


MEMORANDUM

TO: Town Council

FROM: David E. Cox, Town Manager 

DATE: April 7, 2022

SUBJECT: Agenda Information – 4/12/2022

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.

6 Bids and Contracts

6a Contract for Gildersleeve Site Improvements – The Council is asked to review and approve the award of a contract to Priority Landscaping of Brookfield for the construction of the access road on the WPCA wastewater treatment plant property for Eversource related to Air Line Trail improvements in this area. Bids were received from five companies and Priority Landscaping provided the lowest proposal at \$56,000. The consulting engineer has evaluated the company through its references and is recommending the contract award. As a reminder, construction of the access road for Eversource allows it to remove its 13 poles from the unfinished portion of the Air Line Trail and relocate them to the new route across the WPCA property. The cost of the work is divided between the Town (\$20,000 Capital Funds) and DEEP (\$40,000) and the Town's costs are included in any cost share required of the Town for the larger Air Line Trail project this work supports.

Recommendation: Adopt a motion to approve award of a contract to Priority Landscaping in the amount of \$56,000

7 Resolutions/Ordinances/Policies/Proclamations

7b Ordinance Regarding Limited Maintenance on Certain Private Roads – The Council is asked to review a revised version of the Ordinance, which has been modified in response to discussion at the last Council meeting. Specifically, the language related to “severe disrepair” has been removed and a provision added that describes services that are considered beyond the normal work that would be provided by the Town but that could be authorized by the Town

Council. Additionally, language addressing the Town’s liability for the condition of the road, which it does not own, is also included. The ordinance both authorizes and directs the Public Works Director to undertake certain maintenance activities on the listed private roads in a manner similar to other similarly situated Town roads. The ordinance also allows that the Council could determine to undertake additional work. The language currently indicates that any additional work would be done at the owners’ prior agreement and expense.

Recommendation: Review the Ordinance and set the public hearing for the next regular Council meeting.

7c Resolution correcting the acceptance of Sunrise Lane – The Council is asked to consider actions to correct the acceptance of Sunrise Lane in the Skyline Estates Subdivision. This road was accepted in 2019 and, as Planning and Zoning Official DeCarli’s memo indicates, an error was made in the acceptance. An incorrect amount of Right of Way was accepted due to a change that was made to the road during development. The end of the cul de sac was extended in a revision to the subdivision and the wrong reference was used in the acceptance. This resolution will accept the additional Right of Way and will allow properties to be correctly transferred. In addition to the acceptance of additional Right of Way, the Town is being asked to abandon the portions of the former cul de sac that are not needed for the roadway. In accordance with State Law, that process will require some notifications and postings that have longer lead times. The Council will be asked to consider those matters in May.

Recommendation: Approve the Resolution accepting the correct Right of Way and improvements.

9 New Business

9a Police Department General Order regarding Traffic Accident Investigation – The Council is asked to consider an update to the Police Department’s General Order 5.8 Traffic Accident Investigation. As described in Police Chief Woessner’s memo, the change, which is required by the Police Officer Standards and Training Council (POSTC), provides that an Officer must have persons involved in a crash that are suspected to be under the influence of alcohol or drugs tested by a Drug Recognition Expert.

Recommendation: Approve the updated Policy.

9b Town Hall location on a private road – The Council will be asked to consider and discuss the fact that the Town Hall is located on a parcel that has its primary access from a private road (Edgewater Circle). While the Town does have direct access to Rt 66, that access is restricted by the State to use only by the Police Department. General traffic to the Town Hall comes in via the private subdivision road. The Town, like all other property owners in the development, pays its portion of the annual and future maintenance costs of the road through a fee paid monthly to the development's owners.

Recommendation: Discuss the matter.

9c Transmittal of the FY 23 Town Budget – The Council will officially receive the FY 23 Annual Town Budget from the Board of Finance prior to this meeting. The Board of Finance made some reductions to the budget including changes to the Board of Education and General Government portions. Additionally, the Board of Finance has made its recommendation on the FY 23 Capital Improvement Plan, which included a small reduction. The Council will be asked to give formal consideration to the budget and the related resolutions for the Town Meeting and referendum at its next meeting on April 26. No action will be necessary at this meeting on Tuesday.

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.

Town of East Hampton
Town Council Regular Meeting
Tuesday, March 22, 2022
Town Hall Council Chambers and 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. Peterson, to adopt the agenda as submitted. Voted (7-0).

Approval of Minutes

A motion was made by Ms. Walck, seconded by Mr. Peterson, to approve the minutes of the Town Council Regular Meeting of March 8, 2022 as written. Voted (7-0)

Public Remarks

Mike Piergalini, 16 Fern Lane, read aloud a letter sent to the Town Manager and Town Council from an attorney about the ordinance change for private roads in town. The letter refutes what Attorney Carella has stated about Fern Lane and the ordinance pertaining to said road. Mr. Piergalini also stated that the ordinance would decrease the values of the properties and homes on the road. He asked why the town performed assessments and made the homeowners pull permits for their houses. He states that if the Town and Town Council moves forward with the Ordinance the residents have a letter with intent to sue and they will bring the Town Council to court over the matter.

Ann McLaughlin, 85 North Main Street, gave a brief history on the Yellow Ribbon tree in the Village Center. She mentioned when soldiers came back from Afghanistan or Iraq a yellow ribbon was tied around a part of the tree giving it its name. She asks permission to use the tree to honor Red McKinney during the Paint the Town Red/Old Home Day celebration. The memorial would be put up a couple days before Old Home Day and would be taken down a few days after. She states that the tree won't be damaged by the display and the sightlines for drivers won't be obstructed.

Lon Fishman, 13 Fern Lane, wanted to thank the Town Council for considering private roads like Fern Lane to come to an agreement on the Ordinance. He spoke on his history and experiences in East Hampton in his 40 years of living in town. In the past, the town has taken care of the road. They filled in potholes, plowed during the winter, and even paved when the road was in need of it. He asks why that help couldn't be grandfathered into the new Ordinance.

Pam Hatfield, 37 Fern Lane, wanted to express her agreement with the other public speakers about the Ordinance that would affect Fern Lane. She expressed her thanks to the Town Council for the new Ordinance; but she feels that it falls short. She wants to know how the road will be maintained and

cared for if the Ordinance is passed. She states that there is a long-documented history of the town maintaining the road. She also states that the town allowed 2 sub-divisions to be built and an expansion of the road. She asks the Council members to consider the safety of the public and the residents of the street when voting on the Ordinance.

Presentations

None

Bids & Contracts

None

Resolution/ Ordinances/ Policies/ Proclamation

Consideration of a Resolution for the Allocation of Additional American Rescue Plan Funds

The town wants to allocate \$500,000 of the State and Local Fiscal Recovery Funds (SLFRF) lost revenue distribution for the purpose of funding the capital cost and construction engineering for three force main projects. The three locations for the projects would be Pine Trail, Bay Road, and Maplewood Drive. The members briefly discussed the resolution.

A motion was made by Mr. Feegel, seconded by Ms. Walck, to approve the allocation of the \$500,000 for the three (3) force main project resolution on Pine Trail, Maplewood Drive, and Bay Road as written. Voted (7-0)

Review and Set 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

The ordinance would solidify protecting the road against being damaged. The Council members suggested adding a liability clause into the draft ordinance. There was discussion of taking out the part stating that if the road is too far gone the residents are on their own. This change would be to help reassure the residents that the town isn't giving up on the road or those living on the road. The town wants the road to be passable/ drivable to make travel in town easier. The surface integrity of the road would only need to meet town's regulations.

A motion was made by Mr. Reich, seconded by Mr. Feegel, to have the Public Hearing for the Ordinance for the next Town Council meeting at 6 p.m. This motion was tabled.

A motion was made by Mr. Brown, seconded by Ms. Walck, to table the Public Hearing until the Ordinance is revised with the changes made in the discussion. Voted (7-0)

Continued Business

Sub-Committee Reports & Updates

Mr. Brown reported that Environmental Partners will be testing existing wells for quality and quantity of water. The testing will be held in late March or early April. They plan to test the areas of Salmon River, Hurd Park, Pine Brook, and Oakum Dock.

Mr. Reich reported that Mr. Jeffrey Leith, a member of the High School Athletic Fields Committee, sadly passed away. It was a tremendous loss to the community and to his family. There was a meeting held last Thursday. The members want to wait on warmer weather to start scheduling events. There

was discussion of possibly installing temporary lines on the tennis court. The members also discussed when to resurface the tennis court and track since it would take a couple days with good weather needed. The committee gave approval to use the tennis court and track without lines to let students practice in anticipation of the sports season. The members allowed the baseball team to use the renovated baseball field and the first game is this upcoming weekend. The commission approved using some budget funds to address an issue with the right baseball field fall line. Sod was installed on the sides instead of seeding. The sod was applied around the field to be properly covered in grass when the games start up. The next meeting will be next Thursday, April 7 at 3 P.M.

There will be a Capital meeting on Monday, March 28th at 6:30 P.M.

New Business

A motion was made by Mr. Philhower, seconded by Ms. Walck, to add item (b) to address Ms. McLaughlin's request from public remarks. Voted (7-0)

Consideration and Action on an RFP for Edgerton Street Sidewalks

Matt Walsh, Public Works Director, spoke to the Council members about the RFP for the Edgerton Street sidewalk project. About 800 feet of sidewalk needs to be replaced. The project needs a contractor before the sidewalks are paved. The timeframe of the project would be 3 weeks if Public Works is handling the job. That is the reason why the project is being handed over to a contractor. Fixing the drainage pipe will be done during paving of the sidewalk to minimize the impact on the sidewalks as much as possible.

A motion was made by Mr. Reich, seconded by Mr. Feegel, to approve the RFP for the Edgerton Street Sidewalk as submitted. Voted (7-0)

Memorial Honoring Red McKinney During Old Home Day

A memorial for Red McKinney will be placed around the Yellow Ribbon Tree in the Village Center during the Old Home Day event.

A motion was made by Mr. Goff, seconded by Mr. Reich, to approve the memorial and the use of the Yellow Ribbon Tree. Voted (7-0)

Town Manager 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. Mr. Cox wanted to address two items to the members. The Police Department has become part of the work being done under a grant received by The Department of Mental Health and Addiction Services for this region. The coordinator met with someone who is providing services to individuals who are struggling with drug addiction. The Police Department's involvement allows them to connect individuals and their families they come across during calls with the free services to help put them on a recovery path. The Board of Finance increased the unused fund balance policy by 10-12% depending on what is being spent on and how much money is being requested. The target is to maintain an undesignated fund balance in that range. This will make sure the town is financially healthy. This plays a factor with the bonding process, with investing, and for cash flow.

Appointments

None

Tax Refunds

A motion was made by Ms. Walck, seconded by Mr. Goff, to approve tax refunds in the amount of \$1,120.66. Voted (7-0)

Public Remarks

None

Communications, Correspondence & Announcement

None

Adjournment

A motion was made by Mr. Reich, seconded by Mr. Peterson, to adjourn the meeting at 7:29 pm. Voted (7-0)

Respectfully Submitted,

Katrina Aligata
Recording Clerk



April 4, 2022

Mr. David Cox
East Hampton Town Manager
1 Community Drive
East Hampton, CT 06424

Re: Gildersleeve Drive Site Improvements , East Hampton, CT

Dear Mr. Cox:

Barton and Loguidice, LLC. has completed a review of the bids submitted for the above referenced project. Enclosed please find the project bid tabulation.

As shown in the bid tabulation, Priority Landscaping, LLC submitted the lowest total bid for **\$56,000.00**.

Based upon their submission of the lowest total bid and the positive feedback that we have received from their references, B&L recommends that the Town of East Hampton award the Gildersleeve Drive Site Improvements contract to Priority Landscaping, LLC.

