


MEMORANDUM

TO: Town Council

FROM: David E. Cox, Town Manager 

DATE: June 9, 2022

SUBJECT: Agenda Information – 6/14/2022

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.

4 Public Hearings

Public hearings will be held regarding the Epoch Arts Neighborhood Assistance Act application, to receive comment on the potential allowance of Adult Use Cannabis sale, growth and manufacture in Town, and to receive comment on the proposed Solid Waste Ordinance. The hearings will be conducted separately confining the comments in each hearing to the specific topic at hand.

6 Presentations

6a Lake Status Report – A representative of the Conservation Lake Commission will present information on the current status of the lake as well as the current plans for prevention measures, testing plans and other lake-related information.

5b Presentation on the Draft Affordable Housing Plan – Representatives of the Lower Connecticut River Valley Council of Governments (RiverCOG) and its consultant will present the draft Affordable Housing Plan for the Town. The Town's Land Use staff and Planning and Zoning Commission worked with a regional group of municipalities through the RiverCOG to undertake development of an Affordable Housing Plan in compliance with State law. Public Act 17-170 established CGS 8-30j, which requires all municipalities within the State to create and adopt an affordable housing plan no later than July 1, 2022, with the intention of identifying ways in which the municipality intends to appropriately increase the number of affordable housing units in the community. The resultant plan must be updated every five years thereafter. The East Hampton Plan is being developed as part of an overall regional plan and will meet the Town's statutory requirement. The Affordable Housing Plan outlines general concepts and objectives for the Town to ensure that affordable housing is available in East Hampton. The draft plan has been on the Town website for about two weeks and Council is not being asked to act at this time. In two weeks, the matter will be back in front of the Council for consideration.

8 Resolutions/Ordinances/Policies/Proclamations

8a Consideration of an Ordinance Amending the Town Code regarding Solid Waste – The Council is asked to consider this revision to the Town Code to update the chapter related to solid waste disposal and to incorporate the chapter related to the transfer station. The chapter is being updated in response to the Town Council decision to leave the MIRA Agreement effective July 1, 2022, and to make the language more reflective of the current situation. The new chapter identifies the obligation of property owners to dispose of their solid waste properly in licensed and permitted disposal facilities using properly licensed and permitted solid waste collectors. Further, the chapter clarifies some of the requirements around recycling to agree with State law. The ordinance also maintains the licensing and permitting by the Town of solid waste collectors and places obligations on those collectors to have agreements that allow them to properly dispose of the solid waste they collect. Lastly, the ordinance combines the two previous chapters of the Town Code that addressed the transfer station and attempts to describe the current operation of the transfer station while allowing some flexibility for growth or change in services over time. In response to initial feedback on the ordinance from the Council, modifications have been made and are shown in the agenda material. A public hearing on the proposed ordinance will be held early in the upcoming meeting and any necessary adjustments to the ordinance may be made at the meeting.

Recommendation: Approve the ordinance as amended.

9 Continued Business

9b Consideration of the FY23 Water System Budget and related rates – Council is asked to give final review to the proposed budget for the Village Center, Royal Oaks and Hampton Woods water systems, which are owned and operated by the Town. Public Utilities Administrator Scott Clayton will present the proposed budget, which increases by \$4,500 (1.93%) to \$237,924 and, again this year, there is no recommended increase in rates. Rates would remain \$11.50 per 1,000 gallons of use. The WPCA has reviewed the proposed budget and accepted comments at a public hearing on June 7. No public comment was received. The WPCA has recommended approval of the proposed budget and rates.

Recommendation: Approve the FY23 Water System Budget and the rate structure effective July 15, 2022.

9c Discussion of Adult Use Cannabis regulation – The Council is asked to consider the feedback received and discuss whether it is ready to determine a direction for Adult Use Cannabis in Town based on the State Law. If the Council wishes to entertain some or all of the allowed uses, the Planning and Zoning Commission would be asked to develop appropriate regulations. If the Council determines that some or all of the uses should be prohibited, staff will draft the appropriate ordinance to put the prohibition in the Town Code.

Recommendation: Provide direction on Adult Use Cannabis regulations.

10 New Business

10a Consideration of the Epoch Arts Neighborhood Assistance Act Application – The Town Council is asked to consider the application of Epoch Arts for Neighborhood Assistance Act funds to assist the organization with energy efficient window replacement, exterior wall repair, and energy efficient lighting upgrades. As a reminder, the CT Neighborhood Assistance Act is a tax credit program designed to provide funding for municipal and tax-exempt organizations by providing a business tax credit to businesses who make cash contributions to these entities within certain categories.

Recommendation: Approve the Epoch Arts Application.

10b Consideration of Police Department General Orders – The Council is asked to review a revised General Order regarding strip and body cavity searches and a new General Order regarding roadway hazards and motorist assistance. The Orders are being revised or created to address standards of the accreditation process. The attached material from the Chief Woessner provides additional information and the revised Orders.

Recommendation: Approve the General Orders.

10c Consideration of potential algaecide treatments in Lake Pocotopaug – The Council is asked to review a recommendation from the Conservation Lake Commission regarding potential algaecide treatments for Lake Pocotopaug this summer. The Commission has reviewed options for supplementing the current treatments (aeration and BioBlast) with an algaecide treatment if problems occur in the lake again this summer. The Commission is recommending use of a product new to the USA called Lake Guard Oxy, which is a peroxide based algaecide. Alternatively, the Commission is recommending a copper sulfate treatment. The Lake Guard Oxy product will require the Town and the application vendor to apply for a permit from the State. This process may take several weeks depending on the state's response schedule. While the Lake Guard Oxy product is preferred, the Town already has a permit for copper sulfate and could implement that treatment quickly if the need arises. The Council is asked to review the information contained in the memorandum from the Conservation Lake Commission and to determine whether it will authorize the treatments. If the products are applied, cost would be covered in the funding budget for In-Lake treatments already included in the Town's budget.

Recommendation: Approve use of the Lake Guard Oxy product with copper sulfate treatment as a backup if Lake Guard permit is not received timely.

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, May 24, 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. Goff, to adopt the agenda as submitted. Voted (7-0).

Approval of Minutes

A motion was made by Mr. Peterson, seconded by Ms. Walck, to approve the minutes of the Town Council Regular Meeting of May 10, 2022 as written. Voted (7-0)

Public Remarks

None

Presentations

Introduction of New Library Director Timothy Kellogg

Mr. Cox introduced the new Library Director Timothy Kellogg.

Presentation of Parks & Recreation Needs Assessment

Art Thatcher of Berry Dunn, formerly Green Play, provided an overview of the Parks & Recreation Needs Assessment Survey results. The full presentation document will be included with the minutes filed in the Town Clerk's Office.

Bids & Contracts

Approval of the C-PACE Partial Release Agreement

The Town originally entered into the C-PACE Agreement in 2013. C-PACE is a financing solution that helps make green energy upgrades accessible and affordable for building owners. Previously, the Town was responsible for billing and collecting the voluntary assessment through which the property owner repaid the cost of the improvements. Connecticut Green Bank will now undertake the billing and collection aspects. Currently no properties are making payments.

A motion was made by Mr. Reich, seconded by Mr. Feegel, to approve the amendment to the C-PACE Partial Release Agreement. Voted (7-0)

Resolution/ Ordinances/ Policies/ Proclamation

Adoption of Fair Housing Resolution

This is the annual resolution updating the Town's commitment to upholding and enforcing fair housing for all within the community.

A motion was made by Mr. Peterson, seconded by Mr. Goff, to adopt the Fair Housing Resolution. Voted (7-0)

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

This resolution follows the intent the Council expressed in its adoption of the FY 2023 Capital Improvement Plan in which funding using \$710,100 of ARPA Funds was indicated. The resolution identifies the projects being funded and the maximum amount being funded using ARPA.

A motion was made by Mr. Goff, seconded by Mr. Feegel, to adopt the resolution allocating \$710,100 from the American Rescue Plan Funds for Capital. Voted (4-3) Mr. Brown, Mr. Reich and Ms. Walck against.

Review of an Ordinance Amending the Code of the Town of East Hampton Regarding Solid Waste & Transfer Station and Set Public Hearing Date

This revision to the Town Code is to update the chapter related to solid waste disposal since the Town voted to leave the MIRA agreement as of July 1, 2022. More information is included in the Agenda Information included in the minutes filed in the Town Clerk's Office. Ms. Walck would like to see a clarification to Section G Part 3 related to bodily waste.

A motion was made by Mr. Reich, seconded by Mr. Feegel, to set a public hearing for the Ordinance Amending the Code of the Town of East Hampton Regarding Solid Waste and Transfer Station for Tuesday, June 14, 2022 during the Regular Town Council Meeting. Voted (7-0)

Continued Business

Sub-Committee Reports & Updates

Mr. Reich reported that the High School Athletic Fields Sub-Committee will be meeting on Thursday. The tennis court project will be started after school is out in June. The track was completed today.

Mr. Cox reported that the Water Sub-Committee should be received the draft of the report late next week and there will be public meetings in June and July to educate the residents on the project.

Mr. Goff reported that the Appointments Sub-Committee will meet the week of June 6th for interviews.

Ms. Walck attended a Commission on Aging meeting where the survey and action plans were discussed. She had questions on the Housing Authority meeting format as the agenda requested that the space in the meeting be reserved for board members, tenants and staff and whether it was open to the public.

Follow Up on Ambulance Association Discussion

Mr. Philhower noted that the Ambulance Association provided their financials as requested. He would like Mr. Cox to follow up with them month regarding the consultant they have hired to assist in their business plan going forward.

New Business

Set Public Hearing Date for Review of Neighborhood Assistance Act Application(s)

The CT Neighborhood Assistance Act program requires a public hearing to hear comments on any applications received for the program. The town is expecting an application from Epoch Arts.

A motion was made by Ms. Walck, seconded by Mr. Peterson, to set a public hearing for the Review of Neighborhood Assistance Act Application(s) for Tuesday, June 14, 2022 during the Regular Town Council Meeting. Voted (7-0)

Consideration of the FY 2022-2023 Public Water System Operating Budget & Water Rate Recommendation

Public Utilities Administrator Scott Clayton provided an overview of the 2022-2023 Public Water System Operating Budget and water rates. He noted there will be no increase in rates again this year. The WPCA will hold a public hearing and the budget will come back to the Town Council for approval.

A motion was made by Mr. Reich, seconded by Mr. Goff, to send the 2022-2023 Public Water system Operating Budget & Water Rate Recommendation to a public hearing on June 7, 2022. Voted (7-0)

Consideration of Business Incentive Plan Application for Global 66 LLC

Chairman Philhower and Mr. Peterson recused themselves for this item.

Global 66 LLC has submitted a Business Incentive Program Application for their property at 265 West High Street. The Economic Development Commission (EDC) has reviewed and scored the application based on the requirements in the ordinance. The EDC has recommended approval of the application with a score of 47 which places them in the second-tier benefit range of 70% of fixed assessment abated for 3 years or 50% of fixed assessment abated for 5 years. They can choose term they would like. If approved, an agreement will be drawn up based on the ordinance and will be brought back to the Town Council for approval.

The EDC also is recommending a review of the ordinance to clarify some items. The ordinance notes that this incentive should be in place prior to construction but recent applications have been approved outside of this timeframe. It should be determined if that timeframe is unnecessary then it should be changed in the ordinance. The EDC will review the ordinance and will bring back suggested changes to the Town Council in the near future.

A motion was made by Mr. Goff, seconded by Ms. Walck, to approve the Business Incentive Plan Application for Global 66 LLC. Voted (5-0)

Chairman Philhower and Mr. Peterson returned to the meeting.

Consideration of Job Description & Authorization for a Parks & Recreation Program Manager

Parks & Recreation Director Jeremy Hall provided an overview of a proposed Program Manager position in the Parks & Recreation Department. The proposed position would add programming related duties to a current part time position, creating a full-time position. The position would be funded both by the current part time town funded budget and the additional portion would be funded

by the Special Revenue Fund. Mr. Philhower noted possible concerns with combining the salary with town and other funds, possible issues the with the union and if the Special Revenue Funds were not sufficient, the process of the position being eliminated. He would like clarification from the Town's labor attorney on possible issues. This item will be brought back to the Council after consultation with the Town's labor attorney.

Acceptance of Easements from Owner of 82 Main Street

The Town has existing storm water facilities that cross this property from Barton Hill to Main Street and in order to ensure that the Town is allowed to maintain the pipes, catch basins and other structures, the property owner has expressed willingness to grant a permanent easement to the Town. Mr. Brown questioned the ownership of the strip of property between the building and the State's parking lot, thinking it was already town property. Mr. Cox noted in the research of the property it belongs to the building owner.

A motion was made by Mr. Goff, seconded by Mr. Feegel, to approve the acceptance of the easements from the owner of 82 Main Street as presented. 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. In addition to items in the report, he reported that the Meet and Greet with the new Library Director has been rescheduled to June 1 from 5pm-6pm at the Library. He also provided an update on the Police Department arrests recently related to gun charges. He gave credit to Sergeant Hardie Burgin, and Officers Matt Hanlon, Tim DeRoehn and Earl Snyder for their work on the arrests and to Chief Woessner for the mentoring of his staff.

Appointments

None

Tax Refunds

A motion was made by Ms. Walck, seconded by Mr. Goff, to approve tax refunds in the amount of \$2,278.12. Voted (7-0)

Public Remarks

None

Communications, Correspondence & Announcement

None

Adjournment

A motion was made by Mr. Reich, seconded by Ms. Walck, to adjourn the meeting at 8:20pm. Voted (7-0)

Respectfully Submitted,

Cathy Sirois
Recording Clerk



Northeast Aquatic Research, LLC

www.northeastaquaticresearch.net
 74 Higgins Highway
 Mansfield Center, CT 06250
 May 24, 2022



TO: Residents of East Hampton, CT
 ATTN: Jeremy Hall, Parks and Recreation Director
 Town of East Hampton Conservation Lake Commission
 FROM: Hillary Kenyon, Limnologist & Certified Lake Manager

RE: Results from May 2022 Water Quality Monitoring Visits

Please see the water clarity and oxygen profile results from the May 9, 2022 monitoring visit. Water clarity was very similar across all monitoring stations and very similar to clarity values recorded in May 2021. The water temperature was notably colder than the 2021 May values, but the recent unseasonably warm weekend weather will have added considerable heat to the lake system on May 22nd-23rd. Dissolved oxygen was uniformly distributed throughout the water column, and there was no anoxic or hypoxic water observed. Water samples were taken and sent to the laboratory for nutrient analyses. Laboratory nutrient results from the April monitoring date are included in a table at the end of this summary.

Markham Station (41.59949, -72.49493)

Sampling Date: 05/09/2022
 Water clarity: 1.9 meters
 Water depth: 8.25 meters
 Weather: Partly cloudy, very strong wind

Depth (m)	Temp (°C)	Oxygen (mg/L)	Oxygen Saturation %
0	13.2	9.4	90
1	13.0	9.4	90
2	12.9	9.4	90
3	12.8	9.4	90
4	12.8	9.4	89
5	12.8	9.4	89
6	12.8	9.3	88
7	12.7	9.2	88
8	12.7	9.2	87
8.25	12.7	9.2	87

Oakwood Station (41.59758, -72.50849)

Sampling Date: 05/09/2022
 Water clarity: 1.85 meters
 Water depth: 11.2 meters
 Weather: Partly cloudy, very strong wind

Depth (m)	Temp (°C)	Oxygen (mg/L)	Oxygen Saturation %
0	13.3	9.6	92
1	13.2	9.7	92
2	13.0	9.7	92
3	12.8	9.7	92
4	13.2	9.6	91
5	13.1	9.6	91
6	13.1	9.5	91
7	13.6	9.6	91
8	13.7	9.5	90
9	13.6	9.5	91
10	13.7	9.6	91
11	13.6	9.6	91
11.2	13.6	9.5	91

Island Station (41.59668722, -72.50117)

Sampling Date: 05/09/2022

Water clarity: 1.7 meters

Water depth: 6.0 meters

Weather: Partly cloudy, very strong wind

Depth (m)	Temp (°C)	Oxygen (mg/L)	Oxygen Saturation %
0	12.8	9.7	93
1	12.6	9.8	92
2	12.5	9.7	92
3	12.5	9.7	92
4	12.6	9.7	92
5	12.6	9.6	91
6	12.6	9.7	91

South/Outlet Station (41.587383, -72.501875)

Sampling Date: 05/09/2022

Water clarity: 1.85 meters

Water depth: 4 meters

Weather: Partly cloudy, very strong wind

Depth (m)	Temp (°C)	Oxygen (mg/L)	Oxygen Saturation %
0	12.8	9.9	95
1	12.6	9.9	94
2	12.7	9.9	94
3	12.6	9.8	93
4	12.7	9.8	93

Pocotopaug Monitoring Sites Map:



The April 5th, 2022 nutrient monitoring data results are displayed in the table below. There are no values that are unusually high. All Total Phosphorus (TP) values were below 22 µg/L (0.022mg/L). Generally, the risk of dense cyanobacteria blooms is elevated when surface TP reaches above 30 µg/L, while below 15 µg/L is considered low (good) TP for Lake Pocotopaug.

Total Nitrogen values were overall moderate. TN values greater than 600 µg/L in summer usually coincide with increased cyanobacteria abundance in Lake Pocotopaug. TN values lower than 300 µg/L in Pocotopaug are extremely rare. Overall, the April 2022 nutrient concentrations are similar to the range of values seen since 2015.

Only surface water samples (1-meter depth) were analyzed for Chlorophyll-a; ‘NSS’ indicates ‘No Sample Sent.’

May nutrient monitoring data should be ready within 6 weeks of the field sampling.

Units	µg/L	µg/L	µg/L	µg/L	µg/L
EPA Method #	350.1	353.2	353.2	445	365.4
Practical Quantitation Limit (PQL)	10	10	50	0.3	10
Method Detection Limit (MDL)	3	3	8	0.1	1
Collection date	4/5/2022	4/5/2022	4/5/2022	4/5/2022	4/5/2022
	Ammonia Nitrogen	Nitrate+Nitrite Nitrogen	Total Nitrogen	Chlorophyll-a	Total Phosphorus
	NH3	NOX	TN	Chla	TP
Pocotopaug Markham 1 m	6	79	462	4.3	17
Pocotopaug Markham 5 m	12	85	508	NSS	20
Pocotopaug Markham 8.5 m	16	88	458	NSS	20
Pocotopaug Oakwood 1 m (duplicate averaged)	9	76	491	NSS	12
Pocotopaug Oakwood 5 m	11	81	487	NSS	11
Pocotopaug Oakwood 9 m	16	85	494	NSS	22
Pocotopaug Island 1 m	6	74	465	7.1	19
Pocotopaug South 1 m	7	72	508	5.6	18



Town of East Hampton

Affordable Housing Plan

DRAFT

[Insert Town Reviewing Authority here]

Adopted [insert date here]

Completed in Partnership with

Town of East Hampton Planning and Zoning Commission



Lower Connecticut River Valley Council of Governments (RiverCOG)



**Lower Connecticut River Valley
Council of Governments**

Consultants

Tyche Planning & Policy Group



SLR International Corporation



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Appendix A: Data Analysis and Housing Needs Assessment

Community Values Statement

Preservation of East Hampton's small-town character with abundant open spaces and natural resources is essential for maintaining a vibrant community that fulfills the core societal needs of its citizenry, while providing a strong and multi-tiered economic base that is vital to ensuring the quality of life we have come to expect and enjoy in our proud community.

