

Agenda
Town Council Regular Meeting
Wednesday, July 07, 2021 at 8:00 AM
Town Hall Green Room

1. Pledge
2. Visitors
3. Hazard Mitigation Plan
 - Presentation
 - Authorizing Resolution
4. Approval of Minutes – June 16, 2021
5. Appointments/Reappointments
Nick Webb (D) Conservation Commission for a term until 6/30/2023
Barbara Fisk Gibson (U) Historic District Commission Alternate seat until 6/30/26

Economic Development Commission – 1 alternate seat available for a term until 6/30/23. Applications were received from Dara Onofrio (D) and Dan Lofgren (U)
6. Human Rights Initiative
7. Adam Stanton House Lease Agreement
8. Senior Program Coordinator
9. Line Item Transfer Request
10. Fire Marshal Fees
11. Council Discussion on Future Projects
 - Blight Ordinance
12. Chairman’s Report
13. Town Manager’s Report
14. Town Council Committee Liaison Reports
15. Executive Session - Real Estate, pursuant to CGS 1-200 (6)(D)
16. Adjourn

Lower CT River Valley Council of Governments
Margot Burns, Senior Environmental Planner
2021 Lower Connecticut River Valley Hazard Mitigation Plan Update

Clinton NHMP Adoption 7/6/2021

Eric Bergman, Mark Richards, Tim Guerra, Christine Goupil, Chris Aniskovich,
Dennis Donovan, Carol Walter

Purpose of Plan:

- Reduce loss of life
- Reduce damage to property and infrastructure
- Reduce costs to residents and businesses for things like insurance, repair costs, and taxes
- Reduce municipal service costs (e.g. emergency response and infrastructure maintenance)
- Educate residents and policy makers concerning natural hazards and mitigation possibilities
- Connect hazard mitigation planning activities to other community planning efforts and
- Enhance and preserve natural resources systems.

Every community is unique but some common mitigation actions include replacement of undersized culverts, flood proofing a school or fire station, purchase of a flood prone property for open space, or creation of educational material concerning natural hazards and mitigation actions for a community's citizens.

Methodology:

Regional Planning Team – John Evans RPT representative

- 3 RPT meetings,
- 1 town meeting with follow up for edits
- 2 Public meetings, April and Sept. 2020
- Public Survey – 75 responses
- State DEMHS review
- FEMA review
- Adoption by town
- Grants

Regional Projects:

- NFIP Community Rating System – encourage participation
- Educate and maintain updates to this plan

- Encourage BMP for stormwater and promote green infrastructure (LID regs)
- Notify about Grant opportunities
- Encourage generator and microgrid installation
- Investigate holding CFM course in region
- Support communities in their water conservation efforts
- Reduce and prevent the effects of invasive species
- Ensure integration into other regional plans
- Endeavor to protect and conserve Historic and Cultural Resources
- Small Business Education
- Encourage participation in Sustainable CT
- Apply SLR projections created by CIRCA under PA18-82 as best available data
- Support communities in their efforts to update flood plain management ordinances
- Include flood susceptibility model data in municipal plans as a planning tool and help field check data
- Assist municipalities in debris management planning

Town Projects:

- Incorporate natural hazard mitigation concerns into municipal regulations
- Implement the results of the SHPO historic and cultural resources resilience project to develop guidelines for historic buildings in special flood hazard zones
- Town Council should establish a special committee to research medium and long-range impacts to coastal areas from sea level rise (mitigation actions and legal and financial policy implications)
- Develop a priority list for road reconstruction and elevation
- Evaluate and reconstruct culverts in town to meet 100-year storm standards where feasible
- Evaluate Beach Park Rd., reconstruct causeway in several locations; evaluate and reconstruct Rt 1 in different locations; Nod and River Roads; to be above BFE.
- Inventory non-critical facilities essential for public function during an emergency concerning generator and power capacity during power outages (grocery stores, gas station, pharmacies) and encourage capacity through technical assistance and identifying funding opportunities
- Regionally develop business recovery plans with other municipalities and distribute to town businesses
- Retrofit and expand or construct new Fire Station - evaluate future feasibility
- Coordinate with regional and Town human services organizations to assist with those populations
- Conservation Commission should include inundation areas when considering open space acquisitions and update open space plan developed in 2013
- Update Recovery and Reconstruction Plan and create a rainy-day fund for needs during this period after a natural disaster occurs
- Identify and sign evacuation routes throughout town

