



ANCHOR
ENGINEERING SERVICES, INC.

T: 860.633.8770
F: 860.633.5971
www.anchorengr.com

41 Sequin Drive • Glastonbury, CT • 06033

April 3, 2019

Mr. Michael Maniscalco
East Hampton Town Manager
20 East High Street
East Hampton, CT 06424

Re: Seamster Park Playground Construction
Contractor Recommendation

Dear Mr. Maniscalco:

Anchor Engineering Services, Inc. and the Town of East Hampton Parks and Recreation Department have completed a review of the bids submitted for the above referenced project. Enclosed please find the project's bid results.

As shown in the bid results, Play By Design, LLC submitted the lowest total bid in the amount of \$51,839.00 for Base Bid No. 1 and \$84,243.87 for Base Bid No. 2.

Based upon a submission of the lowest qualifying bid and a review of their previous and on-going work for the Town of East Hampton, Anchor Engineering recommends that Play By Design, LLC be awarded the contract for the Seamster Park Playground Construction.

If you have any questions regarding the above or the enclosed information, please don't hesitate to contact Jeremy Hall at the East Hampton Parks and Recreation Department at (860) 267-7300 or myself at (860) 633-8770.

Sincerely,

Kevin R. Grindle, PLA, ASLA
Project Manager / Associate

Cc: Jeremy Hall, Director, East Hampton Parks & Recreation

WEST HIGH ENTERPRISES, LLC

244 Middletown Avenue
East Hampton, CT. 06424
860.267.6623

March 20th, 2019

Town of East Hampton
Attention: Michael Maniscalco
20 East High Street
East Hampton, CT 06424

RE: 201B West High St. Tax Abatement

Dear Michael,

As you know from our meeting on April 25th, 2017 that the tax assessment agreement for West High had erroneous language in it. This is preventing us from receiving our agreed upon two year tax abatement on the rear building at 201B West High Street. The agreement was always designed for a phased development, and as the buildings were constructed then the taxes would be abated for the next two consecutive years. Can the documents be amended to reflect the intent of our agreement, which was a two year tax abatement for each phase of development. Building "B," which we received a tax abatement for one year, requires a tax abatement for one more year to make it two years. Building "C" and "D" are new buildings, one with a shell up, and one which is not yet constructed, will need two years tax abatement upon completion.

Sincerely,



Wayne Rand
West High Enterprises, LLC
Owner/President
Email: Waynerand@comcast.net

WEST HIGH ENTERPRISES, LLC DEFFERED ASSESSMENT HISTORY

5/31/2012 Assessment Deferral Application Received (195 West High St., AKA 201 West High St)

8/30/2012 Assessment Deferral Application Received (201 West High St., FKA 195 West High St)

9/11/2012 Application Approved within Minutes of Town Council Meeting

4/25/2017 Assessment Agreement Signed by TOEH and West High Enterprises, LLC

10/1/2017 West High St, LLC received Year 0 as defined in the Agreement dated 4/25/2017. The completed building and partially completed building were exempted off the assessment for a total exemption of \$866,990

7/1/2018 West High St, LLC received \$6060.00 tax bill for the land assessment only (\$188, 140). Without the Agreement, the tax bill would have been \$33,985.74. Again, as stated above, this was for Year 0 as defined in the Agreement.

10/1/2018 West High St, LLC did not receive the Certificate of Occupancy within the twelve months of the Agreement dated 4/25/2017. Agreement deemed null & void according to the terms in paragraph 1.a.

7/1/2019 tax bill will be based on the total assessment of \$1,055,130. This is a partially completed construction assessment as the 400' X 90' building was partially completed on the 10/1/2018 Grand List assessment date.

WEST HIGH ENTERPRISES, LLC TAXES PAID:

2014GL (1st Bldg CO Rec'd) \$10,129.82 (no tax abatement)

2015GL (Revaluation Year) \$9810.30 (no tax abatement)

2016GL \$10,436.76 (no tax abatement)

2017GL \$6060.00 (\$27,925.75 tax abatement per Assessment Agreement year 0)

TAX ASSESSMENT AGREEMENT

THIS TAX ASSESSMENT AGREEMENT ("Agreement"), made and entered into as of ~~March~~ ^{April} 25, 2017, by and between West High Enterprises, LLC ("West High"), a limited liability company organized and existing under the laws of the State of Connecticut, having an office and principal place of business at 244 Middletown Ave, East Hampton, CT, and the Town of East Hampton, a municipal corporation located in the County of Middlesex and State of Connecticut, acting herein by Michael Maniscalco, its Town Manager (the "Town").

RECITALS

- A. West High is planning to build a retail building facility at 201 West High Street within a 43680 square foot commercial building ("Retail Facility"); and
- B. Said Commercial Building will be located on real property more particularly described in Exhibit A attached hereto and made a part hereof (the "Real Property"); and
- C. Section 12-65b of the Connecticut General Statutes ("CGS") provides that a municipality may enter into a written agreement with a party owning an interest in real property, to fix the assessment of the real property for a period of not more than two (2) years, provided the improvements made by the owner cost at least FIVE HUNDRED THOUSAND DOLLARS (\$500,000) but less than THREE MILLION DOLLARS (\$3,000,000.00) and are constructed for certain uses which include office, retail, permanent residential, transient residential, information technology, recreation facilities, manufacturing warehouse, storage, distribution; and
- D. The Property meets the requirements of CGS Section 12-65b, which permits tax assessment agreements under certain conditions, since the Property will be used as a office/retail facility as required by the statute; and
- E. The Town deems it desirable to enter into an agreement fixing the assessment with respect thereto as an inducement to West High to develop the Property; and
- F. This Agreement has been authorized by an affirmative vote of the legislative body of the Town on September 11, 2012 in accordance with CGS Section 12-65b; and