The predominance of single-family homes in East Hampton coupled with a changing population is likely to increase the need for alternative forms of housing over the next ten to twenty years. If residents are to be able to remain in East Hampton and the Town is able to be welcoming to young families, in-town workers, and new residents, the Town will need to create fiscal programs to allow aging residents to stay in their homes as well as make regulatory changes and provide appropriate infrastructure to facilitate alternatives to high-end, single-family homes to meet existing and new residents' needs in the years to come.

Introduction

The Town of East Hampton has developed this Affordable Housing Plan, which identifies strategies to grow the number of affordable housing units over the next five years in a manner that aligns with community values. This plan is intended to satisfy the statutory requirements under CGS Section 8-30j. Affordable Housing Plans must be updated every five years per state statute.

What is Affordable Housing?

The State defines Affordable Housing as housing that costs 30% or less of household income for households making less than 80% of state or Area Median Income (AMI), whichever is lower. (Affordable Housing Land Use Appeals Act, General Statutes §§ 8-30G [Public Act 17-170]). As of 2021, a family of four making less than \$70,900 per year or an individual making less than \$59,950 per year could qualify for affordable housing in East Hampton. Income limits are updated on an annual basis by the U.S. Department of Housing and Urban Development (HUD). According to data from HUD, about 1,305 East Hampton households, 26% overall, make less than 80% of area median income and may be eligible for affordable housing programs.

Affordable housing, as the State defines it, typically only includes protected units that are reserved for low-income households through deed restrictions or through governmental assistance programs such as housing vouchers or subsidized mortgages. According to 2021 data published by the Connecticut Department of Economic and Community Development (DECD), 179 units, or 3.26% of East Hampton's total housing units were protected affordable units. East Hampton also has many naturally occurring affordable housing (NOAH) units. While these units may be affordable to low-income households today, they may not be affordable in the future if rents or home sale prices increase.

2021 data published by the Connecticut Department of Economic and Community Development (DECD), 394 or 6.6% of East Hampton's total housing units were protected affordable units. East Hampton also has many naturally occurring affordable housing (NOAH) units. While these units

A common myth around affordable housing is that it consists only of higher density apartments. This is not true. Affordable housing can be like any other type of housing and comes in many forms, shapes and sizes ranging from single-family homes to duplexes and from townhomes to apartments. It can be privately owned or rented. It can house seniors, families with children, single individuals, or persons with disabilities. It can also come in a range of architectural styles making it virtually indistinguishable from other housing types. While some affordable housing units are owned and managed by public entities, most are privately owned and managed.

may be affordable to low-income households today, they may not be affordable in the future if rents or home sale prices increase.

Why is Affordable Housing Important?

Affordable housing provides many benefits to the community. Growing the number of affordable housing units would allow those with roots in the community to continue living here, regardless of their economic status. Affordable and diverse housing choices would allow young adults to move back to the community, in which they grew up. Seniors would be able to remain in the community after they retire and have opportunities to downsize, should they choose. Households that experience a loss of income due to economic circumstances, disability, divorce, or loss of a spouse, would not be displaced from the community, due to the inability to pay for housing. Workers in essential jobs such as teachers, grocery store workers, home health aides, childcare workers, restaurant workers, and first responders would have an opportunity to live where they work. Affordable housing can also support businesses by providing housing choices for entry level workers, medical residents, and lower wage workers at major employers such as Stop & Shop Supermarket, Eversource, and East Hampton Public Schools.

Plan Development Process

Regional Housing Plan

This Affordable Housing Plan for East Hampton was developed in conjunction with the Lower Connecticut River Valley Council of Government's Regional Housing Plan. The Regional Housing Plan was created as a high-level view and analysis of the affordable housing landscape for the communities that make up the Lower Connecticut River Valley Region to capture common regional themes, housing data, objectives, and strategies. The Regional Plan was developed in collaboration from Lower Connecticut River Valley Council of Government (RiverCOG) staff over a 12-month period and provided opportunities for community participation. A project website was launched to engage and educate residents of the Region on different types of affordable housing, share project updates, and solicit feedback through online surveys. A community survey ran from October through December 2021 and gathered input from residents of East Hampton on community values and housing needs. The survey only received 13 responses, rendering the results statistically insignificant.

Regional public workshops were held on October 5, 2021, and January 24, 2022, which presented the housing needs assessment, community survey results, case studies and potential strategies. Participants were asked to provide to input on potential strategies for the region.

Municipal Affordable Housing Plan Annexes

An Affordable Housing Plan "Annex" was then created for each of the member municipalities of RiverCOG to provide supplemental data and information as well as objectives and strategies that

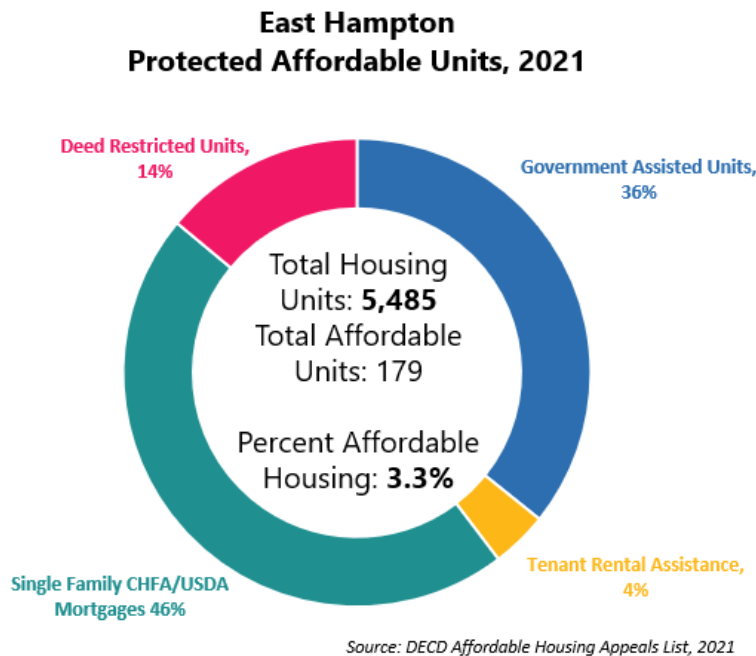
are unique to each community. A virtual public workshop was held separately for each community between February and March 2022 to gather feedback that was specific to each town. East Hampton's municipal workshop took place on February 10, 2022. The outcomes of these public workshops helped shape the content of each Affordable Housing Plan Annex. We encourage readers of this Annex plan to also read the Regional Housing Plan for more information on the context of housing background and context for the Lower Connecticut River Valley Region.

East Hampton's Place in the Region

East Hampton is a riverfront town of 12,717 residents located in northeastern Middlesex County. According to the 2019 American Community Survey, East Hampton has 4,879 households and a median household income of \$95,663.

East Hampton is known for Lake Pocotopaug, Comstock's Bridge and its historic town center.

Affordable Housing in East Hampton



Protected Affordable Housing

As of 2021, there were 179 protected affordable housing units in East Hampton, comprising 3.26% of the Town's total housing stock. These units are reserved for low-income occupants and are not on the open market. There were 64 government assisted units, 83 USDA or CHFA mortgages, 7 tenant rental assisted units, and 25 deed restricted units.

The different types of affordable housing in East Hampton today are described in the sections below.

Connecticut Housing Finance Authority Programs

The Connecticut Housing Financing Authority (CHFA) is a self-funded, quasi-public organization. Its mission is to alleviate the shortage of housing for low- to moderate-income families and persons in the state and, when appropriate, to promote or maintain the economic development of the state through employer-assisted housing efforts. Mortgages through CHFA are available for first time homebuyers purchasing homes that are within the CHFA Sales Price Limits who have a gross income that is within the Income Limits.

Naturally Occurring Affordable Housing

Private housing on the open market may be affordable to low-income households. It is sometimes referred to as Naturally Occurring Affordable Housing (NOAH). This housing has no deed restriction or subsidy, but still costs a low-income household no more than 30% of their income.

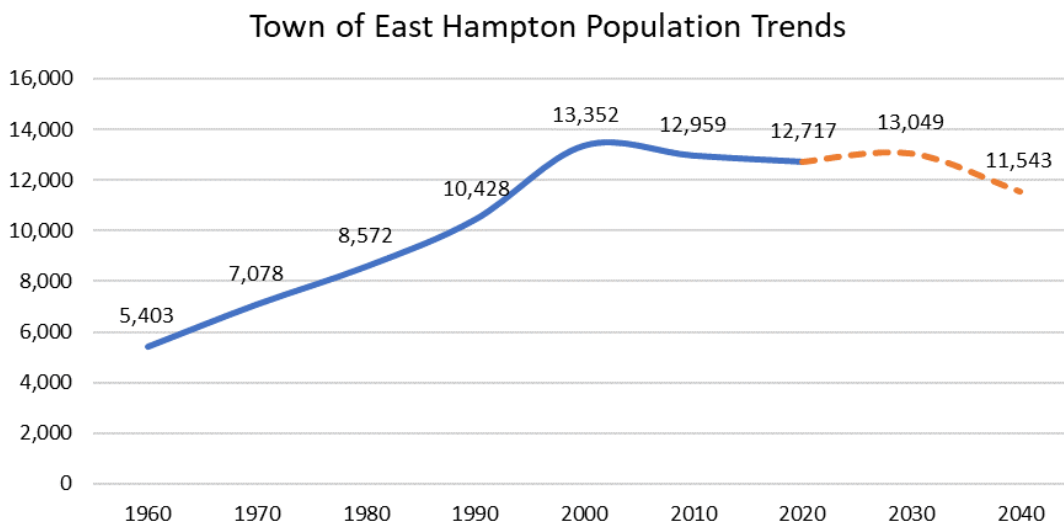
However, low-income households must compete with other more affluent households to occupy these units. As prices rise, the affordability of these units may disappear.

Housing Needs Assessment

This section presents a summary of the key findings from the Housing Needs Assessment. For the complete Housing Needs Assessment, please see *Appendix A*.

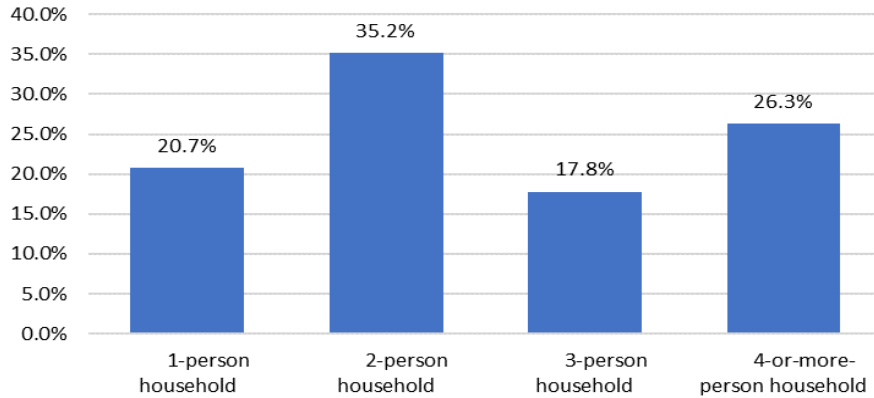
Demographics

- East Hampton’s population was on a steady rise until 2000. Following this peak, the population began a very slow decline, witnessing a 4.7% decrease between 2000 and 2020.
- While the CT State Data Center projects a somewhat stagnant population between 2020 and 2030, 2040 may resume the decline.
- The middle-aged groups and under-25 population have grown the most in the last ten years, indicating a presence of families and young adults in Town.
- The share of the population comprised of 65+ residents has consistently grown since 2000, reaching 17% of East Hampton’s population in 2019.
- Some of the largest decreases in age cohorts over the last ten years occurred in the elderly age groups, despite making up a large and growing share of the population.
- Like many other towns in the Region, East Hampton’s average household size is getting smaller; as of 2019, 55% of East Hampton’s households were comprised of one or two people. Despite the small household sizes, most houses (73%) in East Hampton have three or more bedrooms, which suggests that the town’s supply of smaller housing units has not kept up with this growing demand.



Source: Decennial Census 1960-2020, CT Data Center Projections

East Hampton Household Size Distribution

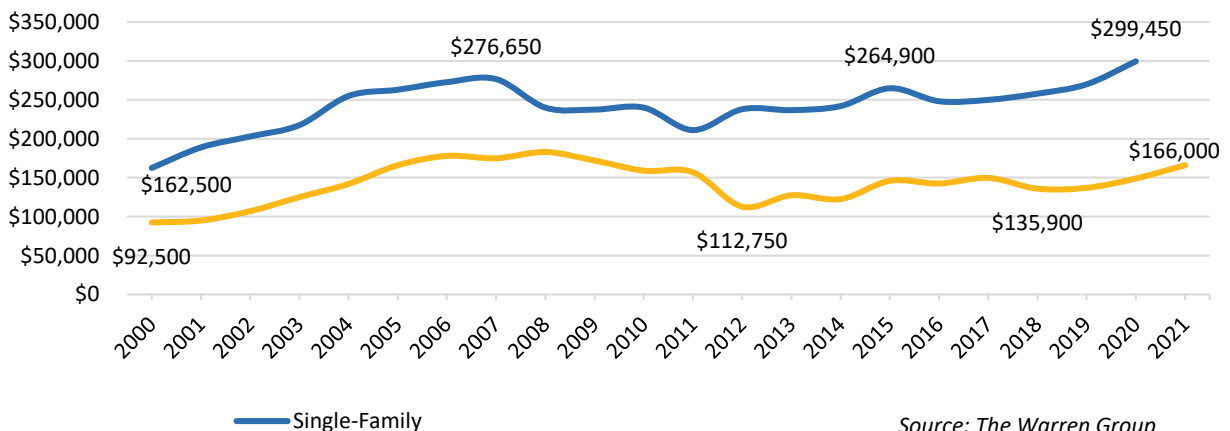


Source: 2019 ACS 5-Year Estimates, Tables B01001, B11016

Housing Stock

- East Hampton’s housing stock is nearly exclusively single family, owner-occupied units. The Town has a higher share of single-family homes than the state and county overall, at 83% of total units. 88% of the Town’s units are owner-occupied.
- Over 73% of housing units in East Hampton have three or more bedrooms, making the housing stock largely suited to families with children. In 2019, 55% of East Hampton households were made up of 1 or 2 people, which suggests that the demand for units with fewer bedrooms has outpaced the supply in town.
- The median home sales price in town reached a historic high in 2020, at \$299,450. Between 2020 and 2021, home sales prices increased by 10.9% for single family homes.
- Housing permit activity has been slow since the mid-2000s, indicating a lack of available land and economic conditions. Since 2015, East Hampton has averaged about 18 building permits per year. In the first eight months of 2021, the Town issued about 39 new building permits.

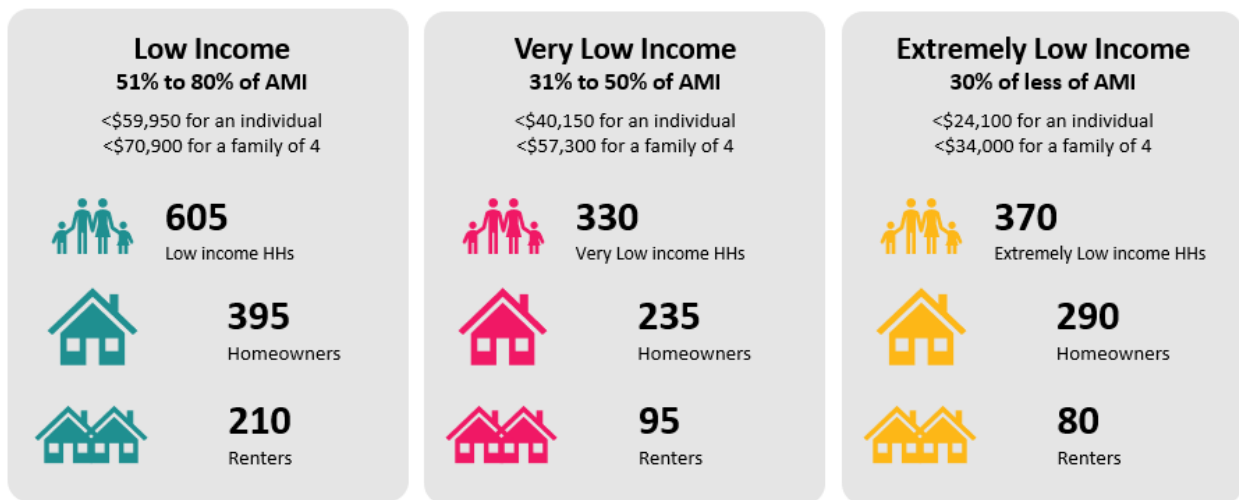
Town of East Hampton Median Home Sale Price: 2000 to 2021



Source: The Warren Group

Housing Need

How many East Hampton Families Need Affordable Housing?