- Encourage SRL and RL property owners to seek mitigation assistance from DEEP/FEMA
- Implement dune restoration and marshland protection
- Circulate existing literature concerning NH in Town Hall and Library and keep town website natural hazards information up to date

Funding: FEMA Building Resilient Infrastructure and Communities (BRIC) – 75/25 match, last round opened 9/30/20 - due 1/29/21.

HAZUS data – loss and risk reduction software

Table 2-18. Riverine Flood Exposure of At-Risk Parcels, Critical Facilities, and Historic Assets for the Town of Clinton.

Hazard	Number of Parcels	Value of At-Risk Parcels	Number of Buildings	Value of At-Risk Buildings	Number of Critical Facilities	Value of At-Risk Critical Facilities	Number of Historic Assets	Value of At-Risk Historic Assets
Flooding								
1% Annual	2,016	557	1,815	276	6	12	26	17
0.2% Annual	3,075	833	2,806	431	7	12	42	20
Erosion Risk Areas	28	21	24	5	0	0	0	0
Sea Level Rise	516	230	454	81	2	5	5	3
Dam Failure	96	20	85	11	0	0	0	0

**All Values are in Millions*

Flood Susceptibility Study – Annex C

<https://www.rivercog.org/projects/natural-hazard-mitigation-plan/> -

- *Long Term Recovery and Land Use Resilience through Community Flood Resiliency Study*
- Peer Reviewed Water Resources Research Journal Paper - *A Statistical Approach to Mapping Flood Susceptibility in the Lower Connecticut River Region*

**RESOLUTON APPROVING THE LOWER CONNECTICUT RIVER VALLEY MULTI-JURISDICTIONAL
NATURAL HAZARDS MITIGATION PLAN UPDATE 2021**

For the purpose of adopting the Regional Hazard Mitigation Plan as required by the Federal Emergency Management Agency in order to be eligible for certain Federal assistance for any natural hazards.

WHEREAS, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, at 42 U.S.C. § 5165, and 44 CFR Part 201.6 of the Federal Disaster Mitigation Act of 2000, require the municipalities to adopt a mitigation plan in order to be eligible for grants to implement certain mitigation projects; and

WHEREAS the Lower Connecticut River Valley Council of Governments (RiverCOG) municipalities have experienced past flooding and other natural hazard events that pose risks to public health and safety, may cause serious property damage, and a plan is needed to address the results of these events: and

WHEREAS the planning process fostered by the Connecticut Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security, and set forth by the Federal Emergency Management Agency, offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future impacts of such hazards; and

WHEREAS the State of Connecticut has provided federal Hazard Mitigation Assistance program funds to support development of the mitigation plan; and

WHEREAS a Hazard Mitigation Plan (the "Plan") has been updated by the Hazard Mitigation Planning Committee and staff from RiverCOG and 15 of its municipal members, including the Town of Clinton; and

WHEREAS the Hazard Mitigation Plan recommends several mitigation actions that will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS a public meeting was held on July 7, 2021, to present the Plan and proposed mitigation actions and to solicit questions and comments.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Clinton, Connecticut, that the Hazard Mitigation Plan, including Volume I and the annex for our municipality, is hereby adopted.

BE IT FURTHER RESOLVED that the municipal offices identified in the Plan are hereby directed to pursue implementation of the recommended priority actions that are assigned to their agencies.

BE IT FURTHER RESOLVED that any action proposed in the Plan shall be subject to and contingent upon budget approval, if funding is required, and this resolution may not be interpreted so as to mandate any such appropriations.