- G. It is the intent of the parties hereto that this Agreement shall cover only the real property assessment and shall not affect any future personal property assessments.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Fixed Assessment Period. The Fixed Assessment Period shall be a separate and distinct period for the Real Property which shall be established as of the date the Certificate of Occupancy is issued for the Retail Facility, commencing upon the October 17 following the date on which the Certificate of Occupancy for such facility is issued. The tax assessment on the Real Property only shall be fixed in the following manner:
 - a. *Year 0* - The assessment made prior to the October 1 commencement date of each Fixed Assessment Period shall be fixed at the current land value of the Real Property and shall continue until the commencement of the applicable Fixed Assessment. The Certificate of Occupancy for the Retail Facility shall be obtained no later than twelve (12) months after the execution of this Agreement or this Agreement shall be deemed null and void.
 - b. *Year 1 – Year 2* - The assessments made on October 1 of Year 1 and Year 2 shall be fixed at the current land value of 201 West High Street.
 - c. *Year 3* – The assessments made on October 1 of Year 3 shall be based upon the valuation of the land and structures situated on the Real Property.
 2. Acceptance of Valuation. As a further inducement for the Town to enter this Agreement, West High agrees to accept as correct the value placed upon the Improved Property by the Town at the time of the commencement of the applicable Fixed Assessment Period and any change in the valuation for any subsequent improvements to the subject building, and during the term of the applicable Fixed Assessment Period, West High waives any rights to appeal said valuations under CGS Sections 12-111, 12-117a, or 12-119 or any successor statute, reserving the right, however, to appeal such assessment to the East Hampton Board of Assessment Appeals. The Town shall not change the assessed value of any particular building during the term of that building's Fixed Assessment Period, but if a town wide revaluation shall have occurred during such building's Fixed Assessment
-


Period, the Town may cause a revaluation to be made of such building upon termination of the Fixed Assessment Period therefor. The Town shall not otherwise revalue the Property, except as part of a town-wide revaluation or upon any subsequent improvements. The purpose of this clause is to assure that the Town will be able to collect full taxes on the assessed value at the conclusion of the period of diminished taxes as set forth above and through any revaluation then in effect.

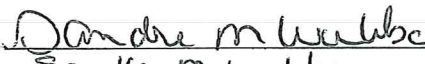
3. Default. If West High defaults under the terms of this Agreement, West High shall pay within thirty (30) days after the receipt of a bill therefore, to the Town such sum as may be set forth on said bill.
 4. Condemnation. In the event the Property or any part thereof, or any estate therein is taken by condemnation or eminent domain during said Fixed Assessment Period, the applicable fixed assessments specified in Section 1 shall be adjusted to reflect the diminution of value arising out of said taking, in the manner provided by state and local laws and ordinances.
 5. Fire or Other Casualty. In the event the Property or any part thereof or any estate therein is damaged or destroyed by fire or other casualty during said Fixed Assessment Period, the applicable Fixed Assessment shall not be adjusted.
 6. Amendments. This Agreement may not be modified or amended except by a written agreement signed by both parties.
 7. Sale of Property. In the event the Property or any part thereof is sold to another party during the Fixed Assessment Period, the remainder of the Fixed Assessment Period shall continue to be effective with respect to the successor owner(s) of the Property.
 8. Severability. A ruling by any court or administrative body that a portion of this Agreement is invalid or unconstitutional shall have no effect on the other terms hereof which shall remain in full force and effect and binding on the parties.
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9. Applicable Law. This Agreement shall be interpreted and enforced in accordance with the laws of the State of Connecticut.

IN WITNESS WHEREOF, the parties have executed this Tax Assessment Agreement and affixed their seals hereto, as of the date first above mentioned.

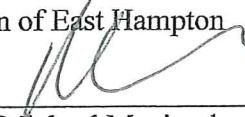
Signed and delivered in the presence of:




Thomas C. Carlucci


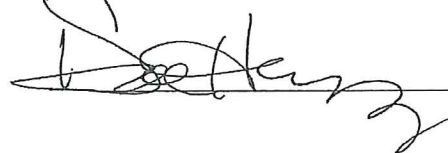
Sandra M. Wilchke

Town of East Hampton


By: 

Michael Maniscalco
Its Town Manager



Karina E. Anderson


West High Enterprises LLC

By: 

Wayne Rand
Its Manager
Duly Authorized

STATE OF CONNECTICUT)
)
COUNTY OF MIDDLESEX)

ss. East Hampton

On this the 25 day of July, 2015, before me, Sandra Wieleba, the undersigned officer, personally appeared Michael Maniscalco who acknowledged himself to be the Town Manager of the Town of East Hampton, a municipality, and that he, as such town Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the town by himself as Town Manager.

In witness whereof I hereunto set my hand.

Sandra M Wieleba
Commissioner of the Superior Court
Notary Public

SANDRA M. WIELEBA
NOTARY PUBLIC
MY COMMISSION EXPIRES SEP. 30, 2018

STATE OF CONNECTICUT)
)
COUNTY OF MIDDLESEX)

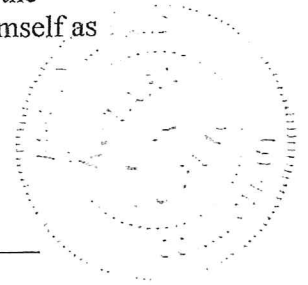
ss: East Hampton

On this the 6 day of April, 2017, before me, Ashley Rand, the undersigned officer, personally appeared Wayne Rand, who acknowledged himself to be the Manager of West High Enterprises LLC, a manager managed limited liability company, and that he, as such Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as Manager.

In witness whereof I hereunto set my hand.