If you have any questions regarding the above or the enclosed information, please don't hesitate to contact me at (860) 633-8770.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin R. Grindle".

Kevin R. Grindle, ASLA, P.L.A.
Associate / Project Manager

Enc. Bid Tabulation

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

East Hampton - Gildersleeve Drive Bid Opening
3/16/22 - 2:00 pm

<u>Company</u>	<u>Lump Sum Bid</u>
Butler Construction	\$80,540.00
Priority Landscaping	\$56,000.00
Suchocki Construction	\$62,500.00
American Industries	\$150,975.00
WND Construction	\$72,500.00

PRIORITY
Landscaping

Gildersleeve Drive Site Improvements
East Hampton, CT

Schedule of Values
April 7, 2022

The table below is Schedule of values for the Guildersleeve Drive Site Improvement Project.
The project is expected to take less than one month to complete.

Mobilization	\$ 6,000.00
Erosion Control	\$ 5,000.00
Clearing and Grubbing	\$20,000.00
Grading	\$10,000.00
Road and Pad Installation	\$15,000.00
Project Total	\$56,000.00

Ryan Ackell
Managing Member
Priority Landscaping LLC
Direct Line: 203-770-8228

258 Whisconier Road Brookfield Connecticut 06804 Phone – 203.546.8478
Website: www.prioritylandscapingct.com
Email: prioritylandscapingllc@gmail.com



PRIORITY Landscaping

- Priority Landscaping LLC has been in business since May 2011. Our primary market is municipal contract work. We are a registered SBE with the state of Connecticut.
- Primary equipment for this project will be: Volvo ECR145, Takeuchi TL8, Takeuchi TB240, Morbark 18/21, Volvo SD45B.
- Contracts On hand:
City of Norwalk: DPW2019-1 Removal and Disposal of Deposited Sediment within the Watercourse. Contract total \$725,000.00 completion Date May 15, 2022.
- Priority self performs; site work, grading, excavation, drainage, landscaping, concrete flatwork and land clearing.
- Previous Contracts (Bold text indicates similar project scope/ relevant experience)
 - a. **Town of Vernon: Rockville High School Drainage;** \$130,000
Cleared large wooded area and install drainage.
David Smith: 860-870-3663
 - b. City of Norwalk, Removal and Disposal of Deposited Sediment within the Watercourse; \$729,000; remove 3000 yards of sediment from open channel drainage courses and other various work.
Drew Berndlmaier: 203-854-7879
 - c. Brookfield Housing Authority: Site Improvements; \$160,000
 - d. Westconn courtyard and sidewalks: \$310,000
 - e. **Sega Meadows Park Improvements:** New Milford CT: \$49,000
Cleared trail and laid process access Road.
Daniel Calhoun 860-355-6050
 - f. **Middletown Landfill Walking Trail:** Middletown: \$130,000
Installation of new trail in capped landfill.
Joseph Samolis 860-372-2809
- Credit Available
Bank Credit Line Peoples United: \$100,000.00

258 Whisconier Road Brookfield Connecticut 06804 Phone – 203.546.8478

Website: www.prioritylandscapingct.com

Email: prioritylandscapingllc@gmail.com



NON-COLLUSION AFFIDAVIT OF BIDDER

State of: Connecticut)

County of: Fairfield) ss: Brookfield

County of: Fairfield)

Ryan Ackell ; being first duly sworn, deposes and says that:

- 1.) He is the owner, partner, officer, representative or agent of the Bidder that has submitted the attached Bid:
- 2.) He is fully informed regarding the preparation and contents of the attached Bid and of all pertinent circumstances regarding such Bid:
- 3.) Such Bid is genuine and is not a collusive or sham Bid:
- 4.) Neither the said Bidder nor any of its officers, partners, owner, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any Bidder, or to fix any overhead, profit or cost element of the bid price or the bid price of any other Bidder or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage with the Town of East Hampton or any person interested in the proposed Contract.
- 5.) The price quoted in the attached Bid is fair and proper and is not tainted by collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest.

Signed: Ryan Ackell

Title: Managing Member

Subscribed and sworn before me this 16th day of March, 2022.

Notary Public: Jessica Crofut

My Commission expires 12/31/25

Jessica Crofut
NOTARY PUBLIC
State of Connecticut
My Commission Expires 12/31/2025

BID BOND

Any singular reference to Bidder, Surety, Owner, or other party shall be considered plural where applicable.

BIDDER (Name and Address):

Priority Landscaping LLC
258 Whisconier Road
Brookfield, CT 06804

SURETY (Name and Address of Principal Place of Business):

Philadelphia Indemnity Insurance Company
One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-1403

OWNER (Name and Address):

Town of East Hampton
1 Community Drive
East Hampton, CT 06424

BID

Bid Due Date: **March 16, 2022**

Project (Brief Description Including Location): **Gildersleeve Drive Site Improvement**

BOND

Bond Number: **03162022**

Date (Not later than Bid due date): **March 16, 2022**

Penal sum	<u>Five Percent of the Base Bid</u>	<u>5%</u>
	(Words)	(Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms printed on the reverse side hereof, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent, or representative.

BIDDER

SURETY

Priority Landscaping LLC
Bidder's Name and Corporate Seal (Seal)

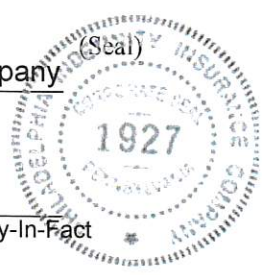
By: [Signature]
Signature and Title *Managing Member*

Attest: [Signature]
Signature and Title

Philadelphia Indemnity Insurance Company
Surety's Name and Corporate Seal (Seal)

By: [Signature]
Signature and Title **John D. Weisbrot, Attorney-In-Fact**
(Attach Power of Attorney)

Attest: [Signature]
Signature and Title **Christie Quise**
Witness



Note: Above addresses are to be used for giving required notice.

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Surety's liability.
2. Default of Bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation shall be null and void if:
 - 3.1. Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
 - 3.2. All Bids are rejected by Owner, or
 - 3.3. Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default by Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions shall not in the aggregate exceed 120 days from Bid due date without Surety's written consent.
6. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety and in no case later than one year after Bid due date.
7. Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder shall be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Registered or Certified Mail, return receipt requested, postage pre-paid, and shall be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint JOHN D. WEISBROT, MELISSA L. MCDADE OR STEVEN M. VARGA its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$50,000,000.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5TH DAY OF MARCH, 2021.



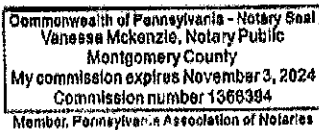
(Seal)

John Glomb, President & CEO
Philadelphia Indemnity Insurance Company

On this 5th day of March, 2021 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:

Vanessa mckenzie



residing at:

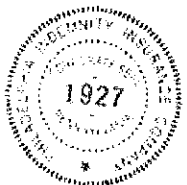
Bala Cynwyd, PA

My commission expires:

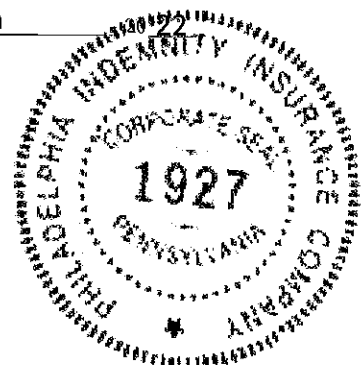
November 3, 2024

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5th day March, 2021 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 16th day of March



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



PHILADELPHIA INDEMNITY INSURANCE COMPANY

**Statutory Statements of Admitted Assets, Liabilities and Capital and Surplus
(in thousands, except par value and share amounts)**

Admitted Assets

	As of December 31,	
	<u>2020</u>	<u>2019</u>
Bonds (fair value \$8,041,263 and \$7,329,360)	\$ 7,601,946	\$ 7,059,903
Preferred stocks (fair value \$16,537 and \$23,575)	15,673	22,761
Common stocks (cost \$52,609 and \$65,563)	43,373	64,634
Mortgage loans	821,250	803,679
Real estate	29,973	10,305
Other invested assets (cost \$203,028 and \$231,120)	215,589	243,127
Receivables for securities sold	943	684
Cash, cash equivalents and short-term investments	34,279	59,534
Cash and invested assets	<u>8,763,026</u>	<u>8,264,627</u>
Premiums receivable, agents' balances and other receivables	908,602	874,835
Reinsurance recoverable on paid loss and loss adjustment expenses	38,737	54,706
Accrued investment income	74,070	76,312
Receivable from affiliates	7,586	657
Federal income taxes receivable	-	28,027
Net deferred tax assets	138,129	134,628
Other assets	4,997	3,541
Total admitted assets	<u>\$ 9,935,147</u>	<u>\$ 9,437,333</u>

Liabilities and Capital and Surplus

Liabilities:

Unpaid loss and loss adjustment expenses	\$ 5,218,304	\$ 5,007,616
Unearned premiums	1,582,116	1,597,243
Reinsurance payable on paid loss and loss adjustment expenses	30,398	45,391
Ceded reinsurance premiums payable	108,936	100,299
Commissions payable, contingent commissions and other similar charges	214,389	216,136
Federal income taxes payable	8,480	-
Funds held	77,256	66,937
Payable to affiliates	18,486	16,383
Provision for reinsurance	87	78
Payable for securities purchased	17,820	58,784
Accrued expenses and other liabilities	32,170	27,116
Total liabilities	<u>7,308,442</u>	<u>7,135,983</u>

Capital:

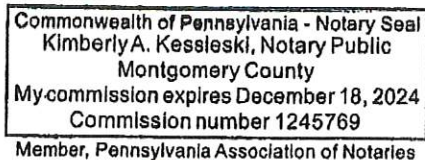
Common stock, par value of \$10 per share; 1,000,000 shares authorized, 450,000 shares issued and outstanding	4,500	4,500
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Surplus:

Gross paid-in and contributed surplus	386,071	386,071
Unassigned surplus	2,236,134	1,910,779
Total surplus	<u>2,622,205</u>	<u>2,296,850</u>
Total capital and surplus	<u>2,626,705</u>	<u>2,301,350</u>
Total liabilities and capital and surplus	<u>\$ 9,935,147</u>	<u>\$ 9,437,333</u>

The undersigned, being duly sworn, says: That she is the Executive Vice President and Chief Financial Officer of Philadelphia Indemnity Insurance Company; that said Company is a corporation duly organized in the state of Pennsylvania, and licensed and engaged in the State of Pennsylvania and has duly complied with all the requirements of the laws of the said State applicable of the said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under the Act of Congress. And that to the best of her knowledge and belief the above statement is a full, true and correct statement of

Attest:



Sworn to before me this 26th day of May 2021.

DocuSigned by:

Karen Gilmer-Pauciello

Karen Gilmer-Pauciello, EVP & CFO

Kimberly Kessleski
Kimberly Kessleski, Notary



BID PROPOSAL

PROJECT IDENTIFICATION:

Gildersleeve Drive Site Improvements

THIS BID IS SUBMITTED TO:

Office of the Town Manager
East Hampton Town Hall
1 Community Drive
East Hampton, Connecticut 06424
Attention: David Cox, Town Manager

The Undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid Price and within the Bid Times indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

Bidder accepts all terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for sixty (60) days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within ten (10) days after the date of Owner's Notice of Award.

In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

1. Bidder has examined and carefully studied the Bidding Documents and the following Addenda receipt all of which is hereby acknowledged (List Addenda by Addendum Number and Date):

Addenda 1 3/14/22

2. Bidder has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the Work.
3. Bidder is familiar with and is satisfied as to all federal, state and local Laws and regulations that may affect cost, progress, performance and furnishing of the Work.
4. Bidder has carefully studied all reports and explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or

relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified in the Supplementary Conditions. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bidding Documents with respect to Underground Utilities at or contiguous to the site. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface, Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by Bidder and safety precautions and programs related thereto. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the determination of the Bid for performance and furnishing of the Work in accordance with the times, price and other terms and conditions of the Contract Documents.