BE IT FURTHER RESOLVED that the Town Manager's Office is designated to coordinate with other offices and entities and shall periodically report on the activities, accomplishments, and progress, and shall prepare a progress report as required by the Federal Emergency Management Agency.

Advisory Committee on Human Rights

WHEREAS, it is essential to the health, safety, and welfare of Clinton and its inhabitants that differences serve as a source of individual and community strength, rather than as causes of discrimination.

NOW THEREFORE, the Town Council of the Town of Clinton wishes to establish an Advisory Committee on Human Rights.

Purpose:

The purpose of the Human Rights Committee is to promote mutual understanding and respect within the Town of Clinton among all racial, religious, ethnic and other groups, and among individuals of differing genders, sexual orientations, ages and abilities.

The goal of the Human Rights Committee is to facilitate respect, discourse, education and understanding in the Clinton community relating to the backgrounds and identities of its members as well as to encourage equality of treatment and opportunity for, all members of the community, without regard to economic status, race, ethnicity, religion, sex, sexual orientation, age and abilities.

Charges and Responsibilities:

- Under the supervision of the Town Council, to pursue community-wide education, through engagement with private business, civic and other community organizations within the Town of Clinton, and to recommend to the Town Council any programs, projects, activities or initiatives derived from such engagement, that will promote educational awareness, support for human rights and help all members of the community to enjoy equality of opportunity in all phases of community life in the Town of Clinton.
- Under the general supervision of the Town Council, to engage in study and research, and to publish and /or present reports designed to increase understanding within the community.
- To carry out such projects in the area of individual and group human rights and relations as shall be deemed necessary by the Committee and Town Council to ensure the safety, dignity, and peace of mind of the Town.
- To promote activities and programs to carry out the purposes of the Committee
- To pursue community-wide education, through both school programs and public engagement, that furthers intergroup understanding, tolerance, and acceptance.

- To advise and recommend to the Town Council of federal or state funds available for implementation of any activity described above in support of human rights and to facilitate the ability of the Town to obtain such funds.
- Adopt By-Laws to organize its meetings.
- Provide an annual activity report to the Town Council.

Membership and Term:

The Committee membership shall be appointed by the Town Council and be comprised of seven (7) resident electors of Clinton to serve a staggered, initial term of three (3) years. Five (5) members shall be appointed for a term expiring on July 1 in an odd-numbered year; show members shall be appointed for a term expiring on July 1 in an even-numbered year.

In addition, two (2) ex officio student advisory members would be selected and serve during the school year.

The Director of Human Services shall also serve as an ex officio member.

Approved by Town Council
_____, 2021

SUGGESTED MOTION:

The Town Council of the Town of Clinton hereby authorizes and directs the Town Manager to sign a Lease Agreement with the Adam Stanton House, Inc. to rent a piece of land containing 0.98 acres for a term of six month starting on July 1, 2021 and ending on December 31, 2021.

The Adam Stanton House
and General Store



Built 1791

63 East Main Street • P. O. Box 63, Clinton, CT 06413

Mr. Karl F. Kilduff
Town Manager
54 E. Main Street
Clinton, CT 06413
June 3, 2021

Dear Karl;

It has come to the attention of the Adam Stanton House Board of Directors that the 6 (six) month lease agreement between the Adam Stanton House, Inc., and the Town of Clinton for the purpose of removal of all playground equipment, taking down of the fence separating the former Abraham Pierson Elementary School playground from other land owned by the Adam Stanton House at 63 E. Main Street and grading and seeding of the leased premises once the playground equipment is removed will expire on June 30, 2021.

As you will recall, the Town of Clinton had asked for a lease extension in order to carry out new plans to salvage and relocate the playground equipment to another location. In light of the fact that no work has been done to date and that there is limited time to complete the project by the end of this month, the Stanton House Board of Directors would like to offer a 6 (six) month lease extension to the Town at the same \$2,500 fee.