Ashley M

Commissioner of the Superior Court
Notary Public
My Commission Expires: 11/30/19





Office of the POLICE DEPARTMENT
DENNIS WOESSNER, CHIEF OF POLICE

AGENDA
ITEM # 9a

March 25, 2019

To: Michael Maniscalco, Town Manager

From: Dennis Woessner, Chief of Police

Subject: General Order approval

Attached to this memorandum is a General Order which I am submitting for approval:

General Order 3.7, *Firearms Policy*, is an existing General Order which needed to be updated to reflect the current practices of the East Hampton Police Department as well as the existing Connecticut General Statutes. The additions to the existing General Order are highlighted in red and the deletions are highlighted in yellow.





EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 3.7 RULES OF CONDUCT

SUBJECT: FIREARMS POLICY		
Issue Date: 5/2/2014	Effective Date: 4/8/2014	Distribution: All Personnel
Amends/Rescinds GO:		Review Date: / /
Per Order of: Dennis Woessner, Chief of Police		
<i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i>		

I. PURPOSE

To establish guidelines and procedures governing East Hampton Police Department (EHPD) issued and/or authorized firearms and ammunition including training, qualification, safety, carrying, care and maintenance.

II. POLICY

The EHPD is committed to the belief that increased training enhances professionalism and decreases the likelihood of injury to officers and citizens. Because of this commitment, officers are required to demonstrate bi-annual proficiency in the use of firearms. Only officers who first receive training in the EHPD's use of force and firearms policies and demonstrate proficiency in their application are authorized to carry firearms. All EHPD qualifications and sponsored firearms training shall be administered by certified firearm instructors. Firearm qualification is a combination of skill and discretion. EHPD training emphasizes proper use of force decision-making (when to shoot as well as how to shoot). [Refer to General Order 3.1 (Use of Force)].

III. DEFINITIONS

Administrative No Gun Status: The lack of technical ability to qualify, as determined by the Firearms Training Unit.

Bi-annual Firearm Qualification: Firearm qualification twice in a single calendar year.

Firearm: An issued and/or authorized weapon designed to expel a projectile by the action of an explosive (e.g., revolver, pistol, shotgun, rifle) to be utilized in accordance with applicable department policies.

High Port: ~~Carrying of a shoulder weapon, barrel pointed skyward.~~

Magazine or "Source of Feed": An ammunition retainer for semi-automatic pistols.

Medical No-Gun Status: The lack of physical ability to qualify with a firearm as determined by the department physician.

Physical Stress Training: Requires the officer to successfully perform **an agility drill before or during a live-fire exercise.** ~~a live-fire exercise before or during an agility drill.~~

Primary Sidearm: The on duty sidearm and the weapon officers must use to train and qualify with, biannually.

Proper Use of Force Decision Making: Means the use of reasonable force, including proper tactics, and de-escalation techniques.

Psychological Stress Training: Under stress certain physical changes may occur (e.g., loss of fine motor skills, tunnel vision, auditory exclusions). This training mentally prepares the officer to overcome or minimize these changes by demonstrating proficiency in a variety of skills within a specific time frame.

Secondary Sidearm: Any department approved option weapon carried holstered and concealed, either in addition to the on duty primary sidearm, or off duty.

IV. PROCEDURES

A. Authorized Use of Firearms/Ammunition

1. General

- a. Only those firearms and ammunition which are issued and/or authorized and trained in by the East Hampton Police Department shall be carried while on or off-duty. This is true even if a officer chooses to secure a CCW permit in addition to his/her authorization to carry a firearm granted by virtue of his/her certification as a East Hampton Police Officer;
- b. All officers will be **issued a department approved firearm** ~~issued a Glock, Model 21,~~ as a primary sidearm for on duty carrying to the exclusion of all other sidearms unless the Chief of Police has granted special permission.

- e. Qualification with one department issued or department-approved model firearm does not qualify the officer to carry other model firearms. Officers must qualify **with their issued sidearm. Officers wishing to carry a personal weapon on or off duty must qualify with it.** ~~separately with each model of semi-automatic pistol or firearm that they choose to carry either while on or off duty.~~

2. Security of Weapons

- a. Officers are responsible for the care, cleaning, and security of weapons issued to them. Officers shall keep their department issued and/or approved weapons in good, serviceable condition at all times. All weapons shall be kept clean and free from excessive amounts of oil and ready for inspection;
- b. When an officer's residence is to be vacant for an extended period of time (e.g., furlough, extended leave, or extended use of compensatory time, etc.) the officer shall not leave a department issued weapon at the residence. An officer may leave the department issued weapon at the department if appropriate storage facilities are available. An EHPD locker is an inappropriate storage facility for any weapon.

3. Repair

- a. Officers shall report and explain any weapon malfunction to an EHPD armorer. EHPD issued weapons shall only be repaired by EHPD armorers. EHPD approved off duty weapons may be repaired by EHPD armorers, but all parts must be supplied by the officer;
- ~~b. Officers that have EHPD approved off duty weapons repaired outside the department must have those weapons re-inspected by EHPD Armorer prior to being used either on or off duty;~~
- c. EHPD issued or EHPD approved weapons which become defective will be immediately removed from service;
- d. If an EHPD issued weapon must be replaced, the officer will report to **an EHPD Armorer to get a replacement.** ~~the Firearms Inventory for an exchange.~~ The EHPD Armorer shall record the information (e.g., weapon, model number, serial number) on the officer's firearm's record.
- e. Officers have the responsibility to insure that their off duty weapons are maintained and inspected in accordance with factory specifications. Repair to**

off duty weapons must be carried out by a qualified gunsmith in accordance with factory recommendatoin and specifications.

