


MEMORANDUM

TO: Town Council

FROM: David E. Cox, Town Manager 

DATE: May 5, 2022

SUBJECT: Agenda Information – 5/10/2022

The following is additional or summary information regarding matters on the upcoming Town Council Agenda. The numbering below follows the agenda, and some routine or self-explanatory items are not discussed in this memo. As you review your packet materials, please do not hesitate to contact the appropriate staff member or me prior to the Council meeting with any questions or concerns. Often, these conversations can help staff and me be prepared for the Council meeting and be ready to facilitate a more productive and efficient meeting for everyone.

8 Old Business

8b Consideration of the Schedule of Fees and Charges – In accordance with the newly created policy, the Town Council is asked to review both the existing fees and charges assessed by the Town for various services and activities as well as the proposed increases to some of those fees and charges effective in the new fiscal year. Many of the existing fees/charges are not proposed to increase. However, some are proposed to increase to better reflect the actual cost of providing the service and to be comparable to area municipalities. In the case of fire/fire safety permitting, these are proposed new fees. Currently, no fees are charged for plan review and permitting of projects subject to the State fire safety codes aside from general fees charged for building permits, which make no distinction between residential and commercial work in terms of rate.

Recommendation: Approve the current fees and determine whether to implement some or all of the increases.

9 New Business

9a Consideration of an update to Police Department Use of Force General Order – As described in Chief Woessner's memorandum, the Council is asked to consider an update to the Department's General Order 3.1 regarding Use of Force to identify an updated, electronically-filed form required by the State and to identify the party responsible for submitting the form when necessary.

Recommendation: Approve the updated General Order.

9b Actions Related to Regulation of Accessory Dwelling Units – The Council is asked to consider affirming a decision made by the Planning and Zoning Commission to Opt Out of the recently adopted State Law making Accessory Dwelling Units (ADU) a permitted use in residential zoning districts. ADU are secondary residential spaces that are either attached to or in a separate building from the main residential building on a lot. The accessory unit is secondary to the main unit with a separate entrance containing full facilities including kitchens and bathrooms and operating as a separate living space. As described in the material from Planning and Zoning Official DeCarli, the law provides regulations under which ADU would be permitted uses in all residential districts. The Town’s regulations have allowed ADU for some time in most residential districts with slightly different requirements and as a Special Use with permission of the Planning Commission. By opting out of the State regulation, the Town’s existing regulations would remain in place. In order to exercise this option, the Town Council must concur with the Planning and Zoning Commission by a motion adopted by a 2/3 majority vote (5 of 7). If the Council disagrees, the Town will become subject to the State Law.

Recommendation: Adopt a motion to concur with the Planning and Zoning Commission and opt out of the State Law.

9c Determination of the plan for soliciting public input and deciding the policy regarding various Adult Use Cannabis activities – As the Council will recall, in October 2021, an ordinance was adopted establishing a temporary one-year moratorium on cannabis-related commercial activities in East Hampton in response to the State Law adopted last summer that provided the framework for legal recreational adult use cannabis growth, production and sales. Prior to establishing the moratorium, the Council met in a combined meeting with the Planning and Zoning Commission to discuss the matter. The Council is asked at this meeting to discuss how it wishes to proceed. There are two fundamental questions the community must answer; whether it wishes to allow any of the regulated activities and, if so, how will they be regulated. If the Council wishes to consider the first question of whether any of the regulated activities will be allowed in Town without involvement from the Planning and Zoning Commission, it would be appropriate to determine a date for either a public hearing at a regular Council meeting or a separate public workshop at which comments from the public could be taken. If the Planning and Zoning Commission were to be involved in this phase, a combined meeting could be called. If the decision were made to disallow the use, an ordinance would be adopted by the Town Council prohibiting the use. If some or all of the regulated uses were going to be allowed, the Planning and Zoning Commission would be asked to develop the local regulations.

A process for considering the questions could be as follows.

First session (Council or both) - Staff will give a brief presentation and outline the portions of the legislation that pertain to the Town including a summary/fact sheet, which will be available prior to the meeting, followed by public comment.

Second session - Brief recap of legislation (as necessary) and previous meeting followed by additional public comment and discussion of what was heard and best way to proceed.

Additional sessions could be implemented as needed. If there were regulations needed, the Planning and Zoning Commission would handle that work in the months prior to expiration of the moratorium. If necessary, the Council can extend the moratorium for a limited time in order to finish any work that has not been completed by October.

Recommendation: Determine how the Council wishes to proceed.

9d Discussion of possible property purchase on Daly Road – The Council is asked to consider whether the Town might be interested in purchasing an open space property owned by the East Hampton Rotary Foundation on Daly Road. The Rotary Foundation received the property a few years ago and the property is deed restricted to recreational-type uses. The Rotary Foundation has offered the land to the Town because the Foundations proposed uses are not consistent with the desire of the community. The property abuts both Daly Road and the Air Line Trail and is generally adjacent to other properties owned by the Town and the Middlesex Land Trust between the Memorial School site and the Trail. If the Council is interested in the site, an Executive Session is included in this agenda for potential discussion of a negotiation stance if desired.

Recommendation: Determine whether the Town is interested in purchasing the land.

9e Sears Park Beach Rehabilitation and Additional Sand – The Council is asked to review the concept of taking steps to put additional sand at the Sears Park beach and a coordinated project to reduce major run off that occurs on the south end of the beach where the paved path from the parking lot extends. Staff from the Parks and Recreation Department have implemented a number of projects at Sears Park as described in the Park’s master plan that are intended to reduce the amount of runoff and washout that occurs at the beach. These projects have been successful in mitigating many of the washout events that occurred in the past. The planned project is one of the last to improve the area and is expected to be funded with Watershed Improvements funds available in the Capital Reserve Fund. Additionally, there is a desire from some members of the public to install additional sand on the beach to restore the beach to a sandier condition than it has been in recent years. Some Council members will recall that for a number of decades, a short timber retaining wall was used to elevate the beach above the lake level, but that the wall was removed, and the beach regraded in about 2016. Any major work that is completed at Sears Park generally requires approval of not only the Parks and

Recreation Advisory Board and the Town Council but also of the Town's Inland Wetlands and Watercourses Agency (IWWA). It is anticipated that the IWWA will be very careful about any approval that includes the addition of sand at the beach and will evaluate how the Town plans to keep the sand from being lost into the lake. The recent improvements and the proposed improvement, which prevent washout across the beach, are major factors in keeping sand from washing into the lake. The Council is asked to consider the draft construction plans as well as the general plan to add sand to the beach and to endorse one or both of the pursuits.

Recommendation: Determine whether to support the plans and additional beach sand.

The remainder of the items are of a routine nature, in the sole purview of the Council or are announcements. Please contact me or the appropriate staff member with questions or concerns.

**EAST HAMPTON TOWN COUNCIL
PUBLIC HEARING
TUESDAY, APRIL 26, 2022
TOWN HALL COUNCIL CHAMBERS- ROOM #107 AND VIA ZOOM
6:00 PM**

MINUTES

Call to Order

Chairman Philhower called the meeting to order at 6:01 p.m. in the Town Hall Council Chambers and via Zoom.

Public Hearing for an Ordinance Amending Chapter 273 of the Code of the Town of East Hampton Regarding Streets and Sidewalks Concerning Limited Maintenance of Private Roads

Karen Asetta, 5 Fern Lane- Ms. Asetta stated that the town originally supported Fern Lane. The street was paved years ago when it was a dirt road. To the residents of Fern Lane, it feels like the rug is being pulled out from under them.

Terese Fishman- 13 Fern Lane- Ms. Fishman suggested there should be changes to the ordinance for fixing certain areas of the road. The pavement filled in the potholes are coming out. She suggested repaving sections of the road that are needed and causing problems to the residents.

Pam Hatfield- 37 Fern Lane- Ms. Hatfield stated she is against code 273-16 b and c of the ordinance. It is unclear to the residents about what to expect for the service and maintenance of the road in the future if the ordinance is passed. Ms. Hatfield suggested finding other solutions to help both the residents and town.

Giselle Bozzi- 2 Poe Road- Ms. Bozzi sent a letter signed by the residents to the town. Poe Road is one of two private roads that haven't been paved. Poe Road leads to the lake. Infiltration and contaminates could go into the lake from that road. There is a petition for the town to take over the roads and how to fix the deteriorating roads.

Deborah Mongiat- 6 Byron Road- Ms. Mongiat mentioned there is a petition from 2014 to turn the roads over to the town. The town is willing to take the roads as is. Some of the private roads have sewer systems connected for the residents. Ms. Mongiat stated that some of the private roads are not viewed as equal. She also mentioned that the residents are concerned and worried that the roads will deteriorate. The residents want the town to take over the maintenance of the road.

Adjournment

A motion was made by Mr. Goff, seconded by Mr. Feegel, to adjourn the Public Hearing at 6:12 p.m. Voted 7-0 in favor.

Respectfully Submitted,

Katrina Aligata
Recording Clerk

Town of East Hampton
Town Council Regular Meeting
Tuesday, April 26, 2022
Town Hall Council Chambers #107 and via Zoom

MINUTES

Present: Chairman Mark Philhower, Vice Chairman Tim Feegel, Council Members Pete Brown, Brandon Goff, Eric Peterson, Kevin Reich, and Alison Walck and Town Manager David Cox.

Call to Order & Pledge of Allegiance

Chairman Philhower called the meeting to order at 6:30 p.m. in the Town Hall Council Chambers and via Zoom.

Adoption of Agenda

A motion was made by Ms. Walck, seconded by Mr. Feegel, to adopt the agenda as submitted. Voted (7-0).

Approval of Minutes

A motion was made by Ms. Walck, seconded by Mr. Goff, to approve of the minutes of the Town Council Regular Meeting of April 12, 2022 as written. Voted (7-0)

Public Remarks

Paul Smith, Superintendent of Schools - There is an unprecedented raise in the health insurance to 10.5% for renewals for the 2022/2023 years. He is hoping the budget won't make cuts for the teacher and staff positions. Approximately 280 out of 350 school employees participate in the health insurance. The Board of Education estimated the expense to be only 5% in their budget proposal sent in to the Board of Finance. With the drastic raise to 10.5% the budget would be short \$200,000. At the Board of Education meeting the previous night, Mr. Smith stated that he would review after the open enrollment period. This would resort to ideally reducing the mass specialist paid for the American Rescue Plan funds as necessary. Rather than fund the position for two years it will be reduced to one year with the funds transferring to fund the health insurance increase. He is also asking to reconsider the \$195,000 cut since there may be a solution to the health insurance percentage raise.

Ted Turner, 223 Hog Hill Road, Mr. Turner stated that the Board of Finance sent a lean budget to the Town Council. A lot of items were cut within the budget. He stated that he hopes the proposed lieutenant position in the Police Department won't be cut. Mr. Turner also stated that it would only cost taxpayers \$6 to fund the lieutenant position.

Dennis Woessner, Chief of Police, Mr. Woessner stated no one wants to raise the taxes or the mill rate for the town. The lieutenant position would be an increase of \$25,000. The plan would be to take one of the captains and promote him to the lieutenant position. There would be enough work for the lieutenant to keep them busy each day. Mr. Woessner also mentioned a need for a clear chain of command in the Police Department. If the police chief is out sick or anything else, the next person in charge is the Town Manager. That chain of command problem needs to be addressed.

Kurt Comisky, 62 Wopowog Road, Mr. Comisky is for the new lieutenant position. He stated there needs to be a clear #1 and #2 for a proper chain of command or power structure.

Salvatore Nucifora, 147 Colchester Avenue, Mr. Nucifora stated the 10.5% health insurance increase was completely unexpected. This raise throws everything out of sync. The schools are on track to bring scores and grades up to pre-pandemic levels. He also stated that the Board of Education budget was asked to be increased by \$50,000 rather than decreased.

Nancy Nafis, 16 Daly Road, Ms. Nafis stated that she is for the Board of Education budget. There shouldn't be cuts to that budget, rather it should be voted/ accepted as is by the Town Council.

Paul Wisnieski, Fernwood Drive, Mr. Wisnieski stated he is for the lieutenant position in the Police Department and is against any teacher cuts in the Board of Education budget. He said the class size is up to 30 making the number of teachers stretched thin if cuts were made.

Tania Sones, 17 Curry Lane, Ms. Sones stated she is for the town and Board of Education budgets. She was against the teacher cuts made a couple years ago. Making an extreme cut would cause an uproar.

Emily Cronin, 24 Abbey Road, Ms. Cronin stated she wants no further cuts to the budget and add more money to cover the health insurance percentage raise.

Jennifer Corvo, 72 O'Neil Lane, Ms. Corvo stated she is against any additional cuts to the budget and the budget proposed would be the best for the community.

Presentations

None

Bids & Contracts

None

Resolutions/ Ordinances/ Policies/ Proclamations

- a. Consideration of an Ordinance Amending Chapter 273 of the Code of the Town of East Hampton Regarding Streets and Sidewalks Concerning Limited Maintenance of Private Roads:** The ordinance was reviewed and redrafted to try to satisfy and appease all residents affected. Mr. Reich wanted to thank the residents of Fern Lane for talking out and standing up for the protection of their road. It was stated that the roads need to be safe for the residents, commuters, Police, Fire, and EMS.

A motion was made by Ms. Walck, seconded by Mr. Peterson, to approve the Ordinance amending Chapter 273 of the Code of the Town of East Hampton regarding streets and sidewalks concerning limited maintenance of private roads as written. Voted (7-0).

Continued Business

- a. Sub-Committee Reports & Updates**

Mr. Reich reported that there wasn't a meeting held yet for High School Athletic Fields Building Committee. The resurfacing of the track would start next week and would take a

couple weeks. The tennis court will be resurfaced after school ends. The first baseball game of the season will be tomorrow night on the newly renovated field.

Mr. Cox reported on the Water Sub-Committee, they will be meeting in the first week of May. The committee will review the draft of the preliminary report for the state, talk about the progress on testing potential well sites. This is in anticipation of moving into some designs of the water tracks.

b. Consideration & Possible Action on 2022-2023 General Government & Board of Education Budgets and Capital Plan

The Town Council members were able to review the budgets provided by the Board of Finance. The budget submitted has doubled the road repair. New computers and smart boards were provided at the Middle School.

A motion was made by Mr. Goff, seconded by Ms. Walck, to approve the Fiscal Year 2023 Board of Education Budget in the amount of \$34,273,597 as presented by the Board of Finance. Voted (7-0)

A motion was made by Mr. Goff, seconded by Ms. Walck, to approve the Fiscal Year 2023 Town General Government Budget in the amount of \$17,486,368 as presented. Voted (4-3)

A motion was made by Mr. Goff, seconded by Ms. Walck, to approve the motion to use \$500,000 of Unassigned Fund Balance to offset levy needs for Debt Service in Fiscal year 2023. Voted (7-0)

A motion was made by Mr. Goff, seconded by Mr. Feegel, to approve the motion to call the Annual Town Budget Meeting for 6:00pm on Tuesday, May 10 in the Town Hall to be adjourned to referendum vote in accordance with Charter Section 4.1 with the recommended referendum date of Tuesday, May 17. Voted (7-0)

A motion was made by Mr. Goff, seconded by Mr. Feegel, to approve the Fiscal Year 2023 Capital Improvements Plan in the amount of \$1,751,825 which includes a reduction of \$55,000 and elimination of the Sears Park Pickleball Court project. Voted (5-2)

New Business

a. Consideration of a Schedule of Fees and Charges

A list of fees recommended for increases were provided for the meeting. The members will review the list and consider each for voting at the next meeting.