A July 1, 2021 through Dec. 31, 2021 6 (six) month lease is enclosed for your consideration. If the Town of Clinton chooses to sign the new lease, please retain one copy for your files and mail the second copy to the Adam Stanton House Museum, P.O. Box 63, Clinton CT 06413 along with a check in the amount of \$2,500 or contact me and I will pick it up at your office.

If you have any questions or concerns, please contact the Adam Stanton House Museum President Bob Bruch at: 203-848-4936.

Sincerely yours,



Dale T. Moore, Adam Stanton House Secretary
860-304-4402
P.O. Box 63
Clinton, CT 06413
www.adamstantonhouse.org

SUGGESTED MOTION:

The Town Council of the Town of Clinton hereby approves a job description for a part-time Senior Program Coordinator and authorizes the hiring of such position as funded by the Town budget.

TOWN OF CLINTON JOB DESCRIPTION

SENIOR PROGRAM COORDINATOR

GENERAL PURPOSE:

Part-time program coordinator is responsible for the coordination and communication of programs within Clinton suited for residents 55+. The position is expected to coordinate and collaborate with existing senior service providers and to develop additional social, educational, recreational, and culture programs. As a new service in 2020, the Senior Program Coordinator will develop a supportive climate to encourage maximum involvement of participants in existing and newly created programs. The goal of this position is to build a following for senior services and programs to lead toward transitioning to a senior center.

SUPERVISION RECEIVED:

Direction will be provided from the Town Manager. Collaboration may be required with a Senior Services Committee (if created).

ESSENTIAL DUTIES AND RESPONSIBILITIES:

- Position is responsible for the development, implementation and marketing of all programming activities.
- Create and manage a master calendar of existing and newly created programs.
- Perform marketing outreach for programming, scheduling rooms, recruiting volunteer and paid instructors.
- Performs outreach to identify senior needs. Keeps current with active older adult trends and consistently seeks new programmatic ideas. Based on the needs and interests of Clinton residents 55+ design programs to enrich and support the independent lives of local seniors.
- Recruits and supervises volunteers that will support or deliver senior programs.
- Assists residents in determining activities that match their interests and needs.
- Maintains relationships with surrounding senior service providers, Town departments, community groups and service providers for the purpose of education and networking.
- Monitors and tracks participant fees collected, instructor stipends/costs, and general budget activity.
- Responsible for accompanying or leading classes, trips and special events.
- Prepares newsletters, articles, flyers, and other promotional materials for program offerings and special events.

- Prepares monthly statistical, financial and informational reports to track growth of programming and participation.
- Other duties as assigned.

QUALIFICATIONS:

Associates Degree in Human Services or Gerontology; 5 years of experience in the administration of programs and activities for senior citizens, social services and outreach; or any equivalent combination of education and experience.

NECESSARY KNOWLEDGE, SKILLS AND ABILITIES:

- General knowledge of the motivation, developmental needs and abilities of older adults with special emphasis on appropriate social and recreation activity needs.
- Ability to communicate effectively and positively with older adults, volunteers, community groups and town employees/officials.
- Strong organization, scheduling, activity programming, customer service and public relations skills. Ability to prioritize work and meet deadlines.
- Ability to work independently.
- Knowledge of desktop publishing, marketing, activity programming and planning.
- Exhibit high public relations skills establishing positive public relations for the Town and be sensitive to the unique needs of seniors.
- Ability to interact in a positive and professional manner with program participants.
- Ability to infuse creativity and flexibility into the seniors' programs.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Moderate physical effort required in performing duties. Frequently moves tables, chairs, and equipment with assistance. Duties require standing, walking, sitting, talking, listening, using hands, kneeling and bending.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the

position if the work is similar, related or a logical assignment of the position. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approval: _____

Town Manager

Revision History: _____

Town Council Approval: _____

Effective Date: _____

**TOWN OF CLINTON
TRANSFER OF FUNDS REQUEST FORM**

DATE OF REQUEST:	07 July 2021
DEPARTMENT OF REQUEST:	Communications
FISCAL YEAR OF REQUEST:	2021 / 2022
REASON FOR REQUEST:	Move P/T position to F/T for schedule stabilization & overtime control.