4. Ammunition

a. ~~Ammunition for department issued weapons will be issued by the firearms training staff. Ammunition approved for use while on or off duty in department issued or approved weapons are limited to the ammunition approved by the Firearms Training Officer and the Chief of Police. Approved ammunition shall be listed in an annual Special Order announcing the firearms qualification schedule for the upcoming year. No other ammunition is authorized unless the Chief of Police or his or her designee exempts the specific officer or group;~~

b. ~~Ammunition for off duty weapons must be brand name, factory new ammunition from reputable manufacturers such as Federal, Winchester, or Remington that is approved by the Firearms Training Officer, as authorized by the Chief of Police. All semi-automatic pistols carried by officers, on or off duty, shall be carried with a chambered round and a fully loaded magazine. Additional magazines, when carried, shall also be fully loaded;~~

c. ~~All weapons carried off duty shall be fully loaded. All revolvers carried on or off duty shall be fully loaded with EHPD approved ammunition. Uniformed on duty officers shall carry the following ammunition on their person: 40 rounds for a Glock Model 22. All supervisors shall ensure that officers under their command are in compliance during their required monthly firearm inspection.~~

d. ~~The Firearms Training Officer, as authorized by the Chief of Police, shall provide ammunition guidelines for all other weapons.~~

5. Shoulder Weapons

a. ~~Only EHPD issued or approved shoulder weapons (carbines, rifles, shotguns) may be carried in any EHPD vehicle. No officer shall carry any shoulder weapon on duty prior to successful completion of training and qualification during the bi-annual firearms qualification program. All shoulder weapons shall be carried in EHPD vehicles in a manner approved by the Chief of Police. Any weapon not able to be secured in a lockable device (gun-vault) shall be removed from the vehicle at the end of the officer's shift. All shoulder weapons shall be carried in EHPD vehicle~~

~~trunks; shotguns locked in the gun mount and rifles and/or carbines in appropriate gun boxes or other suitable cases;~~

- ~~b. Department shoulder weapons in vehicles shall be inspected by the officer utilizing that vehicle prior to going on shift. Officers qualified with and approved to carry any shoulder weapon by the Firearms Training Officer must carry his or her Firearms Record Card indicating approval to carry the weapon on his or her person;~~
- ~~c. The serial number of any EHPD issued or approved shoulder weapon carried in an EHPD vehicle must be recorded on the officer's Activity Log Sheet at the beginning of the officer(s) tour of duty;~~
- ~~d. The Firearms Training Officer shall notify all commands of officers within their command that have qualified with any shoulder weapon, including the type of weapon and the weapon's serial number. The command shall note this information of the officer's Personnel Data Card.~~

B. Firearm Safety - General

1. General

- a. In general, all firearms shall be carried holstered or in a gun bag or gun box;
- ~~b. Officers are prohibited from the use of shoulder holsters and cross-draw holsters. Ankle holsters may be used off duty or for secondary sidearms provided that the officer has received training from the Firearms Training Officer. Once an officer is trained to use an ankle holster for off duty or for secondary sidearms it will be noted on the officer's Firearms Record Card;~~
- c. When a weapon is not holstered or not in a gun bag or gun box, officers shall handle the weapon in the following manner:

~~Glock~~ Semi-Automatic Pistol ~~(or other semi-automatic pistols)~~

- (1) Keep your finger off the trigger;
- (2) Remove the ~~source of feed~~ magazine;
- (3) Eject round by racking the slide to the rear;
- (4) Visually and physically inspect for obstructions;
- (5) Leave the slide locked to the rear or holster the weapon;
- (6) Keep ammunition separate from the weapon.

Revolver

- (1) Keep your finger off the trigger;
- (2) Open the cylinder;
- (3) Extract the ammunition;
- (4) Leave the cylinder open or holster the weapon;
- (5) Keep ammunition separate from the weapon.

Shoulder Weapons

- (1) Keep your finger off the trigger;
- (2) **Hold at high port; Point in a safe direction;**
- (3) Make sure the safety is ON;
- (4) **Remove the magazine**
- (5) Open the action;
- (6) Remove any ammunition;
- (7) Visually check the port and barrel for obstruction;
- (8) Leave the action open or secure the weapon in a box or bag;
- (9) Keep ammunition separate from the weapon.

2. Modifications

Officers are prohibited from affixing any attachment, grip, extension or other equipment, or in any way modifying any EHPD issued or approved sidearm without approval from the Chief of Police.

3. Prohibited Uses

- a. The use of a firearm is categorized as deadly/lethal force. The use of a firearm must be in strict compliance with this department's Use of Force policy. [Refer to General Order 3.1 (Use of Force)];
- b. An officer shall not unnecessarily display or at anytime use any weapon as an intimidation device;
- c. The firing of warning shots is strictly prohibited;
- d. ~~Firing at, or from a moving vehicle is prohibited. Moreover, officers shall not intentionally place themselves in the path of a moving vehicle.~~
Officers are prohibited from discharging firearms at or from a moving vehicle or bicycle unless officers reasonably believe deadly force is necessary to defend the officer or a third person from the use, or imminent use, of deadly force. For purposes of this policy, officers will

not discharge their firearms at moving vehicles except under extreme circumstances.

4. Use of Force Reporting

- a. The use of a firearm must be reported in strict compliance with the EHPD's Use of Force policy. [Refer to General Order 3.5 (Reporting and Investigating Force)];
- b. Any use of a firearm must comply with the EHPD's Use of Force Policy (Refer to General Order 3.1.)