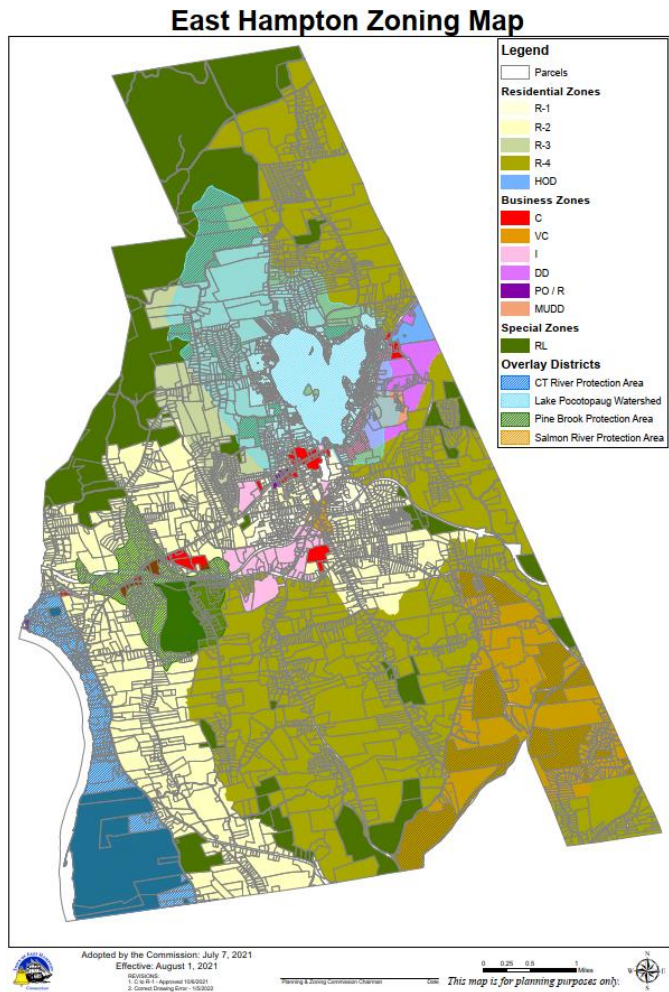
Source: U.S. Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Survey (CHAS): 2014-2018

- There are **1,305 households** in East Hampton (26% of total) who meet the definition of low income (household income <80% of AMI)
- Cost burdened households spend greater than 30% of their income on housing and may have difficulty affording other necessities such as food, clothing, transportation, and medical care. 28% of East Hampton households are cost burdened. About 44% of East Hampton’s low-income households are cost-burdened, compared to 0% of households who are not considered low-income.
- Renters are slightly more likely to be cost-burdened in East Hampton compared to owners.
- Seniors and young adults are more likely to be cost burdened than middle aged householders.
- A housing gap analysis was performed comparing the supply of “naturally occurring” affordable housing to local demand. There is an existing need among residents for affordable housing units for households of various sizes. The greatest need is for units affordable for low-income families (both owners and renters), low-income owner and renter individuals, and very low-income owner individuals.

Land Use & Zoning Assessment

This section presents a summary of the key findings from the Planning and Zoning Review. For more details, please see *Appendix A*.

- East Hampton has four zones that allow residential development on various lot sizes: The R-1 Zone: Lakeside and Village Residential, the R-2 Zone: Single Family Residential Zone, the R-3 Zone: Resource Residential, and the R-4 Zone: Rural Residential.
- Single family dwellings are permitted in all residential zones, while two-family dwellings are permitted in R-1, R-3, and R-4 zones, and prohibited in the R-2 Zone.
- The Mixed-Use Development District (MUDD) is a floating zone that allows any use permitted by right or by special permit in the R-1, R-2 or R-3 districts.
- The “Housing Opportunity Development” regulation allows for the development of diverse and affordable housing types, utilizing existing infrastructure and encouraging energy-efficient development. A HOD development restricts 15% of units to remaining affordable for a period of at least forty years for households making less than 80% of the Area Median Income (or Statewide Median Income if it is less) per year in household income. 15% are also set-aside for those households making 60% of less of AMI.
- Village Housing District Overlay allows a range of sub-districts, including a Multi-Family, Townhouse, and Duplex subdistrict.
- Accessory Dwelling Units (ADUs) are allowed in R-1, R-2 and R-4 zones by Special Permit only.
- Adopted in 2016, East Hampton’s Plan of Conservation and Development outlines the following goals for residential development:
 - Consider adopting Density Based Zoning

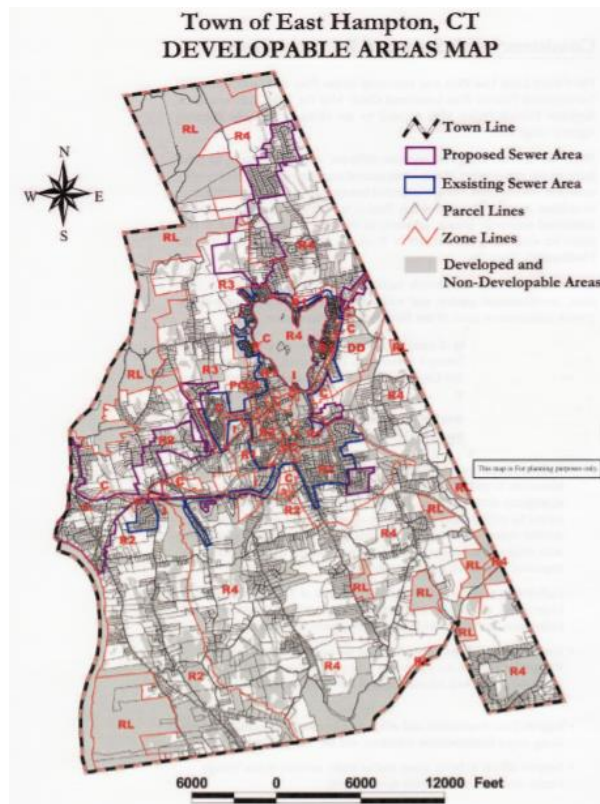


- Consider open space development patterns
- Consider Residential growth management strategies, including:
 - Creating a program that encourages developers to create open space subdivisions instead of conventional subdivisions
 - Considering special use permits for conventional subdivisions that maximize lot size (based on applicable density) while allowing conservation subdivisions by right
 - Promoting housing in Village Center

Infrastructure and Natural Constraints Assessment

This section presents a summary of the key findings from the Infrastructure and Natural Environment Review. For more details, please see *Appendix A*.

- East Hampton’s residents rely on some public water and public sewer, but neither system is town-wide.
- Not all land in town can be used for development. Restrictions on development include:
 - Lake Pocotopaug Protection Zone
 - Upper Connecticut Conservation Zone
 - Aquifer Protection Overlay Zone
 - Salmon River Protection Zone
 - Floodplain Overlay Zone
- Preservation and Conservation are extremely important to the town. The 2016 POCD states that “[preserving] undeveloped land for as long as possible” is one of its key goals to protect scenic resources in town.



Objectives and Strategies

In order to increase the availability of affordable housing and broader housing opportunities in East Hampton, the Town will undertake the following:

1) Undertake Administrative Actions

Action 1.1 Establish a standing Housing Committee to oversee and implement recommendations to promote Affordable Housing (*Lead entity: Board of Selectmen*)

Action 1.2- Designate a municipal housing official as a point-person. (*Lead entity: Board of Selectmen / Town Staff*)

Action 1.3- Devote a municipal web-page highlighting municipal policies regarding housing development, funding opportunities, and informational resources (*Lead Entity: Town Staff*)

Action 1.5- Promote USDA and CHFA financing support programs within Real Estate community (*Lead entity: Town Staff*)

Action 1.6- Actively solicit and participate with developer efforts to seek Low Income Tax Credits for development projects (*Lead Entity: Board of Selectmen/Town Staff*)

Action 1.7- Review current tax incentive/relief programs for seniors and disabled to determine if they are adequate for current and projected needs (*Lead Entity: Town Staff/Board of Selectmen*)

Action 1.8- Investigate new tax or funding support programs could be put in place for teachers, town employees, EMS, police, and other key groups. (*Lead Entity: Board of Selectmen/Town Staff*)

2) Make Regulatory Adjustments

Action 2.1- Implement 8-2i "Inclusionary Zoning" on developments over a certain size (*Lead entity: Planning & Zoning Commission*)

Action 2.2- Allow for middle-density housing as-of-right in targeted areas and as larger/historic home retro-fits(*Lead entity: Planning & Zoning Commission*)

Action 2.3- Streamline Zoning Regulations to better promote Planned Residential Developments in targeted areas (*Lead entity: Planning & Zoning Commission*)

Action 2.4- Consider innovative zoning approaches, including Incentive Housing Zones, Neighborhood Revitalization Zones, and Transfer of Development Rights. (*Lead Entity: Planning & Zoning Commission*)

Action 2.5- Reduce or eliminate minimum lot sizes in favor of soil-based zoning. *(Lead Entity: Planning & Zoning Commission)*

Action 2.6- Create zoning regulations for cottage clusters, incentivizing starter houses, and pocket neighborhoods. *(Lead Entity: Planning & Zoning Commission)*

3) Make Town Policy Changes / Investments

Action 3.1- Pursue partnerships with nonprofit organizations and senior community developers *(Lead Entity: Board of Selectmen/Planning & Zoning Commission)*

Action 3.2- Provide greater administrative and financial support to local or area Housing Authorities and encourage their higher level of development activity *(Lead entity: Board of Selectmen/Town Staff)*

Action 3.3- Homeowner grants or housing trust fund to help with housing repairs and to allow cost-burdened owners to stay in their homes. *(Lead Entity: Town Staff)*

Town of East Hampton Affordable Housing Plan (AHP)

Appendix A
Data Analysis &
Housing Needs Assessment
April 2022

SALMON
RIVER

ACRONYMS AND DEFINITIONS

Definitions

American Community Survey (ACS) – The ACS is a data collection program overseen by the U.S. Census Bureau that collects demographic and housing data for individuals and households. The ACS surveys approximately 3 million households across the nation per year (roughly 2.5% of households) and aggregates the data on multi-year intervals. Because it is based on a multi-year sample, it is not directly comparable to the Decennial Census, which is based on a 100% population count every ten years.

Affordable Housing - Affordable housing is generally defined as housing on which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities.

Protected Affordable Housing – housing which, due to deed restriction or subsidy, costs a low-income household no more than 30% of their income, and is reserved for occupancy by a low-income household.

Naturally Occurring Affordable Housing (NOAH) – housing *without* deed restriction or subsidy and costs a low-income household no more than 30% of their income, but is not reserved for only low-income households.

Market Rate Rent - The prevailing monthly cost for rental housing. It is set by the landlord without restrictions.

Acronyms:

ACS – American Community Survey

AMI – Area Median Income

CTSDC – Connecticut State Data Center

DECD – Department of Economic Community Development

HUD – US Department of Housing and Urban Development

NOAH – Naturally Occurring Affordable Housing

POCD – Plan of Conservation and Development

PSC – Partnership for Strong Communities

RPA – Regional Plan Association



EXISTING CONDITIONS: PLANNING & ZONING REVIEW



Lower Connecticut River Valley
Council of Governments

Zoning

- Four zones that allow residential development on various lot sizes
 - R-1 Zone-Lakeside and Village Residential
 - 1-2 family dwellings
 - Minimum lot area with sewer: 20,000 sq ft
 - Minimum lot area without sewer: 60,000
 - ADUs by special permit
 - R-2 Zone- Single Family Residential
 - Minimum lot area with sewer: 40,000 sq ft
 - Minimum lot area without sewer: 60,000 sq ft
 - R-3 Zone: Resource Residential
 - 1-2 family dwellings
 - Minimum lot size with sewer: 45,000
 - Minimum lot size without sewer: 65,000
 - ADUs by special permit
 - R-4 Zone- Rural Residential
 - 1-2 family dwellings
 - ADUs by special permit
 - Minimum lot area: 85,000



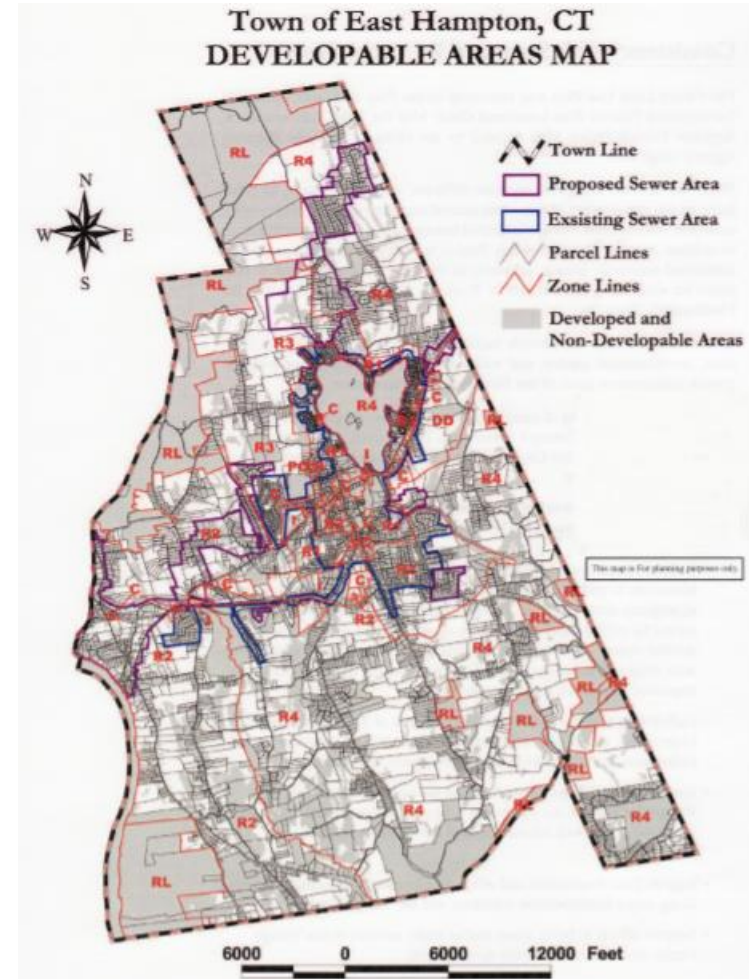
Zoning

- Village Housing Overlay (Village District)
 - Sub-districts:
 - Multi-family → allows multifamily residential development up to 20 units/acre of developable land, and townhouse residential development up to 10 units/acre of developable land by special permit
 - Townhouse → allows townhouse residential development up to 10 units/acre by special permit
 - Duplex → allows duplex residential development up to 6 units and single-family residential units up to 3 units/acre by special permit
 - Housing affordability requirements
 - At least 20% of units constructed in a development will be deed restricted for households earning 80% or less of the AMI
- Housing Opportunity Development Zone- (HOD Zone)
 - Allow detached single-family dwellings and attached single family dwellings consisting of 2-4 units on common interest ownership property or subdivided lots
 - “housing opportunity unit”: Affordable Housing unit. 15% or more of HOD developments shall be affordable
- Mixed Use Development District (Floating Zone)
 - Allows any use permitted by right or by special permit in the R1, R2, R3 districts (specifically includes the two family and multifamily (3-20 unit) residential uses)



Infrastructure & Buildable Land

- East Hampton's residents rely on some public sewer and public water, but the system is not town-wide
- Not all the land in Town can be used for development. Restrictions on development include:
 - Lake Pocotopaug Protection Zone
 - Upper Connecticut Conservation Zone
 - Aquifer Protection Overlay Zone
 - Salmon River Protection Zone
 - Floodplain overlay zone
- The 2015 POCD makes "[preserving] undeveloped land for as long as possible" one of its key goals to protect scenic resources in town



Housing Opportunities from POCD

- Adopted in 2016
- Residential Goals from the POCD:
 - Consider adopting Density Based Zoning
 - Consider open space development patterns
 - Residential growth management strategies:
 - Create a program that encourages developers to create open space subdivisions instead of conventional subdivisions
 - Consider special use permits for conventional subdivisions that maximize lot size (based on applicable density) while allowing conservation subdivisions by right
 - Promotion of housing in Village Center



EXISTING CONDITIONS: DEMOGRAPHIC TRENDS



Lower Connecticut River Valley
Council of Governments

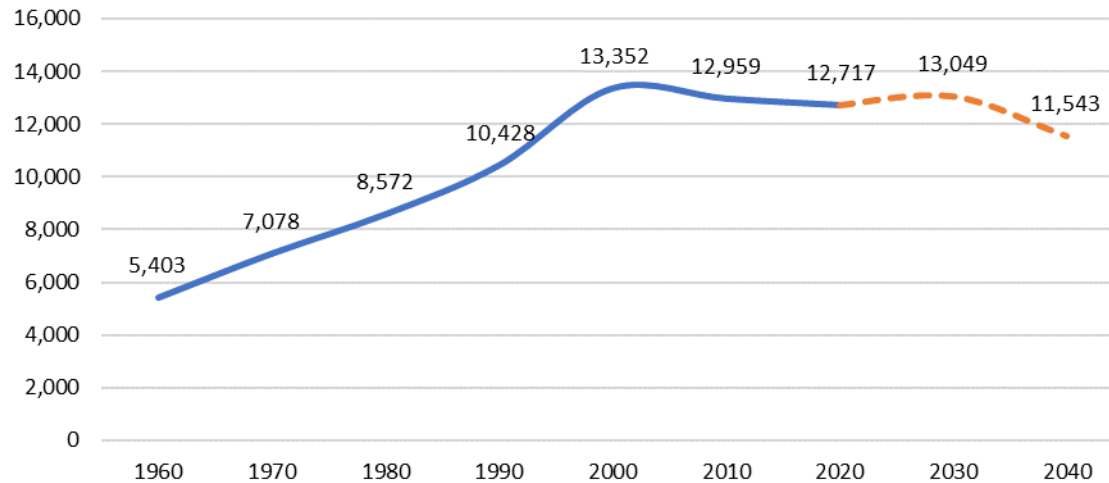
DATA NOTE

- **Not all Census Data for 2020 is available at this time**
- The most current published sources of data are being utilized, of which many sources provide estimates
- All data sources and analysis on demographics and housing market trends is in accordance with DOH Guidance for AHP's



POPULATION TRENDS

Town of East Hampton Population Trends

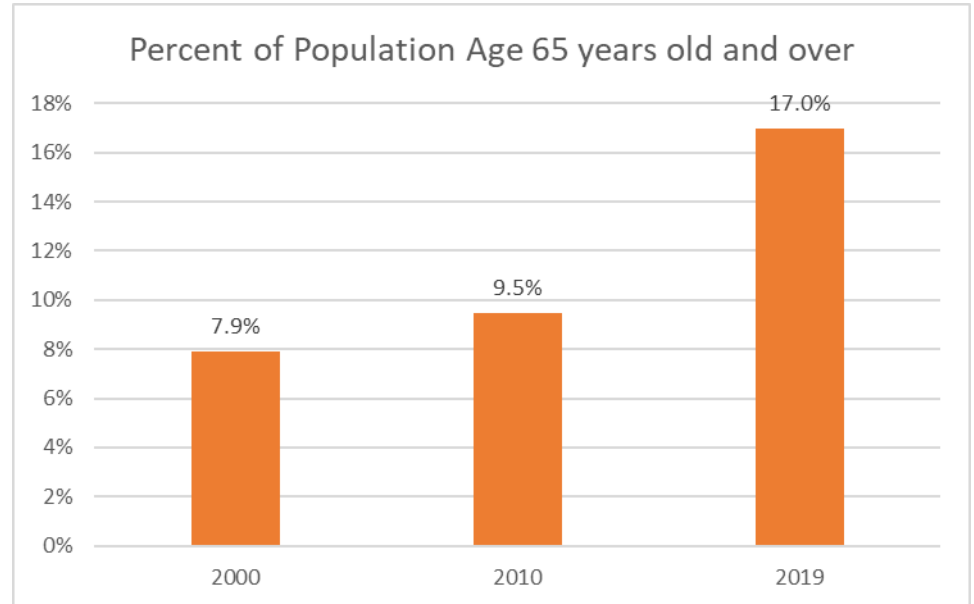
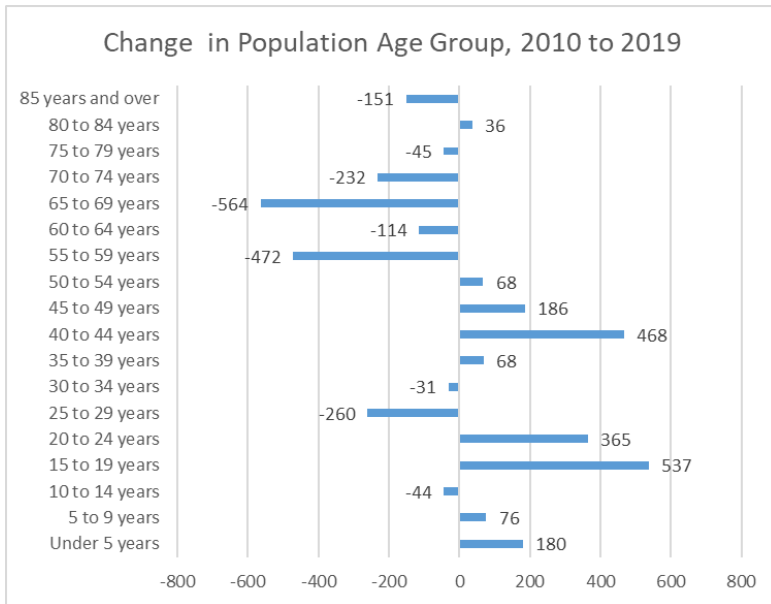