Town Manager's Report

Mr. Cox provided his written report for the Council members which will be included with the minutes filed in the Town Clerk's Office.

Appointments

None

Tax Refunds

A motion was made by Ms. Walck, seconded by Mr. Feegel, to approve the tax refunds in the amount of \$796.76. Voted (7-0)

Public Remarks

Danielle Seretny, 16 Fernwood Drive, Ms. Seretny wanted to thank the Council members for supporting the education budget. She stated the members could show more of a civil discussion while voting on the town budgets.

Kurt Comisky, 62 Wopowog Road, Mr. Comisky stated the Police Department needs a lieutenant structurally and a strong chain of command.

Pam Hatfield, 37 Fern Lane, Ms. Hatfield asked the Council when the assessment work be completed? When will work be on the road?

Communications, Correspondence & Announcements

None

Adjournment

A motion was made by Mr. Goff, seconded by Mr. Feegel, to adjourn the meeting at 7:51pm. Voted (7-0)

Respectfully Submitted,

Katrina Aligata
Recording Clerk

Code Reference (If applicable)

Chapter	Section	Subsection	Description	Current Fee	Proposed Fee Effective 7/1/2022	Notes
1	8		Sale of Code book	\$ 125.00	\$ 125.00	Entire Book from codifier. Sections or pages provided pursuant to standard copying rates.
12	5		Cemetery Fees			
			Plots	\$ 500.00	\$ 500.00	
			Opening	\$ 600.00	\$ 600.00	
117	5		Charge for Bid Documents	Reasonable fee associated with the production of hard copies at the discretion of the Town Manager	Reasonable fee associated with the production of hard copies at the discretion of the Town Manager	
161	7		Amusement Devices			
			Annual License	\$ 100.00	\$ 100.00	per device/machine
			Seasonal License	\$ 50.00	\$ 50.00	per device/machine
192	6		Nonrefundable Excavation Permit Application Fee (Road Opening)	\$ 45.00	\$ 45.00	Plus Bond/Security
192	6		Excavation Fee (in paved surface)	\$ 15.00	\$ 15.00	Plus Bond/Security
			Driveway Permit	\$ 5.00	\$ 25.00	
200	8		Land Use Application Fees			
		A	Inland/Wetland Agency			
			Application Fee Residential	\$ 50.00	\$ 50.00	Per each lot plus Schedule A Fee and DEEP fee
			Application Fee Commercial, Industrial, other	\$ 400.00	\$ 400.00	Per each lot plus Schedule A Fee and DEEP fee
			Authorized Agent Approval	\$ 30.00	\$ 30.00	
			Public Hearing Fee - Single Residential Lot	\$ 100.00	\$ 100.00	
			Public Hearing Fee - Subdivision	\$ 300.00	\$ 300.00	
			Public Hearing Fee - Commercial, Industrial, other	\$ 300.00	\$ 300.00	
			Complex Application Fee	Actual Cost	Actual Cost	Pursuant to Section 19 of the EHIWWA regulations
			Regulation Amendment Petitions	\$ 100.00	\$ 100.00	Not including Notices or DEEP Regulation Advisories
			Map Amendment Petitions	\$ 10.00	\$ 10.00	Plus Schedule B Cost
			Residential Approval Modification	\$ 25.00	\$ 25.00	
			Subdivision Approval Modification	\$ 50.00	\$ 50.00	
			Commercial, Industrial, Other Approval Modification	\$ 75.00	\$ 75.00	
			Renewal of Previous Approval	\$ 50.00	\$ 50.00	
			Schedule A (area of regulated activity on wetlands, watercourses and upland review areas)			
			<1000 Sq. Ft.	\$ -	\$ -	
			1000<=5000 Sq. Ft.	\$ 200.00	\$ 200.00	
			>5000	\$ 400.00	\$ 400.00	
			Schedule B (linear feet of wetland and/or watercourse boundary subject to change)			
			<500	\$ -	\$ -	
			500<=1000	\$ 100.00	\$ 100.00	
			>1000	\$ 200.00	\$ 200.00	
		B	Zoning Board of Appeals	\$ 160.00	\$ 300.00	
		C	Site Plan Approval/Special Permit			
			Residential	\$ 150.00	\$ 150.00	
			Commercial, Industrial, Designed Development 3000 Sq Ft or less	\$ 150.00	\$ 150.00	
			Commercial, Industrial, Designed Development 3001 - 5000 Sq Ft	\$ 250.00	\$ 250.00	
			Commercial, Industrial, Designed Development 5001 - 10,000 Sq Ft	\$ 600.00	\$ 600.00	
			Commercial, Industrial, Designed Development 10001 - 15000 Sq Ft	\$ 1,100.00	\$ 1,100.00	
			Commercial, Industrial, Designed Development Each Additional 5000 Sq Ft or increment above 15000 Sq Ft	\$ 500.00	\$ 500.00	
			Site Plan Modification - Minor	\$ 50.00	\$ 50.00	
			Site Plan Modification - Major	\$ 100.00	\$ 100.00	
		D	Special Permit Apartment Complex	\$1000 plus \$100 per unit	\$1000 plus \$100 per unit	
		E	Subdivision Plan			

Code Reference (If applicable)

Chapter	Section	Subsection	Description	Current Fee	Proposed Fee Effective 7/1/2022	Notes
			>5 lots	\$500 plus \$150 per lot	\$500 plus \$150 per lot	Plus state fee
			1<5 lots	\$150 per lot	\$150 per lot	Plus state fee
	F		Other Planning and Zoning Commission			
			Zoning or Subdivision Regulation Text Amendment	\$ 300.00	\$ 300.00	
			Zoning Map Change	\$ 500.00	\$ 500.00	
	G		Middle Haddam Historic District	\$ 25.00	\$ 25.00	
			Administrative Zoning and Land Use fees			
			New Principle Structure	\$ 50.00	\$ 100.00	
			Addition to existing primary structure	\$ 10.00	\$ 75.00	
			New Accessory Structure	\$ 10.00	\$ 50.00	
			First Cut Lot Division	No Charge	\$ 40.00	
			New Shed <200 Square Feet	\$ 10.00	\$ 25.00	
			Lot Line Revision	No Charge	\$ 25.00	
			Filling/Excavation/Grading <5,000 sf	\$ 25.00	\$ 25.00	
			All Other ZEO Approval	No Charge	\$ 25.00	
219	9		Rooming House License - Annual	Not Established	Not Established	
			Building Permit Fees			
			Minimum Fee	\$ 25.00	\$ 25.00	
			First \$1,000 of construction value	\$ 25.00	\$ 25.00	Value substantially in conformance with RS Means or similar data source for the area or verified third party construction contract with estimates
			Each additional \$1,000 or portion thereof.	\$ 12.50	\$ 12.50	Value substantially in conformance with RS Means or similar data source for the area or verified third party construction contract with estimates
			Fire Safety Permit Fees (Commercial Only)			
			Building Plan Review			
			<2000 Square Feet	N/C	\$ 65.00	
			2000<5000 Sq. Ft.	N/C	\$ 150.00	
			5000<10,000 Sq. Ft.	N/C	\$ 350.00	
			10,000<50,000 Sq. Ft.	N/C	\$ 600.00	
			50,000<	N/C	\$ 850.00	
			Site Plan Review	N/C	\$ 100.00	
			Fire Alarm (Building Size)			
			<5000	N/C	\$ 70.00	
			5000<10,000	N/C	\$ 125.00	
			10,000<50,000	N/C	\$ 225.00	
			50,000<	N/C	\$ 520.00	
			Sprinkler Systems (Area Protected)			
			<5000	N/C	\$ 70.00	
			5000<10,000	N/C	\$ 125.00	
			10,000<50,000	N/C	\$ 225.00	
			50,000<	N/C	\$ 520.00	
			Hood Systems			
			Suppression Systems	N/C	\$ 100.00	
			Hood and Ductwork (Mechanicals)	N/C	\$ 100.00	
			Propane Installations			
			Propane Filling Station	N/C	\$ 100.00	
			Propane Tank Exchange Station	N/C	\$ 25.00	
			Commercial Cooking or Heating	N/C	\$ 50.00	
			Outdoor Fireplace or Fire Pit	N/C	\$ 50.00	
			Modifications, alterations, additions to existing alarm or sprinkler systems.	N/C	1/2 of original permit fee	
269	4		Non-Resident Refuse Disposal	Not Established	Not Established	
269	5		Resident Refuse Disposal	Not Established	Not Established	
			Transfer Station			
			Tires < 20 inch	\$ 5.00	\$ 5.00	per tire
			Tires >=20 inch	\$ 10.00	\$ 10.00	per tire
			Stuffed Chair	\$ 5.00	\$ 5.00	

Code Reference (If applicable)

Chapter	Section	Subsection	Description	Current Fee	Proposed Fee Effective 7/1/2022	Notes
			Couch	\$ 30.00	\$ 30.00	
			Bulky Waste Car Load	\$ 5.00	\$ 5.00	
			Bulky Waste Short Bed Truck/Minivan Load	\$ 20.00	\$ 20.00	
			Bulky Waste Long/Standard Bed Truck/Van Load	\$ 30.00	\$ 30.00	
			Dump Truck	\$ 80.00	\$ 80.00	
			Trailer	\$ 30.00	\$ 30.00	
			Annual Sticker	\$ 10.00	\$ 10.00	Required for Entry
269	19		Refuse Collectors and Vehicles			
		B	Collector License - Annual	\$ 35.00	\$ 35.00	Includes one vehicle
		D	Vehicle/Container Registration - Annual per vehicle	\$ 15.00	\$ 15.00	Each beyond first.
228	2		Junk Dealer License - Annual	Not Established	Not Established	
228	2		Junk Dealer Vehicle - Per Vehicle	Not Established	Not Established	
250	3		Peddlers License			Provided in Code section
			Application Fee	\$ 20.00	\$ 20.00	
			One Month License	\$ 25.00	\$ 25.00	
			Six Month License	\$ 125.00	\$ 125.00	
			One Year License	\$ 200.00	\$ 200.00	
282	5		Wrecker List Placement Fee	\$ 50.00	\$ 50.00	
			Police Department Private Duty			
			Officer Per Hour Weekdays (Four Hour Increments)	\$ 82.00	\$ 85.00	Per Hour
			Officer Per Hour Weekends/Holidays (Four Hour increments)	\$ 100.00	\$ 105.00	Per Hour
			Vehicle - Weekdays	(IRS Rate*30) per hour of Officer time	(IRS Rate*30) per hour of Officer time	Per hour
			Vehicle - Weekends	(IRS Rate*30) per hour of Officer time	(IRS Rate*30) per hour of Officer time	Per hour
			Non-Profit Rate Weekdays (Vehicle Included, 4 hour increments)	\$ 72.00	\$ 75.00	Per Hour
			Non-Profit Rate Weekends/Holidays (Vehicle Included, 4 hour increments)	\$ 94.00	\$ 99.00	Per Hour
			Non-Resident Fingerprinting	\$ 10.00	\$ 10.00	
			Pistol Permit Administration Fee	\$ 70.00	\$ 70.00	Set by State
			Record copies and access fees	In accordance with State Law	In accordance with State Law	
			Program/Activity Fees	Determined per program by the Director of the Department/Division presenting the program (e.g. Parks and Recreation, Library, Senior Center, Etc.) subject to review by the Town Manager	Determined per program by the Director of the Department/Division presenting the program (e.g. Parks and Recreation, Library, Senior Center, Etc.) subject to review by the Town Manager	
			Sears Park Pavilion (Half Day)	\$ 75.00	\$ 75.00	4 hours 9am to 1pm or 1pm to 6pm; plus \$125 Security Deposit
			Sears Park Pavilion (Full Day)	\$ 125.00	\$ 125.00	9am to 6pm; plus \$125 Security Deposit
			Boat Storage (Non-Town)	\$ 50.00	\$ 50.00	Per Boat
			Non Town use of Sears Park Launch/Facilities - Half Day	\$ 75.00	\$ 75.00	No Security Deposit
			Non Town use of Sears Park Launch/Facilities - Full Day	\$ 150.00	\$ 150.00	No Security Deposit
			Sears Park Access Sticker	No Fee	No Fee	Sticker Provided
			Boat Launch Access Sticker	\$ 50.00	\$ 50.00	Annual
			Kayak/Canoe Storage - Sears Park	\$ 100.00	\$ 100.00	Price Per Vessel maximum of two vessels allowed per family
			Field Use Fee Saturday (Non-Town affiliated teams)	\$ 35.00	\$ 35.00	Price per hour, four hour minimum, plus material costs
			Field Use Fee Sunday (Non-Town affiliated teams)	\$ 50.00	\$ 50.00	Price per hour, four hour minimum, plus material costs



Office of the PLANNING & ZONING OFFICIAL

JEREMY DECARLI, AICP

jdecarli@easthamptonct.gov

To: David Cox, Town Manager
Re: Proposal to Increase Certain Fees
Date: January 27, 2022

The East Hampton Land Use Department is proposing to increase certain fees for applications handled by the department. At this time, the department is seeking an increase to the fees associated with applications to the Zoning Board of Appeals and applications handled administratively by the Planning and Zoning Official. At this time no changes are being sought for fees associated with the Planning and Zoning Commission.

Fees proposed for changes have held steady since at least 1985, likely earlier. According to the Consumer Price Index, inflation has caused the value of \$1.00 in 1985 to be worth \$2.64 in December 2021. Based on inflation alone, the current fees are inadequate for covering costs associated with the staff time and other hard costs. Below is a detail of the proposed fees and the rationale. Comparative costs from other neighboring and similarly sized towns are attached.

Application to Zoning Board of Appeals (Variance and Appeals)

Current Fee: \$160

Included in this fee is the following:

State Fee: \$60 - Each application filed includes a State fee of \$60 which is due quarterly, as such the amount retained by the Town for each application is \$100.

Legal Advertisements: On average, Legal Advertisements in the Rivereast News Bulletin cost \$40. The Middletown Press and Hartford Courant both cost significantly more. Each and every application for a variance requires the posting of three legal notices in the newspaper, two prior to the public hearing and one following action taken by the Commission. This alone costs the department on average \$120.

Staff Time: An average of 2 to 4 hours of staff time (Planner and Office Technician) is spent on each application including intake, review, preparation and staffing of the meeting, and writing the minutes. This costs the town on average \$100 per application.

It should be noted that with the current fee, the Town loses \$20 on every application before even accounting for Staff time. Over the last six years, an average of 12 applications to ZBA have been reviewed each year.

Proposed Fee for Application to ZBA: \$300

Below is a sample of current ZBA Application fees from other Towns. Some are neighbors, others are those similar in size to East Hampton. Fees listed below include the \$60 State Fee. Fees in other towns vary widely, which may be due to several factors including where legal ads are published, staffing levels, or simply when fees were last updated.