C. Monthly Sidearm Inspections

1. General

~~Although a firearm instructor shall inspect each weapon during qualification at the range, at least once each month, all commanding officers shall ensure that a sidearm inspection is conducted for all officers presently assigned to their command. The inspection shall determine: that the officer has an updated Firearm Record, that the officer carries a fully loaded weapon, and that the officer carries department approved ammunition. At no time shall a weapon be withdrawn from a holster during a call for a sidearm inspection.~~

~~To inspect the officer's ammunition, the officer shall be required to remove the magazine from their holstered weapon. The supervisor conducting the inspection~~

~~shall prepare an Inter-Office Memorandum to the Chief of Police, documenting the results of the inspection.~~

1. ~~Supervisors shall, at least quarterly conduct a sidearm inspection for all sworn personnel. The inspection shall note the assigned serial number and determine that the weapon is properl lubricated, clean, and fully loaded with department approved ammunition. Supervisors conducting the inspection shall prepare an Inter-Office Memorandum to the Chief of Police, documenting the results.~~

2. Inspection Procedure

- a. For all revolver and semi-automatic pistol inspections officers may be directed to a clearing barrel or shooting range by a supervisor conducting the inspection to perform the following:
 - (1) To remove the firearm from the holster;
 - (2) To keep their finger off the trigger and point the muzzle of the firearm into the clearing barrel or down range;
 - (3) To open the revolver cylinder or remove the magazine from the

pistol, keeping their finger off the trigger. For the revolver the officer shall be instructed to dump the ammunition into their hand, for the pistol, while keeping the finger off the trigger, the officer shall be instructed to rack the slide to the rear several times to eject the chambered round and then lock the slide to the rear;

- (4) To inspect the weapon, ammunition, magazines and barrels with the muzzle of the weapon pointed into a clearing barrel or downrange (reload revolvers and close cylinders). Reload all magazines and recharge pistols with the finger off the trigger;
- (5) While keeping their finger off the trigger the officer shall be instructed to reholster.

3. ~~90-Day Inspections~~

~~a. In addition to the above inspections, all officers with a department issued or approved, semi-automatic sidearm, shall have their weapon inspected every 90 days by Duty Sergeant;~~

~~b. The Firearms Training Officer will conduct several announced 90-day inspection classes throughout the year.~~

~~c. The following procedures will be adhered to~~

- ~~(1) Inspections will be performed on all EHPD issued or EHPD approved semiautomatic pistols in the command;~~
- ~~(2) Inspections may only be conducted at locations equipped with either a clearing barrel or a department range;~~
- ~~(3) The signature of the training officer and the date of the inspection shall be affixed to the reverse side of the Firearm Record, provided by each officer;~~

D. Firearms Training

1. General

- a. All officers are required to train and qualify with their primary on duty firearm and any other on duty or off duty EHPD issued or approved firearm bi-annually. Certified firearm instructors will provide corrective measures for any deficient firearm techniques and/or any failure to adhere to safe handling procedures;
- b. All officers that fail to qualify with their duty weapon shall relinquish their EHPD issued firearms and be relieved of their police powers;

- c. The **Administrative Training** Sergeant shall ensure that all of their officers are scheduled to qualify on a bi-annual basis. Bi-annual firearms qualification should occur at six month intervals or as close to six month intervals as possible;
 - d. The firearms instructor shall be in charge at all times when officers are on the firing range for qualification;
 - e. The **firearms instructor or department armorer training officer shall thoroughly inspect shall inspect** all EHPD issued ~~or approved~~ weapons annually to ensure that all weapons are safe and that they are properly maintained. **Off duty weapons will be checked for cleanliness, corrosion or obvious defects. The officer is responsible to ensure that off duty weapons are properly maintained.**
 - f. The standards for all firearms qualifications shall **at a minimum meet the guidelines set forth by POST.** ~~be the same standards as required for the initial qualification required to carry a firearm to graduate from the POSTC and must at least equate to the POSTC guidelines for recruit assessment.~~
 - g. Training and qualification sessions for revolvers, semi-automatic pistols and shoulder weapons, include **POST marksmanship requirements, use of force policy review, use of force decision making and may include stress training and night fire training.** ~~but are not limited to; stress training, professional night training, advanced training and proper use of force decision making to adequately prepare for real life situations;~~
 - h. Upon successful completion, **the range instructor shall make an appropriate notation in the training record as required by POST and maintain such records in a training file.** ~~a officer will be provided with a Firearm Record Card. The officer, as proof of qualification, must carry the card. No card is provided for a failure.~~
2. Accidental or Unintentional Firearm Discharge
- a. **Officers who** ~~Commanding officers shall require officers of their command that~~ experience an accidental or unintentional discharge or that have improperly used a weapon **shall** ~~to~~ receive and successfully complete firearms re-training. An Inter-Office Memorandum shall be submitted to the Chief of Police **by a supervisor** requesting that the officer(s) be provided with re-training. A copy of the investigation and report on the incident precipitating the request shall be attached;
 - b. Re-training sessions shall not be scheduled for a officer on leave or on

furlough. The officer shall be assigned to the Range under the most similar conditions to the actual incident (e.g., weather, time, etc.), if feasible. Copies of the request for training, the reply and the date of completion shall be stapled together and placed in the officer's command file;

- c. All accidental or unintentional firearm discharges are classified as **Level 4** ~~uses a use~~ of force and will be investigated by the **Chief of Police or his designee. Internal Affairs.**

E. Firearms Qualification

1. Failure to Qualify

Failure to successfully complete the required training and qualification at the indicated frequency or to adhere to all safety protocols of the EHPD shall result in the administrative actions listed below:

- a. Officers who fail to qualify shall be relieved of their firearm and shall sign a Revocation Notice acknowledging not only that the officer is in a no-gun status but also that the officer is prohibited from taking any law enforcement action;
- b. Those officers that fail to qualify after four remedial training sessions within forty-five days of their initial failure to qualify shall be subject to disciplinary action up to and including a recommendation for termination of employment;
- c. The Firearms Training Officer will notify the Chief of Police of an officer's administrative no-gun status and will provide progress reports for 45 days to the Chief of Police.

2. Primary Sidearm Failure

- a. A failure to qualify with the primary on duty firearm will require that the officer be scheduled for an immediate remedial training session: upon failure to qualify the firearm shall be seized and the officer's supervisor notified immediately of the date and time of the remedial training session. The officer may postpone the remedial training session;
- b. If a remedial training session is missed or if the officer fails to qualify at the initial remedial training session, the officer will not be permitted to carry any firearm on or off duty;
- c. Officers placed in an administrative no-gun status after failing an initial

remedial training session are limited to a total of four remedial training sessions, to be completed within a forty-five day period;

- d. Officers placed in an administrative no-gun status will be subject to medical review after the second remedial training session within the forty-five day period.