Source: Decennial Census 1960-2020, CT Data Center Projections

- After a peak in 2000, the population has been on a slow decline, with a 4.7% decrease between 2000 and 2020
- Population is projected to continue declining in the next two decades
- **Future population drivers will likely include housing turnover**, followed by housing construction, including new dwelling units, additions, and expansions



AGE DISTRIBUTION



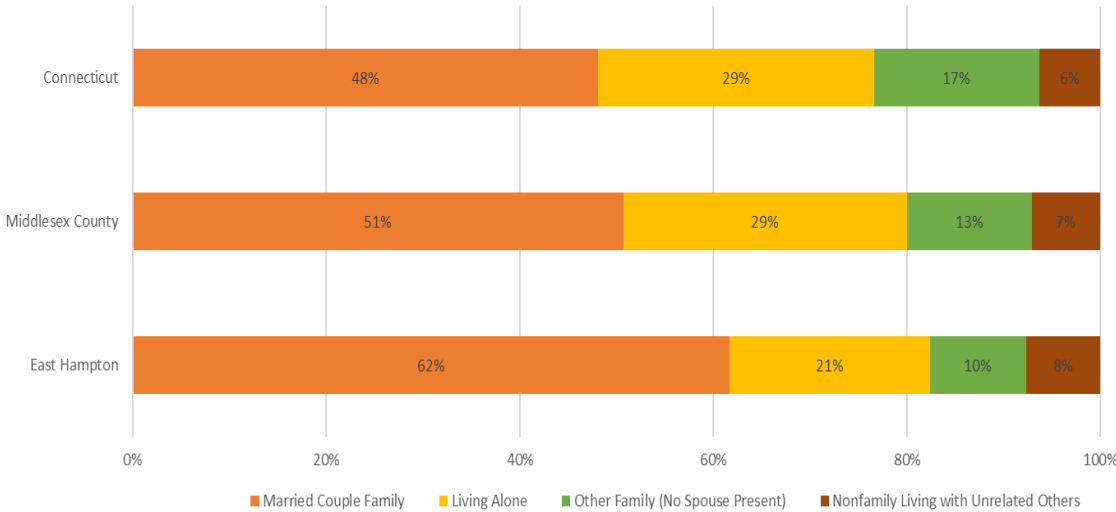
Source: 2000 and 2010 decennial census; 2019 ACS 5-Year Estimates, Table B01001

- Growth of middle aged groups and under 25 population, indicating presence of families in town
- Share of population 65 years old and over has consistently grown since 2000, reaching 17% of the total population in 2019
- Some large decreases in the elderly age groups in last ten years, despite 17% of population being 65+ currently

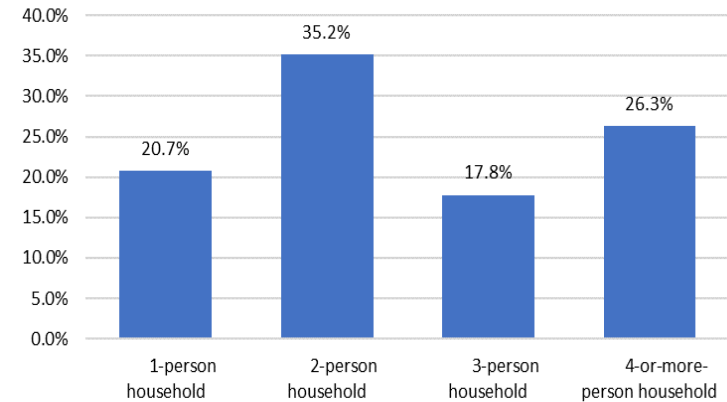


HOUSEHOLD COMPOSITION

Household Distribution



East Hampton Household Size Distribution



Source: 2019 ACS 5-Year Estimates, Tables B01001, B11016

- **In 2019, 55% of East Hampton households are made up of one or two people**
 - Indicates trend to empty nester households
- 43% of households are made up of 3 or 4 people
 - Most households are married couple families

DEMOGRAPHIC TRENDS: TAKEAWAYS

- Population has stabilized but is slightly declining
- Aging community – growing share of population age 65 years old and over
- East Hampton has a diverse range of household types, with a healthy spread of family households, married couples, and households without children
- Most households in East Hampton are married couple families

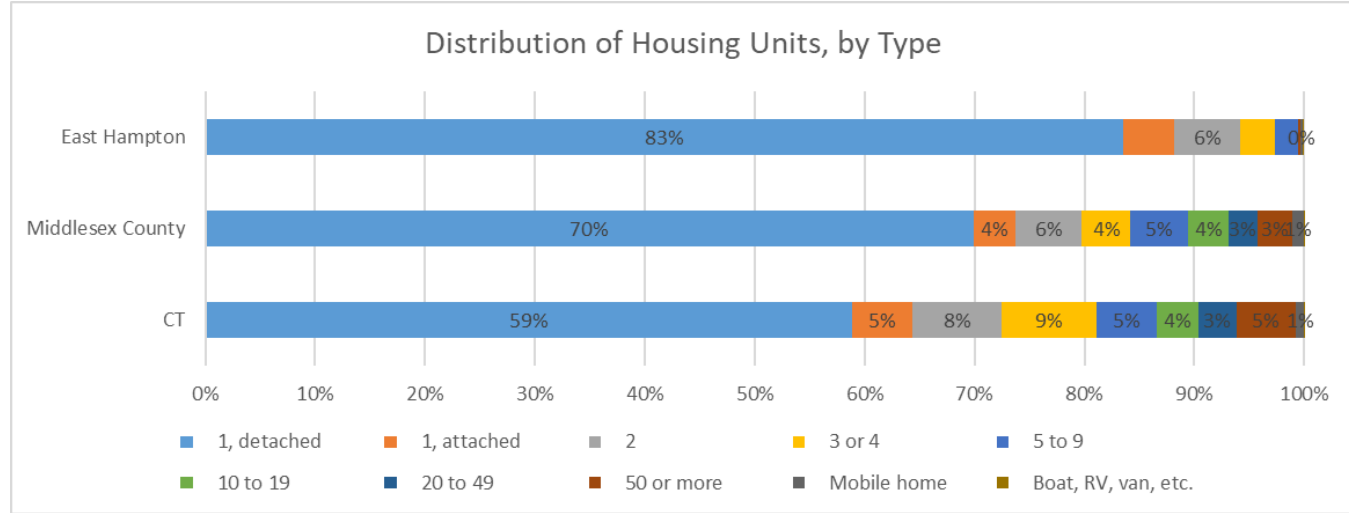
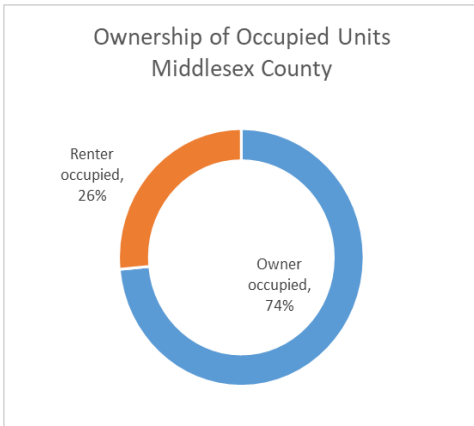
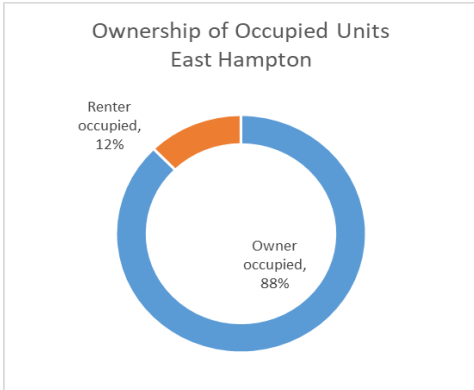


EXISTING CONDITIONS: HOUSING MARKET TRENDS



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HOUSING TYPOLOGY

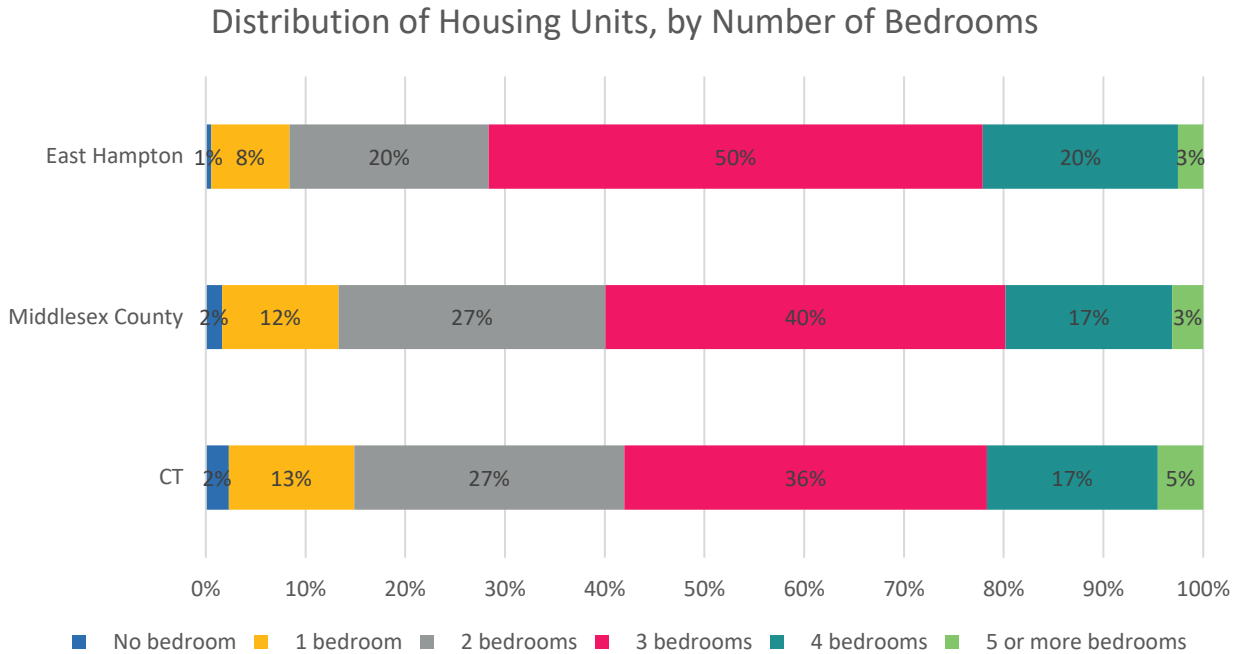


Source: ACS 5-Year Estimates, Table B25008, B25041

- 88% of units in East Hampton are owner-occupied, compared to only 74% in Middlesex County overall
- East Hampton has a higher share of single-family homes than the county and state overall at 83%
 - Over two thirds of housing units in Middlesex County are single-family homes

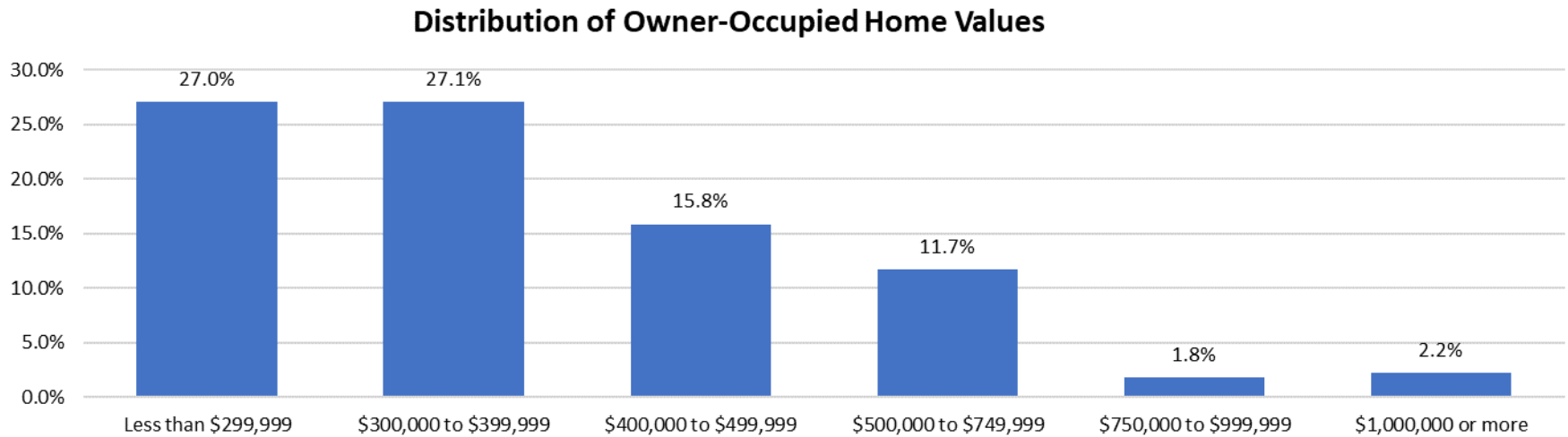
HOUSING TYPOLOGY

Distribution of Housing Units, by Number of Bedrooms



- Over 73% of housing units in East Hampton are 3, 4, or more bedrooms
 - In 2019, 55% of households had two people or fewer
- Size of units largely suited to families with children, 90% of housing units have 2, 3, or 4 bedrooms

HOME VALUE DISTRIBUTION (OWNER-OCCUPIED UNITS)

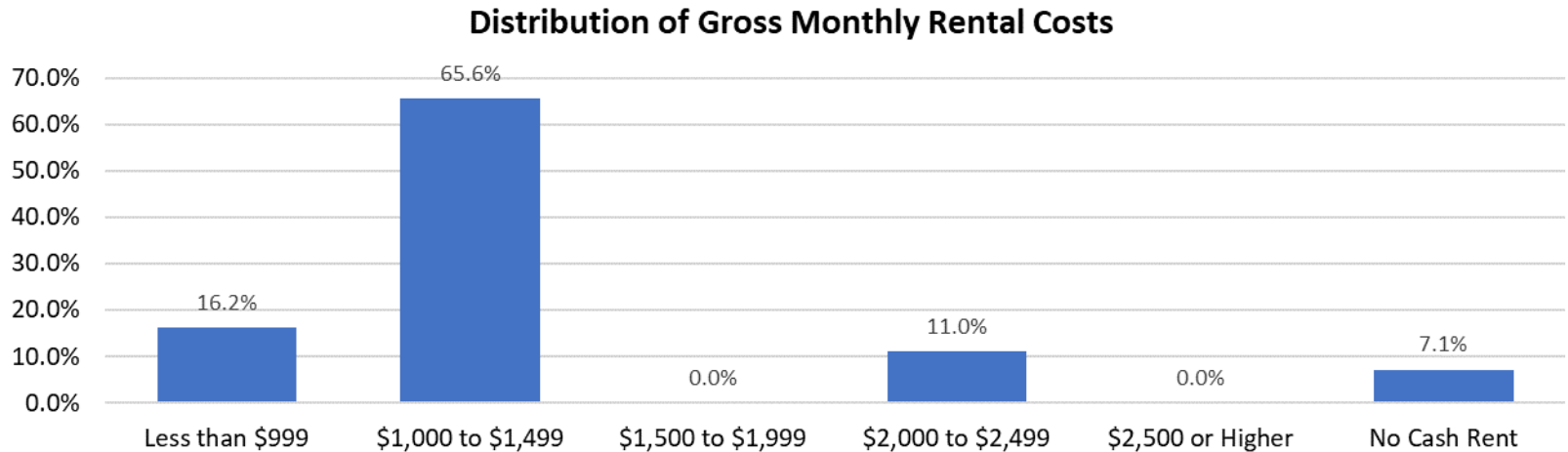


Source: 2019 American Community Survey, 5-Year Estimates, table B25075

- Home values trend in lower price ranges, with nearly 50% of homes valued under \$400,000



GROSS RENT DISTRIBUTION

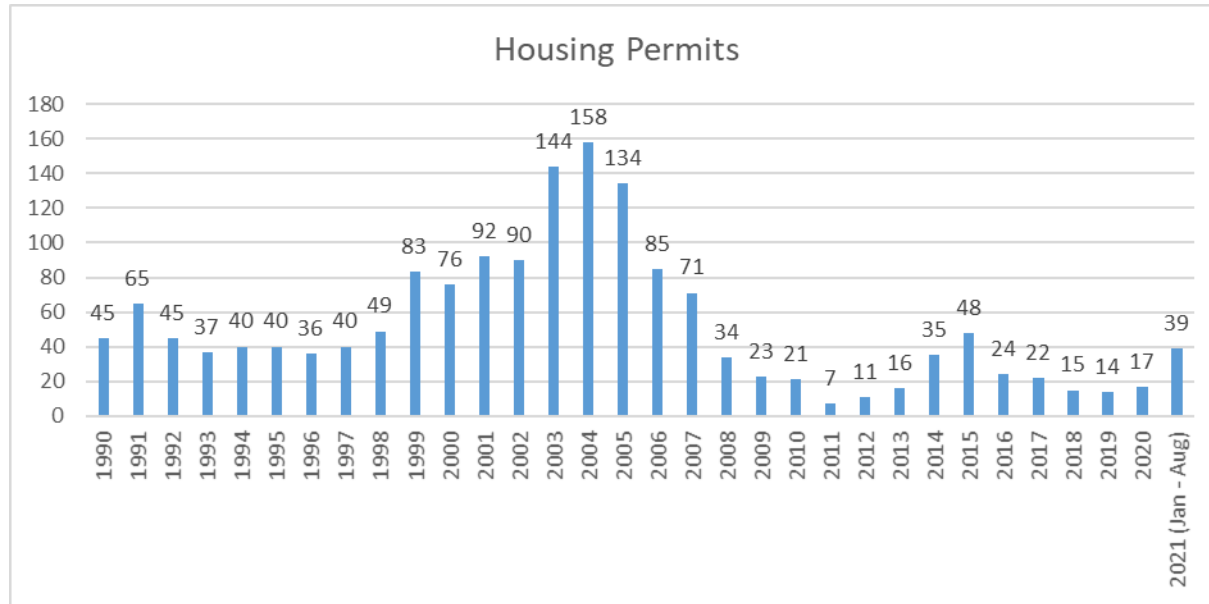


2019 American Community Survey 5-Year Estimates, Table B25063

- Median gross monthly rent in East Hampton is \$1,258, which is higher than both New London County (\$1,162) and Connecticut (\$1,180)
- Most rental units (65.6%) are between \$1,000 to \$1,499 a month
- 16.2% of rental units are less than \$1,000 a month