5. Bidder is aware of the general nature of Work to be performed by Owner and others at the site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.
6. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.
7. Bidder has given Engineer written notice of all conflicts, errors, ambiguities or discrepancies that Bidder has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Bidder, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.
8. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over Owner.
9. Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

CONTRACT LUMP SUM – ENTIRE PROJECT

Bidder will complete the Work in accordance with the Contract Documents for the following price:

Fifty Six thousand Dollars
(in words)

\$ 56,000.00
(in numbers)

10. Bidder agrees that the Work will be substantially completed and completed and ready for final payment in accordance with Article 14 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.

11. Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

12. The following documents are attached to and made a part of this Bid:

Required Bid Security in the form of Bid bond attached

13. Communications concerning this Bid shall be addressed to the address of Bidder below.

14. Terms used in this Bid which are defined in the General Conditions or Instructions to Bidders will have the same meanings indicated in the General Conditions or Instructions to Bidders.

SUBMITTED on: March 15, 2022.

By: Ryan Ackell Title: managing member

Bidder: Priority Landscaping LLC

Address: 258 Whisconier Rd
Brookfield, CT 06804

SEAL – if Bid is by a Corporation

Proclamation

DANIEL SARGENT

*WHEREAS, **Daniel Sargent** began his career with the Town of East Hampton in April, 1995 in the Public Works Department as a Maintainer II/Mechanic's Aid; and*

*WHEREAS, after displaying his "can do" attitude and hard work, **Daniel Sargent** was promoted to Maintainer III in November, 2013; and*

*WHEREAS, **Daniel Sargent**, throughout his 27 year career in the Public Works Department, has demonstrated an excellent work ethic and positive attitude, and has always strived to cheerfully provide the best service to the residents of East Hampton.*

*NOW, THEREFORE, WE THE EAST HAMPTON TOWN COUNCIL, on behalf of the citizens of East Hampton, congratulate **Daniel Sargent** on his retirement, thank him for his many years of services to the Town, and extend to him our best wishes for an enjoyable retirement with his family and friends.*

EAST HAMPTON TOWN COUNCIL

Mark Philhower, Chairman

Tim Feegel, Vice Chairman

James Brown

Brandon Goff

Eric Peterson

Kevin Reich

Alison Walck

Dated this 12TH day of April, 2022

Town of East Hampton
Middlesex County, Connecticut

DRAFT – ~~March 14~~ April 4, 2022

Ordinance No. 2022.01

An Ordinance Amending Chapter 273 of the Code of the Town of East Hampton Regarding Streets and Sidewalks Concerning Limited Maintenance of Private Roads

Pursuant to Chapter II of the East Hampton Town Charter, and Conn. Gen. Statute Section 7-148(c)(6)(C), the East Hampton Town Council hereby adopts the following Ordinance Concerning Limited Maintenance of Private Roads.

Section 1: Chapter 273 of the Code of the Town of East Hampton is hereby amended by the creation and addition of Article VI regarding Private Roads as follows:

ARTICLE VI Private Roads

273-15 Purpose.

Within the Town of East Hampton there currently exist many privately owned rights of way, streets, lanes, drives and roads (collectively referred to herein as “Private Roads”). Such Private Roads have been established over many years of use by adjoining property owners, which provide vehicular access for the property owners, and residents, along such Private Roads. Such Private Roads have not been accepted by the Town as public roads, and historically have not been maintained by the owners, or the abutting owners, of the Private Road to Town of East Hampton Street Standards. As a result, some of these Private Roads have deteriorated and are unsafe for public or private passage. In order to ensure the safety of the property owners, residents, and the public who travel over such Private Roads, and to ensure safe passage of emergency vehicles, service vehicles, vendors vehicles, and other critical vehicles, and the safe passage of invitees and guests of residents who live along such Private Roads, the Town has determined that it is in the public interest that limited maintenance of such Private Roads is desirable and necessary. This ordinance shall govern the manner in which the Town may provide certain limited maintenance to such Private Roads.

273-16 Private Roads approved for limited maintenance.

A. The Public Works Department is authorized and directed to provide those limited maintenance services described in Section 273-17 of this chapter for those Private Roads as may be determined to require limited maintenance by the Town Council, as follows:

ROAD NAME	Length and Location
Boulder Road	1150’ Lake Drive to terminus
Brook Trail	635’ Pine Trail to terminus
Byron Road	100’ Browning Drive to terminus

Day Point Road	656' Old Marlborough Road to pavement end
Fern Lane	1585' Middle Haddam Road to turn around
Green Road	576' Hog Hill to turn around
Green Road	240' Middle Haddam Road to turn around
Hale Road	588' Lake Drive to turn around
Laurel Trail	341' Pine Trail to driveway at #18
Markham Lane	390' East High Street to turn around
Mountain Trail	535' Pine Trail to driveway at #26
O'Neill Lane	750' Old Marlborough Road to turn around
Park Road	161' Poe Road to pavement end
Pine Trail	1057' East High Street to turn around
Poe Road	155' Byron Road to Park Road
Railroad Avenue	725' Watrous Street to turn around
<u>Spellman Point Road</u>	<u>1175' Bay Road to the south</u>
Starr Place	467' Summit Street to turn around
Tennyson Road	529' Mark Twain Drive to Whittier Road
West Avenue	302' West Street to driveway at #35

- B. ~~Maintenance services shall be provided for the Private Roads listed in this section unless such Private Road is determined to be in a state of Severe Disrepair. The term Severe Disrepair shall mean a condition of the roadway surface that is no longer reasonably serviceable by the activities contemplated in section 273-17 A of this chapter and in need of a full surface replacement or similar service or full depth/subsurface repairs. The Director of Public Works shall inspect, or cause to be inspected, the approved Private Roads and shall determine if they are Severe Disrepair and any such determination shall be reported to the Town Council for its concurrence. If an approved Private Road is deemed to be in a state of Severe Disrepair by the Town Council, no maintenance services shall be provided by the town until after such time as the owners, or abutting owners, of the Private Road, as the case may be, properly correct, or cause to be corrected, the surface condition or conditions, at their sole cost and expense.~~
- C. The Private Roads, or parts thereof, approved for maintenance shall be shown on a map which shall be available for public inspection in the town clerk's office. The Town Council may amend the list of approved Private Roads eligible for limited maintenance, by adding or removing such Private Roads from the list, in the manner prescribed in the Town Charter for the adoption of ordinances.

273-17 Limited Maintenance services to be provided.

- A. The maintenance services provided under section 273-16 of this chapter shall be limited to the following services as these services may be typically applied to similar public roads at the discretion of the Public Works Director:
- (1) Snow plowing and deicing activities;
 - (2) Sweeping;
 - (3) Surface patching including, but not limited to, pothole repair and repairs involving surface repaving of small segments of a given roadway;
 - (4) Installation and maintenance of any “official traffic-control devices” and “traffic control sign” and which are approved by the “traffic authority” all as defined in Conn. Gen. Stat. 14-297.
- B. The maintenance services provided under section 273-16 of this chapter are not intended to include broad resurfacing of large segments of a given roadway, improvements involving significant repairs of subsurface road structure, installation or modification of drainage, application of chip seal or other similar surface restoration applications to a full roadway or large segments of a given roadway or other similar reconstruction or rehabilitation activities unless such activities are specifically authorized by the Town Council as described in section 273-17.C.
- C. Upon the request of the owners of, or those property owners abutting the Private Road, and if the town considers it necessary to public safety or otherwise desirable to provide additional work, services or improvements to the Private Roads listed in this ordinance, then such work, services or improvements may be provided by the town or its designees provided a written agreement is executed between the town and the owners of the land upon which the road rests, or which the road benefits, concerning the scope of such work, services or improvements, and shall be at the sole cost and expense of such owners. The town shall not provide any additional work, service or improvements unless the written agreement apportions costs among the owners of, or those property owners abutting, the Private Road.

273-18 Acceptance for maintenance not to be construed as acceptance as public highway.

Approval of a Private Road for the limited maintenance set forth in this ordinance, and/or approval of additional work, services, or improvements under section 273-17 of this chapter shall not be considered acceptance of that Private Road as a public highway.

273-19 Liability of Town.

Notwithstanding the provisions of C.G.S. § 13a-149 or any other general statute or special act, the Town of East Hampton shall not be liable for personal injury or property damage caused by the condition of a Private Road. Nothing in this section shall insulate the Town of East Hampton from liability for its affirmative acts.

273-20 Continued Validity of Street Standards.

Nothing in this article shall be construed to modify or change any of the requirements set forth by the town planning and zoning commission, or the Town of East Hampton Street Standards, for the acceptance of new, and the maintenance and repair of existing, Town roads.

Section 2: This ordinance is effective immediately upon its adoption and publication in accordance with Connecticut Statutes.

Approved this ____ day of _____, 2022.

TOWN COUNCIL

ATTEST

Mark Philhower, Chairperson

Kelly Bilodeau, Town Clerk

Town of East Hampton
Middlesex County, Connecticut

DRAFT – April 4, 2022

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significant repairs of subsurface road structure, installation or modification of drainage, application of chip seal or other similar surface restoration applications to a full roadway or large segments of a given roadway or other similar reconstruction or rehabilitation activities unless such activities are specifically authorized by the Town Council as described in section 273-17.C.

- C. Upon the request of the owners of, or those property owners abutting the Private Road, and if the town considers it necessary to public safety or otherwise desirable to provide additional work, services or improvements to the Private Roads listed in this ordinance, then such work, services or improvements may be provided by the town or its designees provided a written agreement is executed between the town and the owners of the land upon which the road rests, or which the road benefits, concerning the scope of such work, services or improvements, and shall be at the sole cost and expense of such owners. The town shall not provide any additional work, service or improvements unless the written agreement apportions costs among the owners of, or those property owners abutting, the Private Road.

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Section 2: This ordinance is effective immediately upon its adoption and publication in accordance with Connecticut Statutes.

Approved this ____ day of _____, 2022.