3. Secondary Sidearm Failure

- a. All officers are required to train and qualify with their secondary EHPD issued or approved firearm bi-annually;
- b. A failure to train and qualify with a off-duty firearm will require the officer to be scheduled for a subsequent training and qualification attempt;
- c. Officers may not carry a secondary firearm prior to successfully completing a training and qualification session.

4. Shoulder Weapon Failure

- a. A failure to train and qualify with a department issued or department approved shoulder weapon requires that the officer be scheduled for an immediate remedial training session;
- b. The officer may not carry or be issued the respective weapon until the officer successfully completes a training and qualification session.

5. Medical Deferment

- a. A Medical Deferment does not necessarily excuse a officer from firearms training and qualification. The Firearms Training Officer can accommodate officers in wheelchairs or that are otherwise physically impaired. Officers shall be guided by the Firearms Training Officer and department physician determinations;
- b. Officers excused from any session(s) of the Training and Qualification Program for a medical condition (as determined by the department physician) shall be advised of a temporary revocation of authority to carry any weapon, on or off duty, during the deferment;
- c. Authority to carry a firearm is revoked by the department physician when the officer is either medically unable to take part in or complete a required firearm training and qualification session. The revocation shall take place regardless of whether the officer has previously qualified for the current year;

- d. The officer relieved of their firearm shall sign the Revocation Notice acknowledging that the officer is in a no-gun status and is prohibited from taking any law enforcement action. The Revocation Notice shall be forwarded to the Chief of Police.

6. Failure to Attend

- a. ~~The annual Firearms Training and Qualification Program starts in April and concludes in October, the~~ **The biannual Firearms Training and Qualification Program starts in April and concludes in October, the** dates are ~~to be~~ determined by the **Firearms Training Sergeant, Officer;**
- b. Failure to attend both required training sessions shall result in the following administrative action:
 - (1) The immediate revocation of authorization to carry a firearm;
 - (2) Officers shall be required to sign the Revocation Notice acknowledging that the officer is relieved from carrying a firearm and is prohibited from taking law enforcement action;
 - (3) This revocation shall remain in effect until such time as the officer attends a training and qualification session;
 - (4) It is incumbent upon each officer to ensure attendance in order to avoid further administrative action.

F. Carrying Firearms

1. General

- a. No officer shall enter any holding cell or holding cell area with a firearm;
- b. Officers assigned to duty inside any department building shall keep all weapons immediately available but out of view and out of reach of the general public;
- c. The taking of prescription drugs or over the counter medications that may inhibit a officer's ability or judgment prohibits the officer from carrying any weapon. Officers shall notify their immediate supervisor, should they be required by a medical condition, to take any prescription or over the counter drug that may inhibit their ability or judgment to carry a weapon;
- d. Officers are required to store their firearms prior to a medical evaluation or taking part in a EHPD disciplinary proceeding. Lock boxes will be provided. Firearms shall not be removed from any holster in an unsafe manner. Officers shall keep their fingers off the trigger and the firearm

pointed at the floor during the storage process.

2. Uniform (On Duty)

- a. Officers shall carry their EHPD issued or approved primary sidearm holstered in an EHPD issued or approved holster, worn in accordance with EHPD uniform standards;

3. Civilian Attire (On Duty)

- a. All officers shall carry their EHPD issued or approved sidearm holstered, on their strong hand side, unless otherwise authorized in writing by the **Chief of Police. officers Commanding Officer.** The written authorization shall be retained in the officer's ~~command~~ personnel file and shall be effective until the ~~officer is transferred to another command or notified by the officer's commanding officer that such~~ authorization has been revoked;
- b. Officers that have been authorized by the Chief of Police to carry a primary sidearm in a purse, pouch, or similar article shall do so with the sidearm properly holstered, or in a separate compartment. A sidearm shall not lie free with other items;
- c. Officers in civilian attire **should make an effort, when practical, not to appear shall not appear** in public places or buildings open to the general public without having their weapons concealed in such a manner so as to allow for no unusual bulges, protrusions, or exposure.

4. Off Duty

- a. The carrying of a sidearm while off-duty shall be at the option of the officer;
- b. **Officers are responsible for using a functional holster designed for their firearm.**
- c. All officers, must carry their EHPD identification card and badge while on-duty or off-duty;
- d. While operating an EHPD vehicle off duty, officers shall be armed with their EHPD issued or approved sidearm;
- e. Officers electing to carry a weapon off duty shall carry an EHPD issued or approved sidearm, holstered, in a safe and accessible manner, **Off-duty weapons shall be carried safely** and concealed from public view;
- f. Officers are prohibited from participating in any sporting activity while

carrying a sidearm;

- g. Officers shall not carry any weapon while engaged in or participating in any public demonstration, rally, march or picketing activity;
- h. **State law prohibits persons from carrying a firearm if their blood alcohol level is .08 or above. Off duty officers are prohibited by state law from carrying a firearm if their blood alcohol level is .08 or above. In addition,**
- i. **Officers shall not carry a firearm in situations where an officer's performance may be impaired.** The odor of intoxicants on the breath of an officer shall be deemed "prima facie evidence" that **the officer he** is unfit for duty;
- j. Officers are prohibited from carrying a firearm if he or she is taking any debilitating medication (prescribed or non-prescribed);
- k. Officers shall not carry any weapon while serving in the capacity of juror or prospective juror;
- ~~l. Officers appearing in any court for jury duty shall report to the police detail at court to check in any weapon for safekeeping. If the police detail is closed or illequipped to handle safekeeping, the weapon shall be checked with the nearest police agency.~~

5. Off-Duty Police Action

- a. Off-duty officers shall notify on-duty EHPD **and/or** local law enforcement officers (if outside of the Town of East Hampton) before taking police action, absent exigent circumstances, so that they may respond with appropriate personnel and resources to handle the problem;
- b. Off-duty officers are prohibited from carrying or using firearms or taking police action in situations where an officer's performance may be impaired or the officer's ability to take objective action may be compromised; and
- c. If it appears that the officer making an arrest or carrying a firearm while off-duty has consumed alcohol or is otherwise impaired, the officer shall be required to submit to field sobriety, Breathalyzer, and /or blood tests.