HOUSING PERMITS



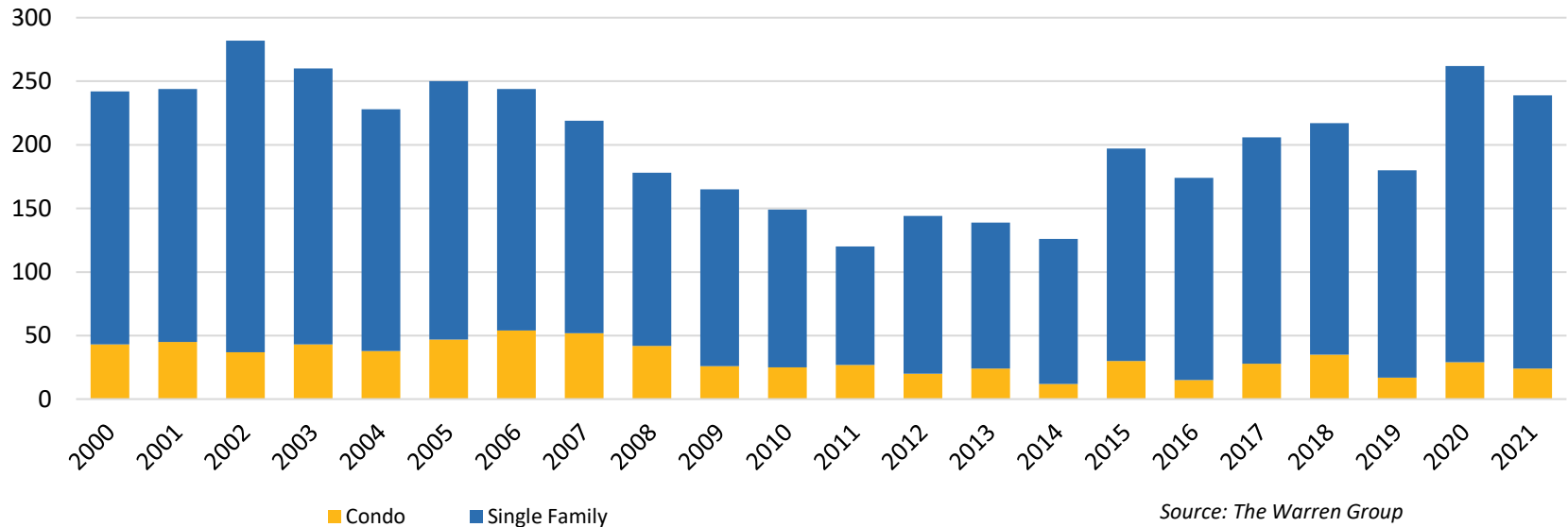
Source: CT DECD

- Housing permit activity dropped off since a large peak in the mid-2000s, indicating lack of available land and economic conditions
- Since 2015, East Hampton has averaged about 18 building permits annually
 - In the first eight months of 2021, East Hampton has issued 39 new permits – possibly a short-term bump
- Housing permits do not include additions, renovations, nor reinvestment



HOME SALES

Town of East Hampton Home Sales: 2000 to 2021

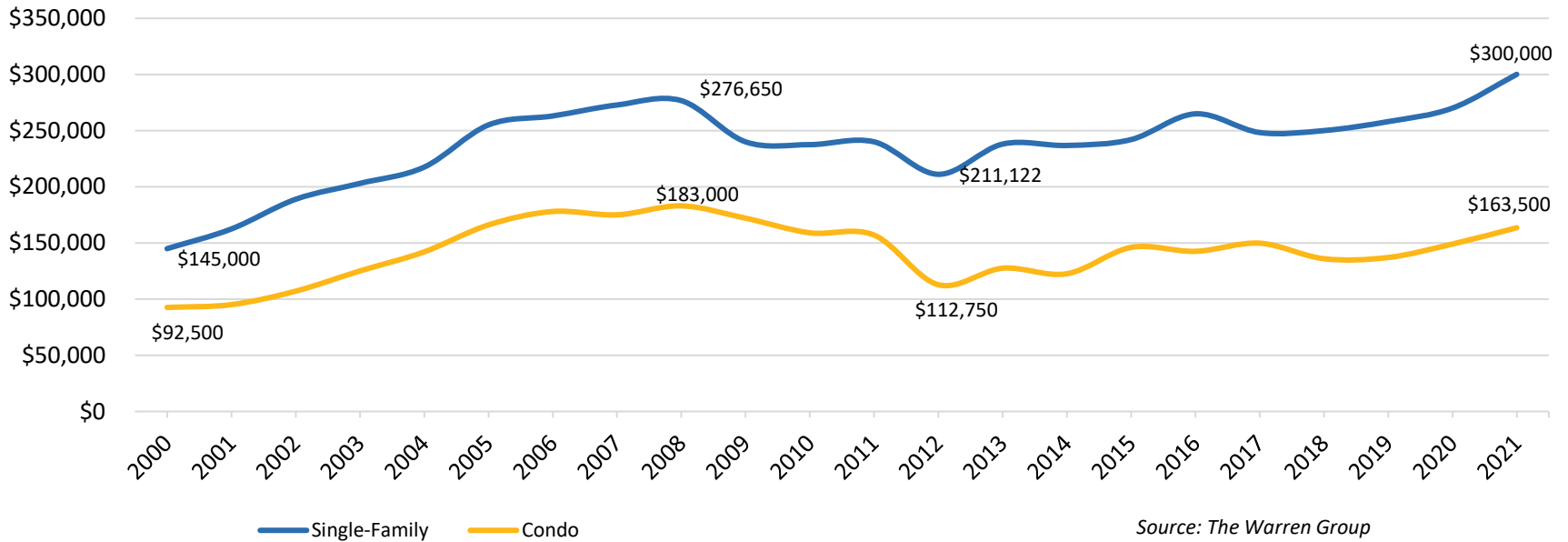


- Nearly exclusive single-family market
- From 2016 to 2019, home sales were generally stable, averaging about 216 per year



HOME SALE PRICES

Town of East Hampton Median Home Sale Price: 2000 to 2021



- Median sales price for a single-family home hit a historic high of \$299,450 in 2020
- Between 2020 and 2021, the median home sales price for a single-family home increased by 10.9%
 - In that same time, the median sales price for condos increased by 11.4%

HOUSING MARKET TRENDS: TAKEAWAYS

- Homogenous housing stock
 - Primarily single-family, owner-occupied units
- Most housing has 2 or more bedrooms, family-oriented
 - More than half of East Hampton households comprised of two people or fewer
- Home sales prices seem to be on an upward trend
 - Drop in home sales in 2020-2021 likely owed to the higher prices



Housing Needs Assessment



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Council of Governments

Affordable Housing Needs

How many East Hampton Families Need Affordable Housing?

Low Income

51% to 80% of AMI

<\$59,950 for an individual
<\$70,900 for a family of 4



605

Low income HHs



395

Homeowners



210

Renters

Very Low Income

31% to 50% of AMI

<\$40,150 for an individual
<\$57,300 for a family of 4



330

Very Low income HHs



235

Homeowners



95

Renters

Extremely Low Income

30% of less of AMI

<\$24,100 for an individual
<\$34,000 for a family of 4



370

Extremely Low income HHs



290

Homeowners



80

Renters

Source: U.S. Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Survey (CHAS): 2014-2018

- There are 1,305 households in East Hampton (26% of total) who meet the definition of low income (household income <80% of AMI)
- Primarily homeowners



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Affordable Housing: Renter Needs

Maximum Monthly Costs for Low Income Renters

Low Income

51% to 80% of AMI

<\$59,950 for an individual
<\$70,900 for a family of 4



\$1,398/month

for an individual



\$1,863/month

for a family of 4

Very Low Income

31% to 50% of AMI

<\$40,150 for an individual
<\$57,300 for a family of 4



\$936/month

for an individual



\$1,136/month

for a family of 4

Extremely Low Income

30% of less of AMI

<\$24,100 for an individual
<\$34,000 for a family of 4



\$562/month

for an individual



\$753/month

for a family of 4

Source: U.S. Department of Housing and Urban Development (HUD) Income Limits. Based on income limits for the Southern Middlesex County, CT HUD Metro FMR Area

30% Rule: HUD recommends that households spend no more than 30% of their income on housing costs including rent or mortgage payments, property taxes, utilities, HOA fees, and maintenance costs



Affordable Housing: Homeowner Needs

Maximum Home Value Affordable to Low Income Homeowners

Low Income

51% to 80% of AMI

<\$59,950 for an individual
<\$70,900 for a family of 4



\$214,000

for an individual



\$285,000

for a family of 4

Very Low Income

31% to 50% of AMI

<\$40,150 for an individual
<\$57,300 for a family of 4



\$143,000

for an individual



\$205,000

for a family of 4

Extremely Low Income

30% of less of AMI

<\$24,100 for an individual
<\$34,000 for a family of 4



\$86,000

for an individual



\$121,000

for a family of 4

Source: U.S. Department of Housing and Urban Development (HUD) Income Limits. Based on income limits for the Southern Middlesex County, CT HUD Metro FMR Area Calculation assumes 20% down payment, 30-year mortgage at 5% interest, annual property tax payments, and 1.5% carrying costs for insurance and utilities

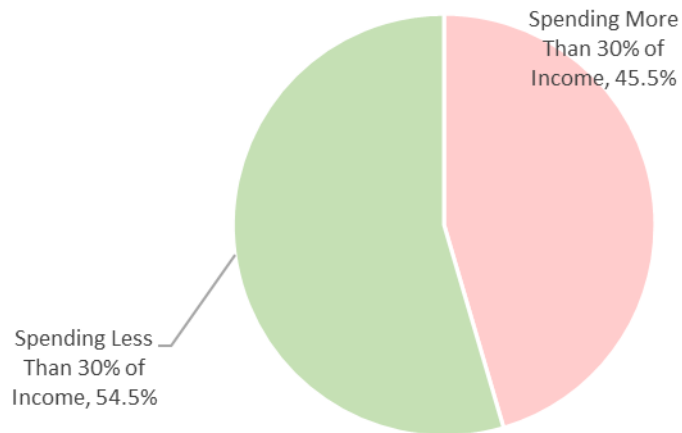
30% Rule: HUD recommends that households spend no more than 30% of their income on housing costs including rent or mortgage payments, property taxes, utilities, HOA fees, and maintenance costs



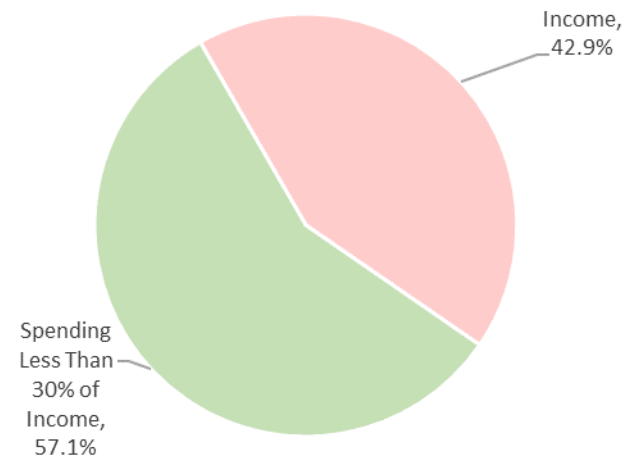
Cost Burdens: Existing Conditions

Cost Burden for Low Income Households in East Hampton

Cost Burdened Low-Income Renters



Cost Burdened Low-Income Homeowners



Source: U.S. Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Survey (CHAS): 2014-2018

- **Cost Burden** is defined as households that spend greater than 30% of their income on housing. These households may have difficulty affording necessities such as food, clothing, transportation, and medical care
- **In 2018, about 44% of East Hampton's low-income households are cost-burdened**
 - **Compares to 0% for households who are not considered low-income**

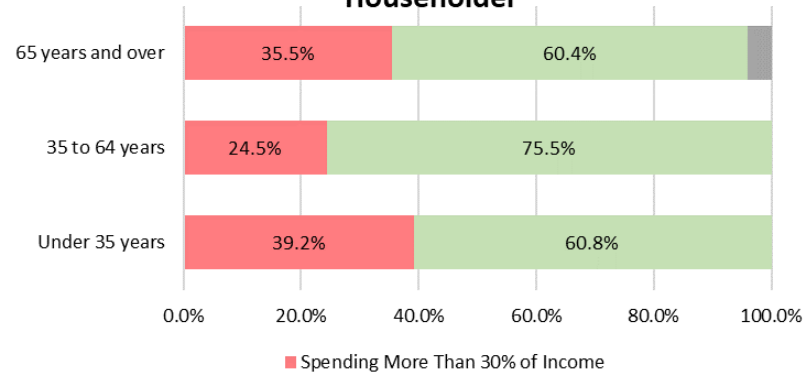


Cost Burdens: Existing Conditions

Cost Burden for Other Populations in East Hampton

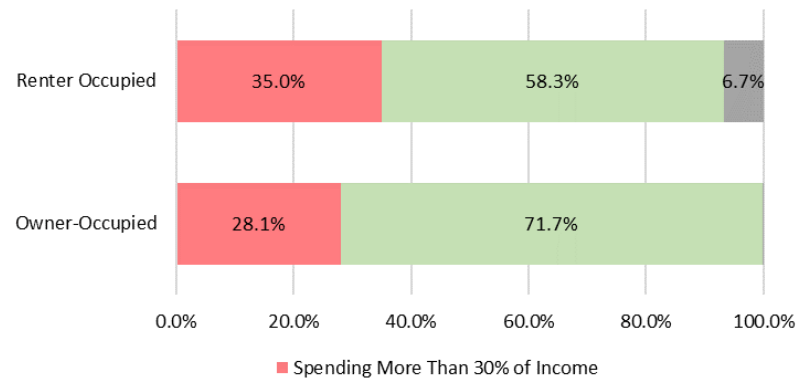
- Renter are slightly more likely to be cost-burdened compared to owners
- Seniors and young professionals are more likely to be cost burdened than middle aged householders

Portion of Income Spent on Housing, by Age of Householder



Source: ACS 5-Year Estimates, Table B25072, 25093

Portion of Income Spent on Housing, by Tenure



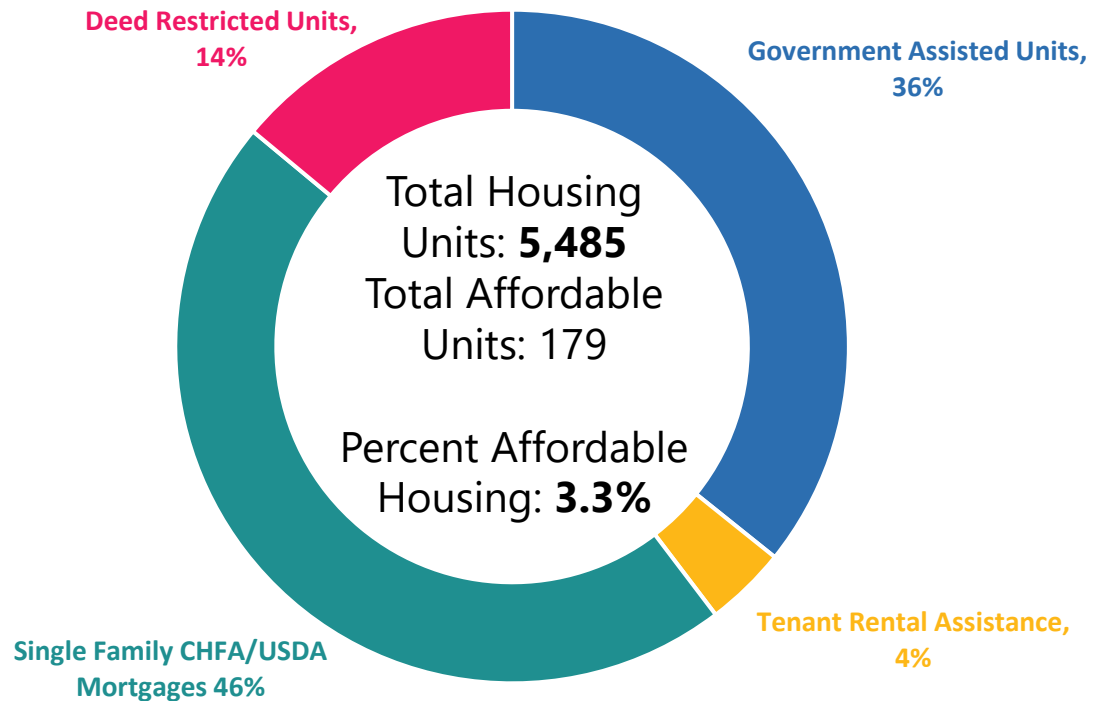
Source: ACS 5-Year Estimates, Table B25072, 25093



Protected Affordable Housing

- **Protected Affordable Housing Units** meet the statutory definition of affordable housing and are restricted to households that make less than 80% of AMI, so that they spend less than 30% of their income on housing
- **As of 2021, East Hampton 179 protected affordable housing units.**

East Hampton Protected Affordable Units, 2021



Source: DECD Affordable Housing Appeals List, 2021



Housing Gap Analysis: Methodology

- **Affordable Housing Demand:**
 - Low-income household estimates provided by U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Survey (CHAS)
 - Income limits provided by U.S. Department of Housing and Urban Development (HUD)
- **Affordable Housing Supply:**
 - Naturally occurring affordable housing calculated using 2019 American Community Survey 5-Year Estimates.
 - Home Value Distribution
 - Distribution of Gross Rent
 - SLR calculation of units affordable to low-income households based on HUD income limits
- **Housing Gap:**
 - Compares housing demand to housing supply
 - Two representative case studies for a family of four and a single-person household. These households have different income limits according to HUD