TOWN COUNCIL

ATTEST

Mark Philhower, Chairperson

Kelly Bilodeau, Town Clerk



MEMORANDUM

To: David Cox, Town Manager
Re: Sunrise Lane
Date: April 7, 2022

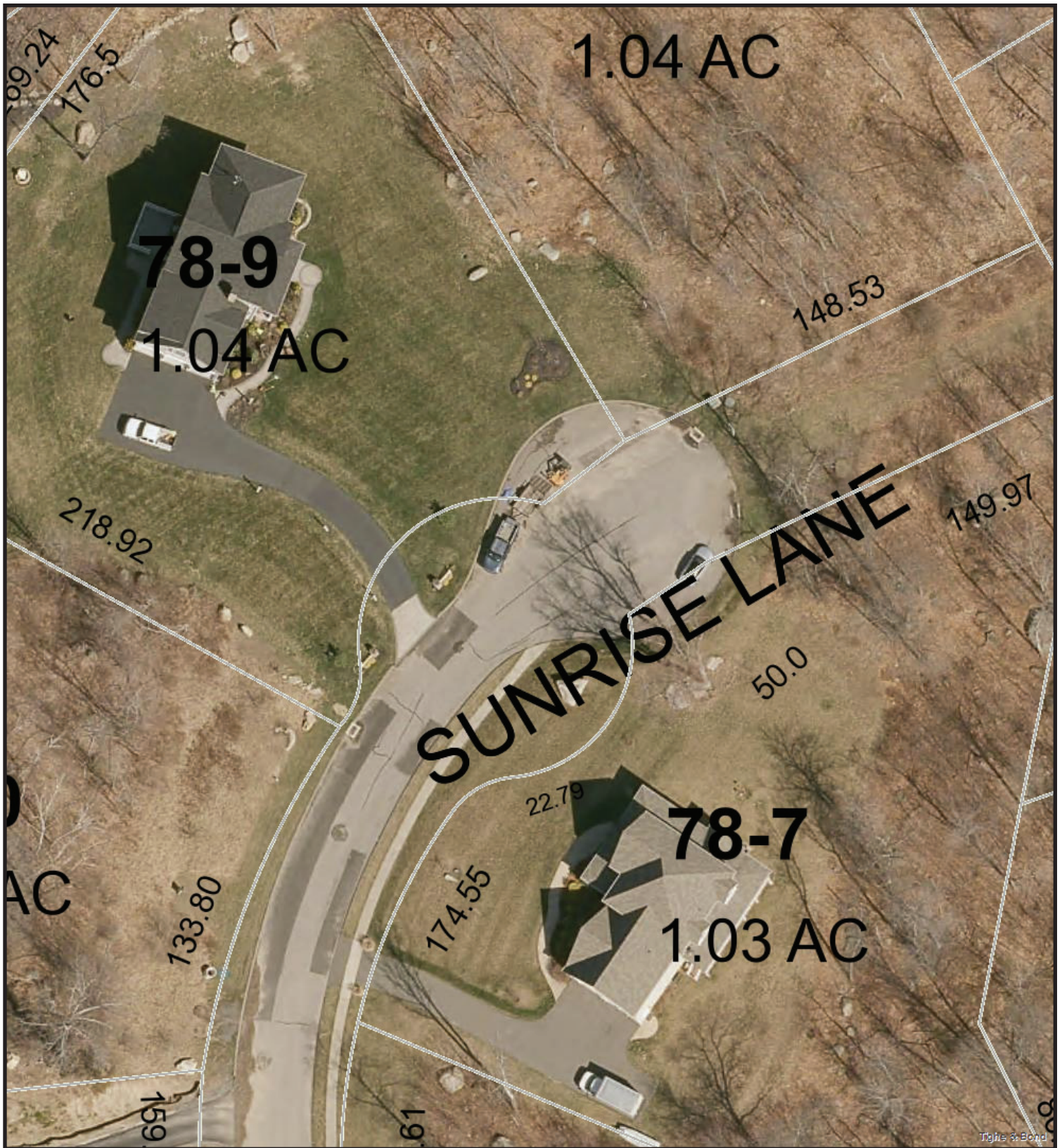
It has been determined that the original acceptance of Phase 1A of Skyline Estates, known as Sunrise Lane, failed to incorporate Sunrise Lane in its entirety due to the fact that the original Skyline Estates Phase 1 Map was referenced in both the acceptance of the road and the Warranty Deed from Skyline Estates, LLC to the Town for the road right of way, when in fact, the Skyline Estates – Phase II subdivision lengthened Sunrise Lane by approximately 65 feet. The effect of this oversight is that the Town owns a right of way which does not match the built conditions in the area of the cul-de-sac.

The Town has worked with the attorney representing the developer to resolve this matter through the use of several deeds from private property owners and the developer to the Town as well as the filing of a new survey map (attached for reference as Exhibit B).

At this time, the proposal is two-fold. First, the Town is asked to accept the new revised right of way through the action of accepting the transfer of four small portions of land, three from homeowners, and one from Skyline Estates. The acceptance, and subsequent filing of deeds will transfer the correct area of land under and surrounding the existing constructed road, cul-de-sac, and right-of-way to the Town.

The next action would be to abandon two small portions of road which were originally meant to act as right-of-way, but are no longer needed due to the revised location of the cul-de-sac.

On the attached map, Exhibit B, prepared by Bascom & Benjamin, LLC, dated February 1, 2022, the areas notated as A, B, C, and D are those areas that are being recommended for acceptance, while those areas shown as E and F are suggested for abandonment and would transfer to the owners of Lots 9 and 7, respectively. See Exhibit A for the existing lot lines and built conditions.



Sunrise Lane

4/7/2022 11:41:49 AM

Scale: 1"=47'

Scale is approximate

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.



Exhibit A

NOTES & REFERENCES

I. EAST HAMPTON LAND RECORDS

A. DEED	TYPE	VOL:PG	DATE
1. Skyline Estates, LLC	QC	417:597	6 Jan. 2005
2. Toomey, A. & Deangelo, B.	W	611:022	11 Nov. 2020
3. Gauck, K.R. & M.	W	595:771	2 July 2019
4. Plante, L.A. & K.A. Jr.	W	566:324	23 June 2016

B. MAPS

- Subdivision Layout Plan, Skyline Estates, a Residential subdivision, Clark Hill Road and Midwood Farm Road, East Hampton, Connecticut, Scale: 1"=40', Date: 12-16-05, revised 5-18-07 Sheet SP-3, By: The LRC Group, Surveyor Gregory F. Warren.
- Subdivision Plan-3, Skyline Estates - Phase II a residential subdivision, prepared for Old Clark Hill, LLC, for property located at Old Clark Hill Road, Highland Terrace, & Sunrise Lane, Town of East Hampton Connecticut, Scale: 1"=40', Date: December, 2006, revised to 6-4-07, Sheet 7 of 23, By: Chatham Engineering, Inc., Surveyor Gregory F. Warren.

DESCRIPTION DATA PROPERTY TO BE CONVEYED TO TOWN OF EAST HAMPTON

B	N 78°52'33" E	15.93'			
C	CHORD S 58°25'32" W	66.46'	Δ = 83°17'50"	R=50.00'	L=72.69'
D	CHORD N 24°56'56" E	26.07'	Δ = 30°13'42"	R=50.00'	L=26.38'
E	CHORD N 74°55'03" E	31.06'	Δ = 07°55'00"	R=225.00'	L=31.09'

AREA = 1,051.7± S.F.

DESCRIPTION DATA PROPERTY TO BE CONVEYED TO LOT - 7

F	CHORD S 73°03'57" E	11.94'	Δ = 13°43'13"	R=50.00'	L=11.97'
G	CHORD S 69°53'06" W	49.71'	Δ = 59°37'26"	R=50.00'	L=52.02'
H	CHORD S 73°33'10" W	22.01'	Δ = 52°13'51"	R=25.00'	L=22.79'
I	CHORD N 52°43'49" E	41.51'	Δ = 10°35'09"	R=225.00'	L=41.57'
J	CHORD N 85°54'32" W	23.39'	Δ = 55°46'16"	R=25.00'	L=24.33'

AREA = 805.8± S.F.

DESCRIPTION DATA PROPERTY TO BE CONVEYED TO LOT - 9

K	CHORD N 26°06'12" E	19.27'	Δ = 45°19'57"	R=25.00'	L=19.87'
L	CHORD N 51°46'50" E	74.66'	Δ = 96°35'14"	R=50.00'	L=84.29'
M	CHORD S 29°04'00" W	19.07'	Δ = 21°59'35"	R=50.00'	L=19.19'
N	CHORD S 39°22'10" W	18.16'	Δ = 42°35'56"	R=25.00'	L=18.59'
O	CHORD S 54°44'39" W	56.77'	Δ = 11°50'58"	R=275.00'	L=56.87'

AREA = 1,507.3± S.F.

DESCRIPTION DATA PROPERTY TO BE CONVEYED TO TOWN OF EAST HAMPTON

P	CHORD N 69°26'56" E	49.07'	Δ = 58°46'19"	R=50.00'	L=51.29'
Q	S 16°50'23" E	20.65'			
R	CHORD S 73°51'51" W	29.82'	Δ = 06°12'54"	R=275.00'	L=29.83'
S	CHORD N 65°04'15" W	25.68'	Δ = 29°45'27"	R=50.00'	L=25.97'

AREA = 933.5± S.F.

DESCRIPTION DATA PROPERTY TO BE CONVEYED TO TOWN OF EAST HAMPTON

Q	N 16°50'23" W	20.65'			
U	CHORD S 62°13'00" E	32.47'	Δ = 37°53'48"	R=50.00'	L=33.07'
V	S 78°52'33" W	14.07'			
W	CHORD S 77°55'26" W	9.14'	Δ = 01°54'15"	R=275.00'	L=9.14'

AREA = 296.3± S.F.

DESCRIPTION DATA PROPERTY TO BE CONVEYED TO TOWN OF EAST HAMPTON

T	CHORD N 20°10'14" W	50.01'	Δ = 60°00'38"	R=50.00'	L=52.36'
R	CHORD S 73°51'51" W	29.82'	Δ = 06°12'54"	R=275.00'	L=29.83'
W	CHORD S 77°55'26" W	9.14'	Δ = 01°54'15"	R=275.00'	L=9.14'
V	S 78°52'33" W	14.07'			
X	CHORD N 13°14'45" W	50.03'	Δ = 60°02'43"	R=50.00'	L=52.40'
B	N 78°52'33" E	15.93'			
E	CHORD N 74°55'03" E	31.06'	Δ = 07°55'00"	R=225.00'	L=31.09'

AREA = 2,501.9± S.F.

DESCRIPTION DATA TOTAL AREA BEING CONVEYED TO THE TOWN OF EAST HAMPTON

C	CHORD S 58°25'32" W	66.46'	Δ = 83°17'50"	R=50.00'	L=72.69'
D	CHORD N 24°56'56" E	26.07'	Δ = 30°13'42"	R=50.00'	L=26.38'
T	CHORD N 20°10'14" W	50.01'	Δ = 60°00'38"	R=50.00'	L=52.36'
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P	CHORD N 69°26'56" E	49.07'	Δ = 58°46'19"	R=50.00'	L=51.29'
U	CHORD S 62°13'00" E	32.47'	Δ = 37°53'48"	R=50.00'	L=33.07'
N	N 78°52'33" E	134.46			
S	S 16°50'23" E	45.73'			
S	S 23°41'17" W	5.47'			
S	S 78°52'33" W	134.04			

AREA = 0.26± Ac. (11,350.2± S.F.)