INCREASE ACCOUNT(S)	DESCRIPTION	AMOUNT
SEE ATTACHED		
DECREASE ACCOUNT(S)	DESCRIPTION	AMOUNT

1) Department Head Signature*: *[Signature]* Date: 28 June 2021

Comments: _____

**when completed forward to Director of Finance for review*

- 2) Director of Finance: Funds are available: Yes **(A)* No _____
 Date Approved: 7/1/21 Denied: _____
- 3) Town Manager: Date Approved: _____ Denied: _____
- 4) Town Council: Date Approved: _____ Denied: _____
- 5) Finance Dept: Date Transfer made: _____

(A) see attached

COMMUNICATIONS
TRANSFER OF FUNDS REQUEST

INCREASE	<u>AMOUNT(S)</u>	DESCRIPTION	AMOUNT
1.	014221-51310	SALARIES-FULL TIME	\$51,293.00
2.	014221-51335	HOLIDAY PAY	\$2,565.00
3.	015100-52810	MEDICAL INS. (buy-out)	\$2,120.00
4.	015100-52200	F.I.C.A.	\$4,216.00
5.	015100-52300	M.E.R.S.	\$9,060.00
6.	015100-52810	LIFE INS.	\$261.00
7.	014221-52910	CLOTHING ALLOWANCE	<u>\$450.00</u>
			(\$69,965.00)

DECREASE	<u>AMOUNT(S)</u>	DESCRIPTION	AMOUNT
1.	014221-51320	SALARIES-PART TIME*	\$34,282.00
2.	014221-51330	OVERTIME	<u>\$35,683.00</u>
			(\$69,965.00)

- Note: FY22 budget for this position was \$28,816, unless other part-time wages are adjusted, this account will be short by approx. \$5466 for FY22

AN ORDINANCE ESTABLISHING FEES FOR THE OFFICE OF THE FIRE MARSHAL

1. ESTABLISHMENT

- a.) The purpose of this fee schedule is to allow the Fire Marshal’s Office of the Town of Clinton to collect fees in connection with the Fire Marshal’s inspection and plan review responsibilities, and other activities within the boundaries of the Town of Clinton, Connecticut, that are regulated by the Clinton Town Code, the State Fire Safety Code, the State Fire Prevention Code, the Connecticut General Statutes and/or the regulations promulgated by the State Fire Marshal’s Office of the Department of Public Safety.
- b.) The proceeds derived pursuant to this section will be collected at the time any applicant submits plans. Said proceeds will be accounted for a General Fund revenue.
- c.) No plan review fees set forth in this section shall apply to plans submitted or resubmitted by municipal or state governmental agencies, subdivision, or entities.
- d.) The Fire Marshal shall have the right to waive such fees for not-for-profit entities.

2. FEES

- a.) Fees for review and approval of general building plans to ensure compliance with State Fire Safety Code provisions plans shall be \$8 per \$1,000 of value as declared on the building permit application for estimated construction cost, rounded up.
- b.) Fees for review and approval of fire alarm system plans shall be \$250 per application. At the discretion of the Fire Marshal, systems exceeding 5,000 square feet may be required to have an independent review conducted by a pre-approved reviewer of the applicant’s choice with any costs of such review borne by the applicant. Reports developed by the independent review must be reviewed for acceptance by the Fire Marshal.
- c.) Fees for fire sprinkler plans shall be \$150 per application.
- d.) Fees for Fire Marshal inspections (including fees for required annual inspections):

Tank Removal or Abandonment	\$50
Tank Installation (fuel/propane)	\$50
Blasting Permit (per state statute)	\$60
Liquor Permit (annual)	\$75
Liquor Permit (temporary)	\$30
CT Legal Fireworks (permit for sale in retail stores – annual fee)	\$50
CT Legal Fireworks tent sales (1,200 sq. ft. and larger)	\$50
Copy of Fire Incident Report	\$10
Electronic Copy of Fire Investigation Photos	\$35 per CD