Middletown	\$160	Derby	\$235*
East Haddam	\$160	Clinton	\$260
Cromwell	\$160	Old Saybrook	\$300
Glastonbury	\$185	Tolland	\$320**
Haddam	\$185	Mansfield	\$400
Windsor Locks	\$185	Colchester	\$410
Portland	\$210	Lebanon	\$460
Canton	\$210	Coventry	\$560

*Derby charges \$235 for one variance, and an additional \$50 per each additional variance

**Tolland chares \$420 for Commercial Variance

Administrative Zoning Approvals (Issued by Staff)

Current Fees:

New Home or Commercial Construction:	\$50
Filling/Excavation/Grading <5,000 s.f.	\$25
Other	\$10

The Planning and Zoning Official as the Zoning Enforcement Officer is tasked with the review of a variety of different approvals including standard Zoning Approvals, Lot Line Revisions, and First Cut Lot Splits. At present only zoning approvals require an application fee. However lot line revisions and first cut lot splits require time and research before maps can be signed by the ZEO and filed on the Land Records.

In addition, time dedicated to each approval type varies widely and application fees should reflect that. New construction requires significant dedication of time for plan review, inspections, and final paperwork. Meanwhile a simple application for the installation of a fuel tank or small shed is a smaller time commitment. In addition, the department currently approves lot line revisions and “first cut” lot splits with no associated fees. Time is dedicated to research for each of these functions and a fee should be associated with these processes. Based on an average hourly rate of \$40 per hour for staff time we propose the following fees:

New Principal Structure:	\$100
Addition to Existing Primary Structure:	\$75
New Accessory Structure:	\$50

First Cut Lot Split	\$40
New Small Shed (<200 s.f.)	\$25
Lot Line Revision:	\$25
All Others Requiring ZEO Approval:	\$25

Below is a sample of current ZBA Application fees from other Towns. Some are neighbors, others are those similar in size to East Hampton.

Derby	\$50	Coventry	Varies, See Attached
Lebanon	\$50	Mansfield	Varies, See Attached
Clinton	\$75	Middletown	Varies, See Attached
Haddam	\$100	Portland	Varies, See Attached
Colchester	\$110	Tolland	Varies, See Attached

ORDINANCE #253

Sec. 78-1 – Fee Schedule (Effective 2/14/2018)

Pursuant to the provisions of G.S. § 8-1c, the town adopts the following fee schedules for applications to the planning and zoning commission, zoning agent, zoning board of appeals, inland wetlands and watercourses agency, and wetlands agent. All fees shall be payable to "Town of Coventry."

A. Fees that Must Be Submitted with the Application:

The following fees shall be due at the time the application is filed. The failure to submit any such fee shall be grounds for denial or rejection of the application.

1. Applications to the Planning and Zoning Commission or its Agent:

a. Zoning Applications to the Commission

Special permits.....	\$150.00
Modification or renewals of special permits.....	100.00
Site plan review or modification	100.00
Amendments to zoning regulations.....	150.00
Amendments to zoning districts or boundaries.....	150.00
Declaration of nonconforming use.....	100.00
Application for designation of scenic road pursuant to Coventry Code of Ordinances, Sections 86-141 through 86-149.....	- 0 -
All other matter requiring review by the Commission, but not requiring a public hearing (e.g., home occupations).....	50.00

b. Zoning Applications to the Zoning Agent

Zoning certification for a new principal building or structure.....	100.00
Zoning certification for a new accessory building, or an addition or alteration to any building, or an in-ground pool.....	75.00
Zoning certification for a new accessory structure (e.g., deck) other than a building or an in-ground pool, or for an addition or alteration to a structure other than a building, that increases the footprint or of the structure.....	50.00
Zoning certification for an alteration to a building or structure that does not increase the footprint or volume of the building or structure..	25.00
Zoning certification for a temporary certificate of occupancy for one month, or for renewal of such certification for one month.....	25.00
All other matter requiring review by Town staff.....	25.00

c. Subdivision (Including Resubdivision) Applications
 For new subdivisions, a base fee of \$50.00 per lot, plus the following supplementary fee:

Subdivision of:

1 – 5 Lots.....	100.00	6 – 10 Lots.....	150.00
11 – 20 Lots.....	200.00	21 – 40 Lots	250.00
41– 60 Lots.....	300.00	61 – 80 Lots.....	350.00
81 lots or more.....	400.00		
Fee for extension of subdivision approvals.....		100.00	

d. PRUD Applications
 Base fee of \$150.00, plus the following supplementary fee:

1 – 20 Units.....	200.00	21 – 50 Units.....	250.00
51 – 75 Units.....	300.00	76 – 100 Units.....	350.00
101 – 150 Units.....	400.00	151 – 200 Units.....	450.00
201 – 250 Units.....	500.00	251 – 300 Units.....	550.00
301 Units.....	600.00		

Category	Fee
For live music permit renewals	\$100
For special permit/site plan modifications:	
Approved without PZC action	\$50
Approved with PZC action	\$250
Zoning permits	
Residential/Commercial additions, decks, sheds, pools, accessory structures costing:	
Less than \$5,000	\$25
Over \$5,000	\$50
New single-family residences	\$150
New multifamily residences	\$50 per unit
New commercial buildings	\$150
Signs subject to zoning permit	\$25
Temporary trailers (office or residential)	\$25
Letters of zoning compliance	\$50
Home occupation	\$75
Home occupation renewals	\$50
Other zoning permits	\$25
Regulations and maps	
Zoning/Wetlands Map	\$5*
Plan of Development	\$30*
Zoning Regulations	\$20*
Subdivision Regulations	\$10*
Wetlands regulations	\$10*
*NOTE: Or actual cost of reproduction, whichever is greater	
Inland wetland permits:	
Wetland permit modifications	\$50
For each staff visit required by noncompliance with the conditions of an order issued by the Agency	\$50
Petitions for revisions to Wetland Map or Wetland Regulations	\$500
Permit renewals	\$100



Fees and Rates
for the
City of Middletown's
Department of Planning, Conservation and Development

Residential Unit Business Pursuit	No Charge
Lot Certification	\$30.00
Special Exception- Residential Use	\$50.00 fee up to three (3) family units \$10.00 per each family after three family units plus \$30 state surtax
Special Exception- Non-Residential Use	\$100.00 fee for first 1,000 sq. ft. of building area Plus \$10.00 per 1,000 sq. ft. of building area up to 30,000 sq. ft. Plus \$2.00 per sq. ft. of building area in excess of 30,000 sq. ft. Plus \$30 state surtax (min. \$100.00)
Sub-Division	A base of \$200 Plus \$250 per lot for engineering and planning review Plus \$30 state surtax
Zoning Map Amendment	\$100.00 plus \$10.00 per acre of area Plus \$30 state surtax
Zoning Text Amendment	\$100.00 for one section Plus \$50.00 for each additional section or subsection Plus \$30 state surtax
Site Plan Review- Residential Single & Two Family	\$25.00
Site Plan Review- Additions	No Charge
Site Plan Review- Non-Residential New Project	\$100.00 for first 1,000 sq. ft. of building area Plus \$10.00 per 1,000 sq. ft. of building up to 30,000 sq. ft. Plus \$1.00 per 1,000 sq. ft. in excess of 30,000 sq. ft. (min. \$100.00)
Natural Resource Extraction	Application fee shall be \$100.00 multiplied by the number of acres, to the nearest whole acre, proposed to be disturbed by extraction or storage of soil or rock material as established for Compliance Assurance for up to ten (10) acres. The fee for areas beyond ten acres shall be \$50.00 per acre up to twenty acres. The fee for more than twenty acres shall be \$25.00 per acre. The application fee shall be for the time approval period established and each application or extension shall require a separate fee.
Lot Line Revision	\$30.00
Signs (New or Changed)	\$25.00
Storm Water Detention	1 - 10 acres \$50.00 10+ - 25 \$100.00 25+ \$250.00
Letter of Zoning Conformity or Compliance	\$25.00
Traffic Analysis	(Projects with 100 or more required parking spaces or if required by Commission or staff) \$20.00 per required parking space Or actual cost of analysis by Commission selected consultant
Other Expert Analysis	Actual cost of Analysis by Commission selected consultant
Zoning Board of Appeals- Location Approval	\$100.00 plus \$30 state surtax
Zoning Board of Appeals- Appeal from city official	\$100.00 plus \$30 state surtax
Zoning Board of Appeals- Variance	\$100.00 plus \$30 state surtax



TOWN OF PORTLAND
FEE SCHEDULE
as of 01/10/2018

ZONING*

- | | |
|-----------------------|------|
| ▪ ZONING PERMIT | \$10 |
| ▪ ZONING - NEW HOME | \$15 |
| ▪ COMMERCIAL | \$30 |
| ▪ MANDATORY STATE FEE | \$60 |

BUILDING

- | | |
|---------------------------------|--|
| ▪ BUILDING PERMIT | \$15 1 st thousand
\$12 per thousand
thereafter |
| ▪ TRADES/SUBS | \$ same as above |
| ▪ C.O. (new homes) | \$25 |
| ▪ TOWN ENGINEER FEE (new homes) | \$45 |

CHATHAM HEALTH DISTRICT - See CHD forms for specific fees

*** Does not include fees required for Inland Wetland Commission, Planning and Zoning Commission or Zoning Board of Appeals Applications**

Special Permits & Site Plans*

Site Plan or Special Permit

Fee for a new building or addition:

- 1,000 gross square feet or less: \$300
- 1001 to 10,000 gross square feet: \$500
- 10,001 or greater gross square feet: \$750 + \$25 for each additional 1,000 gross square feet

No new building nor building addition:

\$300 plus \$0.005 (half cent) per square foot of newly disturbed land area.

Plus State Fee: \$60

Revision of an Approved Site Plan

Fee: \$150

Plus State Fee: \$60

Multi-Family Special Permit and Site Plan

Fee: Whichever is greater: \$50 per unit OR \$1,000

Plus State Fee: \$60

Golf Course Special Permit and Site Plan

Fee: \$750 plus \$10 per acre

Plus State Fee: \$60

Removal of Earth Products

Fee:

- Less than 1,000 cubic yards (cy): \$250
- 1,001 to 50,000 cy: \$500
- 50,001 – 100,000 cy: \$1,000
- More than 100,001 cubic yards: \$2,000

Plus State Fee: \$60

Removal of Earth Products - Post Approval

Annual Map Fee: \$50

Campground

Fee: \$250 plus \$10 per campsite

Plus State Fee: \$60

Campground – Post Approval

Annual Fee: \$2 per campsite

Zoning Permits

Residential

Single Family Dwelling (new)	\$125
Accessory Dwelling Unit	\$75
Multi-Family Dwelling (per unit)	\$25
Home Occupation	\$25
Residential Addition	\$50
Garage, Barn	\$50
Swimming Pool	\$50
Shed <200 square feet	\$25
Shed >200 square feet	\$50
Deck, Porch, Gazebo	\$50
Fence >8 feet in height	\$25
Driveway Permit	\$25
Other	\$25

Non-Residential - New Construction, Addition, Accessory Structure

Up to 1,000 square feet	\$100
1,001 to 10,000 square feet	\$250
10,001 square feet and over	\$500
Each additional 1,000 square feet	\$20

Tower

Permit	\$100
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Sign

If permit required, per sign	\$25
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Other

Zoning Compliance Letter	\$25
Change in Use (no site plan required)	\$25



East Hampton Police Department
1 Community Drive
East Hampton, CT 06424



Dennis Woessner
Chief of Police

May 4, 2022

To: David Cox, 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 3.1, Use of Force, is an existing General Order which required updating to reflect a change mandated by the Police Officer Standards and Training Council (POSTC) General Notice 22-01. The required change was a new reporting form that must be used to report all qualifying use of force incidents to the State. Minor changes were also made to the existing General Order to reflect the new reporting form and procedures for review.


Any additions to this General Orders are marked in red and deletions are crossed out and marked in yellow.



EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 3.1

RULES OF CONDUCT

SUBJECT: USE OF FORCE		
Issue Date: TBD	Effective Date: TBD	Distribution: All Personnel
Amends/Rescinds GO: 3.1 dated 10/13/2021		Review Date: Annually
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

The law enforcement profession recognizes and values the sanctity of human life and respect for every person's rights and dignity. As guardians of a lawful and ordered society, police officers are vested with significant authority, the judicious use of which serves to protect public safety while fortifying public confidence in the legitimacy of the police. A peaceful resolution is the best, most desired outcome in all situations. To that end, police officers must use only the level of force necessary to achieve legitimate, lawful purposes and resolve each situation they face fairly and safely. Acknowledging that circumstances may compel the use of physical force upon a person, up to and including deadly force, police officers must view the use of force as a last resort.

II. POLICY

Police officers must use only the minimum level of force necessary to achieve a lawful purpose. Any use of force must be reasonable, proportionate to the threat, and employed in a manner consistent with this policy. While not an actual use of force, the mere presence of a police officer can be intimidating to some. Therefore, officers should be mindful of their body language and tone of voice upon arrival at a scene and throughout their interaction with subjects, complainants, and witnesses.

III. DEFINITIONS

- A. "Acting in a Law Enforcement Capacity" means any on-duty police officer or any off-duty police officer who identifies themselves as such and asserts their law enforcement authority.
- B. "Active Resistance" means any physical act undertaken by a subject against an officer that could reasonably impede or defeat the officer's lawful attempt to gain control of the subject.
- C. "Chokehold/Neck Restraint" means a physical maneuver or other method of restraint applied to the neck area or that otherwise impedes the ability to breathe or restricts blood circulation to the brain.
- D. "Deadly Force" means any force that is likely to cause serious injury or death.
- E. "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.
- F. "De-escalation" means the use of strategies and/or techniques to reduce the intensity of or stabilize a conflict or potentially volatile situation.
- G. "Imminent" means likely to occur at any moment; impending.
- H. "Last resort" means a final course of action, used only when other reasonable options are unavailable or have failed.
- I. "Less-Lethal Force" means any force that is not likely to cause serious physical injury or death. Less lethal force includes weaponless defensive and control techniques (such as open hand strikes, elbow or closed fist strikes, leg sweeps, kicks, and forcible restraint), weapons and munitions (such as OC spray or chemical agents such as tear gas, CEW, projectiles like rubber bullets and bean-bag rounds, batons and other impact weapons, and flash bang devices), and K9.
- J. "Mitigation" means the action of reducing the danger, severity, seriousness, or potential harmfulness of a condition or circumstance.
- K. "Necessary" means an action chosen when, in an officer's judgement, no effective alternative exists.
- L. "The objectively reasonable standard" is the legal standard used to determine the lawfulness of a use of force under the Fourth Amendment to

the U.S. Constitution. The U.S. Supreme Court established this standard in its ruling in *Graham v. Connor* (490- U.S. 386, 1989).