Area B

Area F

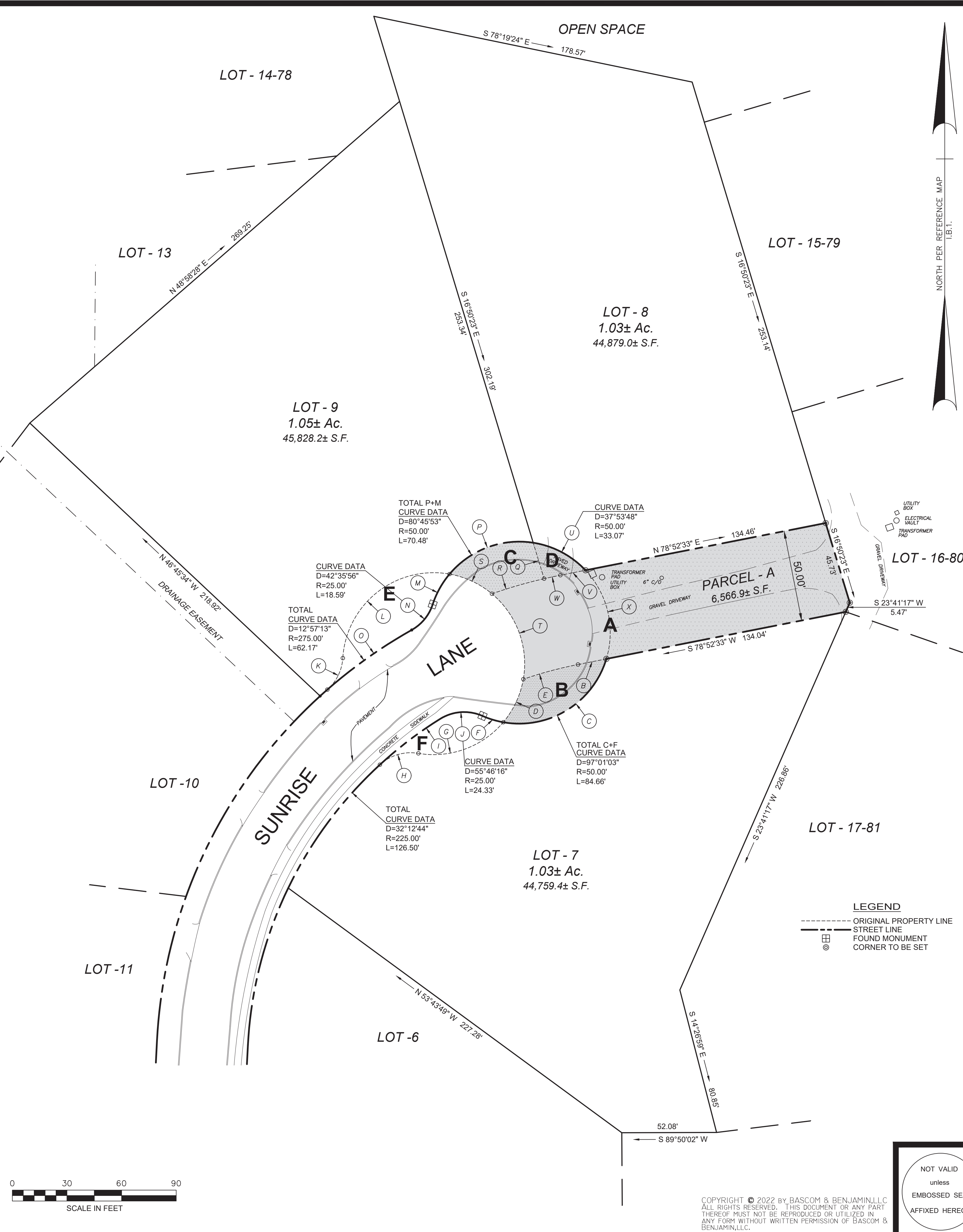
Area E

Area C

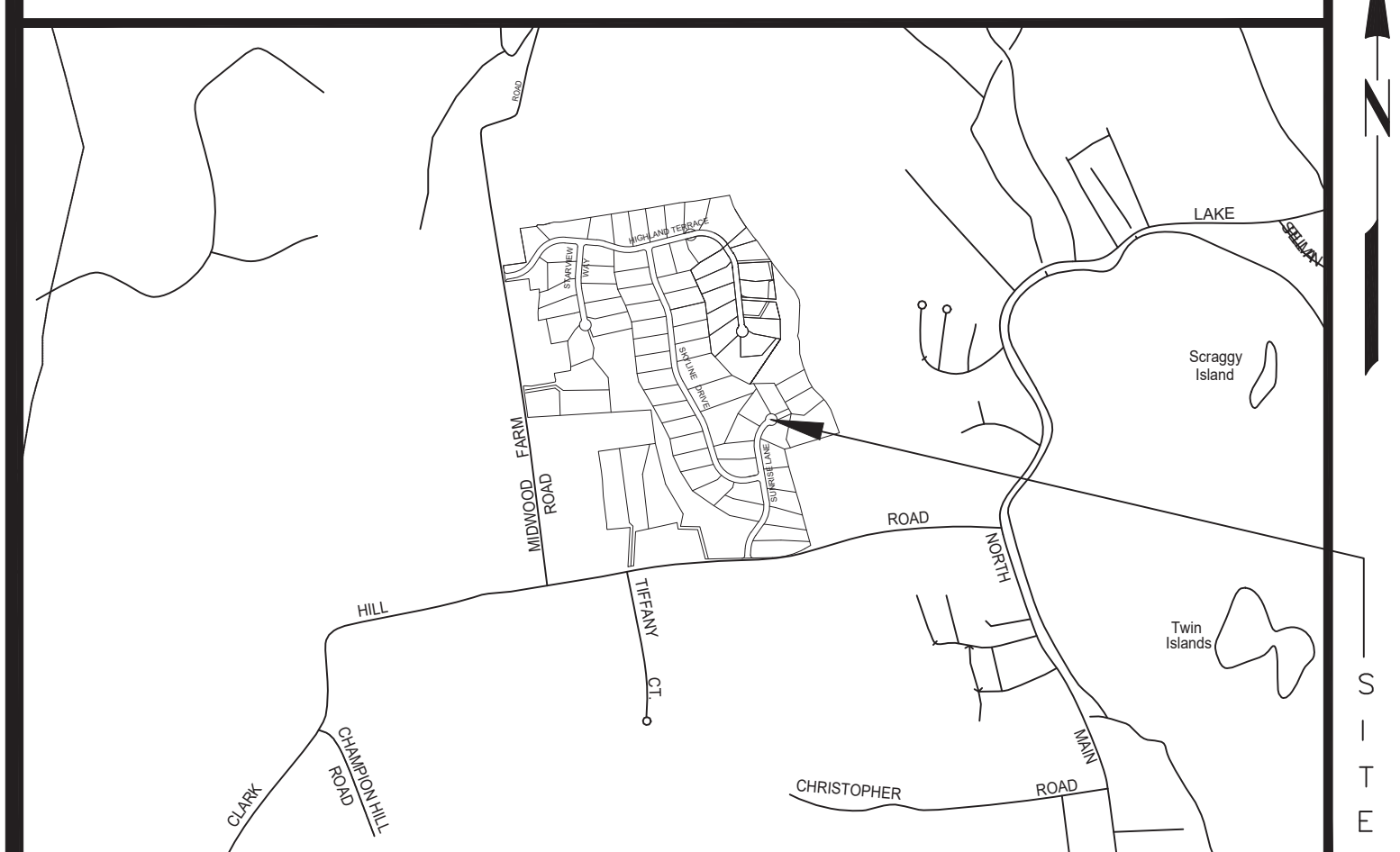
Area D

Area A

Parcel A



LOCATION MAP



PROPERTY / BOUNDARY SURVEY

SHOWING

LOTS 7, 8, 9, & PARCEL-A

PREPARED FOR:

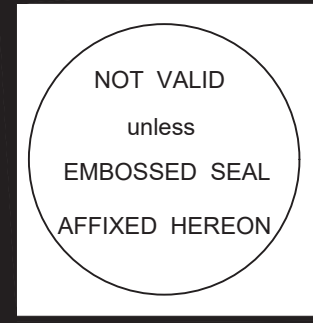
SKYLINE ESTATES, LLC

SUNRISE LANE

EAST HAMPTON, CONNECTICUT

SCALE: 1"=30 FT. 01-FEB-2022

REVISED: 09 FEB. 2022



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This Survey and Map has been prepared in accordance with SECTIONS 20-300b-1 through 20-300b-20 of the REGULATIONS OF CONNECTICUT STATE AGENCIES "Minimum Standards for Surveys and Maps in the State of Connecticut" as endorsed by the Connecticut Association of Land Surveyors, Inc.

It is a PROPERTY SURVEY based upon a DEPENDENT RESURVEY conforming to Horizontal Accuracy Class A-2 and is intended to be used to show the boundaries of Lots 7, 8, 9, & Parcel-A.

This map is substantially correct to the best of my knowledge and belief.

Robert A. Bascom, L.S. Conn. License #14,199





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



Dennis Woessner
Chief of Police

April 7, 2022

To: David Cox, Town Manager
From: Dennis Woessner, Chief of Police
Subject: General Order approval

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

General Order 5.8, Traffic Accident Investigation, is an existing General Order which was approved by the Town Council on August 15, 2018. The Police Officer Standards and Training Council (POSTC) General Notice 21-06 required certain changes to the way police department's investigate fatal motor vehicles accidents. The change was a result of Bill No. 1201, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis, which took effect April 1, 2022. Departments are now required to use a Drug Recognition Expert (DRE) to test any surviving operator in a fatal motor accident that the officer suspects may be under the influence of drugs and/or alcohol.


Additions to this General Order are marked in red.



EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 5.8

PATROL FUNCTIONS

SUBJECT: TRAFFIC ACCIDENT INVESTIGATION		
Issue Date: TBD	Effective Date: TBD	Distribution: All Personnel
Amends/Rescinds GO: 8/15/2018		Review Date:
Per Order of:  Dennis Woessner, Chief of Police		
<i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i>		

I. PURPOSE

To establish a written directive that provides guidelines and procedures to East Hampton Police Department ("EHPD" or "Department") employees relating to traffic accident investigations.

II. POLICY

It is the policy of the East Hampton Police Department to provide procedures for the investigation of traffic accidents. This General Order establishes procedures for the response, reporting, and investigation of motor vehicle accidents, with additional guidelines for those that are serious or complex, and on-scene and follow-up responsibilities and activities for officers assigned to investigate traffic accidents.

III. PROCEDURE

A. Reporting and Investigation of Traffic Accidents

The Department will attempt to respond to and investigate all traffic accidents reported at the time of their occurrence, whether on public or private property. Officers responding to a traffic accident shall investigate and report the crash in a thorough and professional manner. All traffic accidents reported to the Department shall receive a high priority, and should not be delayed whenever manpower allows for an immediate response, unless approved otherwise by the Shift Sergeant due to unusual circumstances. The following guidelines govern reporting and investigation of traffic accidents involving:

1. Death or Injury

- a. An Accident Investigation Team (AIT), consisting of an Accident Investigator (AI) and Supervisor, shall be summoned to the scene of collisions when the Shift Sergeant determines that technical expertise will be necessary for the complete investigation of traffic accidents that result in:
 - (1) Death
 - (2) Life-threatening and disabling injuries
 - (3) Collisions involving police vehicles in which an injury is sustained
 - (4) Other crashes as determined by the Shift Sergeant or above
- b. In response to fatal collisions, as well as those involving life-threatening injuries, the following procedures will apply:
 - (1) When it is evident that a fatality or life-threatening injuries are involved, officers will notify their immediate supervisor, and will request notification of all other personnel who have a responsibility at the scene, including notification of any Command personnel, a Public Information Officer (PIO), and Medical Examiner.
 - (2) Officers will note the exact location and condition of the person(s) so details may be included in the investigative report and diagram.
 - (3) Officers will attempt to identify the person(s).
 - (4) If identification involves handling personal property or valuables, it should be done in the presence of witnesses, and documented in the written report.
 - (5) Officers will properly receipt any property or valuable released to another person or agency.
 - (6) The identity of the person(s) will not be released until proper notification of next of kin.
 - (7) In the case of an on-scene fatality, investigative duties directly related to the body (bodies) shall be conducted with priority to facilitate the prompt removal of the body (bodies) to the custody of the Medical Examiner.

- (8) An investigative hold will be placed on any vehicle involved in the fatal crash, which will be properly impounded to permit a later, more thorough examination of the vehicle(s).

2. Property Damage

- a. Crashes involving only property damage or less serious injuries are to be reported and investigated by the assigned officer. In minor property damage crashes, the focus may be on reporting in lieu of full investigation dependent upon the circumstances at the time. Depending on the call volume and officer availability, reporting parties may have to be advised to exchange information and file a "walk-in" traffic accident report in cases involving minor property damage.

3. Hit and Run (Evading)

- a. Crashes involving hit and run cases, also referred to as "evading" are to be thoroughly investigated. Upon determining that a crash is a hit and run, Dispatchers and arriving officers will attempt to obtain:
 - (1) The best possible description of the hit and run vehicle, the driver and/or passengers
 - (2) The direction of travel
- b. All pertinent information regarding the incident shall be immediately relayed to the Dispatch Center to be broadcast to other field units, and surrounding law enforcement agencies, if warranted. If the hit and run is of a serious nature, a Supervisor will coordinate efforts by the Department to search the area for the vehicle.
- c. On scene investigators will attempt to locate, photograph, collect, and preserve all physical evidence which may be useful in identification of the missing vehicle, including, but not limited to, blood, hair, soil, fabric, automotive parts and accessories, and paint. Officers will record statements from witnesses and, in more serious crashes, may conduct an area canvass to locate and identify other witnesses who may have information relating to the hit and run crash. Officers may be assigned to canvass garages, service stations, and check public parking lots in an effort to locate the vehicle.
- d. All information collected relative to the hit and run crash will be given to officers in briefings and to other agencies through COLLECT and other means, if necessary. The department may use news media resources to seek additional leads to solve the hit and run crash.