TOWN MANAGER'S REPORT

TO: Honorable Town Council Members

FROM: Karl F. Kilduff, Town Manager

DATE: June 16, 2021

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

1. Council Business:

- Blight Ordinance Subcommittee – Now that we have full sub-committee of the Council, the first meeting of the Blight Ordinance Subcommittee met on June 28, 2021. Committee members were provided in advance with an information packet from CCM on blight which included policy comments and examples of ordinances adopted in other communities. They were also provided with a sample ordinance provided by our Town Attorney which was adopted in South Windsor. A number of improvements were discussed to clarify Clinton's ordinance and additional information was sought regarding the statutory authority to levy a special assessment on blighted properties. The Committee is continuing its work.
- Legalization of Recreational Marijuana – As I communicated earlier, the General Assembly passed a bill that legalized the recreational use of marijuana. While legalizing the use of cannabis products, certain powers were granted to municipalities in the process. Attached to this report is Public Policy Report from CCM which provides more details on the bill which relate to local governments.
- Follow-Up with Performing Arts on Auditorium Use – I met with a number of representatives from the performing arts community to discuss the use of the auditorium. Their agenda was wide ranging and touched on a number of historical issues beyond just use of the space. Use of the space was quickly remedied. The other issues are more involved and require a closer review/consideration. We are going to continue a dialogue regarding use of the auditorium.

2. CCM:

CCM does not have a Legislative Committee meeting scheduled during the summer months while the General Assembly is out of session.

3. River COG:

The Council of Governments met on June 23, 2021. Highlights of the meeting included:

- Household Hazardous Waste - Going into the new fiscal year, the COG was informed that its insurance carrier for the household hazardous waste program would not cover the historic risk of prior collections in Essex since 2005. As a result, the COG needs to secure one policy for the collection during the fiscal year and a second policy that would cover the "tail."

As a result, the cost of the program will grow and require an increase the Town's contribution beyond what is currently budgeted. The extent of the increase and how the added cost will be equitably distributed have yet to be determined. The COG does have a waste reserve fund which would be used to buy down the increased cost for FY21-22. If that fund is used, the full cost would be seen in FY22-23.

- Request for ARPA Funding – The COG intends to ask all communities to make a voluntary set aside of 15% of the “county” allocation of ARPA funds, which was sent to municipalities, to support a regional project. The request was tabled pending further information on the types of projects.
- MIRA – It was reported that MIRA will be issuing RFPs to solicit vendor proposals that support their transition to shipping waste out of Connecticut and closing the Hartford waste-to-energy plant. They will also work through a process with DEEP to determine their ability to use the Hartford site as a transfer station to collect and ship waste.

4. CRAHD:

The CRAHD Board of Directors met on June 15, 2021 to approve a budget for FY21-22. The budget includes hiring an additional sanitarian to help support construction activity. The rest of the meeting included a review of past activity to respond to the pandemic, strategies to reach the unvaccinated and discussion of COVID.

5. 9 Town Transit:

The Board of 9 Town Transit met on June 18, 2021. Agenda items included the launch of Park Connect as a free service to connect travels to Hammonasset Park using the Clinton Trolley. The route ends on Old Saybrook and Hammonasset. The one stop in-between is the Clinton dock. I have attached some information to this report on the pilot service which was funded by the State. It was noted that ridership is starting to rebound from the lows seen during the pandemic. Additionally, discussion focused on the merger of 9 Town Transit with the Middletown Area Transit District. The process of integration is continuing between the two transit districts. However, the DOT remains the stumbling block to fully implementing the combined service which relies on a multi-year funding agreement from the State which will support the consolidation.