- M. "Officer created jeopardy" means situations where officers needlessly put themselves in a position where they must use deadly force to protect themselves.
- N. "Passive Resistance" means an unarmed, non-violent person's failure or refusal to cooperate with a police officer's lawful directions, such as in an act of civil disobedience or by a non-violent handcuffed person. Passive resistance generally involves lack of voluntary movement by the resister.
- O. "Police officer," as used in this policy, means any Connecticut "peace officer," as defined in CGS 53a-3.
- P. "Physical Force" means any intentional contact used upon or directed toward the body of another person, including restraint and confinement.
- Q. "Positional Asphyxia" is a condition where the supply of oxygen to a person's body is deficient because their body position prevents them from breathing adequately, usually as a result of an airway obstruction or limitation in chest wall expansion.
- R. "Proportional Force" means force that is reasonably necessary to overcome the level of resistance, aggression, or threat an officer confronts.
- S. "Reasonable" means sound, fair, sensible, and not excessive under the circumstances.
- T. "Reasonable belief that a person has committed an offense" means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the facts or circumstances would not legally constitute an offense, an incorrect belief that they do, even if reasonable, does not justify the use of physical force.
- U. "Serious Physical Injury" means physical injury that creates a substantial risk of death, serious protracted and obvious disfigurement, a serious health impairment, or an extended loss or impairment of any body part or bodily organ.
- V. "Unreasonable Force" means any force applied in a manner inconsistent with this policy or applicable law.
- W. "Unreasonable Risk" means unwarranted exposure to the possibility of a negative consequence.

IV. MORAL AND ETHICAL OBLIGATIONS REGARDING THE USE OF FORCE

All police officers must comply with this policy and uphold the legal, moral, and ethical obligations of their sworn service to the public, including:

A. Duty to Render Aid

An officer shall render aid and request an emergency medical service (EMS) response as soon as possible for any person who sustains an injury, complains of injury, or otherwise exhibits signs of medical distress including shortness of breath, altered mental status, or loss of consciousness.

An EMS response shall be requested for any person subjected to the use of a firearm, impact weapon, impact projectile, conducted energy weapon (CEW), oleoresin capsicum (OC) spray, or K-9 apprehension. A supervisor shall be immediately notified of any EMS response initiated under these conditions, and injuries shall be documented and photographed whenever possible.

B. Duty to Intervene

Any police officer acting in a law enforcement capacity who witnesses the use of force by any other officer, regardless of rank or department, that the witnessing officer knows to be unreasonable, must intervene to attempt to stop such use of force. The witnessing officer shall intervene in any manner necessary to stop any unreasonable use of force, including by verbal or physical means or both. Unreasonable force is any force applied in a manner inconsistent with this policy or applicable law.

These requirements do not apply to officers acting in an undercover capacity if intervening will significantly compromise their safety or the safety of another.

In rare cases, exigent circumstances may prevent an officer from complying with these requirements. For example:

- (1) An officer may be engaged in a simultaneous attempt to apprehend another person.
- (2) An officer may be actively engaged in rendering aid to a seriously injured person.
- (3) An officer may be separated by space, elevation, physical barriers, terrain, or other hazards or impediments that prevent access necessary to intervene.

If circumstances prevent or impede effective intervention, these circumstances shall be promptly reported and documented.

Any officer who fails to intervene in an incident involving unreasonable use of force that they witness may be subject to disciplinary action and criminal prosecution for the actions the offending officer took.

C. Duty to Report

Any police officer acting in a law enforcement capacity who witnesses or otherwise becomes aware of the use of force by any other officer, regardless of rank or department, that the witnessing officer knows to be unreasonable shall notify a supervisor as soon as practicable. The witnessing officer shall also prepare a written report that thoroughly explains how force was used and submit that report as prescribed by Department procedures.

Any officer who fails to report any unreasonable use of force as required by this policy may be subject to disciplinary action and criminal prosecution.

D. Prohibition Against Retaliation

The Department and its employees are strictly prohibited from taking any retaliatory, discriminatory, or punitive action against any officer who acts in good faith in accordance with this policy or cooperates in any internal or criminal investigation related thereto.

V. DE-ESCALATION AND MITIGATION

Officers should use force as a last resort and employ de-escalation and mitigation techniques to the greatest extent practicable. Officers are not required to delay taking protective measures that are immediately necessary or to place themselves or others at imminent risk of harm in order to attempt de-escalation, but they should consider the following options that might minimize or avoid the use of force:

- A. Using a non-threatening, non-confrontational tone of voice
- B. Listening carefully and expressing empathy
- C. Slowing down the pace of an incident
- D. Waiting to take action until the threat subsides
- E. Placing additional space or barriers between the officer and a person
- F. Permitting a person to move about

G. Permitting a person to ask questions or engage in conversation

H. Tactical repositioning or seeking cover

I. Requesting additional resources

De-escalation is most effective when done purposefully, with patience and flexibility. These techniques should only be employed when circumstances permit, and it is safe to do so.

VI. USE OF PHYSICAL FORCE

The use of force by an officer shall be necessary, reasonable and proportionate to the threat encountered. Physical force may only be used to achieve a lawful purpose. Before resorting to physical force and whenever safe and feasible, officers should first make reasonable attempts to gain compliance through verbal commands and allowing appropriate time under the circumstances for voluntary compliance.

A. Considerations

Before deciding to use physical force, an officer should consider the following:

- (1) The immediacy of the threat
- (2) The nature and severity of the crime or circumstances
- (3) The nature and duration of actions taken by the subject
- (4) Whether the subject is actively resisting custody
- (5) Whether the subject is attempting to evade arrest by flight
- (6) The number of subjects in comparison to the number of officers
- (7) The size and condition of the subject in comparison to the officer
- (8) The age, health, and condition of the subject
- (9) The subject's violent history, if known
- (10) The presence of a hostile crowd or agitators
- (11) Whether the subject is under the influence of drugs or alcohol to the extent it would affect their tolerance towards pain

B. Permissible Purposes for the Use of Physical Force

When necessary and reasonable, an officer may use proportionate physical force to:

- (1) Gain control of a subject who poses an imminent risk to the officer, themselves, or a third person.
- (2) Effect an arrest of a person whom the officer reasonably believes to have committed an offense unless the officer knows the arrest is not authorized.
- (3) Effect an arrest pursuant to a warrant unless the officer knows the arrest warrant is invalid.
- (4) Prevent the escape from custody of a person unless the officer knows the custody is not authorized.
- (5) Gain compliance to a lawful order.

C. Prohibitions on the Use of Physical Force

The following actions are prohibited:

- (1) Using physical force against any handcuffed or restrained person except to the extent necessary to counter active resistance, prevent escape, prevent the person from sustaining injury, or prevent the person from injuring another.
- (2) Using physical force for the purpose of retaliation.
- (3) Using physical force against a person whose health, age, physical condition, or circumstances make it likely that serious physical injury will result.
- (4) Standing on or kneeling on the neck of another person.

D. Restrictions on the Use of Physical Force

The following are prohibited except under circumstances where deadly force is deemed reasonable and necessary, consistent with this policy:

- (1) The intentional use of a chokehold or neck restraint, including but not limited to: (1). Arm Bar hold, (2). Carotid artery hold, (3). Lateral vascular neck restraint, (4). Neck restraint or hold with a knee or other object, is prohibited. The use of choke hold or neck restraint

may only be used when the use of deadly physical force is necessary.

- (2) Intentional strikes to the head, neck, spine, or sternum with an impact weapon, improvised impact weapon, knee, kick, or hard object, or striking the head against a hard surface.
- (3) The intentional discharge of a less-lethal launcher projectile at close range to the head, neck, or chest.

VII. POSITIONING OF PERSONS UNDER OFFICER'S CONTROL

Restrained persons shall be positioned so that breathing is not obstructed. Restrained persons should be maintained in a seated position or placed on their side. Restrained persons should not be placed in a prone or other position that increases the risk of positional asphyxia.

VIII. LESS LETHAL FORCE

An officer may use less lethal force when reasonable and necessary to overcome the use or imminent use of force against an officer or a third person. The level of less lethal force used must be proportionate to the threat, perceived or existing. Less lethal force may not be used against any person engaged in passive resistance.

IX. USE OF DEADLY PHYSICAL FORCE

Deadly force must be used as a last resort. Any use of deadly force must be reasonable and necessary. When feasible and consistent with personal safety, an officer shall give warning of his or her intent to use deadly physical force.

A. Permissible Purposes for Deadly Force

A police officer is justified in using deadly force upon another person only when his or her actions are objectively reasonable under the given circumstances at that time and the officer reasonably believes the use of deadly force is necessary to:

- (1) Defend himself or herself or another person from the use or imminent use of deadly physical force, or
- (2) Effect an arrest of a person if the following circumstances exist:
 - a. The officer reasonably believes the person has committed or attempted to commit a felony that involved the infliction of serious physical injury and

- b. The officer has determined there are no available reasonable alternatives to the use of deadly force and
 - c. The officer believes that the use of deadly force creates no unreasonable risk of injury to any other person.
- (3) Prevent the escape of a person if the following circumstances exist:
- a. The officer reasonably believes the person has committed a felony that involved the infliction of serious physical injury and poses a significant threat of death or serious physical injury to others.
 - b. The officer has determined there are no available reasonable alternatives to the use of deadly force.
 - c. The officer believes that the use of deadly force creates no unreasonable risk of injury to any other person.

B. Prohibitions on the Use of Deadly Force

- (1) Deadly force may not be used against any person for the purpose of protecting property.
- (2) Deadly force may not be used against any person who poses a threat only to themselves.

C. Use of Firearms

The discharge of a firearm by an officer in any setting other than a training or testing exercise, or to dispatch an animal, shall be considered a use of deadly force. The discharge of a firearm against another person should be considered a last resort.

The discharge of a firearm is prohibited:

- (1) When, in the professional judgment of the officer, doing so will unnecessarily endanger an innocent person.
- (2) In the defense of property.
- (3) To summon assistance, except in an emergency and no other reasonable means is available.
- (4) When fired as a warning shot.

- (5) When fired at or into a moving or fleeing vehicle, except:
- a. To counter an imminent threat of death or serious physical injury from an occupant by means other than the vehicle.
 - b. When a driver is intentionally placing others in the vehicle's path causing an imminent risk of serious injury, such as driving into a crowd of assembled persons or into an occupied area not intended for vehicular traffic.
 - c. When an officer is unavoidably in the path of a vehicle and cannot move to safety. Officers are strongly discouraged from positioning themselves in the actual or potential path of travel of any vehicle.

D. Post Event Review of Deadly Physical Force Incidents

A post event review regarding any use of force shall determine whether any involved officer acted in a manner consistent with or inconsistent with this policy.

Officers must be aware that they are subject to the standards set forth by State Law. In accordance with State Law, evaluations of an officer's actions related to a use of deadly force will consider, *but are not limited to*, the following factors:

- (1) Whether the person possessed or appeared to possess a deadly weapon
- (2) Whether the officer engaged in reasonable de-escalation measures prior to using deadly force
- (3) Whether any unreasonable conduct of the officer led to an increased risk of an occurrence of the situation that precipitated the use of deadly force.

Officers should be aware that the statutory language "but are not limited to" may mean that factors not specified in law or in this policy are considered in the evaluation of an officer's actions.

X. REPORTING USES OF FORCE

A. Required Reporting and Review

A reportable use of force is any use of force described in this policy, including:

- (1) Striking another person with an open or closed hand, elbow, knee, club or baton, kicking another person
- (2) Using OC spray, CEW, or less lethal projectile
- (3) Using a chokehold or neck restraint
- (4) Pointing a firearm, less lethal launcher, or CEW laser sight at a person
- (5) The discharge of a firearm, for other than training, testing, or to dispatch an animal
- (6) Any action that results in, or is alleged to have resulted in, injury or death of another person

The electronic State of Connecticut Police Officer Standards and Training Council *Use of Force* form shall be completed for any incident that involves a reportable use of force. A separate form shall be completed for each person subjected to a reportable use of force. Except as provided below, the officers involved shall complete the form as soon as is practical. The required supervisory review of any use of force shall be completed in a timely manner. **The Chief of Police or his designee has the final review of all use of force incidents and will be responsible for submitting the reports electronically to CT.Police.UoF@CT.gov.**

The Office of the Chief State's Attorney Inspector General shall investigate any incident in which an officer uses deadly force or in which a death occurs as a result of any use of force, and shall direct the completion of reports as deemed necessary.

The department shall document and maintain a record of any incident in which an officer reports or is aware of an unreasonable, excessive, or illegal use of force as specified in this policy. This record shall include, at minimum, the name of the officer(s) involved; the date, time, and location of the incident; a description of the circumstances; and the names of any victims and witnesses present, if known.

B. Annual Use of Force Reporting

Each year, but not later than February 1st of the following year, the department shall ensure that a copy of each completed *State of Connecticut – Police Officer and Standards Training Council - Use of Force Report* and any other required documents are submitted in electronic form to the Criminal Justice Policy and Planning Division of the Office of Policy and Management. Prior to the submission of these reports, the department shall redact any information that may identify a minor, victim, or witness.

XI. TRAINING

The Police Officer Standards and Training Council (POSTC) will oversee development and implementation of a single, standardized training curriculum to include lesson plans and presentation material regarding all aspects of this policy for the purposes of in-service or review training. To qualify for POSTC credit, Use of Force training must be delivered by a POSTC certified Use of Force instructor. The Department may elect to offer additional training in any area of this policy, but such training may not supplant any portion of the POSTC approved training module. Any additional training offered must be delivered by a POSTC certified Use of Force instructor using a POSTC approved lesson plan.

All Departments shall ensure that every peace officer bound by this policy completes all required POSTC Use of Force training prior to December 31, 2022 unless granted an extension by the DESPP/POSTC Academy Administrator. Thereafter, the Department shall ensure that every officer completes the POSTC recertification training module no less than once annually.

Prior to receiving authorization to carry any department issued firearm, baton, OC or CEW each member of the Department will receive training on this Use of Force policy and the policy that applies to the device the officer is being training on. Additionally, all members of the Department shall receive initial department approved training in firearms, baton, OC, and CEW prior to being authorized to carry them. That training shall be in accordance with the manufacturers recommendation and POST policy. Refresher training and officer's ability to demonstrate proficiency will reoccur on an annual basis. Remedial training will be provided for officers failing to demonstrate proficiency.

XII. AUTHORIZED WEAPONS/ LESS LETHAL OPTIONS

For the purpose of this General Order the following lethal and less lethal devices are authorized to be carried by members of this department, while on-duty, unless otherwise specifically authorized by the Chief of Police.