- e. When a suspect vehicle is located, officers will establish positive identification utilizing physical evidence collected at the scene and, if necessary and possible, a search warrant. Officers will attempt to interview the owner of the vehicle and attempt to determine the identity of the driver at the time of the crash. Officers will take the appropriate enforcement action if the driver is identified.

4. Impairment Due to Alcohol or Drugs

- a. Officers should be alert to the fact that driver impairment due to alcohol and/or drugs is a factor in many accidents and will be alert to cues or evidence of such impairment when carrying out their investigation. Officers will take appropriate enforcement action when sufficient evidence is obtained.
- b. In cases of traffic accidents involving impaired drivers, the dispatched officer, whenever possible, should attempt to handle both the investigation of the collision and the investigation into violation of D.U.I. laws. If time limits for test samples or other conditions make this impractical, a Supervisor may assign another officer to assist with the investigation.
- c. **Effective April 1, 2022, in a fatal motor vehicle accident where the officer suspects a surviving operator is impaired due to alcohol and/or drugs "a drug recognition expert shall conduct a drug influence evaluation of such surviving operator, provided such operator is not seriously injured or otherwise unable to take such evaluation as a result of the accident." This section is required to comply with Police Officer Standards and Training Council (POSTC) General Notice 21-06 and 2021SB-1201 of the Connecticut General Assembly.**

5. Hazardous Materials

Collisions involving hazardous materials are to be reported and investigated in accordance with this Order.

6. Collisions on Private Property

- a. Under normal circumstances, the Department will respond to all private property traffic accidents. Upon arrival, officers shall check the credentials of each operator and vehicle, and should direct the parties involved to exchange information. However, an on scene investigation shall be conducted when any of the following conditions are present:
 - (1) The crash involved a fatality or personal injuries
 - (2) A hit and run collision

- (3) Impairment of one of the drivers due to alcohol/or drugs
 - (4) Reckless operation
 - (5) A Town-owned vehicle was involved
 - (6) Extenuating circumstances indicating an on scene investigation should be conducted, as determined by a Supervisor
- b. In extenuating circumstances, such as snowstorms and other unusual occurrences, the Shift Supervisor may direct that officers do not respond to private property traffic accidents, unless one of the above conditions is present.
7. Vehicle vs Deer (Wildlife) accidents
- a. With the following exceptions, car vs deer accidents shall be documented using a case number generated by CAD containing the operator and vehicle information and a brief narrative. Officers will note the presence or absence of a deer carcass and the observations to support the collision was in fact with a deer or other wildlife. There is no need for a PR-1.
 - b. The CAD generated case number will be provided to the operator.
 - c. Exceptions where a PR-1 is required:
 - (1) A resultant injury or death to the operator or occupant or pedestrian related to the movement of the vehicle or its load.
 - (2) Town owned vehicles (See GO 5.8 for procedure involving police vehicles)
 - (3) Damage to property other than the primary vehicle

B. Responding to Serious or Complex Motor Vehicle Accidents

- 1. Under normal circumstances, one officer will usually be dispatched to the scene of reported traffic accidents. However, due to the serious nature of most of the types of traffic collisions listed below, it may be necessary to dispatch at least two officers to the scene, plus a Supervisor, depending upon information received by Dispatchers. Serious and complex traffic collisions include, but are not limited to the following situations:
 - a. Death or serious injury
 - b. Hit-and-run
 - c. Impaired operation due to alcohol, drugs, or other impairing substances
 - d. Damage to public property

- e. Hazardous materials spills
 - f. Disturbances between parties involved in a collision
 - g. Major traffic congestion as a result of a collision
 - h. Damage to vehicles that requires towing
 - i. Possible vehicular assaults or assaults with motor vehicles
 - j. A Departmental vehicle
 - k. Any collision occurring during a pursuit
2. When officers are dispatched to one of the above types of incidents, they shall respond immediately to the scene and provide the following services, according to the provisions of this General Order. These services include, but not limited to the following:
 - a. Investigating the collision
 - b. Requesting emergency and/or other services
 - c. Collection and preservation of evidence
 - d. Restoring the normal flow of traffic
 3. In less serious collisions that involve property damage only, and where the vehicles can be moved under their own power, the Department's response may take into consideration such factors as:
 - a. Workload
 - b. Availability of personnel
 - c. Unusual occurrences, such as major snowstorms, ice storms, hurricanes, etc., that tend to cause a temporary increase the number of traffic collisions volume beyond the Department's capacity to handle the calls for service in a timely manner
 4. When any of the above factors result in circumstances that tend to either delay or prevent the Department from responding to the scene of minor traffic accidents, the Shift Supervisor may permit the suspension of on-scene investigations and instruct Dispatchers to advise callers that they should exchange operator information and report the collision in person at Headquarters within 72 hours. This information should be communicated to the public through the Department's public information program, including brochures available to the public, the Department's web site, and at Citizen Police Academies.

C. On-Scene Responsibilities of Responding Officers

1. The most important function for any officer handling any traffic collision investigation is to prevent the situation from deteriorating and becoming

worse. In order to accomplish this task, officers must take specific actions in a logical sequence, dependent upon the circumstances involved. Such actions include, but are not limited to:

- a. Summoning additional assistance as needed, including EMS and/or the Fire Department
 - b. Protecting the crash scene and preserving evidence
 - c. Establishing a safe traffic pattern around the crash scene
 - d. Locating witnesses and recording information
 - e. Expediting the removal of vehicles, persons, and debris from the roadway
2. The first responding officer, as much as practical, shall identify the participants, as well as potential witnesses. Participants and witnesses should be separated to the extent possible in order to ensure that individual statements about the crash are not unduly influenced or biased. Guidelines and procedures relating to responding officers include the following:
- a. Determination of Investigating Officer
 - (1) The primary officer who is dispatched to the scene is responsible for the handling the investigation, unless otherwise directed by a Supervisor. This officer may request assistance, as needed, and will be responsible for directing others with the particular needs. If an Accident Investigation Team (AIT) is requested, the AIT Supervisor will be in charge of the scene, and when necessary, request others to assist with the investigation.
 - b. Identifying and Dealing with Injured Persons
 - (1) Officers shall inquire with persons for possible injuries and request Emergency Medical Service (EMS) personnel as needed. In situations where there is personal injury or the imminent threat of injury, actions to deal with the injury/threat will take precedence over investigative or reporting activities. When appropriate, officers will provide assistance to rescue, fire, and other emergency personnel.
 - c. Identifying and Dealing with Hazardous Materials and Fires
 - (1) On occasion, officers may respond to collision scenes that involve hazardous materials and fires. A hazardous material is any element, compound, or combination thereof which is flammable, corrosive, explosive, toxic, radioactive, an oxidizer, or is highly reactive, and which, because of handling, storing,

processing, and packaging may have detrimental effects upon operating and emergency personnel, the public, equipment, and/or the environment.

- (2) Any collision involving a fire, or a commercial cargo vehicle that may be carrying hazardous materials, officers should approach cautiously. If there is an actual fire or potential for fire, officers will take appropriate actions to protect bystanders and motorists, and request the fire department.
- (3) As a matter of precaution, officers should also ask operators of commercial vehicles if they are carrying any hazardous materials. This can also be accomplished directly or indirectly by descriptive data in shipping documents, on containers, package labels, and vehicle placards.
- (4) Through training and information, including copies of the U. S. Department of Transportation Emergency Response Guidebook, officers may be able to identify the material(s) involved and relay this information to the local fire department. Absence of an identifying placard does not necessarily mean the absence of hazardous materials.
- (5) If it has been determined that there is a possibility of hazardous materials being present, the scene, which includes all the area inside the perimeter, shall be released to the control and authority of the fire department until such time as the fire department declares the emergency unfounded and/or under control. Supervisors should establish an Incident Command System.
- (6) If an officer comes in contact with suspected hazardous material, the officer shall immediately seek medical treatment, document the exposure, and notify a Supervisor.

d. Collecting Information

- (1) Officers assigned to investigations of traffic accidents are responsible for interviewing participants and witnesses, and when appropriate, such as a serious or fatal collision, obtaining statements from those persons in written form. The investigating officer will examine and record any damage to vehicles involved in traffic collisions, as well as damage occurring to the roadway or to public or private property. Other information to be gathered may also include the following:
 - (a) Obtaining and recording detailed measurements, when applicable

- (b) Ensuring that photographs are taken of all crash scenes involving:
 - 1. Fatalities
 - 2. Serious personal injuries
 - 3. Police vehicles
 - 4. Town-owned vehicles
 - 5. Extensive property damage
 - 6. Other crash scenes when deemed necessary and prudent by the investigating officer, Shift Lieutenant, or other supervisor
- (c) Preserving and collecting physical evidence at the scene, and submitting the evidence to the Property Custodian, including evidence that will be submitted for laboratory analysis
- (d) To assist persons involved in exchanging information
- e. Protecting the Collision Scene
 - (1) The assigned officer is responsible to protect the scene to include, but not limited to, the following critical issues:
 - (a) Preservation of evidence
 - (b) Safety of crash victims
 - (c) Safety of witnesses, bystanders, and the officer's cruiser
 - (d) Safety of other equipment, as well as, the personal property of others
 - (2) Officers will take appropriate action designed to assist the motoring public and others in safely and successfully moving through or around traffic accident scenes when such assistance is necessary. Officers with the responsibility of maintaining traffic control at crash scenes will take the following actions and precautions:
 - (a) The officer shall park his cruiser in a manner to protect the scene so as to not create an additional hazard. The officer is to use the cruiser's overhead lights, flares, cones, police tape, etc., to warn persons and motorists of any hazard
 - (b) Consistent with the need to preserve evidence, vehicles and debris are to be removed from the roadway as rapidly as possible. If a wrecker is needed, it shall be

summoned in accordance with existing policy and procedure.

(c) To prevent congestion, and to permit emergency vehicles to move freely and safely, officers will direct vehicles at the scene to be removed from the roadway as soon as possible.

(d) Officers shall direct bystanders (except witnesses) to leave the immediate scene.

f. Controlling Property Belonging to Accident Victims

(1) Investigating officers have a responsibility to protect property belonging to victims from theft and pilferage. Items of great value, items readily accessible to theft, money, and expensive jewelry should not be left with the vehicle, and should be tagged and submitted to the Department's Property Custodian for safekeeping, or directly given to the owner or his designate. Found property, for which ownership cannot be readily determined, shall be properly tagged and submitted to the Property Room. When the rightful owner is located and identified, the property shall be released unless it is considered contraband or is needed for evidence.

D. Follow-up Investigative Activities for Motor Vehicle Accidents

It is the responsibility of the investigating officer, including members of an AI Team, to conduct all necessary follow-up investigations. These steps may include, but are not limited to:

1. Collecting information about drivers, pedestrians, vehicle, and roadway conditions, including providing the principals with an *Exchange of Information Form*, whenever possible, and prior to leaving the scene
2. Obtaining and recording formal statements from witnesses
3. Collection and preservation of evidence
4. Collecting off-scene data, particularly in the following situations, as applicable:
 - a. To interview injured persons that have been taken to a medical facility
 - b. To examine and collect additional data or evidence when vehicles or other property may have been removed from the scene
 - c. To collect personal history data on persons involved in the collision, i.e., driving record, vehicle ownership information, medical records
 - d. To obtain formal statements from witnesses away from the scene
5. Reconstructing collisions
6. Use of expert and technical assistance, including the use of:

- a. Mechanics
- b. Engineers
- c. Physicians
- d. Other specialists

If a cost will be incurred, the technical assistance will require the advance approval of the Chief.