6. Miscellaneous:

- UConn Stormwater Corps – We had a kick-off meeting with UConn on June 29 to discuss potential sites for review by engineering students. The students were then to perform field work to review town-owned locations to determine the best way to disconnect impervious surface from watercourses with low impact development ideas. A final report will be provided to the Town which will support stormwater management practices required by the MS4 stormwater mandate. The Town will have the ability to leverage \$22,000, at a minimum, to implement a low impact development project. Public education materials would also be part of the project. The students will have their findings and recommendations ready in the second half of July.

- Online Permitting System – The Town has completed its decision-making process to select a system vendor which will allow for online permitting. We have selected OpenGov on a piggy-back bid offered through the Capitol Region Council of Governments. The OpenGov platform offers a great deal of flexibility to expand online permitting beyond Building and Land Use. It also offers an all-in-one payment solution to facilitate online payments. Once we get beyond the contracting phase, Building and Land Use will be the first to go online. Other functions can be mapped to go forward after that.
- FY21-22 Insurance Renewal – The Town Insurance Consultant marketed the Workers’ Compensation and “Package” Insurance (property, liability, auto) seeking competitive pricing and companies to place our coverages. Workers’ Compensation remained with CIRMA with a rate reduction over the prior year. The other coverages were placed outside of the CIRMA program based on competitiveness or extent of coverage. Renewals in some lines of coverage were higher than the expiring policy but the bottom line amount is covered by the approved budget. Of note, property was higher as carriers respond to coastal property risks, which has been a long-term trend driven by events outside of Connecticut. Cyber insurance is also higher than projected reflecting a tightening in the market place as fewer carriers are offering coverage or raising standards. Cyber coverage will remain an issue going into FY22-23. As a result, the Town and BOE will need to have discussions with our insurance consultant to discuss necessary risk management practices to secure future coverage.

June 24, 2021

EM Connecticut Conference
of Municipalities

Municipal Management Bulletin

545 LONG WHARF DRIVE, NEW HAVEN, CT 06511 • PHONE (203) 498-3000 • FAX (203) 562-6314

SB 1201—Adult-Use Recreational Marijuana Municipal Impact and Analysis

SB 1201 was enacted during the June 2021 Special Session which legalizes adult use of cannabis. Among other things, the new law (a) creates a process for the erasure of previous marijuana related convictions, (b) establishes legal adult recreational use of cannabis by allowing individuals age 21 or older to possess, use, or otherwise consume cannabis and cannabis products, (c) and establishes new laws, regulations and control of cannabis products. In general, the bill limits possession to 1.5 ounces of cannabis plant material and 5 ounces of such material in a locked container in the person's residence or locked vehicle glove box or trunk (or equivalent cannabis product amounts or combined amounts). In addition, beginning on July 1, 2023 the bill allows any individual age 21 or older to cultivate up to three mature and three immature cannabis plants in an individual's primary residence.

The following are specific municipal provisions of SB 1201:

Local referendum (section 83-84) - Effective July 1, 2021 if at least 10% of a municipality's electors petition for a vote to allow certain marijuana sales, it must be done at least 60 days before a regular election. If met, the municipality must hold a referendum to determine whether to allow (1) the recreational sale of marijuana in the municipality or (2) the sale of marijuana in one or more of the cannabis establishment license types. The bill does not specify what specific language needs to be used in a referendum question.

Zoning Authority and Restrictions (sections 83-84, 148)

The bill allows municipalities to amend their zoning regulations or local ordinances to take the following actions regarding cannabis establishments:

- a) prohibit them from opening;
- b) reasonably restrict their hours and signage; or
- c) restrict their proximity to religious institutions, schools, charitable institutions, hospitals, veterans' homes, or certain military establishments.

If a municipality imposes regulations or ordinances regarding the above, they will be precluded from imposing additional or modified restrictions on cannabis establishment regarding hours, zoning, or signage existing businesses until five years after the restrictions are originally adopted. If municipalities take no action through zoning regulations or ordinances, these establishments must be zoned as similar uses would be. The bill prohibits municipalities from regulating the delivery of cannabis of any form. In addition, it prohibits negating or entering into local host agreements.