April 9, 2019

To: The East Hampton Town Council,

The documentation for the tax refunds listed below is available in the Office of the Collector of Revenue for your review. There are twenty two (22) refunds totaling \$19,371.98.

Respectfully Submitted,

Kristy L. Merrifield, CCMC
Collector of Revenue

114.36 ⊕
385.30 ⊕
375.91 ⊕
2,601.99 ⊕
402.50 ⊕
8.80 ⊕
1,901.36 ⊕
5,839.31 ⊕
340.80 ⊕
1,100.94 ⊕
98.82 ⊕
332.21 ⊕
16.60 ⊕
7.99 ⊕
276.00 ⊕
155.57 ⊕
374.29 ⊕
247.27 ⊕
206.26 ⊕
351.48 ⊕
4,136.39 ⊕
97.83 ⊕

022

19,371.98 ⊕

**BOARD AND COMMISSION SUMMARY
MARCH 2019****Arts & Culture Commission**

The Arts & Culture Commission met on March 21st. EHACC members will attend the budget Presentation on March 27th, 6:30 p.m., Middle School Library to give an overview of our mission statement and proposed budget items and explain that our funds are generally spent for projects that come at the end of the fiscal year. EHACC will present a certificate and a Bevin Bell engraved by Bill Devine to student artists whose work has been selected at the March 26 all district art show. EHACC members will serve as judges at the March 26 all district student art show from 5 to 7 p.m. at the High School. East Hampton Library Community Calendar will be discussed further. EHACC members agreed to support the idea of the Sculpture Mile initiative, which would bring sculptures made by New England artists into town. Jim Monahan reported that the town's insurance would cover the sculptures. Hollycroft, which oversees the initiative will present information at an upcoming EHACC meeting and the proposal will be presented to the town council for support. Goodspeed guest conductor Wade Russo will be invited to present a lecture and show tune singalong on Music Man in April or May at the East Hampton Public Library. EHACC members reviewed 3 Capstone grants submitted by East Hampton High School students and will invite them to attend a special EHACC meeting on April 4.

Board of Finance

The March Regular Meeting of the Board of Finance was canceled. The 2019-2020 Budget meetings, however, began on March 25th with the presentations by the Town Manager and Superintendent of Schools followed by budget workshops that took place March 26th-30th.

Brownfields Redevelopment Agency

The Brownfields Redevelopment Agency met on March 25, 2019. The members discussed the updates they had for the DECD STEAP Grant Project for 13 Watrous Street, Main Street ELUR, and SEH Updates. It was suggested by the members that the agency gain another member to fill out the requirements for the board.

Clean Energy Task Force

The Clean Energy Task Force met on March 5th. Staff member Glen LeConche provided information to the members regarding solar installations since 2010. He reviewed a sample plotting map that the group may be able to use to plot renewable energy projects in town. He also reviewed an upcoming speaker series that they would like to have the Clean Energy Task Force participate in.

Commission on Aging

The Commission on Aging met on March 14th. The Advocacy Group is focusing on transportation. There was also discussion about proposed changes to the Medicare Savings Plan and letters were prepared for the legislators. Members discussed their plans for the Thriving in Place workshop. They will participate in the Lion's Club Health Fair.

Conservation-Lake Commission

The Conservation Lake Commission met on March 14th. The commission members welcomed a new alternate member Eleanor Robinson. There were two members of the public from two different lake associations. They want to help the commission and the lake, but they're not sure how they could be helpful. There were no plan reviews and no update for the Watershed Project(s)/ Federal Funding. The members were given an update on the Copper Sulfate Application Permit. The members discussed the Lake Smart Program and the Lake Level. Mr. Podskoch presented the committee with options in fighting off any invasive plants that may be on boats from entering the lake. A few different types of boat washing stations were described. The most practical and effective option was the stationary washing station. It could use electricity from the powerlines and could be stored in a shed during the winter when it won't be used.

Design Review Board

No meeting

Economic Development Commission

The Economic Development Commission met on March 19th, 2019. The members discussed the topics of Business Package Promotion & Tourism, New Business Banner Location, Belltown Spotlight on Business, Encouraging Local Businesses to Attend EDC Meetings, and the Town Beautification. There were brief discussions about the EDC & Arts & Culture Commission Collaborative Event for 2019, Update on East Haddam Business Association Event, New Business Update/ New Business with Planning & Zoning Approval/ Review of P&Z Minutes, and Commission Members' Business Outreach Reports. The members nominated Stop & Shop as Business of the Month and The Little Fish for Spotlight on Business. The members reviewed the report given by the Town Manager.

Ethics Commission

No meeting

Fire Commission

The Board of Fire Commissioners met on Monday, March 11th at 7:30 P.M. The Fire Marshal and Chief's Report were presented to the members present. There were updates on the topics of the Dry Hydrants Follow Up Scheduling, New Engine 212 Status, Award Program for 2018, and the Tax Abatement Program for 2018. The members were updated on the lights changing to LED. The existing light fixtures may need new hardware to transition to LED bulbs. There was a quote obtained from Higgins Electrical Inc. There should be enough in Capital to cover possible costs.