- A. Glock .45 Caliber pistols (Model 21 or 30)
- B. Bushmaster or Colt AR style rifles .223 caliber
- C. Remington 12-gauge shotguns
- D. Taser X26P
- E. ASP batons
- F. Guardian OC spray

XIII. RELATED POLICIES

Other policies related to this and department use of force policies include but may not be limited to:

- A. Oath of Office
- B. Ethics
- C. Firearms
- D. Conducted Electrical Weapon
- E. Less-Lethal Weapons/Munitions
- F. Pursuit
- G. Crowd Control
- H. Body Camera/In-Car Camera
- I. Canine Unit



State of Connecticut - Police Officer Standards and Training Council
USE OF FORCE REPORT

CASE AND SUBJECT INFORMATION SECTION

<p>Police Department Information</p> <p>Case Number # PD Town Agency #</p> <p>Date of Report</p> <p>Incident Information</p> <p>Date of Inc. T.O.D. <input type="checkbox"/> AM <input type="checkbox"/> PM</p> <p>Incident Apt/Unit #</p> <p>Incident Street Address</p> <p>Incident City State CT</p>	<p>Subject's Information</p> <p>First Name Last Name Date of Birth</p> <p>Apt/Unit #</p> <p>Address Street</p> <p>Address City State</p> <p>Race Hispanic <input type="radio"/> Yes <input type="radio"/> No</p> <p>Sex Subject Height & Weight</p> <p><input type="radio"/> Male <input type="radio"/> Female <input type="text"/> Feet <input type="text"/> Inches <input type="text"/> Pounds</p>
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PRE-INCIDENT INFORMATION SECTION

Officer's First Name Officer's Last Name Officer's Badge Number Officer Self Identified Yes No

Origins of Initial Contact Officer's Assignment Officer's Arrival Transport Officer's Arrival Uniform

Officer's Arrival Notes

Activity That Led To Incident (Check All That Apply)

<p><input type="checkbox"/> Welfare Check</p> <p><input type="checkbox"/> Medical Emergency</p> <p><input type="checkbox"/> Potential Mental Health Incident</p> <p><input type="checkbox"/> MV/Traffic Stop</p> <p><input type="checkbox"/> Execute Warrant</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Possible Crime in Progress</p> <p>Crime #1 -</p> <p>Crime #2 -</p> <p>Crime #3 -</p> <p>Crime #4 -</p> <p>Crime #5 -</p>
--	--

Location Environment (Check All That Apply)

<input type="checkbox"/> Subject's Residence	<input type="checkbox"/> Indoors - Public Building	Type
<input type="checkbox"/> Other Residence	<input type="checkbox"/> Indoors - Private Property	
<input type="checkbox"/> Outdoors - Public Area	<input type="checkbox"/> Educational Facility	
<input type="checkbox"/> Outdoors - Priv. Property	<input type="checkbox"/> Commercial Establishment	

OFFICER ASSESSMENT OF SCENE AND SITUATION SECTION

Officer's Initial Perception of Subject (Check All That Apply)

<input type="checkbox"/> Non-Aggressive	<input type="checkbox"/> Actively Aggressive (Verbal)
<input type="checkbox"/> Previous Hostility Toward LEO	<input type="checkbox"/> Actively Aggressive (Physical)
<input type="checkbox"/> Possibly Under the Influence	<input type="checkbox"/> Armed with <input type="text"/>
<input type="checkbox"/> Emotionally Disturbed	<input type="checkbox"/> Other <input type="text"/>

Subject's Initial Resistance Resulting in Use of Force (Check All That Apply)

<input type="checkbox"/> Threat/Hostile	<input type="checkbox"/> Fighting Stance/Combative
<input type="checkbox"/> Dead Weight/Non-Compliant	<input type="checkbox"/> Threatening Use of Force
<input type="checkbox"/> Fleeing	<input type="checkbox"/> Un-Armed Assault
<input type="checkbox"/> Suicidal	<input type="checkbox"/> Armed Assault with <input type="text"/>
<input type="checkbox"/> Other <input type="text"/>	

APPLICATION OF FORCE NARRATIVE SECTION

Use of Force Warning Provided to the Subject?

OFFICER'S ACTIONS

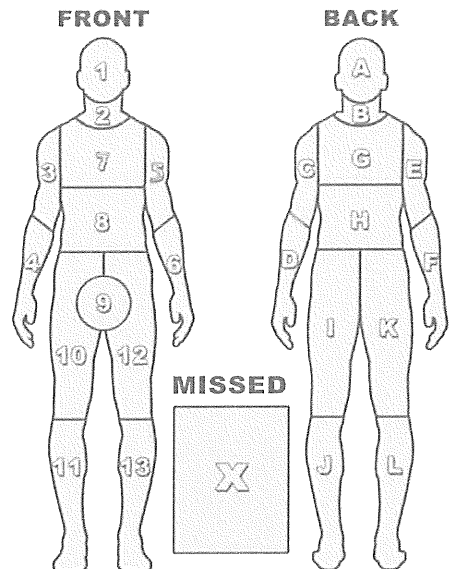
#	Control Category	Control Method	Body Region	# of Strikes
1	-	<input type="checkbox"/>	-	-
2	-	<input type="checkbox"/>	-	-
3	-	<input type="checkbox"/>	-	-
4	-	<input type="checkbox"/>	-	-
5	-	<input type="checkbox"/>	-	-
6	-	<input type="checkbox"/>	-	-
7	-	<input type="checkbox"/>	-	-
8	-	<input type="checkbox"/>	-	-
9	-	<input type="checkbox"/>	-	-

SUBJECT'S ACTIONS

Response Category	Response Method
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-

Use of CEW Details

Serial # on CEW(s) Deployed	<input type="text"/>
Serial # on Cartridge(s) Deployed	<input type="text"/>
Type of Cartridge	<input type="text"/>
# and Length of Display of Arc (sec.)	<input type="text"/>
# and Length of Drive-Stun Applications (sec.)	<input type="text"/>
# and Length After Probe Contact (sec.)	<input type="text"/>
Time Between Applications (sec.)	<input type="text"/>
CEW was Downloaded by Whom?	<input type="text"/>



Body Regions Template

Use of OC Spray Details

Yes No N/A

Subject Permitted to De-contaminate After Transport?

Medical Treatment Required?

Was OC Spray Effective?

Number of OC Spray Applications

Use of K-9 Details

K-9 Handler First Name K-9 Handler Last Name Officer Badge #

K-9's Name K-9's Badge #

POST - INCIDENT INFORMATION SECTION

OFFICER Injuries (Check All that Apply)

SUBJECT Injuries (Check All that Apply)

- None
- Officer Complaint of Pain
- Officer Contusion/Bruise
- Officer Abrasion/Laceration
- Officer Blunt Trauma/Concussion
- Officer Fracture/Dislocation
- Officer Chest Pains
- Officer Breathing Difficulty
- Officer Probe Puncture Only
- Officer Gunshot
- Officer Death
- Unknown
- Other

- None
- Subject Complaint of Pain
- Subject Contusion/Bruise
- Subject Abrasion/Laceration
- Subject Blunt Trauma/Concussion
- Subject Fracture/Dislocation
- Subject Chest Pains
- Subject Breathing Difficulty
- Subject Probe Puncture Only
- Subject Gunshot
- Subject Death
- Unknown
- Other

Checked by Medical?

Yes Refusal N/A

Yes Refusal N/A

Transported to Hospital?

Yes

Yes

INCIDENT ANALYSIS AND SUMMARY SECTION

Was Supervisor Notified?

Was Supervisor at the Scene?

Yes No N/A Time of Notification AM PM

Yes No N/A

Supervisor's First Name Supervisor's Last Name Supervisor's Badge #

Video Footage Available?

Yes No

Video Footage Type?

(Hold Control Button for Multi-Selection)

- Body Worn
- Cell Phone
- Commercial Building
- Motor Vehicle

Officer Comments

Officer's Comments

Officer's First Name

Officer's Last Name

Officer's Badge Number

Or

Officer's
Digital Signature

Officer's Ink Signature

Email to Supervisor

Supervisor Comments

- I find this use of force by this officer to be within POSTC policy.
- I find this use of force by this officer to be outside POSTC policy, but reasonable and necessary.
- I find this use of force by this officer to be outside POSTC policy.
- Needs further review.

Supervisor Narrative Supporting Findings (Mandatory)

Supervisor's Evaluation

Supervisor's First Name

Supervisor's Last Name

Supervisor's Badge Number

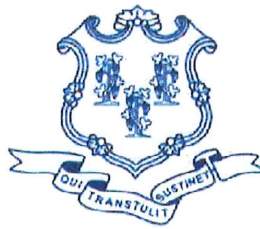
Or

Supervisor's
Digital Signature

Supervisor's Ink Signature

Email for Review

Yes No Dept. use only: This incident meets the POSTC requirement for submission to the State.



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
Police Officer Standards and Training Council
Connecticut Police Academy

GENERAL NOTICE 22-01

To: Chief Law Enforcement Officers
Training Officers
Protective Services
Resident Troopers

From: Karen Boisvert (KB digital signature)
Academy Administrator

Date: March 18, 2022

Subject: **NEW** Use of Force Report Form
NEW Use of Force Reporting Guide (CJIS) (IMRP)
NEW Use of Force Reporting Guidelines (POSTC)

The Police Officer Standards and Training Council (POSTC) and Criminal Justice Policy Planning Division of the Office of Policy and Management (CJPPD), worked in conjunction with the Criminal Justice Information System (CJIS) and Institute for Municipal and Regional Policy (IMRP), to develop a standard use of force and electronic defense weapon reporting form pursuant to Connecticut General Statute 7-282e and 54-1t.

Effective July 1, 2022, the state form adopted by POSTC must be completed for all incidents that meet the reporting requirements of either statute. No other use of force or electronic defense weapon report will be accepted after the July 1, 2022 effective date.

Please ensure members of your agency responsible for reporting use of force incidents in accordance with Connecticut General Statute 7-282e are made aware of the new form and reporting requirements.

Below are links to the new use of force form and guidance documents (word documents are available). For future reference the new form and guidance documents will be posted on the POSTC website under featured links:

[New Use of Force Reporting Form](#)
[Use of Force Reporting Guide](#)
[Use of Force reporting Guidelines](#)

Starting April 2022 (once per week for six weeks), training on the new form and guidelines will be made available for any Supervisor, Training Officer or Use of Force Instructor wishing to attend. Training will include a question and answer period.

Please check the POST website for details of the training. <https://portal.ct.gov/POST/Field-Services-Training-Courses/In-Service-Training-Courses>

Questions or comments may be directed to my attention either by e-mail karen.boisvert@ct.gov or phone 203-427-2601.

Excerpts from:
State of Connecticut Use of Force Reporting Guide
Published by: Institute for Municipal and Regional Policy (IMRP) at UConn
KB:kb



MEMORANDUM

To: David Cox, Town Manager
 From: Jeremy DeCarli
 Date: April 20, 2022
 Re: PA 21-29, Accessory Dwelling Unit Opt-Out Provision

Public Act 21-29, signed by the Governor in June 2021, made several changes to the zoning enabling Statute, CGS Section 8-2. One of the more impactful changes included is a provision requiring all zoning regulations throughout the state to allow for accessory dwelling units as an as-of-right use on all residential lots. This would allow for administrative approvals on any residential lot anywhere in town so long as it met the requirements of the Statutory provisions. The legislation allows for zoning regulations to be developed specific to ADU's, so long as those regulations are not more restrictive than regulations for existing primary residential structures.

The legislation includes the ability to "opt-out" of the ADU requirement. Any municipality that chooses to opt-out, must do so with a 2/3 majority vote, and the opt-out must be certified by the legislative body (or where the legislative body is a Town Meeting, the Board of Selectman or Council) by a 2/3 majority. The Planning and Zoning Commission held a Public Hearing at its March 2, 2022 Regular Meeting, as required, and voted to opt-out of the ADU requirement by a vote of 6-1. (While there was discussion among members, there were no public comments.) A legal Notice with the decision to approve the opt-out was published in the Rivereast News Bulletin on March 11, 2022, as required.

The Planning and Zoning Commission dedicated significant time and effort to develop regulations allowing for Accessory Dwelling Units between 2016 and 2017, adopting the current regulations in the fall of 2017 which allow for ADUs with a Special Permit issued by the Commission. The regulations were crafted with the goal of allowing for more housing diversity in town, with a focus on the housing needs of both older and younger adults, both groups of which tend to need transitional housing which is underprovided in town. Smaller dwelling units tend to be more affordable to maintain and rent and potentially easier to live in for those with any kinds of disabilities. The regulations allow for a maximum livable square footage of 900 square feet with no more than two bedrooms and requires that the owner of the property reside on the site (with up to a 120 day hiatus allowed for seasonal residents). The regulations allow for both attached and detached units so as to allow some flexibility of living situations.

The regulations were written with the health, safety, and welfare of residents in mind. The less developed areas of town require additional acreage beyond the minimum lot size for several reasons, including, but not limited to the lack of municipal sewer service, the lack of municipal water service, the less developed nature of those areas, and the general lack of a comprehensive road network. However, in more densely developed areas which have municipal sewer service and a more comprehensive street network, the increased lot size requirement is eliminated or limited, depending on the underlying zone. One of the goals of the regulation was to create more organically occurring affordability which is more realistic in more dense environments where services and infrastructure are already in place.

Since the adoptions of the regulations, a number of Special Permits have been issued for ADUs, in fact, not one has been denied. On several occasions where some portion of the application did not fully comply with the regulation, the Commission has worked with applicants to make changes to the plan in order to come into compliance, and gain an approval.

Two members of the Planning and Zoning Commission intend to provide a brief presentation to the Council at their meeting on April 26 and discuss the reasons for opting out, and asking for the Council to complete the process as described in the Public Act.

At this time, the Commission is requesting that the Council consider the measure and respectfully asks that the Council complete the process by voting to opt-out in accordance with the requirements of the legislation. Approving the opt-out will allow the Commission to retain its existing regulation as approved and adopted in 2017. It is not the intention of the Commission to remove the ability to construct ADUs; however, it continues the process which the town has used for the last five years and continues to require a Special Permit for the approval of ADUs in accordance with the current regulation.

Section 6(f) of Public Act 21-29, which dictates the opt-out process, is copied below for your reference.

Sec. 6

(f) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, the zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provisions of said subsections regarding allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections.

Accessory Dwelling Units

PRESENTATION TO THE TOWN COUNCIL

TOWN OF EAST HAMPTON, CT

FEBRUARY 28, 2022



Town of
EAST HAMPTON
Connecticut

What are ADUs?

Town Definition: “Accessory Dwelling Unit” (ADU)

A dwelling unit with bedroom, kitchen and bathroom facilities created on a building lot that is separate and detached from the principal structure.

State Definition: “Accessory Apartment”

A separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations.

Examples: an apartment over the garage, a tiny house (on a foundation) in the backyard, a basement apartment.



Purpose and Need (Generally)

- Provide additional permanent housing for:
 1. The elderly;
 2. Single persons; and/or
 3. Small families.
- Provide temporary housing for a family member or friend (e.g., “in law apartment,” “granny POD”, etc.).
- Can serve as a means of additional income for property owners.
- Provides flexibility and support to aging population of homeowners.
- Helps improve access to affordable housing within single family neighborhoods



PROS and CONS of ADUs

PROS:

- Helps town regulate pre-existing ADUs
- Provides a unique tier of neighborhood-friendly affordable housing
- Sense of security and flexibility for elderly homeowners
- Can provide additional income to homeowners and additional tax revenue to town
- Helps increase density without altering “look and feel” of neighborhood or increasing burden on tax base

CONS:

- Could result in excessive density by undermining current regulations for single family zones
- May present parking, fire and public safety problems
- Some argue it benefits some people but not the community as a whole
- Can make it more difficult to predict public service needs (e.g., schools, senior services, etc.)