Housing Gap Analysis: Family Of 4

Owner-Occupied Units

Income Group	Max Home Value (Family of 4)	Cumulative Owner Households in Income Range	Cumulative Owner-Occupied Units in Price Range	Owner Gap
Extremely Low Income (<30% of AMI)	\$121,000	290	141	(149)
Very Low Income (<50% of AMI)	205,000	525	327	(198)
Low Income (<80% of AMI)	285,000	920	553	(367)

Source: HUD Income Limits; Comprehensive Housing Affordability Survey (CHAS): 2014-2018; ACS Five-Year Estimates B25075

Renter-Occupied Units

Income Group	Max Monthly Rent (Family of 4)	Cumulative Renter Households in Income Range	Cumulative Renter-Occupied Units in Price Range	Renter Gap
Extremely Low Income (<30% of AMI)	\$753	80	0	(80)
Very Low Income (<50% of AMI)	\$1,136	175	38	(137)
Low Income (<80% of AMI)	\$1,863	385	126	(259)

Source: HUD Income Limits; Comprehensive Housing Affordability Survey (CHAS): 2014-2018; ACS Five-Year Estimates B25063



Housing Gap Analysis: Individuals

Owner-Occupied Units

Income Group	Max Home Value (Individual)	Cumulative Owner Households in Income Range	Cumulative Owner-Occupied Units in Price Range	Owner Gap
Extremely Low Income (<30% of AMI)	\$86,000	290	102	(188)
Very Low Income (<50% of AMI)	\$143,000	525	150	(375)
Low Income (<80% of AMI)	\$214,000	920	346	(574)

Source: HUD Income Limits; Comprehensive Housing Affordability Survey (CHAS): 2014-2018; ACS Five-Year Estimates B25075

Renter-Occupied Units

Income Group	Max Monthly Rent (Individual)	Cumulative Renter Households in Income Range	Cumulative Renter-Occupied Units in Price Range	Renter Gap
Extremely Low Income (<30% of AMI)	\$562	80	0	(80)
Very Low Income (30% to 50% of AMI)	\$936	175	16	(159)
Low Income (50% to 80% of AMI)	\$1,398	385	60	(325)

Source: HUD Income Limits; Comprehensive Housing Affordability Survey (CHAS): 2014-2018; ACS Five-Year Estimates B25063



Housing Needs Assessment: Takeaways

- Significant affordable housing needs within East Hampton
 - 1,305 households (26% of total) are classified as low income and could be eligible for affordable housing
- 7% of households are spending more than 30% of their income on housing costs (cost burdened)
- Town has 3.3% protected affordable units
- Populations with disproportionate cost burdens and housing needs include:
 - Low-income households making less than 80% AMI
 - Senior households
 - Renters



Town of East Hampton
Middlesex County, Connecticut

DRAFT – ~~May 19~~ June 9, 2022

Ordinance No. 2022.02

**An Ordinance Amending the Code of the Town of East Hampton
Regarding Solid Waste and Transfer Station**

WHEREAS, the Town of East Hampton is authorized and required under Connecticut State Statutes to make certain provisions for the collection, recycling and disposal of solid waste, and;

WHEREAS, the public health, safety and general welfare of the Town of East Hampton will be best served by requiring the collection and disposal at disposal sites licensed or permitted by the State of Connecticut by licensed and permitted solid waste haulers or solid waste collectors of all solid waste generated within the boundaries of the Town, and;

WHEREAS, the public health, safety and general welfare of the Town of East Hampton will be best served by reducing the amount of solid waste by encouraging and requiring the recycling of certain materials, and;

NOW, THEREFORE, pursuant to Section 2.4 of the Town of East Hampton Charter, the Town Council of the Town of East Hampton does hereby ordain as follows:

Section 1: Chapter 269 regarding Solid Waste and Chapter 138 regarding Transfer Station of the Code of the Town of East Hampton are hereby repealed in their entirety and replaced with the following:

ARTICLE I

Storage, Collection and Disposal of Solid Waste

269-1. Findings.

The accumulation, collection, removal and disposal of solid waste must be controlled by the Town of East Hampton for the protection of the public health, safety, and general welfare. It is consequently found and declared that:

- A. The Town of East Hampton is authorized by law to regulate the disposition of solid waste generated within its boundaries and to collect a charge therefor and to license solid waste collectors; and
- B. The public health, safety and general welfare of the Town of East Hampton will be best served by requiring the collection and disposal at disposal sites licensed or permitted by the State of Connecticut by licensed and permitted solid waste haulers or solid waste collectors of all solid waste generated within the boundaries of the Town; and
- C. The public health, safety and general welfare of the Town of East Hampton will be best served by reducing the amount of solid waste by encouraging and requiring the recycling of certain materials; and

- D. The Town of East Hampton is required by law to make provisions for the separation of recyclables from solid waste generated within the boundaries of the Town of East Hampton.
- E. The enactment of this article is in furtherance of the municipality's regional Solid Waste Management Plan.

§ 269-2. Definitions.

As used in this article, the following terms shall have the following meanings:

ANTIFREEZE shall mean a substance of low freezing point added to a liquid, especially to the water in a radiator of an automobile, e.g., ethylene glycol, or to gasoline in the tank to prevent freezing.

APARTMENT shall mean a group of rooms located within a structure comprising a single, habitable unit used, or intended to be used, for living, sleeping, cooking, and eating in a building.

BATTERY (DRY-CELL STORAGE TYPE) shall mean a device used for generating electric current through a chemical reaction, including, but not limited to, nickel-cadmium batteries, carbon batteries, and alkaline batteries.

BULKY WASTE shall mean tree trunks, stumps, building materials, and such other items as are defined as bulky waste per DEP regulations.

BULKY WASTE SITE shall mean any facility owned, rented, or leased by the town, now or in the future, which is specifically set aside for the disposal of bulky waste.

BRUSH shall mean bushes, shrubs, small trees, or tree branches.

CARDBOARD shall mean corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.

COLLECTOR shall mean any person who hires himself out to collect solid waste from residential, business, commercial, or other establishments.

COMMERCIAL SOLID WASTE COLLECTION shall mean the collection and/or disposal of solid waste for purposes of making a profit.

COMMINGLED RECYCLABLE MATERIALS shall mean source-separated, non-putrescible recyclable materials that have been mixed at the source of generation, i.e. placed in the same container.

CONDOMINIUM shall mean individual ownership in fee simple of a residential dwelling unit located in a detached dwelling, an attached dwelling, a semi-attached dwelling, or a multifamily dwelling, with ownership of an undivided interest held in common with all of the other owners of the dwelling units contained in a community housing development.

DEEP shall mean the State of Connecticut Department of Energy and Environmental Protection.

DIRECTOR OF PUBLIC WORKS or DIRECTOR shall mean the director of public works or the designee of the town manager assigned the responsibilities of the director of public works as they relate to this Chapter.

DUMPING shall mean depositing, discharging, placing, and disposing of solid waste.

ELECTRONIC WASTE or E-WASTE shall have the same meaning as “covered electronic device” as defined in section 22a-629 of the Connecticut General Statutes.

GARBAGE shall mean all putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

GLASS FOOD CONTAINER shall mean any glass container used to package food or beverage products suitable for human or animal consumption.

GRASS CLIPPINGS shall mean grass and other trimmings from the care of a lawn, with a minimum of contamination by pesticides.

HAZARDOUS WASTE — Pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic, and other hazardous wastes which, according to federal, state or local rules or regulations from time to time in effect, require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. §§ 6921 to 6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6901, such as cleaning fluids, crank-case oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

HDPE shall mean a high-density polyethylene bottle or jar used to package food, household laundry products, or crankcase oil. The acronym "HDPE" and the code number "2" appear on the base of these containers.

INTERMEDIATE PROCESSING CENTER (IPC) shall mean a facility which can recycle any item or items and market or deliver for reuse the resulting material product or products.

LEAVES shall mean the foliage of trees, bushes, and other plants with a minimum of contamination by rocks, sticks or branches, plastic and pesticides.

MAGAZINES shall mean catalogs, magazines, or other similar printed matter.

METAL FOOD CONTAINER shall mean an aluminum, bi-metal, steel, tin-plated steel, or other metallic cans, or any plate or tray used to package food or liquid products suitable for human or animal consumption.

MUNICIPAL SOLID WASTE or MSW shall mean solid waste from residential, commercial, and industrial sources, excluding hazardous waste, approved recyclable items, bulky waste, sewage sludge, and scrap metal, as determined by DEP.

NEWSPAPER shall mean any used or discarded unsoiled newsprint, including all parts of the newspaper.

NONRESIDENTIAL SOURCE shall mean any source of solid waste that is not considered "residential." Business, hospitals, motels, hotels, and schools are examples of non-residential sources.

PERMITTEE shall mean a person, or a person's agent or employee, who has obtained a permit pursuant to Article III.

PERSON shall mean any institution, public or private corporation, individual, partnership, or other entity.

PET or PETE shall mean a polyethylene terephthalate container used to package beverages. The acronym "PET" and code number "1" appear on these containers.

RECYCLABLES or RECYCLABLE MATERIALS shall mean materials which have been so designated to include, but not be limited to, those materials designated as recyclable under the Connecticut General Statutes, as amended, and the regulations of the DEP, as amended, including, but not limited to, newsprint, glass jars and bottles, cans (aluminum and other metals), corrugated boxes, cardboard, cardboard cartons, waste motor oil, plastic polyethylene terephthalate and high-density polyethylene, car batteries, office paper, computer paper, scrap metal, and other items which may now or in the future be designated as recyclable by the Department of Energy and Environmental Protection.

RECYCLING shall mean the processing of solid waste to reclaim material therefrom.

RECYCLING CONTAINER shall mean a specifically marked container for collecting recyclable materials separate from the solid waste collection.

REGULATIONS shall mean a set of requirements adopted and amended from time to time by resolution of the town council as to the collection and disposal of municipal solid waste at town facilities.

RESIDENT shall mean (a) in the case of individuals, those who reside, own real property, or operate a business in the town; (b) in the case of all other persons, those having a place of business in the town.

RESIDENTIAL DWELLING UNIT shall mean each individual home or a group of rooms located within a structure comprising a single, habitable unit used, or intended to be used, for living, sleeping, cooking, and eating, and so occupied by one (1) family.

RUBBISH shall mean any ashes, cans, bottles, earth, wire, glass, broken kitchenware, appliances, boxes, papers, mattresses, and other materials of like nature that is not garbage nor recyclable materials.

SCHEDULE OF FEES shall mean the schedule adopted and amended from time to time by the town council.

SCRAP METAL shall mean used or discarded items made of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys thereof including, but not limited to, appliances and metal containers.

SCRAP TIRES shall mean discarded rubber or synthetic rubber tires.

SOLID WASTE — Unwanted or discarded materials consistent with the meaning of that term pursuant to § 22a-260(7) of the Connecticut General Statutes, excluding semi-solid or liquid materials collected and treated in a sewerage system.

SOLID WASTE COLLECTOR — Includes any person, firm or corporation engaged in the business of collecting and transporting commercial, household or industrial solid waste for hire within the Town of East Hampton.

SOLID WASTE DISPOSAL AREA shall mean any facility approved by the town for ultimate disposal of wastes.

SOURCE SEPARATE shall mean to separate recyclable materials from the solid waste stream at the point of waste generation.

TOWN shall mean the Town of East Hampton, a municipal corporation located in Middlesex County, in the State of Connecticut.

TOWN MANAGER shall mean the town manager or any other town employee as the town manager may designate.

TRANSFER STATION or REFUSE DISPOSAL AREA shall mean the solid waste transfer facility area or areas within the town as designated by the town council.

WASTE OIL shall mean crankcase oil that has been utilized in internal combustion engines.

WHITE OFFICE PAPER shall mean used or discarded high-grade white paper including, but not limited to, white paper utilized for envelopes, writing, typing, printing, green bar computer printer, and photocopying which is suitable for recycling and which has a minimum of contamination. Office paper generated by households is excluded.

YARD WASTE shall mean leaves, grass clippings, branches, and other vegetation matter.

§ 269-3. Removal of Solid Waste required.

All property owners shall remove or cause to be removed by a solid waste collector licensed by the Town of East Hampton all solid waste accumulations from their property for disposal at a properly licensed and permitted disposal site or transfer station. Solid waste must be removed on a regular basis to prevent unhealthy, unsafe or otherwise deleterious accumulation and in accordance with the requirements of this chapter.

§ 269-4. Solid waste collection policy.

Collection, removal and disposal of solid waste accumulations shall be in accordance with the following conditions:

- A. Solid waste shall only be set out for collection and/or removed when it is stored in Town-approved containers and is properly placed along a Town-owned or state-owned public right-of-way, in the right-of-way of an approved subdivision road not presently accepted or at another location on the property owner's property upon mutual agreement with the solid waste collector.
- B. All solid waste and recycling containers must be kept reasonably clean and stored in such a place so as not to constitute a nuisance or otherwise be objectionable.
- C. Solid waste shall not be allowed to accumulate, and collection service must be provided on a regular and continuing basis.
- D. Solid waste containers may not be placed at curbside prior to 4:00 p.m. the day before scheduled collection and must be removed from curbside no later than 7:00 a.m. the day after collection.
- E. Items designated as recyclables shall be separated and placed for collection in accordance with this chapter.
- F. Solid waste placed curbside for collection shall not include any item deemed unacceptable under applicable law or by the solid waste collector.

~~G. The following solid waste shall be considered not acceptable for collection:~~

~~(1) Material which of a size or type contrary to rules and regulations of the Town of East Hampton or the solid waste collector or material that has not been prepared, bound, containerized and/or placed for collection in accordance with the rules and regulations of the Town of East Hampton.~~

~~G. Materials and waste resulting from, the repair of buildings or structures, such as earth, stone, concrete, plaster, mortar and roofing material, trees or tree stumps over six inches in diameter, junkyard wastes, dangerous material or substances such as poisons, acids, caustics, sanitary wastes, infected materials, explosives or radioactive material, auto car bodies, fine powdery earth used to filter cleaning fluid or rules and regulations of the Town of East Hampton or the solid waste of similar nature collector shall not be considered acceptable for curbside collection.~~

~~(3) Body wastes or solid industrial wastes.~~

~~(4) Bulky waste which has a dimension in excess of six feet and/or exceeds 300 pounds in weight.~~

~~H. Materials not placed for curbside collection, including, but not limited to, hazardous waste, electronic waste, bulky waste, and yard waste, shall be disposed in accordance with applicable laws, rules and regulations.~~

H.I. Any solid waste or rubbish left in public view, not in accordance with the provisions of this article, shall be deemed a public nuisance and a violation of the article.

§ 269-5. Separation of recyclables required.

Any person who generates solid waste shall separate recyclables from nonrecyclables in accordance with state law and the requirements of the solid waste collector or the facility collecting and/or processing the recyclable material. No person shall dispose of recyclables except in accordance with this article.

§ 269-6. Provision of Receptacles.

Every person owning or operating multifamily units, public housing units, commercial, industrial, or other nonresidential premises where recyclables are created or generated shall provide, or cause to be provided, sufficient areas and/or receptacles on the premises for the separation and storage of recyclable materials. All recycling receptacles must be clearly labeled.

§ 269-7. Penalties for offenses

Violations of any provisions of this article shall be an infraction. Any person who violates any provisions of this article shall be fined an amount not to exceed \$100 for each offense. Each day on which an offense occurs shall be deemed a separate offense.

ARTICLE II

Solid Waste Collectors

§ 269-8. License required for solid waste collection.

All solid waste accumulated in the Town of East Hampton shall be collected, conveyed and disposed of by the Town of East Hampton or its vendors, agents and partners or by persons licensed by the Town of East Hampton to perform such work in accordance with the provisions of this article and in accordance with other local, state or federal regulations, as may apply. No solid waste collected from outside the Town of East Hampton shall be disposed of under a license or registration issued pursuant to this article.

§ 269-9. Solid waste collector's responsibilities and obligations.

- A. Solid waste collectors operating in East Hampton shall be required to provide solid waste collection and disposal in accordance with this chapter including collection and disposal of recyclable materials.
- B. No licensee shall deliver any solid waste to any final place for disposal that is not licensed or permitted by the State of Connecticut or the state in which the disposal site is located or is incapable of accepting such solid waste at the time of delivery.

- C. Construction and maintenance of vehicles and containers. All vehicles registered to collect and transport solid waste shall be automatic unloading vehicles of a watertight construction and shall be maintained free of obnoxious odors and accumulated solid waste. Any such vehicle with a capacity in excess of 10 cubic yards shall be of a closed construction. A container utilized primarily for non-liquid solid waste need not be of watertight construction and shall be completely enclosed and maintained free of obnoxious odors and accumulated solid waste. If any such vehicle shall have a capacity of less than 10 cubic yards, it may have an open top, provided that it be covered when it is in motion, to prevent the escape of solid waste.

§ 269-10. Licensing of solid waste collectors; registration of vehicles.

- A. Licensing and registration authority designated. The Director of Public Works shall be the licensing and registration authority for solid waste collectors, vehicles and containers. The Director of Public Works shall grant a license within a reasonable period of time following the filing of a proper application and payment of the prescribed fees, as outlined in Subsections B and D below, unless it is found that one or more of the following conditions prevail:
 - (1) The applicant has been irresponsible in the conduct of solid waste collection and hauling operations based upon previous suspensions and/or revocations of licenses; or
 - (2) The applicant lacks suitable equipment with which to collect solid waste in a safe and nuisance-free manner and in compliance with this article.
 - (3) The applicant lacks the ability, rights or privileges to properly dispose of solid waste collected at a properly licensed and permitted disposal site or transfer station.
- B. License required. Each solid waste collector shall apply annually, on or before July 1, for a license from the Director of Public Works on such form or forms as shall be prescribed to engage in the business of solid waste collection in the Town of East Hampton. An annual licensing fee as set from time to time by the Town Council shall be paid prior to the issuance of any such license.
- C. Registration of vehicles and containers. Each licensed solid waste collector shall obtain a separate registration for each vehicle used to collect, transport and/or deposit solid waste in the Town of East Hampton or its system.
- D. Registration term, fee, renewal. All registrations shall be issued for a term not to exceed one year and shall be renewable on or before July 1 each year. The registration fee for each vehicle and/or container with a capacity of 10 or more cubic yards and for each vehicle and/or container of a capacity of less than 10 cubic yards shall be as set from time to time by the Town Council. Containers of less than one cubic yard shall not be subject to the registration and fee requirement.