High School Building Committee

Minutes not yet available

Inland Wetland Watercourses Agency

The Inland Wetlands Watercourses Agency held a special Meeting on March 5th.

Continued Applications:

- A. Application IW-19-002, WPCA, Pine Trail, install a backup generator within the wetlands. Map 10A/Block 79A/Lot 15 – Approved
- B. Application IW-19-003, WPCA, North Main Street, install a backup generator within the Upland Review Area. Map 4A/Block 45/Lot 24-1A - Approved
- C. Application IW-19-004, WPCA, Barbara Avenue, install a backup generator within Upland Review Area. Map 19/Block 45/Lot 1. - Approved
- D. Application IW-19-005, T&O Enterprises, LLC., 80 East High Street, to construct a 600 sq. ft. car port between 2 existing buildings – work within 200’ URA. Map 26/Block 85/Lot 13A. - Approved
- E. Application IW-19-006, Stanislaw Oleksenko, 15 Cone Road, construct a new single family home in the Upland Review Area. Map 06/Block 37/Lot 6A. Approved
- F. Application IW-19-007, East Hampton Ventures, LLC., 100 Main Street, work within 100’ of Pocotopaug stream. Map 02A/Block 49/Lot 2. Continued to April 24, 2019 Meeting

New Applications:

- A. Application IW-19-008, Natural Aquatics, LLC., 58 Middle Haddam Rd., to install a 16’ x 23’ pool and move the leaching fields within the Upland Review Area. Map 02C/Block 11/Lot 8.- Continued to April 24, 2019 meeting
- B. Application IW-19-009, Limitless Logging, Colchester Ave., Timber Harvesting within 50 linear feet of wetlands/watercourse. Map 27/Block 87A/Lot 14. – Approved as Right of Way
- C. Application IW-19-010, Paul Catalano, 49 Bay Rd., modification to Permit# IW- 18-020. Remove existing house and rebuild in same footprint. Map 09A/Block 70/Lot 33. Approved

The Inland Wetlands Watercourses Agency held their regular meeting on March 27th

Continued Applications:

- A. Application IW-19-007, East Hampton Ventures, LLC., 100 Main Street, work within 100’ of Pocotopaug stream. Map 02A/Block 49/Lot 2. Approved (6-0)
- B. Application IW-19-008, Natural Aquatics, LLC., 58 Middle Haddam Rd., to install a 16’ x 23’ pool and move the leaching fields within the Upland Approved (6-0) Review Area. Map 02C/Block 11/Lot 8.

New Applications:

- A. Application IW-19-011, Alison Richard, 22 Knowles Rd., to construct a new single-family home within Upland Review Area. Map 02C/Block 19A/Lot 6 Application continued to next meeting (6-0)

Joint Facilities

The Colchester –East Hampton Joint Facilities Committee met on Tuesday March 19th at 5:00 P.M. Mr. Clayton delivered the Joint Facilities Operations and Maintenance reports for January and February. After a final review the members approved the 2019/20 Joint Facilities Operating Budget as amended totaling \$2,422,118.00 which reflects a proposed increase in expenses of \$191,299.00 or 8.58% over last year. Vote: 5-0

Library Advisory Board

The Library Advisory Board met on March 4th, 2019. The members reviewed the report given by the Library Director Ellen Paul. The members were discussed the library budget,

the roof project, the library website, and the sub-committee to explore library fines. The members also discussed forming a sub-committee for the library building and facility. This sub-committee will work together with the community to help better improve the building and facilities for the library. This topic will be added to the agenda to discuss further.

Middle Haddam Historic District Commission

No meeting

Parks & Recreation Advisory Board

At the March 2019 meeting the Advisory Board discussed proposed bill No.7004 (concussion education) and what it would mean for the Parks and Recreation Department. We will wait to see if it passes before addressing its impact. The board also discussed the negative impact that an increased minimum wage would have on the department should it pass. Dan Roy summarized the Airline Trail Sub-Committee's last meeting and discussed plans for National Trails day. Jeremy Hall updated the board on the status of Seamster Park playground and Shawn Mullen gave a report on recreation programs.

Planning & Zoning Commission

The Planning & Zoning Commission met on March 6th.

Public Hearings:

A. PZC-19-001: Larry Marsiglio, 14 Flanders, for a Special Permit for a 900 sq. ft. accessory dwelling unit for rental purposes. Map 5A/Block 59/Lot 31. Approved

B. Proposed Updates to Section 3.5 Floodplain Overlay Zone. Approved

New Business:

A. PZC-19-003: Sheila Mullen, 91 Main St., for a Special Permit to sell alcohol as an accessory to a used book/record shop. Map 06A/Block 60/Lot 3. Public Hearing set for April 3rd.

B. 8-24 Review: Public Safety Radio System Upgrades Project – Approved

C. Updates to Sec. 3.5 Lake Pocotopaug Protection Zone – Continued to April 3rd.

Old Business:

A. Amendments to Regulation requiring Public Hearing for new Commercial construction. Continued to April 3rd.

Town Facilities Building Committee

The Town Facility Building Committee met on March 7th, 2019. The members received updates from the architect, construction manager, and the OPM. The members also approved of 3 new change orders and 2 new invoices. There was a brief update from the public relations sub-committee.

The Town Facility Building Committee met again on March 21st, 2019. There was an update from the Architect, Construction Manager, and OPM. The members also approved of 8 change orders and 5 invoices during the meeting. There was a brief discussion of a topping off ceremony once all of the steel is installed, but there were no firm plans yet.

Water Pollution Control Authority

No meeting

Zoning Board of Appeals

The Zoning Board of Appeals met on March 11th.

Public Hearings:

A. Application ZBA-19-002, Jonathan Palmer, 12 Forest St., for a variance to increase the lot coverage from 20% to 24.2% to install a 27' AG pool and to extend the covered porch another 369 sq. ft. Map 02A/Block 36/Lot 23. Approved