7. Preparation and filing of formal reports and citations, including those supporting criminal charges, in which case appropriate copies will be forwarded to the prosecutor or the court to support the charge(s)

8. Follow-up meetings with the prosecutor, when necessary

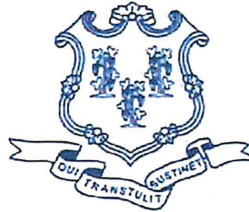
These responsibilities do not preclude the investigating officer from seeking the assistance of other officers who might be working different days, hours, or beats, to assist in some of these tasks, with the approval of a Supervisor.

When investigating a serious traffic accident involving a question about mechanical failure, the officer may order the vehicle impounded for an inspection by a certified mechanic. Examples would be:

1. Fatalities and other serious collisions where a strong possibility of civil litigation exists
2. Town vehicle collisions with mechanical failure in question
3. Anytime liability may possibly be attached to the Town

When the vehicle is impounded, it should be towed directly to the Police Department garage or impound area. A request shall be directed to the Chief for an inspection. Anytime a police vehicle is involved in a collision involving possible equipment failure, the vehicle should be placed out of service and secured for inspection prior to being placed back in service.


If a Supervisor feels that the technical skills to properly investigate a crash are not available within the Department, or if there is a conflict of interest issue with personnel conducting the investigation, he/she may request technical crash assistance from the State Police, with prior approval of the Chief.



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

GENERAL NOTICE 21-06

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

From: Karen Boisvert 
Academy Administrator

Date: September 21, 2021

Subject: Recommendation as to the minimum number of Drug Recognition Experts (DRE's) in accordance with Bill No. 1201

The Police Officer Standards and Training Council pursuant to Bill No. 1201, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (RERACA) [2021SB-01201-R00-SB.PDF \(ct.gov\)](#) Sec.114.(a), has created a DRE agency recommendation form and provided data links to assist all agencies with determining the minimum number of Drug Recognition Experts (DRE's) each law enforcement unit should have accredited.

Please complete the attached [DRE Agency Recommendation Form](#) on or before January 1, 2022 and return to the Police Officer Standards and Training Council using the email link provided. dre.recommendations.post@ct.gov

Below are the data links provided (along with any in house data retained by your agency) to assist in determining the minimum number of DRE's for your agency.

CT Highway Safety plan (2022) (DUI data located on pages 67 – 90)

[CRASH DATA STATS 2018 2019 2020.pdf](#) (Excel sheet provided by UConn)

vimeo.com/588512390/af45741dfe (IACP Roll Call Training video on Utilizing DREs)

Below are relevant sections of Bill No. 1201:

*Sec. 114. (a) **Not later than January 1, 2022**, each law enforcement unit shall report to the Police Officer Standards and Training Council, in the manner specified by the council, a recommendation as to the minimum number of officers that such law enforcement unit should have accredited as Drug Recognition Experts to respond to instances of impaired driving, allowing that law enforcement units may call upon drug recognition experts from other law enforcement units as necessary and available. Such recommendation shall be based on data on impaired driving made available to law enforcement units by the Department of Transportation and any guidance issued by the council.*



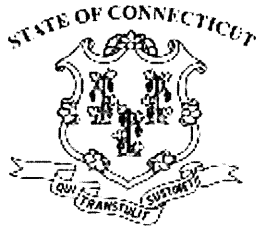
*Sec.119 (B) A Drug Recognition Expert shall conduct a drug influence evaluation of such surviving operator, provided such operator is not seriously injured or otherwise unable to take such evaluation as a result of the accident. **Effective April 1, 2022, in a fatal motor vehicle crash (lines 5452-5455)***



This notice and all links may be located on the POSTC website <https://portal.ct.gov/post> under Featured Links for your convenience.

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

KB:tc/kb



General Assembly

Bill No. 1201

June Special Session, 2021

LCO No. 10834



Referred to Committee on No Committee

Introduced by:

SEN. LOONEY, 11th Dist.

REP. RITTER M., 1st Dist.

**AN ACT CONCERNING RESPONSIBLE AND EQUITABLE
REGULATION OF ADULT-USE CANNABIS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in RERACA, unless
2 the context otherwise requires:

3 (1) "Responsible and Equitable Regulation of Adult-Use Cannabis
4 Act" or "RERACA" means this section, sections 7, 9, 11 to 14, inclusive,
5 16, 18, 20 to 65, inclusive, 82, 83, 89 to 110, inclusive, 112 to 114, inclusive,
6 121, 124 to 128, inclusive, 134, 135 and 144 to 151, inclusive, 153, 162, 163,
7 165 to 167, inclusive, and 174 of this act, and the amendments to sections
8 7-148, 10-221, 12-30a, 12-35b, 12-412, 12-650, 12-704d, 14-44k, 14-111e, 14-
9 227a to 14-227c, inclusive, 14-227j, 15-140q, 15-140r, 18-100h, 19a-342,
10 19a-342a, 21a-267, 21a-277, 21a-279, 21a-279a, 21a-408 to 21a-408f,
11 inclusive, 21a-408h to 21a-408p, inclusive, 21a-408r to 21a-408v,
12 inclusive, 30-89a, 31-40q, 32-39, 46b-120, 51-164n, 53-394, 53a-39c, 54-1m,
13 54-33g, 54-41b, 54-56e, 54-56g, 54-56i, 54-56k, 54-56n, 54-63d, 54-66a and
14 54-142e of the general statutes;

5449 and concentration of alcohol and any drug by the Division of Scientific
5450 Services within the Department of Emergency Services and Public
5451 Protection; [.] and

5452 (B) A drug recognition expert shall conduct a drug influence
5453 evaluation of such surviving operator, provided such operator is not
5454 seriously injured or otherwise unable to take such evaluation as a result
5455 of the accident.

5456 (c) Each police officer who obtains from a surviving operator any
5457 blood, breath or urine sample or a drug influence evaluation conducted
5458 on such operator pursuant to subsection (b) of this section shall submit
5459 to the Commissioner of Motor Vehicles a written report providing the
5460 results of such sample or evaluation on a form approved by the
5461 commissioner. The commissioner may, after notice and an opportunity
5462 for a hearing held in accordance with chapter 54 and section 14-227b,
5463 suspend the motor vehicle operator's license or operating privilege of
5464 such person and require such person to install and maintain an ignition
5465 interlock device as provided for in subsection (i) of section 14-227b. Such
5466 hearing shall be limited to a determination of the following issues: (1)
5467 Was the person operating the motor vehicle; (2) was the person's sample
5468 obtained in accordance with, or drug influence evaluation conducted
5469 pursuant to, the provisions of subsection (b) of this section; and (3) was
5470 the examined sample found to have an elevated blood alcohol content,
5471 as defined in section 14-227b or was the person operating the motor
5472 vehicle under the influence of intoxicating liquor or any drug, or both.

5473 (d) In any motor vehicle accident resulting in the death of a person,
5474 the law enforcement unit, as defined in section 7-294a, responding to the
5475 accident shall assign an officer trained in advanced roadside impaired
5476 driving enforcement to respond, if such an officer is available.

5477 Sec. 120. Subsection (c) of section 14-44k of the general statutes is
5478 repealed and the following is substituted in lieu thereof (*Effective April*
5479 *1, 2022*):

5480 (c) In addition to any other penalties provided by law, and except as
5481 provided in subsection (d) of this section, a person is disqualified from
5482 operating a commercial motor vehicle for one year if the commissioner
5483 finds that such person (1) has refused to submit to a test to determine
5484 such person's blood alcohol concentration while operating any motor
5485 vehicle [, or has failed such a test when given,] or to a nontestimonial
5486 portion of a drug influence evaluation conducted by a drug recognition
5487 expert, (2) has an elevated blood alcohol content based on such a test
5488 pursuant to section 14-227b, or (3) was found to have been operating
5489 under the influence of intoxicating liquor or any drug, or both based on
5490 a report filed pursuant to the provisions of subsection (d) of section 14-
5491 227b or pursuant to the provisions of a law of any other state that is
5492 deemed by the commissioner to be substantially similar to section 14-
5493 227b. For the purpose of this subsection, [a person shall be deemed to
5494 have failed such a test if, when driving a commercial motor vehicle, the
5495 ratio of alcohol in the blood of such person was four-hundredths of one
5496 per cent or more of alcohol, by weight, or if, when driving any other
5497 motor vehicle, the ratio of alcohol in the blood of such person was eight-
5498 hundredths of one per cent or more of alcohol, by weight] "drug
5499 recognition expert," "elevated blood alcohol content" and
5500 "nontestimonial portion of a drug influence evaluation" have the same
5501 meanings as provided in section 14-227a.

5502 Sec. 121. (NEW) (*Effective July 1, 2021*) The state Traffic Safety
5503 Resource Prosecutor, in consultation with the Department of
5504 Transportation, the Department of Motor Vehicles, the state-wide drug
5505 recognition expert coordinator, and the Connecticut Police Chiefs
5506 Association, shall seek any guidance available from the National
5507 Highway Traffic Safety Administration, and shall (1) develop
5508 educational materials and programs about the drug recognition expert
5509 program and drug influence evaluations, and (2) make such materials
5510 and programs available to the Judicial Branch and the Connecticut
5511 Judges Association.

5512 Sec. 122. Section 15-140q of the general statutes is repealed and the

5513 following is substituted in lieu thereof (*Effective April 1, 2022*):

5514 (a) Any person who operates a vessel in this state shall be deemed to
5515 have consented to (1) a chemical [analysis] test of such person's blood,
5516 breath or urine, [and if] and (2) a nontestimonial portion of a drug
5517 influence evaluation conducted by a drug recognition expert. If such
5518 person is a minor, such person's parent or parents or guardian shall also
5519 be deemed to have given their consent for such [an analysis of the
5520 minor's blood, breath or urine] test or evaluation.

5521 [(b) If any such person, having been placed under arrest for: (1)
5522 Violating subsection (b) of section 53-206d; (2) operating a vessel upon
5523 the waters of this state while under the influence of intoxicating liquor
5524 or any drug, or both; (3) operating a vessel upon the waters of this state
5525 while such person has an elevated blood alcohol content, and thereafter,
5526 after being apprised of such person's constitutional rights, having been
5527 requested to submit to a blood, breath or urine test at the option of the
5528 police officer, having been afforded a reasonable opportunity to
5529 telephone an attorney prior to the performance of such test and having
5530 been informed that such person's safe boating certificate, right to
5531 operate a vessel that requires a safe boating certificate for operation or
5532 certificate of personal watercraft operation issued by the commissioner
5533 as a condition of operating a vessel shall be suspended in accordance
5534 with the provisions of this section if such person refuses to submit to
5535 such test or if such person submits to such test and the results of such
5536 test indicate that such person has an elevated blood alcohol content and
5537 that evidence of any such refusal shall be admissible in accordance with
5538 subsection (d) of section 15-140r, and may be used against such person
5539 in any criminal prosecution, refuses to submit to the designated test, the
5540 test shall not be given; provided, if such person refuses or is unable to
5541 submit to a blood test, the peace officer shall designate the breath or
5542 urine test as the test to be taken. The peace officer shall make a notation
5543 upon the records of the police department that such officer informed
5544 such person that such person's safe boating certificate, right to operate
5545 a vessel that requires a safe boating certificate for operation or certificate

5546 of personal watercraft operation would be suspended if such person
5547 refused to submit to such test or if such person submitted to such test
5548 and the results of such test indicated that such person has an elevated
5549 blood alcohol content.]