Town Regulation of ADUs (Summary)

- Effective 3/1/2018, allowed in within the R1, R-3, and R-4 Zones by Special Permit only*
- Cannot be recognizable from the street as a residence and cannot have a separate address
- Off-street parking required (maximum of two additional parking spaces)
- Only one ADU allowed (attached or detached)
- Owner must reside on the property (120-day hiatus allowed)
- No variances allowed
- Maximum of two bedrooms, 900 sq. ft.
- Additional specifications/requirements based on type (Detached vs. Attached) and zone

**Existing, unpermitted ADUs in any zone are subject to administrative approval. If the existing unpermitted ADU does not conform with this regulation, the use may remain but shall not be expanded.*



Public Act No. 21-29 (House Bill 6107 - effective 10/1/21)

- With the passage of HB 6107, Connecticut became the 8th state to “legalize” accessory apartments anywhere single-family housing is allowed.
- Permits accessory apartments “as of right” without a special permit or public hearing.
- The law limits ADU size to 1000 square feet or 30 percent of the principal dwelling, whichever is smaller (attached or detached).
- In general, cannot apply standards (set back, coverage, height, landscaping, etc.) which exceed the standards of the principal dwelling and cannot condition approval on correction of principal dwelling non-conformities
- Certain other requirements apply



Opt-Out Provisions

- The Town can opt out of the State's statutory requirements for accessory apartments if the following are **completed prior to January 1, 2023**:
 - PZC by 2/3 vote must initiate the opt out process by motion and scheduling of a public hearing.
 - After holding a public hearing, the PZC by 2/3 vote must act on and approve a motion to opt out within the ordinary statutory deadlines.
 - A Notice of Decision must be published.
 - **The opt out must then be ratified by a 2/3 vote of the Town Council.**





Summary of Public Act 21-1

As of September 2021

Recreational use of cannabis is now legal within the State of Connecticut and it is anticipated that licenses will begin being issued in early 2022 for the productions and sale of products. Municipalities with a population of less than 25,000 are eligible host up to one retail operation. The legislation includes nine types of licenses available to potential operators (noted below), which include growing and retail facilities.

In broad terms, the legislation is meant to be interpreted, applied, and enforced in a similar manner to that of the sale of alcohol. If a municipality chooses not to restrict cannabis sales in town, it must be treated in a similar manner to alcohol sales and the use would be subject to a Special Permit. Municipalities have the option of restricting all or some of the license types within their border, as noted below.

Some highlights of the legislation as they relate to zoning are:

- Allows for the private growing of up to three plants for personal use.
- Allows municipalities to prohibit cannabis establishments from opening within their jurisdiction.
- Prohibits municipalities from banning cannabis delivery.
- Allows local referendum on whether or not to allow the sale of marijuana for adult use. To qualify for the ballot, 10% of voters must sign a petition.
- Allows municipalities to reasonably restrict cannabis establishments' hours and signage.
- Allows municipalities to reasonably restrict cannabis establishments' number or density. Until June 30, 2024, sets a maximum of one retailer and one cannabis micro-cultivator (which can sell at retail) per 25,000 residents, as determined by the most recent census. Beginning July 1, 2024, the DCP will set a new limit.
- Municipalities may, through zoning or ordinance:
 - Prohibit the siting of cannabis establishments,
 - Reasonably restrict hours and signage; and
 - Restrict cannabis establishments' proximity to religious institutions, schools, charitable institutions, hospitals, veterans' homes, or certain military establishments.

There are nine types of licenses established as part of the bill:

1. retailer
2. hybrid retailer (which sells both adult-use and medical cannabis)
3. cultivator (which cultivate 15,000 square feet or more)
4. micro-cultivator (which start between 2,000 and 10,000 square feet)
5. product manufacturer
6. food and beverage manufacturer
7. product packager
8. delivery service
9. transporter

There are two options for restricting the sale of cannabis:

Zoning Regulations - The Commission can prohibit one or more, of the license types in town (Must be done before June 2022)

Ordinance - The Town Council could enact an ordinance prohibiting the sales of cannabis in Town (must be done before June 2022)

Research Bulletin

Recreational Cannabis

January 10, 2022

Introduction:

In June 2021, the Connecticut General Assembly passed and Governor Ned Lamont signed [SB 1201](#), which legalizes recreational cannabis (marijuana). This bulletin will lay out the basics of the law, and specifically highlight relevant provisions for municipalities.

Bill Summary:

As of July 1, 2021, possession of 1.5 oz. of cannabis is now legal for adults over age 21. Connecticut residents may store up to 5 oz. in a locked container or transport it in a locked glovebox or trunk.

Municipal Authority:

Cities and towns have four options regarding zoning regulations and cannabis establishments:

- 1) Take no action
- 2) Zone for it
- 3) Zone against it
- 4) Implement a moratorium

Municipalities have the authority to regulate cannabis sales and use within their borders in the following ways:

- 1) Local Referendum

Upon the petition of 10% of the voters, a referendum must be held on whether to allow recreational marijuana sales or whether to allow certain types of cannabis businesses. (*§83(a)*)

The ballot questions should read:

- “Shall the sale of recreational marijuana be allowed in [MUNICIPALITY]?”
or;
- “Shall the sale of cannabis under (Specified license or licenses) be allowed in [MUNICIPALITY]?”; or

- “Shall the sale of recreational marijuana be prohibited (No Licenses) in [MUNICIPALITY]?”

2) Local Zoning Authority

Municipalities may amend zoning regulations or enact local ordinances to take the following actions regarding cannabis establishments:

- Prohibit their establishment
- Reasonably restrict their hours or signage
- Restrict their proximity to public or parochial schools, charitable institutions, hospitals, veterans’ homes, or certain military establishments or religious institutions.

The municipal chief zoning official must report these changes to the Secretary of the Office of Policy & Management and the Department of Consumer Protection in writing within 14 days of adoption.

The act generally prohibits any restrictions on cannabis establishment hours, zoning, or signage from applying existing businesses until five years after the restriction is adopted. This does not apply if the business converts to a different license type.

If a municipality takes no action through ordinance or zoning regulations, these establishments must be zoned as similar uses would be.

3) Municipal ordinances banning consumption in municipally-owned spaces.

[Affirmative Zoning Approval for Retailers and Micro-Cultivators](#)

Until June 30, 2024, municipalities are prohibited 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. Beginning July 1, 2024, the DCP Commissioner may post on the DCP website a specific number of residents such that no municipality shall grant zoning approval for more retailers or micro-cultivators than would result in one of each for every such specific number of residents, as determined by the commissioner.

To ensure compliance, the law requires a special permit or other affirmative approval for any retailer or micro-cultivator seeking to be located within a municipality. A municipality must not grant the special permit or approval for any applicant if an approval would result in exceeding the density cap set by the bill or DCP Commissioner. The purpose of the special permit or other affirmative approval is not to require a public meeting or any other steps or procedures than would otherwise be required under a municipality’s zoning ordinance, but rather to ensure that no more retailers or micro-cultivators are granted zoning approval than the number allowable under the legislation.

Regulations of Smoking and Cannabis Use

Through September 30, 2021, municipalities may regulate, on any property owned by the municipality any activity deemed to be deleterious to public health, including the lighting or carrying of a lighted cigarette, cigar, pipe, or similar device.

Effective October 1, municipalities may regulate certain activities (any activity deemed to be deleterious to public health, including the lighting or carrying of a lighted cigarette, cigar, pipe, or similar device) on municipally-owned property and property that a municipality controls but does not own. Property that a municipality controls includes, but is not limited to, sidewalks, parks, beaches, municipal land and building, etc. The regulatory authority applies to smoked or vaped tobacco or cannabis and other types of cannabis use or consumption.

For municipalities with more than 50,000 people, if they regulate the public use of cannabis, the must designate a location in the municipality where public consumption is allowed. This section of the bill does not require that these municipalities provide for a location where any or all forms of cannabis can be consumed, but only some forms of cannabis can be consumed. The most common forms of consumption are smoking, vaping and edibles. Through these regulations, municipalities may set fines for violations by individuals regarding outdoor consumption of cannabis up to \$50.

Municipalities are permitted to ban cannabis smoking and vaping at outdoor sections of restaurants. Through regulations, cities and towns may set fines for violations of up to \$1,000 for businesses who allow cannabis smoking or vaping contrary to the regulation of the municipality.

Municipal Sales Tax

A 3% municipal sales tax is imposed on the sale of cannabis, in addition to the state's 6.35% sales tax and the state cannabis tax established in the law. The municipal sales tax will be administered through DRS, though the municipality will be responsible for collecting the appropriate amounts as identified by DRS.

Each municipality with a cannabis retailer, hybrid retailer or micro-cultivator must submit to DRS, at least annually, the name and contact information of the individual designated to receive notifications regarding the tax. The DRS Commissioner will then notify the designee of the tax amount reported due from the retailers.

The tax funds become a part of the municipality's general fund and may only be used for the following purposes:

1. Streetscape improvements and other neighborhood developments in the communities where cannabis retailers or other establishments are located;
2. Education programs or youth employment and training programs in the municipality;

3. Services for individuals living in the municipality who were released from DOC custody, probation or parole;
4. Mental health or addiction services;
5. Youth service bureaus and municipal juvenile review boards; and
6. Community civic engagement efforts.

Employment and Labor Provisions

Effective date July 1, 2022, with some exceptions

In general under the law, employers have a good degree of latitude in regulating the use of recreational marijuana by employees, especially those in “exempted” employers or positions.

Exempted employers include employers whose primary activity is:

- Utilities, including electric power generation and distribution and water and sewer systems
- Transportation
- Educational services, including K-12 schools
- Health Care or Social Services
- Justice and public safety, including police and fire.

Exempted positions include:

- Firefighters and emergency medical technicians
- Police officers
- Positions that require driving a motor vehicle for which federal or state law requires an employee to submit to screening tests, including any position requiring a commercial driver’s license;
- Those for which the bill’s employment provisions are inconsistent or otherwise in conflict with (a) an employment contract or collective bargaining agreement or (b) any provision of federal law
- Those funded in whole or in part by a federal grant
- Those providing supervision or care of children, medical patients, or vulnerable people;
- Those with, in the employer’s determination, the potential to adversely impact the health or safety of employees or the public

No employer is required to make accommodations for an employee or be required to allow an employee to (1) perform his or her duties while under the influence of cannabis or (2) possess, use, or otherwise consume cannabis while performing work duties or on the employer’s premises, except for possession of medical marijuana by a qualifying patient under state law.

For more information on the employment aspects of the law, please see this [Employment Law Letter post from Shipman & Goodwin](#).

Delivery and Transport:

Municipalities may not prohibit the delivery of cannabis to consumer or qualifying medical marijuana patients or their caregivers if the delivery is made by someone authorized to do so under the law (e.g. delivery services). Municipalities are also barred from prohibiting the transport of cannabis to, from or through the municipality by anyone licensed or registered to do so.

Ban on Certain Actions and Local Host Agreements

Municipalities are prohibited from conditioning any official action on, or accepting any donations from, any cannabis establishment or applicants for cannabis establishment licenses in the municipality. They are also barred from negotiating or entering into local host agreements with cannabis establishments or license applicants.

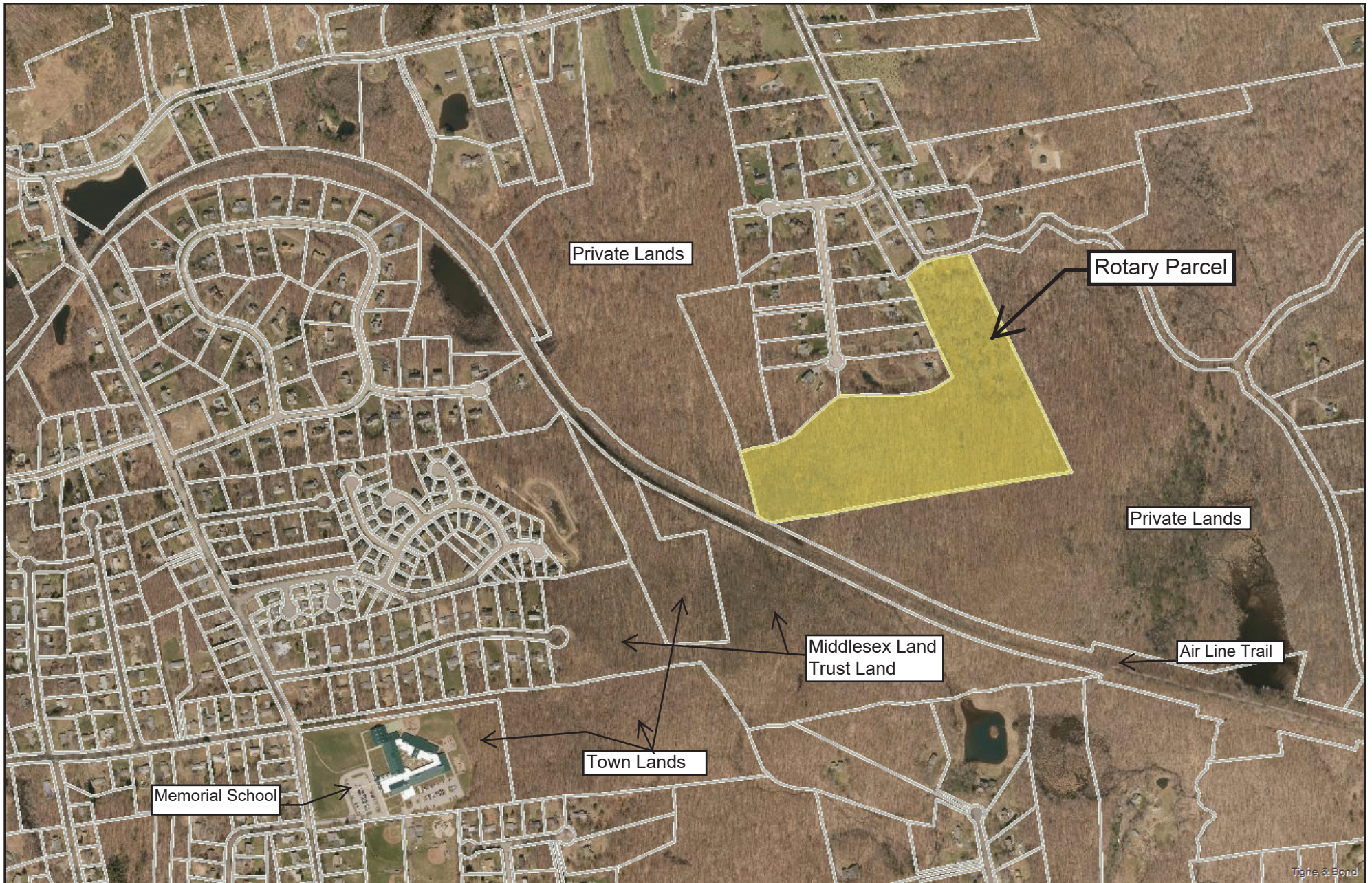
Further Information

- [Connecticut General Assembly Bill Page, including the bill text and summary](#)
- [OPM Guidance on Municipal Authority in the bill](#)
- [Adult-Use Cannabis in Connecticut website from State of Connecticut](#)

Resources

- Town of Greenwich-Zoning Ordinance Amendment-Prohibition of cannabis establishments
- Town of Enfield- Proposed municipal ordinance banning cannabis establishments
- City of Middletown-Zoning Amendments allowing cannabis micro-cultivation and retail sales
- Town of Newington-Zoning regulations allowing cannabis cultivation and retail sales
- Town of Westport-Proposed zoning amendment prohibiting cannabis establishments, except medical
- City of Waterbury-Presentation on limited and temporary moratorium on cannabis establishments
- Shipman & Goodwin presentation on recreational marijuana provisions for employers (October 2021)
- Pullman & Comley presentation on different aspects of the recreational cannabis law in Connecticut (October 2021)
- SHRM-Workplace Drug Testing: Can Employers Still Screen for Marijuana
- SHRM-Workplace Drug Testing: What to Do When Employees Fail