- E. Reinspection upon sale or transfer of vehicle during registration year. Whenever a duly registered vehicle is sold or transferred to another solid waste collector licensed in the Town of East Hampton during the registration year, said vehicle shall be reinspected within seven days of such transfer date, but no additional fees shall be required.
- F. Display of registration. The registration issued shall be conspicuously displayed on the left front of the body of each vehicle or container so licensed, or as may be directed.
- G. License nontransferable. Licenses are not transferable. When any licensee shall sell or transfer all or part of his business to any solid waste collector not licensed in the Town of East Hampton, he shall first notify the Director of Public Works in writing, no less than 10 days prior to the sale date, and the transferee shall, at the same time, make application for a license to operate in the Town of East Hampton.

§ 269-11. Revocation or suspension of license or registration.

- A. General. A license to engage in solid waste collection in the Town of East Hampton and to use other solid waste facilities provided by the Town of East Hampton is a privilege, not a right. Failure to comply with the provisions of this article shall be grounds for revocation or suspension of any license or registration issued under the provisions of this article, in addition to any other penalty imposable by law.
- B. Notice requirement. Revocation or suspension shall only become effective 10 calendar days after receipt of written notice from the Director of Public Works.
- C. Request for review, filing, effect of failure to file. If a solid waste collector objects to the Director of Public Works's action described in Subsection B above, to revoke or suspend his license or registration, he may, within five calendar days of receipt of said notice, file a written request for review with the Town Manager. Failure to timely file such request for review shall make the Director of Public Works's action final and binding upon the solid waste collector.
- D. Effect of timely filing. Timely filing of such request for review shall operate as an automatic stay of the Director of Public Works's action.
- E. Hearing. The Town Manager shall, within 15 days, hear and decide the matter. Such hearing shall be private, except, however, such hearing may be public if so requested, in writing, by the solid waste collector. The decision of the Town Manager shall be final and binding upon the solid waste collector.
- F. Notwithstanding anything to the contrary herein, the Director of Public Works shall have power to refuse permission to a solid waste collector to provide services within the Town when, in his opinion, such solid waste collector has violated this article or any other applicable rule or regulation.

§ 269-12. Promulgation of rules and regulations.

- A. The Director of Public Works shall administer the licensing of any solid waste collector engaged in the collecting and transporting of solid waste in the Town of East Hampton.
- B. The Director of Public Works shall, when considering an application for a solid waste collection license, including renewal, ascertain that the applicant has adequate liability insurance and appropriate contracts or agreements for disposal of solid wastes to be collected.
- C. The Director of Public Works may promulgate additional collection and disposal procedures from time to time as he deems proper, but such rules shall not be inconsistent with this article. Any such procedure, however, must first be approved by the Town Manager.

§ 269-13. Penalties for offenses

Violations of any provisions of this article shall be an infraction. Any person who violates any provisions of this article shall be fined an amount not to exceed \$100 for each offense. Each day on which an offense occurs shall be deemed a separate offense.

ARTICLE III

Transfer Station

§ 269-14. Transfer station established.

The Town of East Hampton has established and shall maintain a transfer station or refuse disposal area at a permanent location for the purpose of accepting certain solid waste items except those solid wastes and recyclables that are collected at the curbside and hazardous wastes as determined from time to time and in accordance with the rules and regulations established by the director of public works and the town manager.

§ 269-15. Hours of operation.

The transfer station shall normally be open at least once per week on Saturdays, except on legal holidays, and may be open on such other day, days or hours that the Town Manager may designate.

§ 269-16. Use by residents.

Any resident may dispose of solid waste in the transfer station, provided the vehicle bears the identification sticker described in section 269-23, and such disposal is in accordance with the provisions of this article.

§ 269-17. Use by nonresidents; permit required.

A person who is a non-resident may dispose of accepted solid waste in the transfer station, provided that said solid waste is a direct result of work, operations, or business undertaken by said person, whether by contract or otherwise, in the Town, and that said person obtains a permit from the Director, each such permit requiring payment of a fee as may be set from time to time by the Town Council and expiring after 10 days; except that nonresident solid waste collectors shall be governed by the provisions of § 269-17.

§ 269-18. Nonlocal solid waste prohibited.

No person, whether a resident or non-resident, may dispose of solid waste in the transfer station when such solid waste is the direct result of work, operations, or business undertaken by him, whether by contract, or otherwise, in a location or area outside the Town. However, the Town Manager, upon approval of the Town Council, may enter into agreement with another municipality or agency for convenience, and may negotiate fees for the use of the transfer station.

§ 269-19. Tree trunks, stumps, bulky waste, demolition materials.

No person may dispose of tree trunks measuring eight inches or more in diameter at the butt or largest end, or stumps at the transfer station. Other bulky waste material, demolition materials, junk motor vehicles and farm machinery are not permitted in the transfer station except as specifically allowed. Acceptable bulky waste shall include, but may not be limited to, large and/or heavy waste items such as empty refrigerators with doors off, washing machines, stoves, household furniture, etc., and other similar material that cannot be broken down.

§ 269-20. Garbage and hazardous waste prohibited.

Disposal of any garbage or hazardous waste as defined herein and by appropriate state or federal laws or regulations by any person in the transfer station is prohibited. Prohibited materials shall include, but not be limited to, explosives, pathological and biological waste, infected material, chemicals, radioactive materials, any kind of material containing hot coals or fire, oil sludges, highly inflammable substances, cesspool or other human wastes, human and animal remains, motor vehicles, by-product wastes such as rubber, leather and plastics, farm and other large machinery, liquid wastes, construction material and demolition debris.

§ 269-21. Placement of solid waste in disposal area.

Any person disposing of solid waste in the transfer station shall dispose of such solid waste by dumping or otherwise in specific locations as determined by, and under the supervision of, the custodian of the transfer station. No solid waste may be tossed over the fence or left on the roadside adjacent to the transfer station at any time.

§ 269-22. Scavenging prohibited.

Scavenging at the transfer station is prohibited unless specifically allowed by the Director.

§ 269-23. Trespassing; vehicle identification stickers.

No person shall enter or be permitted within the transfer station except during the hours when the area is open to the public and the custodian is on duty. Vehicles using the transfer station shall be required to obtain a vehicle identification sticker to permit entry to the site. Said vehicle identification sticker shall be obtained after payment of a fee as established from time to time by the Town Council and shall be affixed to the windshield of the vehicle in accordance with instructions.

§ 269-24. Covered loads.

Any vehicle or trailer carrying solid waste to the transfer station shall carry such solid waste, either by covering it or protecting it or in some suitable manner, so that such solid waste shall not blow or fall off the vehicle or trailer.

§ 269-25. Maintenance of area.

The custodian of the transfer station shall compact solid waste for transit, segregate materials and maintain the disposal area in accordance with state and local regulations.

§ 269-26. Penalties for offenses

Violations of any provisions of this article shall be an infraction. Any person who violates any provisions of this article shall be fined an amount not to exceed \$100 for each offense. Each day on which an offense occurs shall be deemed a separate offense.

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 – June 9, 2022

Ordinance No. 2022.02

**An Ordinance Amending the Code of the Town of East Hampton
Regarding Solid Waste and Transfer Station**

WHEREAS, the Town of East Hampton is authorized and required under Connecticut State Statutes to make certain provisions for the collection, recycling and disposal of solid waste, and;

WHEREAS, the public health, safety and general welfare of the Town of East Hampton will be best served by requiring the collection and disposal at disposal sites licensed or permitted by the State of Connecticut by licensed and permitted solid waste haulers or solid waste collectors of all solid waste generated within the boundaries of the Town, and;

WHEREAS, the public health, safety and general welfare of the Town of East Hampton will be best served by reducing the amount of solid waste by encouraging and requiring the recycling of certain materials, and;

NOW, THEREFORE, pursuant to Section 2.4 of the Town of East Hampton Charter, the Town Council of the Town of East Hampton does hereby ordain as follows:

Section 1: Chapter 269 regarding Solid Waste and Chapter 138 regarding Transfer Station of the Code of the Town of East Hampton are hereby repealed in their entirety and replaced with the following:

ARTICLE I

Storage, Collection and Disposal of Solid Waste

269-1. Findings.

The accumulation, collection, removal and disposal of solid waste must be controlled by the Town of East Hampton for the protection of the public health, safety, and general welfare. It is consequently found and declared that:

- A. The Town of East Hampton is authorized by law to regulate the disposition of solid waste generated within its boundaries and to collect a charge therefor and to license solid waste collectors; and
- B. The public health, safety and general welfare of the Town of East Hampton will be best served by requiring the collection and disposal at disposal sites licensed or permitted by the State of Connecticut by licensed and permitted solid waste haulers or solid waste collectors of all solid waste generated within the boundaries of the Town; and
- C. The public health, safety and general welfare of the Town of East Hampton will be best served by reducing the amount of solid waste by encouraging and requiring the recycling of certain materials; and

- D. The Town of East Hampton is required by law to make provisions for the separation of recyclables from solid waste generated within the boundaries of the Town of East Hampton.
- E. The enactment of this article is in furtherance of the municipality's regional Solid Waste Management Plan.

§ 269-2. Definitions.

As used in this article, the following terms shall have the following meanings:

ANTIFREEZE shall mean a substance of low freezing point added to a liquid, especially to the water in a radiator of an automobile, e.g., ethylene glycol, or to gasoline in the tank to prevent freezing.

APARTMENT shall mean a group of rooms located within a structure comprising a single, habitable unit used, or intended to be used, for living, sleeping, cooking, and eating in a building.

BATTERY (DRY-CELL STORAGE TYPE) shall mean a device used for generating electric current through a chemical reaction, including, but not limited to, nickel-cadmium batteries, carbon batteries, and alkaline batteries.

BULKY WASTE shall mean tree trunks, stumps, building materials, and such other items as are defined as bulky waste per DEP regulations.

BULKY WASTE SITE shall mean any facility owned, rented, or leased by the town, now or in the future, which is specifically set aside for the disposal of bulky waste.

BRUSH shall mean bushes, shrubs, small trees, or tree branches.

CARDBOARD shall mean corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.

COLLECTOR shall mean any person who hires himself out to collect solid waste from residential, business, commercial, or other establishments.

COMMERCIAL SOLID WASTE COLLECTION shall mean the collection and/or disposal of solid waste for purposes of making a profit.

COMMINGLED RECYCLABLE MATERIALS shall mean source-separated, non-putrescible recyclable materials that have been mixed at the source of generation, i.e. placed in the same container.

CONDOMINIUM shall mean individual ownership in fee simple of a residential dwelling unit located in a detached dwelling, an attached dwelling, a semi-attached dwelling, or a multifamily dwelling, with ownership of an undivided interest held in common with all of the other owners of the dwelling units contained in a community housing development.

DEEP shall mean the State of Connecticut Department of Energy and Environmental Protection.

DIRECTOR OF PUBLIC WORKS or DIRECTOR shall mean the director of public works or the designee of the town manager assigned the responsibilities of the director of public works as they relate to this Chapter.

DUMPING shall mean depositing, discharging, placing, and disposing of solid waste.

ELECTRONIC WASTE or E-WASTE shall have the same meaning as “covered electronic device” as defined in section 22a-629 of the Connecticut General Statutes.

GARBAGE shall mean all putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

GLASS FOOD CONTAINER shall mean any glass container used to package food or beverage products suitable for human or animal consumption.

GRASS CLIPPINGS shall mean grass and other trimmings from the care of a lawn, with a minimum of contamination by pesticides.

HAZARDOUS WASTE — Pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic, and other hazardous wastes which, according to federal, state or local rules or regulations from time to time in effect, require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. §§ 6921 to 6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6901, such as cleaning fluids, crank-case oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

HDPE shall mean a high-density polyethylene bottle or jar used to package food, household laundry products, or crankcase oil. The acronym "HDPE" and the code number "2" appear on the base of these containers.

INTERMEDIATE PROCESSING CENTER (IPC) shall mean a facility which can recycle any item or items and market or deliver for reuse the resulting material product or products.

LEAVES shall mean the foliage of trees, bushes, and other plants with a minimum of contamination by rocks, sticks or branches, plastic and pesticides.

MAGAZINES shall mean catalogs, magazines, or other similar printed matter.

METAL FOOD CONTAINER shall mean an aluminum, bi-metal, steel, tin-plated steel, or other metallic cans, or any plate or tray used to package food or liquid products suitable for human or animal consumption.

MUNICIPAL SOLID WASTE or MSW shall mean solid waste from residential, commercial, and industrial sources, excluding hazardous waste, approved recyclable items, bulky waste, sewage sludge, and scrap metal, as determined by DEP.

NEWSPAPER shall mean any used or discarded unsoiled newsprint, including all parts of the newspaper.

NONRESIDENTIAL SOURCE shall mean any source of solid waste that is not considered "residential." Business, hospitals, motels, hotels, and schools are examples of non-residential sources.

PERMITTEE shall mean a person, or a person's agent or employee, who has obtained a permit pursuant to Article III.

PERSON shall mean any institution, public or private corporation, individual, partnership, or other entity.

PET or PETE shall mean a polyethylene terephthalate container used to package beverages. The acronym "PET" and code number "1" appear on these containers.

RECYCLABLES or RECYCLABLE MATERIALS shall mean materials which have been so designated to include, but not be limited to, those materials designated as recyclable under the Connecticut General Statutes, as amended, and the regulations of the DEP, as amended, including, but not limited to, newsprint, glass jars and bottles, cans (aluminum and other metals), corrugated boxes, cardboard, cardboard cartons, waste motor oil, plastic polyethylene terephthalate and high-density polyethylene, car batteries, office paper, computer paper, scrap metal, and other items which may now or in the future be designated as recyclable by the Department of Energy and Environmental Protection.

RECYCLING shall mean the processing of solid waste to reclaim material therefrom.

RECYCLING CONTAINER shall mean a specifically marked container for collecting recyclable materials separate from the solid waste collection.

REGULATIONS shall mean a set of requirements adopted and amended from time to time by resolution of the town council as to the collection and disposal of municipal solid waste at town facilities.

RESIDENT shall mean (a) in the case of individuals, those who reside, own real property, or operate a business in the town; (b) in the case of all other persons, those having a place of business in the town.

RESIDENTIAL DWELLING UNIT shall mean each individual home or a group of rooms located within a structure comprising a single, habitable unit used, or intended to be used, for living, sleeping, cooking, and eating, and so occupied by one (1) family.

RUBBISH shall mean any ashes, cans, bottles, earth, wire, glass, broken kitchenware, appliances, boxes, papers, mattresses, and other materials of like nature that is not garbage nor recyclable materials.

SCHEDULE OF FEES shall mean the schedule adopted and amended from time to time by the town council.

SCRAP METAL shall mean used or discarded items made of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys thereof including, but not limited to, appliances and metal containers.

SCRAP TIRES shall mean discarded rubber or synthetic rubber tires.

SOLID WASTE — Unwanted or discarded materials consistent with the meaning of that term pursuant to § 22a-260(7) of the Connecticut General Statutes, excluding semi-solid or liquid materials collected and treated in a sewerage system.

SOLID WASTE COLLECTOR — Includes any person, firm or corporation engaged in the business of collecting and transporting commercial, household or industrial solid waste for hire within the Town of East Hampton.

SOLID WASTE DISPOSAL AREA shall mean any facility approved by the town for ultimate disposal of wastes.

SOURCE SEPARATE shall mean to separate recyclable materials from the solid waste stream at the point of waste generation.

TOWN shall mean the Town of East Hampton, a municipal corporation located in Middlesex County, in the State of Connecticut.

TOWN MANAGER shall mean the town manager or any other town employee as the town manager may designate.

TRANSFER STATION or REFUSE DISPOSAL AREA shall mean the solid waste transfer facility area or areas within the town as designated by the town council.

WASTE OIL shall mean crankcase oil that has been utilized in internal combustion engines.

WHITE OFFICE PAPER shall mean used or discarded high-grade white paper including, but not limited to, white paper utilized for envelopes, writing, typing, printing, green bar computer printer, and photocopying which is suitable for recycling and which has a minimum of contamination. Office paper generated by households is excluded.

YARD WASTE shall mean leaves, grass clippings, branches, and other vegetation matter.

§ 269-3. Removal of Solid Waste required.

All property owners shall remove or cause to be removed by a solid waste collector licensed by the Town of East Hampton all solid waste accumulations from their property for disposal at a properly licensed and permitted disposal site or transfer station. Solid waste must be removed on a regular basis to prevent unhealthy, unsafe or otherwise deleterious accumulation and in accordance with the requirements of this chapter.

§ 269-4. Solid waste collection policy.

Collection, removal and disposal of solid waste accumulations shall be in accordance with the following conditions:

- A. Solid waste shall only be set out for collection and/or removed when it is stored in Town-approved containers and is properly placed along a Town-owned or state-owned public right-of-way, in the right-of-way of an approved subdivision road not presently accepted or at another location on the property owner's property upon mutual agreement with the solid waste collector.
- B. All solid waste and recycling containers must be kept reasonably clean and stored in such a place so as not to constitute a nuisance or otherwise be objectionable.
- C. Solid waste shall not be allowed to accumulate, and collection service must be provided on a regular and continuing basis.
- D. Solid waste containers may not be placed at curbside prior to 4:00 p.m. the day before scheduled collection and must be removed from curbside no later than 7:00 a.m. the day after collection.
- E. Items designated as recyclables shall be separated and placed for collection in accordance with this chapter.
- F. Solid waste placed curbside for collection shall not include any item deemed unacceptable under applicable law or by the solid waste collector.
- G. Material of a size or type contrary to rules and regulations of the Town of East Hampton or the solid waste collector or material that has not been prepared, bound, containerized and/or placed for collection in accordance with, the rules and regulations of the Town of East Hampton or the solid waste collector shall not be considered acceptable for curbside collection.
- H. Materials not placed for curbside collection, including, but not limited to, hazardous waste, electronic waste, bulky waste, and yard waste, shall be disposed in accordance with applicable laws, rules and regulations.
- I. Any solid waste or rubbish left in public view, not in accordance with the provisions of this article, shall be deemed a public nuisance and a violation of the article.

§ 269-5. Separation of recyclables required.

Any person who generates solid waste shall separate recyclables from nonrecyclables in accordance with state law and the requirements of the solid waste collector or the facility collecting and/or processing the recyclable material. No person shall dispose of recyclables except in accordance with this article.

§ 269-6. Provision of Receptacles.

Every person owning or operating multifamily units, public housing units, commercial, industrial, or other nonresidential premises where recyclables are created or generated shall provide, or cause to be provided, sufficient areas and/or receptacles on the premises for the

separation and storage of recyclable materials. All recycling receptacles must be clearly labeled.

§ 269-7. Penalties for offenses

Violations of any provisions of this article shall be an infraction. Any person who violates any provisions of this article shall be fined an amount not to exceed \$100 for each offense. Each day on which an offense occurs shall be deemed a separate offense.

ARTICLE II

Solid Waste Collectors

§ 269-8. License required for solid waste collection.