5550 (b) (1) A peace officer who has placed a person under arrest for
5551 violating subsection (b) of section 53-206d; operating a vessel upon the
5552 waters of this state while under the influence of intoxicating liquor or
5553 any drug, or both; or operating a vessel upon the waters of this state
5554 while such person has an elevated blood alcohol content, may request
5555 that such person submit to a blood, breath or urine test at the option of
5556 the peace officer, a drug influence evaluation conducted by a drug
5557 recognition expert, or both, after such person has been (A) apprised of
5558 such person's constitutional rights, (B) afforded a reasonable
5559 opportunity to telephone an attorney prior to the performance of such
5560 test or evaluation, (C) informed that evidence of any refusal to submit
5561 to such test or evaluation shall be admissible in accordance with
5562 subsection (d) of section 15-140r and may be used against such person
5563 in any criminal prosecution, except that refusal to submit to the
5564 testimonial portions of a drug influence evaluation shall not be
5565 considered evidence of refusal of such evaluation for purposes of any
5566 criminal prosecution, and (D) informed that such person's safe boating
5567 certificate, right to operate a vessel that requires a safe boating certificate
5568 for operation or certificate of personal watercraft operation issued by
5569 the commissioner as a condition of operating a vessel may be suspended
5570 in accordance with the provisions of this section if (i) such person
5571 refuses to submit to such test or nontestimonial portion of a drug
5572 influence evaluation, (ii) such person submits to such test and the results
5573 of such test indicate that such person has an elevated blood alcohol
5574 content, or (iii) the officer concludes, through investigation, that such
5575 person was operating a vessel under the influence of intoxicating liquor
5576 or any drug, or both.

5577 (2) If the person refuses to submit to any test or drug influence
5578 evaluation, the test or evaluation shall not be given, except that if the



April 12, 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 nine (9) refunds totaling \$2,508.87.

Respectfully Submitted,

Kristy L. Merrifield, CCMC
Collector of Revenue

	0.	CL
	244.58	+
	720.30	+
	260.00	+
	66.30	+
	277.97	+
	268.30	+
	26.17	+
	383.86	+
	261.39	+
009	2,508.87	TL+

BOARD AND COMMISSION SUMMARY MARCH 2022

Arts & Culture Commission

The Arts & Culture Commission met on March 17 at the Joseph N. Goff House. A grant proposal from Aidan Maiorino was reviewed. The members discussed the garden tour/plein air painting event to determine if the Belltown Garden Club is interested in co-hosting. The Rotary Club painted bells were discussed. They would like to spotlight a bell online each week and schedule a tour of the bell locations. The budget request was submitted for review for the next fiscal year. The members also discussed a tour of the town art purchases. They have also approached the new Poet Laureate Stan Lindh for several activities.

Board of Finance

In lieu of the Regular March Meeting of the Board of Finance, the Budget Public Hearing took place on March 21. Budget Workshops followed March 22-26. The deliberation meeting scheduled for March 30 was cancelled with a Special Meeting taking place on March 31 where the BOF members were given a technology tour of the Middle School and Center School. Budget Deliberation is scheduled for April 6, 2022.

Brownfields Redevelopment Agency

The Brownfields Redevelopment Agency met on March 28 at the Town Hall and via Zoom. The members discussed the 1-2 year plan for the 3 Walnut property. The members need to find the missing documents that shows the work performed for the project. There is a dam on the property that needs to be investigated since there are no reports or documents stating when the dam was constructed. The members need to find out if the dam is historic. There was discussion on the 1 and 13 Watrous and 13 Summit properties as well. The members decided to apply for the TAB, Technical Assistance on Brownfields, program at UCONN to gain some help. The timeframe for that program is May 15th to July 15th. The application deadline for the program is April 15th. The members discussed which grants the agency should focus on and apply for this year. An investigation grant was mentioned that could help find information on the dam at 3 Walnut. Remediation grants are the other ones the members will be focusing on and looking for this year as well. Two webinars on Brownfields are coming up; one is on March 30th and the other is on April 21st.

Clean Energy Task Force

The Clean Energy Task Force met on March 1 at the Town Hall. A presentation was given by Heat Smart. The members discussed Earthlight and solar possibilities for the town. Members discussed the heat pump and home energy solutions programs. The Chair and Vice Chair met with the Town Manager and will be meeting with the Town department heads regarding Sustainable CT. The next Electric Car Show will be held on September 24th at the High School.

Commission on Aging

The Commission on Aging met on March 10 via Zoom. The members reviewed information from one of the sub-committees for the review of the Survey results. The others will present at the next meeting. The commission is planning presentations of the survey results at the Senior Center and to the Lions Club.

Conservation-Lake Commission

The Conservation-Lake Commission met on March 10th at the Town Hall and via Zoom. The members received updates from the liaisons and about the watershed projects/ federal funding. Tom Warmuth and Dave Finethy joined the call for the presentation from BioSafe Systems about different in-lake treatments for blue-green algae/ cyanobacteria levels in the lake water. The members have some time to think and research about the chemical treatments that were presented to them by the representatives. There were updates for the Lake Smart program and the advisory panel meeting. A Friends of the Lake representative spoke to the commission about incorporating the Lake Smart program into their grant funding program for the year. They budgeted \$5,000 with up to \$150 per house. Once the property has been evaluated the homeowners can apply for funding from the organization's grant to help pay for the Lake Smart changes to their property.

Design Review Board

The Design Review Board met on March 17 via Zoom. The members reviewed and discussed the plans for a site plan modification at 20 East High Street for the old Town Hall building. There needs to be elevation views from all sides of the building/ property, more detailed plans, landscaping plans, elevation and grading plans, and samples of materials being used be brought back to the members to be further reviewed. The members also discussed the possibility of going back to in-person meetings for all boards and commissions. The owners of the gas station in the Village Center were sent a letter about their sign canopy by the Zoning Official Mr. DeCarli. There should be more information at the next meeting.

Economic Development Commission

The Economic Development Commission met on March 15 at the Town Hall and via Zoom. The members reviewed the plans for the Global 66 project and scored the applicant as the members discussed each aspect of the application and scoring form. They awarded the project a score of 47 points. The forms and scoring will be submitted to the Town Council for review and deciding vote. The members reviewed and discussed the 2022/2023 town budget, the Bells on the Bridge event, the project tracker, the sewer smell in the Village Center businesses, and the motions and minutes from the last Planning and Zoning meeting. The new Board of Finance liaison will be Ted Turner.

Fire Commission

The Fire Commission met on March 14 at the Company #1 Firehouse. The members approved the purchase of two strainers for the tankers not to exceed \$2,500 from account 5658. The Fire Chief and Fire Marshal read their reports for the members. There were updates for the dry hydrants, the Ladder truck, the new Tanker, and the awards program. The members discussed briefly sending a letter to the Board of Education to make sure they call the Fire Department when there is smoke within the building and to follow proper fire procedures when an incident like this occurs again.

Inland Wetlands Watercourses Agency

The Inland Wetlands Watercourses Agency met on March 30 at the Town Hall and via Zoom.

Continued Applications:

- A. Application IW-21-026: William Carter, 23 Bay Road - Construct seawall along Lake Pocotopaug and regrade yard area. Map 09A/ Block 70/ Lot 23 - Continued.

New Applications:

- A. IW-22-002: Heath Marozzi – 59 East High Street, Replace existing walkway, construct retaining wall, replace entry steps, relocate shed, and extend driveway (approximately 550 sq. ft. of disturbance) within the Upland Review Area – Map 05A/ Block 83/ Lot 27 – Continued.

- B. IW-22-003: Roseanne and Chris Scacca, 45 Lake Dr. LLC – 45 Lake Drive, installation of new processed gravel driveway (approximate 1600 s.f.) within the Upland Review Area. – Map 03A/ Block 44C/ Lot 10 – Continued.
- C. IW-22-004: Ed Basile – 53 Day Point Road, demolition of existing cottage (396 s.f.) in Upland Review Area – Map 10A/ Block 83/ Lot 36A – Continued.

Joint Facilities

The Colchester –East Hampton Joint Facilities Board met on February 15 via Zoom. The lighting upgrade is 95% complete. The DO probes have some wiring issues along with the conduit throughout the aeration tanks from the mixer to the recycle pumps. Cost estimate is \$30K-\$40K. An Infrared survey was done on the plant and Middletown Avenue Pump Station (MAPS). The MAPS RFQ is pending schedule dates, to coordinate with Mr. Clayton’s time off.

Library Advisory Board

The Library Advisory Board met on March 7 via Zoom. The budget request was sent to the Finance Department. Mr. Cox will be conducting another interview with the final candidate for the Library Director position on March 9. The Kindness Grant project was reviewed.

Middle Haddam Historic District Commission

No meeting

Parks & Recreation Advisory Board

The Parks & Recreation Advisory Board met on March 1 at the Town Hall and via Zoom. A presentation was given on the Needs Analysis survey from Berry Dunn (formerly Greenplay). The job description for the new Full Time Program Manager was approved. The Air Line Trail Sub-Committee provided an update on trail cleanup day in April. The Seamster Park Golf Tournament will be held on May 19. The High School track and tennis court project should be complete in May. The budget and capital requests were reviewed.

Planning & Zoning Commission

The Planning & Zoning Commission met on March 2 at the Town Hall and via Zoom.

Public Hearings:

- A. Amendment to Zoning Regulations - Sections 2.2, 4.1.B, 4.2.B, 4.3.B, 4.4.B and Addition of Section 8.4.O and 8.4.P to allow for Home Occupations and Home-Based Businesses. Mr. Rux made a motion to approve the Amendments to the Zoning Regulations. Ms. Wright seconded the motion. Vote: 7-0
- B. Enact Opt-Out Provision for Accessory Dwelling Units as Provided for in Section 6(f) of Public Act 21-29. Mr. Rux made a motion to enact the opt-out provision regarding ADUs. Mr. Sennett seconded the motion. Vote: 6-1 (Hintz)

New Business:

- A. PZC-22-001: Josh Pavano, 19 Day Point Road for Detached ADU pursuant to Section 8.4.M in existing accessory structure, Map 10A/Block 83/ Lot 29 Chairman Zatorski made a motion to schedule a Public Hearing for April 6. Mr. Rux seconded the motion. Vote: 7-0
- B. PZC-22-002: Twenty High, LLC for Site Plan Modification to demolish existing accessory building (former Building Dept. structure) in C Zone. – Map 05A/ Block 62/ Lot 5A. Mr. Rux made a motion to approve the site plan modification. Mr. Tammaro seconded the motion. Vote: 7-0

Water Pollution Control Authority

The East Hampton WPCA Board met on February 1 via Zoom. The Board approved the 2022/23 WPCA Operating Budget, totaling \$ 1,878,993.80. Vote: 6-0. Mr. Clayton reported on the odor problem in Village Center and the discussion with Colchester to rectify the issue.

Zoning Board of Appeals

The Zoning Board of Appeals met on March 14 at the Town Hall and via Zoom.

Election of Officers:

- A. Mr. Tuttle nominated Mr. Spack as Chairman. Mrs. Jacobson seconded the motion. Vote: 5-0.
- B. Mr. Tuttle nominated Mr. Reed as Vice Chairman. Mr. Pfaffenbach seconded the motion. Vote: 5-0.

Public Hearings:

- A. Application ZBA-22-001: Twenty High, LLC, 20 East High Street for a variance to increase lot coverage from 75.5% to 85% in C Zone – Map 05A/Block 62/ Lot 5A. Mr. Pfaffenbach made a motion to approve the variance. Mrs. Jacobson seconded the motion. Vote: 5-0.

New Business:

- A. Application ZBA-22-002: Atlantis Marketing, 1 Colchester Ave., 5 Colchester Ave. and 157 Main St for a variance to increase lot coverage from 30.4% to 36.9% and reconstruction and expansion of legal non-conforming uses in the R-2 Zone. Map 7A/ Block 56/ Lots 22, 21, and 24. Mr. Tuttle made a motion to set a Public Hearing for April 11, 2022. Mr. Reed seconded the motion. Vote: 5-0.