Town	Hearing Date	Approval Date	Regulation Number	Decision	Description
Berlin	TBD	TBD	TBD	Moratorium	12-month (August, 2021 to August, 2022)
Chester	TBD	TBD	TBD	Pending	TBD
Clinton	NA	11/8/2021	Section 27.1, 27.2, 27.3	Prohibition	Medical and Recreational Marijuana
Colchester	TBD	TBD	TBD	Moratorium	12-month (September 20, 2021 to September 20, 2022)
Cromwell	4/19/2022 (cont)	Pending	Sections 3.5.C.4, 6.11	Proposed	Retail Sale and Cultivation of Marijuana (Town Council approved)
Deep River	5/18/2022	5/2/2022	TBD	Proposed	Regulations to Establish Cannabis Sales/Production
Durham	5/4/2022	Pending	Section 14.7	Proposed	Sale and Microcultivation (current moratorium in effect)
East Haddam	TBD	TBD	TBD	Moratorium	6-month (exp. 6/22)
East Hampton	TBD	TBD	TBD	Moratorium	12-month (10/21/21 to 10/21/22)
East Lyme	NA	10/28/2021	Section 11.2.13, 25.5	Approved	Retail and Micro-Cultivator, LI Zone (one site available)
Essex	TBD	TBD		Moratorium	12-month (12/31/21 to 12/31/22)
Fenwick	NA	NA	NA	NA	Will not address. Residential and Golf Zoning Only
Haddam	NA	NA		Prohibition	Recreational Marijuana Medical marijuana retail in commercial/industrial. No action on adult-use.
Killingworth	TBD	TBD	TBD	Pending	
Lyme	May, 2022	TBD	TBD	Pending	Moratorium to be established, likely May, 2022
Madison	TBD	TBD	TBD	Moratorium	9-month (November 5, 2021 through August 5, 2022)
Meriden	NA	11/29/21 Eff.	Section 213-30 M-2; M-3	Approved	Microcultivator (11/29/21); Retail/Hybrid (9/14/21)
Middlefield	NA	10/12/2021	Section 3.7 Section 16.6, 40.04, 40.08,	Prohibition	All cannabis uses prohibited
Middletown	NA	8/19/2021	61.02	Approved	Retail Sales and Microcultivation
Old Lyme	NA	NA		Prohibition	All retail sales and cultivation Prohibition, new retail, manufacturing cultivation. Allow existing to remain, allow expansion of existing with SpEx.
Old Saybrook	5/2/2021	Pending		Proposed	Prohibit Venues where wapped or exchanged
Portland	5/19/2021	TBD	Tables 5.1, 6.1 Section 4.B.2, 4.B.6, 6.O.1,	Proposed	Retail Sale, Cultivator/Microcultivator via SpPermit
Rocky Hill	NA	NA	6.0.2	Approved	Medical Marijuana Dispensaries, Producer
Salem	TBD	TBD	TBD	Pending	To be brought up in several months after PoCD
Westbrook	5/26/2022	4/22/2022	Section 6.S	Proposed	6-month Moratorium, Establishment of Cannabis Sales/Production (two coincident petitions)



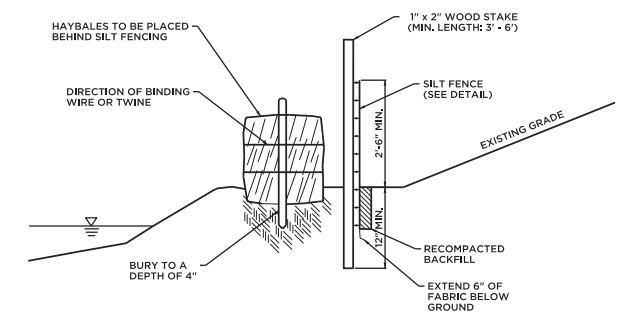
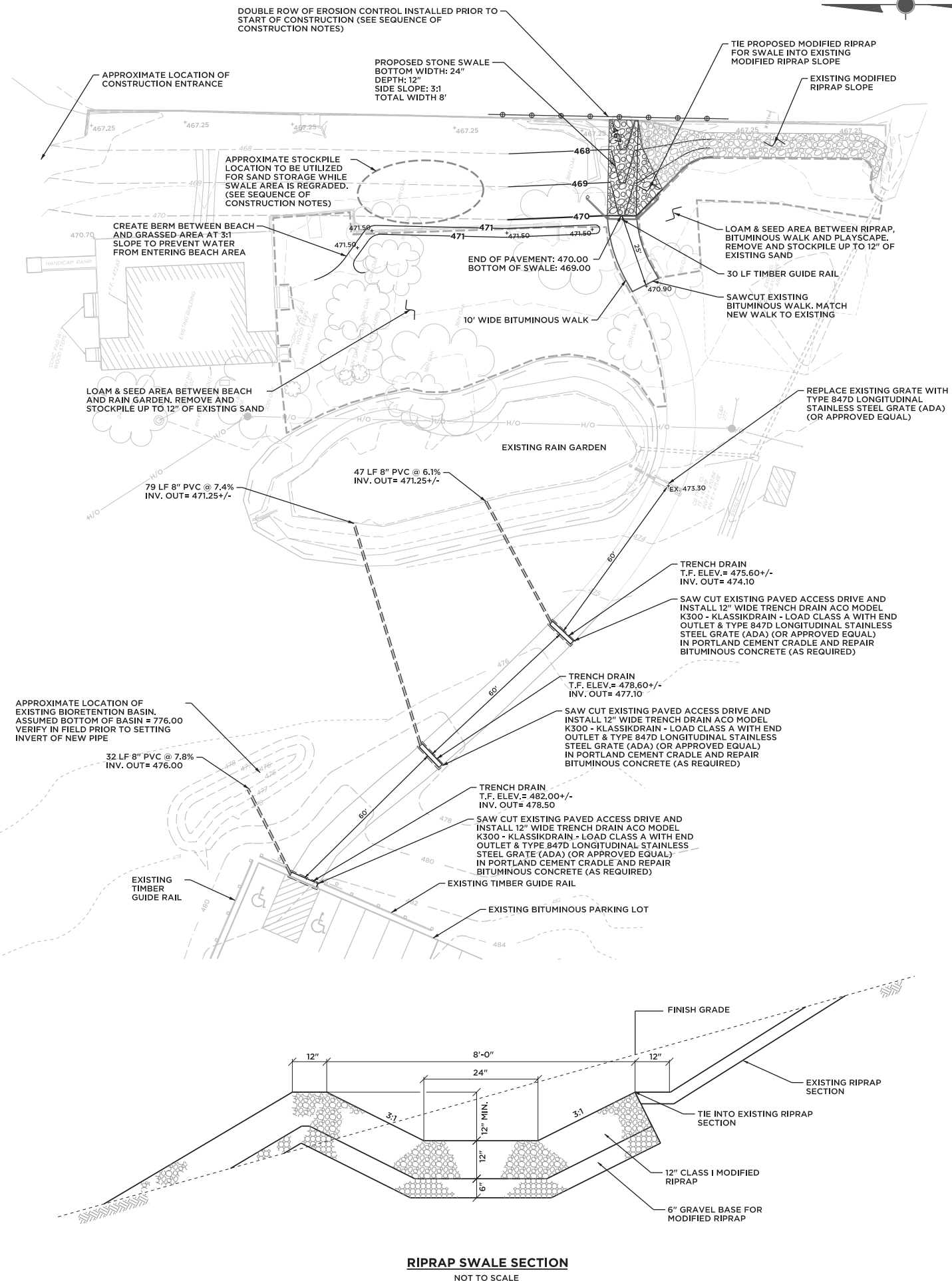
Tyler & Bond

The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.

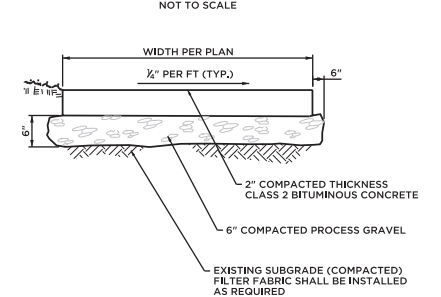
5/5/2022 12:15:58 PM
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Scale is approximate



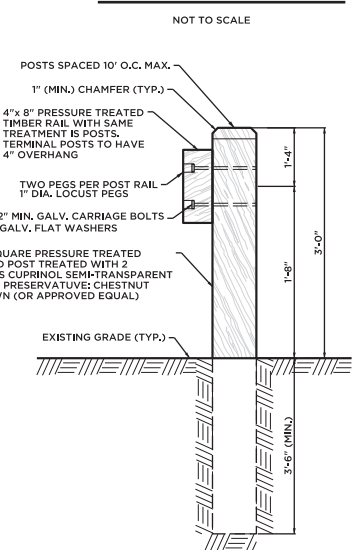
DRAFT - May 2022



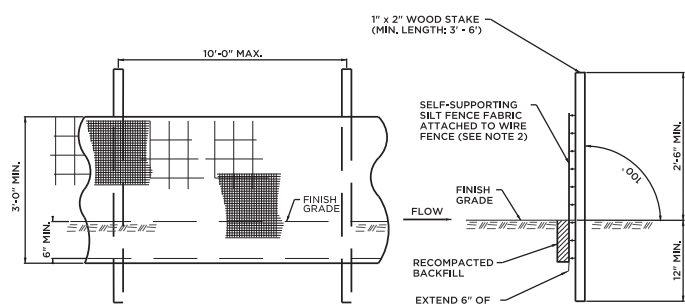
LAKE PROTECTION



BITUMINOUS CONCRETE WALKWAY DETAIL



TIMBER GUIDE RAIL



ELEVATION

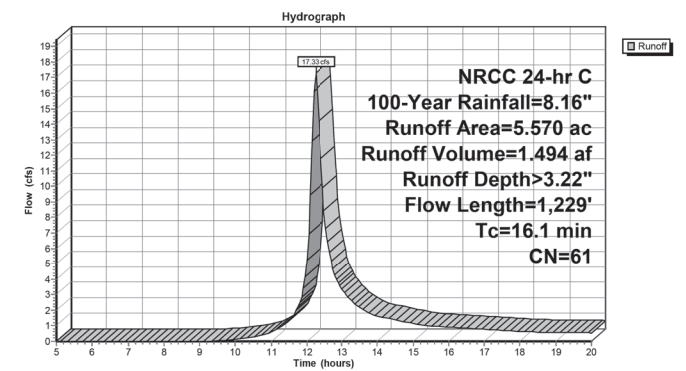
SECTION

- NOTES:
- INSTALL SILT FENCE & WOOD STAKES AS RECOMMENDED BY MANUFACTURER.
 - SILT FENCE SUBJECT TO HEAVY LOADS SHALL BE REINFORCED WITH FARM FENCING & STEEL POSTS (0.5 # STEEL/L.F.). THE MINIMUM POST LENGTH SHALL BE 5'-0".
 - SILT FENCE FABRIC SHALL BE A PERVIOUS SHEET OF WOVEN PROPYLENE, NYLON, POLYESTER OR POLYETHYLENE FILAMENTS AND SHALL BE CERTIFIED BY THE MANUFACTURER OR SUPPLIER.

SILT FENCE

Full Flow Velocity:

BASED ON A DRAINAGE ANALYSIS USING A HYDROCAD MODEL AND EXISTING SURVEY, THE WORST CASE SCENARIO WILL CAUSE 17.33 CFS TO ENTER THE SWALE WITH A 100 YEAR STORM. FLOW WAS ROUNDED UP TO 20 CFS FOR ALL CALCULATIONS.



Stable Rock Size

For swale slopes between 2% and 10%: $d_{50} = [q(S)]^{1.5} / (4.75(10)^{-3})^{1.89}$

d_{50} = Particle size for which 50 % of the sample is finer, inch

S = Bed slope, ft/ft

q = Unit discharge, ft³/s/ft
(Total discharge ÷ Bottom width)

Bottom Width = 2ft
q = 10 cfs/ft
S = 0.095 ft/ft
Based on existing slopes of area of proposed swale

d50 = 8.85 in.

Swale Velocities

$n = 0.047(d_{50} S)^{0.147}$

d50 = 8.85 in.
S = 0.095 ft/ft
n = 0.046

Depth:

$z = [n(q) / 1.486(S)^{0.50}]^{3/5}$

S = Bed slope, (ft/ft)

z = Flow depth, (ft)

q = Unit discharge, (ft³/s/ft) (Total discharge ÷ Bottom width)

n = Manning's coefficient of roughness (see formula under velocities)

S = 0.033 ft/ft
q = 12.5 cfs/ft
n = 0.035
z = 1.00 ft

SWALE SIZING CALCULATIONS



01220106/BEACH RESTORATION/2022/F/01_Sears Park_2022.dwg

Barton & Loguidice

41 Sequim Drive
Glastonbury, CT 06033
Phone: (860) 633-6770
Fax: (860) 633-6971
www.bandlct.com

Civil Engineering • Environmental Consulting • Land Surveying • Construction Management

PROJ. ENGINEER: NAN
PROJ. MANAGER: KRG
OFFICE REVIEW: KRG

SEARS PARK BEACH RESTORATION
PREPARED FOR THE TOWN OF EAST HAMPTON
SITE IMPROVEMENT & GRADING PLAN
68 NORTH MAIN STREET EAST HAMPTON, CT

PROJECT: 3129.008 DATE: 4/18/22 SHEET NO. 1 OF 2

SCALE: 1"=20'

EROSION & SEDIMENT CONTROL NOTES:

- CONSTRUCTION WILL COMMENCE IN THE SUMMER OF 2022 AND WILL BE COMPLETED IN THE SUMMER OF 2022, WEATHER PERMITTING.
- EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED AS SHOWN ON THE PLANS, OR AS DIRECTED BY THE TOWN PRIOR TO CONSTRUCTION.
- ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE "CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL", DATED 2002, AS AMENDED AND THE TOWN OF COVENTRY REGULATIONS.
- ALL EROSION CONTROL DEVICES SHALL BE MAINTAINED OR REPLACED BY THE CONTRACTOR DURING THE CONSTRUCTION PERIOD AS NECESSARY OR AS ORDERED BY THE ENGINEER OR THE TOWN OF EAST HAMPTON.
- SEDIMENT REMOVED FROM ANY CONTROL STRUCTURES SHALL BE DISPOSED OF IN A MANNER WHICH IS CONSISTENT WITH THE INTENT OF THE PLAN.
- ADDITIONAL EROSION CONTROL MEASURES WILL BE INSTALLED DURING THE CONSTRUCTION PERIOD IF DEEMED NECESSARY OR REQUIRED BY THE ENGINEER OR THE TOWN OF EAST HAMPTON.
- THE CONTRACTOR WILL BE RESPONSIBLE FOR IMPLEMENTING ALL EROSION AND SEDIMENTATION CONTROL DEVICES AS SHOWN ON THESE PLANS OR AS ORDERED BY THE ENGINEER.
- ALL DISTURBED AREAS ARE TO BE RAKED, SEEDED AND FERTILIZED PER "TURF ESTABLISHMENT" SPECIFICATION IN CTDOT B16, AT THE COMPLETION OF PROJECT.
- AREAS TO BE LOAMED AND SEEDED ARE TO RECEIVE A MINIMUM 4" OF TOPSOIL OR ROLLED GRAVEL.
- THE FOLLOWING DATES FOR SEEDING SHALL BE USED:
SPRING: APRIL 15 TO JUNE 15
FALL: AUGUST 15 TO SEPTEMBER 15
- THE FOLLOWING GRASS SEED MIXTURES SHALL BE APPLIED AT A RATE NO LESS THAN 100 LBS PER ACRE:

SPECIES	PROPORTION BY WEIGHT (POUNDS)
CREeping RED FESCUE (FESTUCA REBRA)	50
K-31 TALL FESCUE (FESTUCA ARUNDINACEA VAR. KENTUCKY 31)	20
PERENNIAL RYEGRASS (LOLIUM PERENNE)	25
ALSKA CLOVER (TRIFOLIUM HYBRIDUM)	5
- TEMPORARY GRASS SEEDING, IF NECESSARY, SHALL BE PERENNIAL RYE GRASS (LOLIUM PERENNE) APPLIED AT A RATE OF 100 LBS. PER ACRE.

