishing fees for [any] property in its district, the stormwater authority [may] shall consider criteria, including, but not limited to, the following: The area of the property containing impervious surfaces from which stormwater runoff is generated, land use types that result in higher or lower concentrations of stormwater pollution and the grand list valuation of the property.

(2) The stormwater authority may [reduce or defer] not levy such fees [for] on land classified as, or consisting of, farm, forest or open space land, except on areas of such land that contain impervious surfaces from which stormwater runoff is generated.

(3) Each stormwater authority shall present its budget annually to the legislative body of the municipality for approval. Such budget shall include the specific programs the authority proposes to undertake during the fiscal year for which the budget is presented, the projected expenditures for such programs for the fiscal year and the amount of the fee or fees the authority proposes to levy to pay for such expenditures. In no event shall the aggregate amount of the fees proposed for the fiscal year exceed the aggregate amount of such projected expenditures for the fiscal year. The legislative body of the municipality may approve fee amounts that are less than the amounts proposed by the authority but in no event shall the legislative body of the municipality approve fee amounts that are greater than the amounts proposed by the authority.

(4) Any fee levied pursuant to this subsection that is not paid in full on or before thirty days after the date the fee is due shall bear interest at such rates and in such manner as provided for delinquent taxes in accordance with section 12-146. Any unpaid fee or portion thereof and interest due thereon shall constitute a lien on the real or personal property of the owner of the property on which such fee was levied and may be recorded and released in the manner provided for property tax liens.

(e) Any person aggrieved by the action of a stormwater authority under this section shall have the same rights and remedies for appeal and relief as are provided in the general statutes for taxpayers claiming to be aggrieved by the doings of the assessors or board of assessment appeals.

[(d)] (f) The authority may adopt municipal regulations to implement the stormwater management program.

[(e)] (g) The authority may, subject to the commissioner's approval, enter into contracts with any municipal or regional entity to accomplish the purposes of this section.

Sec. 2. Section 22a-498a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

A municipal stormwater authority created pursuant to section 22a-498, as amended by this act, and located in a distressed municipality, as defined in subsection (b) of section 32-9p, having a population of not more than twenty-eight thousand shall constitute a body politic and corporate and the ordinance establishing such authority may confer upon such authority the following powers: (1) To sue and be sued; (2) to acquire, hold and convey any estate, real or personal; (3) to contract; (4) to borrow money, including by the issuance of bonds, provided the issuance of such bonds is approved by the legislative body of the municipality in which such authority district is located; (5) to recommend to the legislative body of such municipality the imposition of [a levy] fees upon the [taxable] interests in real property within such authority district, the revenues from which [may] shall be used in carrying out any of the powers of such authority; (6) to deposit and expend funds; and (7) to enter property to make surveys, soundings, borings and examinations to

accomplish the purposes of section 22a-498, as amended by this act.

Note: Additional consideration to be made for the exemption of property under the control of the CT Airport Authority.