Until June 30, 2024, the bill prohibits municipalities from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one retailer and one micro-cultivator for every 25,000 municipal residents, as determined by the most recent decennial census.

The law also allows municipalities, for the first 30 days after cannabis retailers or hybrid retailers open, to charge them up to \$50,000 for any necessary and reasonable municipal costs for public safety services related to the opening (such as for directing traffic).

- OVER -

Regulating Cannabis Usage (sections 83-84)

Effective October 1, 2021, existing law allows municipalities to regulate activities deemed harmful to public health, including smoking, on municipally-owned property. The bill broadens this to include property that a municipality controls but does not own. It specifies that this regulatory authority applies to (1) smoking tobacco or cannabis, including cannabis ecigarette use (i.e., electronic delivery systems and vapor products) and (2) other types of cannabis use or consumption. It allows municipalities to ban cannabis smoking (including ecigarette use) at outdoor sections of restaurants. Through regulations, municipalities may set fines for violations, up to (1) \$50 for individuals or (2) \$1,000 for businesses.

For municipalities with more than 50,000 people, if the town or city decides to regulate the public use of cannabis, the local regulations must designate a location in the municipality where public consumption of cannabis is allowed.

Municipal Cannabis Tax (Sections 126—127)

The bill imposes a 3% municipal sales tax (in addition to the state cannabis tax established at 6.35%) on the gross receipts from the sale of cannabis by a cannabis or hybrid retailer or micro-cultivator. Under the bill, “gross receipts” means the total amount received from cannabis sales by the retailer or micro-cultivator. The tax must be collected from consumers at the time of sale and be held in trust until remitted to the municipality. The bill exempts from the municipal sales tax:

- a) cannabis for palliative use;
- b) sales of cannabis by a delivery service to a consumer; and
- c) the transfer of cannabis to a transporter for transport to any cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, dispensary facility, cannabis retailer, hybrid retailer, or producer.

Any municipality in which a cannabis or hybrid retailer or micro-cultivator is located will need to submit to the DRS commissioner, at least annually, the name and contact information of the individual designated by the municipality to receive notifications regarding the local cannabis tax. The DRS commissioner will then notify (and establish policies and procedures) the municipally designated individuals of the tax amount reported due from each cannabis and hybrid retailer and micro-cultivator located in their respective municipalities.

Within 60 days after receiving such a notice from DRS, each municipality must invoice each applicable cannabis retailer, hybrid retailer, and micro-cultivator in accordance with the law for DRS notices. This will need to be done through an invoice by first-class mail to the address of the facility on file. The retailer or microcultivator must remit payment to the municipality within 30 days after the invoice was sent.

Under the bill, the amounts remitted become a part of the municipality’s general revenue and must be used for the following purposes:

- a) streetscape improvements and other neighborhood developments in communities where cannabis or hybrid retailers or micro-cultivators are located;
- b) education programs or youth employment and training programs in the municipality;
- c) services for individuals living in the municipality who were released from DOC custody, probation, or parole;
- d) mental health or addiction services;
- e) youth service bureaus and municipal juvenile review boards; and
- f) community civic engagement efforts

CCM hosted municipal representatives from Colorado and Massachusetts at our 2019 Annual Convention to share the municipal perspective regarding the legalization of marijuana in those States. To view the CT-N coverage, please click on the link: [CCM Panel Discussion on the Legalization of Recreational Marijuana](#).

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For more information on this issue, please contact Mike Muszynski
(mmuszynski@ccm-ct.org or 203-500-7556) of CCM.



ParkConneCT Pilot

- ▶ Partnership with DEEP and DOT to improve access to state parks and mitigate congestion with 100% state funds
- ▶ Runs May 28 - September 6, 2021 as a fare free pilot
- ▶ Extends routes 641 and 645 to Saturday, Sunday and holidays
- ▶ Extends Clinton Trolley to Hammonasset Beach and increases to 7 days a week
- ▶ Provides new Madison Shuttle from Hammonasset Beach to Madison 7 days a week