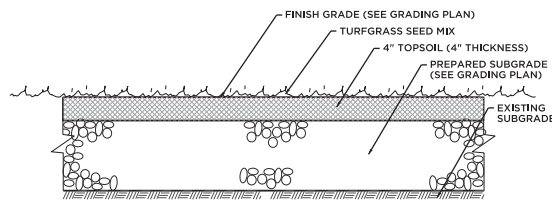
GENERAL CONSTRUCTION NOTES:

- THE CONTRACTOR IS REQUIRED TO OBTAIN ALL NECESSARY PERMITS REQUIRED BY THE TOWN OF EAST HAMPTON PRIOR TO THE START OF WORK.
- THE CONTRACTOR SHALL CONFORM TO ALL REQUIREMENTS OF ALL LOCAL AGENCIES OF THE TOWN OF EAST HAMPTON
- ALL WORK TO BE COMPLETED WITHIN THE BEACH EXTENTS TO BE PERFORMED DURING A PERIOD OF DRY WEATHER AND LOW WATER CONDITIONS WITHIN LAKE POCOTOPAUG.
- THE CONTRACTOR SHALL MONITOR SHORELINE CONDITIONS ADJACENT TO ACTIVE WORK AREAS FOR SOIL EROSION AND SEDIMENTATION AND CONTACT THE TOWN OF EAST HAMPTON IF AREAS OF CONCERN ARE NOTICED.
- WHERE ADDITIONAL BEACH SAND IS REQUIRED THE CONTRACTOR SHALL FURNISH DRY PROCESSED OR UNPROCESSED BANK RUN SAND OR BEACH SAND FREE OF ROOTS, ORGANIC MATTER, TRASH OR OTHER DEBRIS. THE SAND SHALL NOT HAVE MORE THAN 10% MICA OR OTHER FLAKES AND SHALL BE FREE OF FRIABLE PARTICLES. THE FURNISHED MATERIAL SHALL SATISFY THE FOLLOWING:

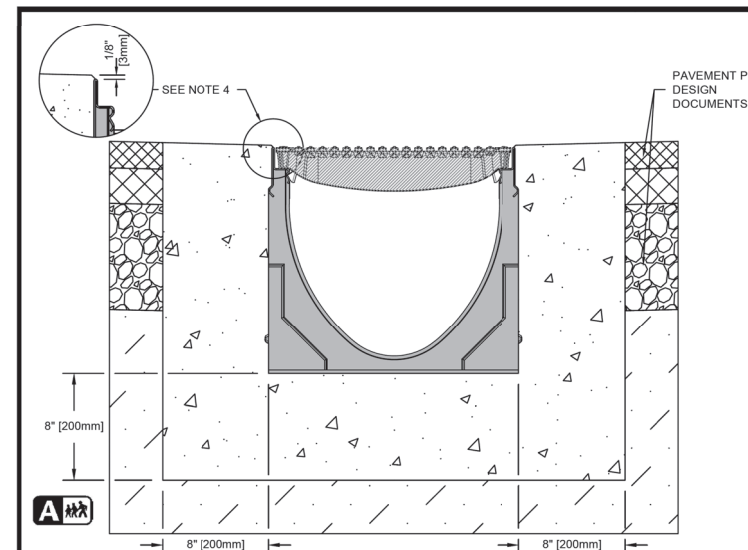
SEIVE SIZE	PERCENT PASSING
3/4"	100
4"	100-80
10"	80-50
40"	50-20
100"	20-0
200"	2-0
- PRIOR TO DELIVERY OF ADDITIONAL SAND, THE CONTRACTOR SHALL SUBMIT A LABORATORY CERTIFICATION THAT THE MATERIALS SATISFY THE MINIMUM STATED REQUIREMENTS STATED HEREIN. THE CONTRACTOR SHALL DELIVER A REPRESENTATIVE SAMPLE TO THE JOB SITE, IF REQUESTED.

SEQUENCE OF CONSTRUCTION:

- COORDINATE AND COMPLETE A PRE-CONSTRUCTION MEETING WITH TOWN OF EAST HAMPTON. RESPONSIBLE PARTIES SHALL BE IDENTIFIED AND EMERGENCY PHONE NUMBERS PROVIDED.
- INSTALL EROSION CONTROL MEASURES AT LOCATIONS INDICATED ON PLANS AND REMOVE AND STOCKPILE ALL MATERIALS TO BE REUSED SUCH AS SPLIT RAIL FENCING, PICNIC TABLES & ETC.
- THE CONTRACTOR SHALL ACCESS THE SITE FROM THE BOAT LAUNCH SIDE OF THE CONCESSION STAND, AS SHOWN ON THE PLANS.
- START REMOVING THE EXISTING SAND FROM THE NEW SWALE AREA AND AREAS TO BE LOAMED AND SEEDED AS DEFINED ON THE PLANS AND STOCKPILE THE MATERIAL TO BE REUSED WITHIN THE MATERIAL STOCKPILE LOCATIONS DEPICTED ON THE PLANS.
- UPON COMPLETION OF SAND REMOVAL THE CONTRACTOR SHALL PREPARE THE SUBGRADE.
- UPON COMPLETION OF SUBGRADE PREPARATION THE CONTRACTOR SHALL REQUEST APPROVAL FROM THE TOWN OF EAST HAMPTON TO DISPERSE THE STOCKPILED SAND ONTO ANY AREA OF THE BEACH THAT HAS BEEN ERODED AND MAY NEED RESTORATION.
- THE CONTRACTOR SHALL NOTIFY THE TOWN OF EAST HAMPTON PRIOR TO THE START OF RIPRAP INSTALLATION FOR THE NEW SWALE WHICH SHALL BE PERFORMED DURING DRY WEATHER CONDITIONS AND DURING A PERIOD OF LOW WATER CONDITIONS.
- LOAM & SEED AREAS AS DEPICTED ON THE PLANS, TAKE CARE TO MAINTAIN THE LIMITS OF THE EXISTING PLAYSCAPE DURING THE CONSTRUCTION ACTIVITIES WITHIN THIS AREA.
- BASED UPON THE CONTRACT AGREEMENT, THE CONTRACTOR AND TOWN STAFF SHALL AGREE ON A SCHEDULE TO INSTALL DRAINAGE IMPROVEMENTS DEPICTED BASED UPON CONSTRUCTION SEQUENCE AND WEATHER CONDITIONS.
- RESTORE ALL CONSTRUCTION RELATED DISTURBANCES TO THE SITE INCLUDING BUT NOT LIMITED TO RESTORING PLAYSCAPE MULCH, TOPSOIL AND SEEDING LAWN AREAS, RESTORATION OF RAIN GARDEN SURFACE TREATMENTS & FENCING AND ALL OTHER ITEMS STOCKPILED DURING CONSTRUCTION.
- REMOVE EROSION AND SEDIMENTATION CONTROLS WHEN PERMANENT VEGETATIVE COVER IS ESTABLISHED.



TURF ESTABLISHMENT
NOT TO SCALE



- NOTES:**
- IT IS NECESSARY TO ENSURE MINIMUM DIMENSIONS SHOWN ARE SUITABLE FOR EXISTING GROUND CONDITIONS. ENGINEERING ADVICE MAY BE REQUIRED.
 - MINIMUM CONCRETE STRENGTH OF 4,000 PSI IS RECOMMENDED. CONCRETE SHOULD BE VIBRATED TO ELIMINATE AIR POCKETS.
 - EXPANSION AND CONTRACTION CONTROL JOINTS AND REINFORCEMENT ARE RECOMMENDED TO PROTECT CHANNEL AND CONCRETE SURROUND. ENGINEERING ADVICE MAY BE REQUIRED.
 - THE FINISHED LEVEL OF THE CONCRETE SURROUND MUST BE APPROX. 1/8" (3mm) ABOVE THE TOP OF THE CHANNEL EDGE.
 - CONCRETE BASE THICKNESS SHOULD MATCH SLAB THICKNESS. ENGINEERING ADVICE MAY BE REQUIRED TO DETERMINE PROPER LOAD CLASS.
 - REFER TO ACO'S LATEST INSTALLATION INSTRUCTIONS FOR FURTHER DETAILS.

SPECIFICATION CLAUSE

K300 KLASSIKDRAIN 'DRAINLOK' LOAD CLASS A

GENERAL
THE SURFACE DRAINAGE SYSTEM SHALL BE POLYMER CONCRETE K300 CHANNEL SYSTEM WITH GALVANIZED STEEL EDGE RAILS AS MANUFACTURED BY ACO POLYMER PRODUCTS, INC.

MATERIALS
CHANNELS SHALL BE MANUFACTURED FROM POLYESTER RESIN POLYMER CONCRETE WITH AN INTEGRALLY CAST-IN GALVANIZED STEEL EDGE RAIL. MINIMUM PROPERTIES OF POLYMER CONCRETE WILL BE AS FOLLOWS:

COMPRESSIVE STRENGTH: 14,000 PSI
FLEXURAL STRENGTH: 4,000 PSI
TENSILE STRENGTH: 1,500 PSI
WATER ABSORPTION: 0.07%
FROST PROOF: YES
DILUTE ACID AND ALKALI RESISTANT: YES
B117 SALT SPRAY TEST COMPLIANT: YES

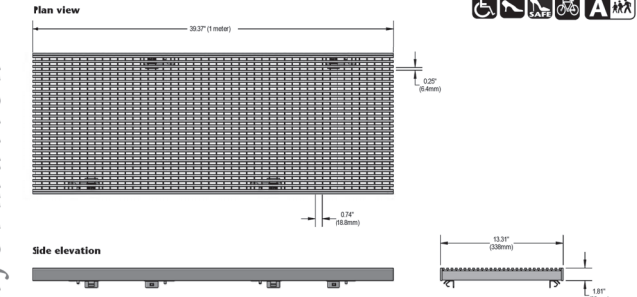
THE SYSTEM SHALL BE 12" (300mm) NOMINAL INTERNAL WIDTH WITH A 14.2" (360mm) OVERALL WIDTH AND A BUILT-IN SLOPE OF 0.5%. CHANNEL INVERT SHALL HAVE DEVELOPED "V" SHAPE. ALL CHANNELS SHALL BE INTERLOCKING WITH A MALE/FEMALE JOINT.

THE COMPLETE DRAINAGE SYSTEM SHALL BE BY ACO POLYMER PRODUCTS, INC. ANY DEVIATION OR PARTIAL SYSTEM DESIGN AND/OR IMPROPER INSTALLATION WILL VOID ANY AND ALL WARRANTIES PROVIDED BY ACO POLYMER PRODUCTS, INC.

CHANNEL SHALL WITHSTAND LOADING TO PROPER LOAD CLASS AS OUTLINED BY EN 1433. GRATE TYPE SHALL BE APPROPRIATE TO MEET THE SYSTEM LOAD CLASS SPECIFIED AND INTENDED APPLICATION. GRATES SHALL BE SECURED USING 'DRAINLOK' BOLTLESS LOCKING SYSTEM. CHANNEL AND GRATE SHALL BE CERTIFIED TO MEET THE SPECIFIED EN 1433 LOAD CLASS. THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS.

K3D-A-EAP	K300 - KLASSIKDRAIN - LOAD CLASS: A Exposed Asphalt Pavement	ACO Polymer Products, Inc.
ACO	INSTALLATION DRAWING - ACO DRAIN	825 W. Beechcraft St. Cass Grange, AZ 85722 Tel: 520-421-9988 Fax: 520-421-9899
DATE: 08/18/16	Arizona Tel: 888-490-9552 e-mail: sales@acousa.com Ohio Tel: 800-543-4764	9470 Pinecone Dr. Mentor, OH 44060 Tel: 440-639-7230 Fax: 440-639-7235
		4211 Pleasant Rd. Fort Mill, SC 29708 Tel: (803) 639-7230 Fax: (803) 639-7235
		South Carolina Tel: 800-543-4764

ACO DRAIN
Type 847D/848D Longitudinal stainless steel grate (ADA)



Description	Part No.	Length inches (mm)	Width inches (mm)	Weight lbs.
DrainLok grate Type 847D Stainless steel longitudinal grate	142223	39.37 (1000)	13.31 (338)	28.6
Type 848D Stainless steel longitudinal grate	142224	19.69 (500)	13.31 (338)	14.5

'DrainLok' locking mechanism

ACO DrainLok™ is a patented, boltless locking system that removes the need for bolts and bars and improves the hydraulic capacity of the channel. The DrainLok™ mechanism simply clips into the channel edge rail for rapid installation. ACO DrainLok™ grates are fitted with an anti-chant mechanism that restricts unwanted grate movement when installed, improving durability and longevity of the system.

ACO Specification Information

ACO Polymer Products, Inc.

Northeast Sales Office
9470 Pinecone Drive
Mentor, OH 44060
Tel: (440) 639-7230
Toll free: (800) 543-4764
Fax: (440) 639-7235

West Sales Office
825 W. Beechcraft St.
Cass Grange, AZ 85722
Tel: (520) 421-9988
Toll free: (888) 490-9552
Fax: (520) 421-9899

Southeast Sales Office
4211 Pleasant Road
Fort Mill, SC 29708
Tel: (803) 639-7230
Toll free: (800) 543-4764
Fax: (803) 639-7235

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SPEC INFO
ACO

August 2017 www.ACOdrain.us

Barton & Jorguidice
41 Sequin Drive
Glastonbury, CT 06033
Phone: (860) 633-9770
Fax: (860) 633-9971
www.bartondct.com

Civil Engineering • Environmental Consulting • Land Surveying • Construction Management

PROJ. ENGINEER: NAN
PROJ. MANAGER: KRG
OFFICE REVIEW: KRG

SEARS PARK BEACH RESTORATION
PREPARED FOR
THE TOWN OF EAST HAMPTON
NOTES AND DETAILS

88 NORTH MAIN STREET EAST HAMPTON, CT

PROJECT: 3129.008 DATE: 4/19/22 SHEET NO. 2 OF 2

SCALE: 1"=20'



May 10, 2022

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 four (4) refunds totaling \$2,286.40.

Respectfully Submitted,

Kristy L. Merrifield, CCMC
Collector of Revenue

	167.81	⊕
	154.00	⊕
	903.31	⊕
	1,061.28	⊕
004	2,286.40	⊕