All solid waste accumulated in the Town of East Hampton shall be collected, conveyed and disposed of by the Town of East Hampton or its vendors, agents and partners or by persons licensed by the Town of East Hampton to perform such work in accordance with the provisions of this article and in accordance with other local, state or federal regulations, as may apply. No solid waste collected from outside the Town of East Hampton shall be disposed of under a license or registration issued pursuant to this article.

§ 269-9. Solid waste collector's responsibilities and obligations.

- A. Solid waste collectors operating in East Hampton shall be required to provide solid waste collection and disposal in accordance with this chapter including collection and disposal of recyclable materials.
- B. No licensee shall deliver any solid waste to any final place for disposal that is not licensed or permitted by the State of Connecticut or the state in which the disposal site is located or is incapable of accepting such solid waste at the time of delivery.
- C. Construction and maintenance of vehicles and containers. All vehicles registered to collect and transport solid waste shall be automatic unloading vehicles of a watertight construction and shall be maintained free of obnoxious odors and accumulated solid waste. Any such vehicle with a capacity in excess of 10 cubic yards shall be of a closed construction. A container utilized primarily for non-liquid solid waste need not be of watertight construction and shall be completely enclosed and maintained free of obnoxious odors and accumulated solid waste. If any such vehicle shall have a capacity of less than 10 cubic yards, it may have an open top, provided that it be covered when it is in motion, to prevent the escape of solid waste.

§ 269-10. Licensing of solid waste collectors; registration of vehicles.

- A. Licensing and registration authority designated. The Director of Public Works shall be the licensing and registration authority for solid waste collectors, vehicles and containers. The Director of Public Works shall grant a license within a reasonable period of time following the filing of a proper application and payment of the prescribed fees, as outlined in Subsections B and D below, unless it is found that one or more of the following conditions prevail:
- (1) The applicant has been irresponsible in the conduct of solid waste collection and hauling operations based upon previous suspensions and/or revocations of licenses; or
 - (2) The applicant lacks suitable equipment with which to collect solid waste in a safe and nuisance-free manner and in compliance with this article.
 - (3) The applicant lacks the ability, rights or privileges to properly dispose of solid waste collected at a properly licensed and permitted disposal site or transfer station.
- B. License required. Each solid waste collector shall apply annually, on or before July 1, for a license from the Director of Public Works on such form or forms as shall be prescribed to engage in the business of solid waste collection in the Town of East Hampton. An annual licensing fee as set from time to time by the Town Council shall be paid prior to the issuance of any such license.
- C. Registration of vehicles and containers. Each licensed solid waste collector shall obtain a separate registration for each vehicle used to collect, transport and/or deposit solid waste in the Town of East Hampton or its system.
- D. Registration term, fee, renewal. All registrations shall be issued for a term not to exceed one year and shall be renewable on or before July 1 each year. The registration fee for each vehicle and/or container with a capacity of 10 or more cubic yards and for each vehicle and/or container of a capacity of less than 10 cubic yards shall be as set from time to time by the Town Council. Containers of less than one cubic yard shall not be subject to the registration and fee requirement.
- E. Reinspection upon sale or transfer of vehicle during registration year. Whenever a duly registered vehicle is sold or transferred to another solid waste collector licensed in the Town of East Hampton during the registration year, said vehicle shall be reinspected within seven days of such transfer date, but no additional fees shall be required.
- F. Display of registration. The registration issued shall be conspicuously displayed on the left front of the body of each vehicle or container so licensed, or as may be directed.

- G. License nontransferable. Licenses are not transferable. When any licensee shall sell or transfer all or part of his business to any solid waste collector not licensed in the Town of East Hampton, he shall first notify the Director of Public Works in writing, no less than 10 days prior to the sale date, and the transferee shall, at the same time, make application for a license to operate in the Town of East Hampton.

§ 269-11. Revocation or suspension of license or registration.

- A. General. A license to engage in solid waste collection in the Town of East Hampton and to use other solid waste facilities provided by the Town of East Hampton is a privilege, not a right. Failure to comply with the provisions of this article shall be grounds for revocation or suspension of any license or registration issued under the provisions of this article, in addition to any other penalty imposed by law.
- B. Notice requirement. Revocation or suspension shall only become effective 10 calendar days after receipt of written notice from the Director of Public Works.
- C. Request for review, filing, effect of failure to file. If a solid waste collector objects to the Director of Public Works's action described in Subsection B above, to revoke or suspend his license or registration, he may, within five calendar days of receipt of said notice, file a written request for review with the Town Manager. Failure to timely file such request for review shall make the Director of Public Works's action final and binding upon the solid waste collector.
- D. Effect of timely filing. Timely filing of such request for review shall operate as an automatic stay of the Director of Public Works's action.
- E. Hearing. The Town Manager shall, within 15 days, hear and decide the matter. Such hearing shall be private, except, however, such hearing may be public if so requested, in writing, by the solid waste collector. The decision of the Town Manager shall be final and binding upon the solid waste collector.
- F. Notwithstanding anything to the contrary herein, the Director of Public Works shall have power to refuse permission to a solid waste collector to provide services within the Town when, in his opinion, such solid waste collector has violated this article or any other applicable rule or regulation.

§ 269-12. Promulgation of rules and regulations.

- A. The Director of Public Works shall administer the licensing of any solid waste collector engaged in the collecting and transporting of solid waste in the Town of East Hampton.
- B. The Director of Public Works shall, when considering an application for a solid waste collection license, including renewal, ascertain that the applicant has adequate liability

insurance and appropriate contracts or agreements for disposal of solid wastes to be collected.

- C. The Director of Public Works may promulgate additional collection and disposal procedures from time to time as he deems proper, but such rules shall not be inconsistent with this article. Any such procedure, however, must first be approved by the Town Manager.

§ 269-13. Penalties for offenses

Violations of any provisions of this article shall be an infraction. Any person who violates any provisions of this article shall be fined an amount not to exceed \$100 for each offense. Each day on which an offense occurs shall be deemed a separate offense.

ARTICLE III

Transfer Station

§ 269-14. Transfer station established.

The Town of East Hampton has established and shall maintain a transfer station or refuse disposal area at a permanent location for the purpose of accepting certain solid waste items except those solid wastes and recyclables that are collected at the curbside and hazardous wastes as determined from time to time and in accordance with the rules and regulations established by the director of public works and the town manager.

§ 269-15. Hours of operation.

The transfer station shall normally be open at least once per week on Saturdays, except on legal holidays, and may be open on such other day, days or hours that the Town Manager may designate.

§ 269-16. Use by residents.

Any resident may dispose of solid waste in the transfer station, provided the vehicle bears the identification sticker described in section 269-23, and such disposal is in accordance with the provisions of this article.

§ 269-17. Use by nonresidents; permit required.

A person who is a non-resident may dispose of accepted solid waste in the transfer station, provided that said solid waste is a direct result of work, operations, or business undertaken by

said person, whether by contract or otherwise, in the Town, and that said person obtains a permit from the Director, each such permit requiring payment of a fee as may be set from time to time by the Town Council and expiring after 10 days; except that nonresident solid waste collectors shall be governed by the provisions of § 269-17.

§ 269-18. Nonlocal solid waste prohibited.

No person, whether a resident or non-resident, may dispose of solid waste in the transfer station when such solid waste is the direct result of work, operations, or business undertaken by him, whether by contract, or otherwise, in a location or area outside the Town. However, the Town Manager, upon approval of the Town Council, may enter into agreement with another municipality or agency for convenience, and may negotiate fees for the use of the transfer station.

§ 269-19. Tree trunks, stumps, bulky waste, demolition materials.

No person may dispose of tree trunks measuring eight inches or more in diameter at the butt or largest end, or stumps at the transfer station. Other bulky waste material, demolition materials, junk motor vehicles and farm machinery are not permitted in the transfer station except as specifically allowed. Acceptable bulky waste shall include, but may not be limited to, large and/or heavy waste items such as empty refrigerators with doors off, washing machines, stoves, household furniture, etc., and other similar material that cannot be broken down.

§ 269-20. Garbage and hazardous waste prohibited.

Disposal of any garbage or hazardous waste as defined herein and by appropriate state or federal laws or regulations by any person in the transfer station is prohibited. Prohibited materials shall include, but not be limited to, explosives, pathological and biological waste, infected material, chemicals, radioactive materials, any kind of material containing hot coals or fire, oil sludges, highly inflammable substances, cesspool or other human wastes, human and animal remains, motor vehicles, by-product wastes such as rubber, leather and plastics, farm and other large machinery, liquid wastes, construction material and demolition debris.

§ 269-21. Placement of solid waste in disposal area.

Any person disposing of solid waste in the transfer station shall dispose of such solid waste by dumping or otherwise in specific locations as determined by, and under the supervision of, the custodian of the transfer station. No solid waste may be tossed over the fence or left on the roadside adjacent to the transfer station at any time.

§ 269-22. Scavenging prohibited.

Scavenging at the transfer station is prohibited unless specifically allowed by the Director.

§ 269-23. Trespassing; vehicle identification stickers.

No person shall enter or be permitted within the transfer station except during the hours when the area is open to the public and the custodian is on duty. Vehicles using the transfer station shall be required to obtain a vehicle identification sticker to permit entry to the site. Said vehicle identification sticker shall be obtained after payment of a fee as established from time to time by the Town Council and shall be affixed to the windshield of the vehicle in accordance with instructions.

§ 269-24. Covered loads.

Any vehicle or trailer carrying solid waste to the transfer station shall carry such solid waste, either by covering it or protecting it or in some suitable manner, so that such solid waste shall not blow or fall off the vehicle or trailer.

§ 269-25. Maintenance of area.

The custodian of the transfer station shall compact solid waste for transit, segregate materials and maintain the disposal area in accordance with state and local regulations.

§ 269-26. Penalties for offenses

Violations of any provisions of this article shall be an infraction. Any person who violates any provisions of this article shall be fined an amount not to exceed \$100 for each offense. Each day on which an offense occurs shall be deemed a separate offense.

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
AGENDA REPORT**

DATE: June 14, 2022
SUBJECT: Second Reading- 2022/23 Public Water System Operating Budget & Water Use Rate
DEPARTMENT: WPCA

RECOMMENDED MOTION –to adopt the 2022/23 Operating Budget and approve water use rates effective July 15, 2022 for the two Community Water Systems owned by the Town and operated by the WPCA.

BACKGROUND – Pursuant to direction provided by TC at the meeting of May 10, 2022, a public hearing was held on June 7, 2022. At the Public Hearing, no one attended.

The recommended expense budget for both systems, \$237,924.00 represents an increase of 1.93% or \$4500.00 over last year. Increases in Capital and storage tank cleaning account for the minimal increase.

WATER RATE RECOMMENDATION:

The 2022/23 budget of \$237,924.00, will NOT require an increase in water rates.

Recommended Resolution: The Town Council does hereby approve the 2022/23 Public Water System Operating Budget substantially in the form presented and furthermore adopts the following rate structure effective July 15, 2022.

Effective July 15, 2022 water billing rates are as follows:

- Equivalent Meter Units: \$40.00/EMU
- Commodity Charge: \$11.50/1000 gallons

ALTERNATIVE ACTIONS – at the discretion of the Town Council

FISCAL IMPACT – variable depending upon the ultimate action of the Town Council.



2022–23 Public Water Systems Operation Budget

63-59-0000-XXXX VCWS

63-59-0590-XXXX ROWS

63-59-0593-XXXX HWWS

Presented to WPCA: April 5, 2022

Recommended by WPCA: May 10, 2022

First Reading Date: May 24, 2022

Public Hearing Date: June 7, 2022

Town Council Adoption: June 14, 2022

Drop in Location:
20 Gildersleeve Drive
East Hampton, CT 06424

Board recommendation

**East Hampton Water Pollution Control Authority
Community Water Systems Fiscal Year Budget - 2022-23**

REVENUES

Residential Consumption Estimated			
	VCWS	ROWS	HWWS
daily consumption (gals.)	6,000	12,000	4,080
Est. daily cons./unit (gals.)	92	130	120
Mthly. commodity cost (\$/1000gals.)	\$11.50	\$11.50	\$11.50
Monthly commodity charge (\$)	\$31.74	\$45.00	\$41.40
Monthly meter cost (1EMU = X.XX)	\$40.00	\$40.00	\$40.00
Per unit monthly cost (\$)	\$71.74	\$85.00	\$81.40
EMU's	92	92	34
Estimated monthly revenue	\$6,600	\$7,820	\$2,768
 Est. Residential yearly revenue	 \$79,200.96	 \$93,840.00	 \$33,211.20
	Ctr. Sch.	Mem. Sch.	
Monthly meter cost (15 EMU = \$X.XX)	\$600.00		
daily consumption (gals/day)	900		
Monthly commodity charge (\$)	\$310.50		
Monthly meter cost (20 EMU = \$X.XX)		\$800.00	
daily consumption (gals/day)		1,800	
Monthly commodity charge (\$)		\$621.00	
Estimated monthly revenue	\$910.50	\$1,421.00	
 Est. Institutional yearly revenue	 \$10,926.00	 \$17,052.00	 \$27,978
 Estimated total revenue 20/21	 \$90,126.96	 \$110,892.00	 \$33,211.20
 Transfer from capital fund balance			 -\$3,694
 Proposed fiscal year Operating Budget			 \$237,924
 Annual Cost based upon 72,000 gals.	 \$1,308.00		
 Water sytem Fund balance (Fund 63) 6/30/19	 \$ 188,636.00		
Water system Fund balance (Fund 63) 6/30/20	\$ 196,273.00		
Water system Fund balance (Fund 63) 6/30/21	\$ 257,905.00		
Transfer from PWS Fund Balance (Fund 63) to PWS Capital (Fund 53) 6/30/21	\$ 146,000.00		
Acct 5980 funded reserve/Capital 6/30/23	\$ 42,342.00	If need transfer for budget take from here	
Unaudited Water system fund balance (Fund 63) 6/30	\$ 111,905.00		
PWS capital balance (Fund 53) 6/30/21	\$ 54,725.00		
Projected PWS capital balance (Fund 53) 6/30/22	\$ 240,725.00		
Projected PWS capital balance (Fund 53) 6/30/23	\$ 283,067.00		

APPENDIX G
WPCA
 Fiscal Year 2022/23
 Capital Budget 2017-2022
 Fund 82

<u>Est. Cost</u>	<u>Purchase Year</u>	<u>Projects</u>
\$25,000	2019/20	Carbon Filters (ROWS)
\$30,000	2020/21	9 ft3 greensand addition (ROWS)
\$30,000	2020/21	9 ft3 greensand addition (ROWS)
\$30,000	2021/22	9 ft3 greensand addition (ROWS)
\$30,000	2022/23	Piping Repair (ROWS)
\$30,000	2023/24	Drill New well and outfit (ROWS)
\$30,000	2024/25	Carbon Filters (VCWS)
\$205,000		Current Projected Total Capital Budget
	\$ 205,000.00	Current Fiscal Year 100% Funding Level

Basic business practice as defined by Moody's & DEP requires a contingency of 5-10% of the annual operating budget be kept within the Capital Budget . \$ 19,013

Recommended F/Y 20/21 funding level for Capital Budget

\$ 42,342 see line item 5980 Oper. Transfer to Cap. Budget

WPCA CAPITAL BUDGET

	Year 1 18/19	Year 2 19/20	Year 3 20/21	Year 4 21/22	Year 5 22/23	Year 6 23/24
Budget Line Item 5980 (Res for Capital)	\$ 30,420	\$ 38,025	\$ 39,926	\$ 40,326	\$ 42,342	\$ 44,459
WATER sytem fund tranfer / Capital	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cumulative Reserve for Capital	\$ 133,827	\$ 171,852	\$ 211,778	\$ 252,104	\$ 294,446	\$ 338,904
Anticipated Capital Fund Expenditures	\$ (25,000)	\$ (25,000)	\$ (30,000)	\$ (30,000)	\$ (30,000)	\$ (30,000)
Cumulative Capital Expenditures	\$ 157,000	\$ 132,000	\$ 102,000	\$ 72,000	\$ 42,000	\$ 12,000
Anticipated Capital Fund Balance	\$ 35,000	\$ 48,025	\$ 57,951	\$ 68,277	\$ 80,619	\$ 95,077
Budget Line Item 5980 Percent Increase over previous year	30%	25%	5%	1%	5%	5%
Total Budget Percent Increase over 2016/2017 Budget	30%	33%	8%	2%	2%	2%

Water sytem Fund balance (Fund 63) 6/30/20	\$ 196,273.00
Water system Fund balance (Fund 63) 6/30/21	\$ 257,905.00
Acct 5980 funded reserve/Capital (Fund 53) 6/30/21	\$ 54,725.00
Transfer /Water Ops budget / Capital 6/30/22	\$ 40,326
Unaudited Water system fund balance (Fund 63) 6/30/22	\$ 111,905.00
PWS audited capital balance (Fund 53) 6/30/21	\$ 54,725.00
Projected PWS capital balance (Fund 53) 6/30/22	\$ 240,725.00
Projected PWS capital balance (Fund 53) 6/30/23	\$ 283,066.79

VCWS F/Y 2022-23 Operating Budget - Expenditures only

Adopted:

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	Actual	APPROVED			PROPOSED		
	20-21	2021-22	Spent	%	2022-23	\$	%
	EXPENSES	BUDGET	03/29/22	Available	BUDGET	+/-	+/-
5110 Full Time P/R	0	700	0	100.00%	700	0	0.0%
5120 P/T P/R (19.5 hrs/wk	0	2,623	0	100.00%	2,623	(1)	0.0%
5220 Social Security	0	163	0	100.00%	163	(0)	-0.2%
5221 Medicare	0	38	0	100.00%	38	0	0.1%
5319 Meetings/Conf.	0	500	0	100.00%	500	0	0.0%
5330 Prof/Tech Services	5,889	5,710	3,884	31.98%	5,820	110	1.9%
5430 Bldg. & Equip. M&R	47,508	14,950	7,594	49.20%	14,950	0	0.0%
5436 UTT/Oper. Labor	10,582	21,000	6,808	67.58%	18,000	(3,000)	-14.3%
5490 oth purchasedproprsrt	0	150	703	-368.67%	400	250	166.7%
5520 Prop/Liab Insurance	0	1,317	0	100.00%	1,317	0	0.0%
5530 Communications	623	650	623	4.15%	650	0	0.0%
5540 Newspaper Adv.	125	100	0	100.00%	100	0	0.0%
5580 Staff Travel	1,195	1,500	542	63.87%	1,500	0	0.0%
5590 Other Purch. Serv.	2,690	3,653	2,398	34.36%	3,729	76	2.1%
5611 Supplies/ materials	5	100	0	100.00%	100	0	0.0%
5615 UNIFORMS	0	75	0	100.00%	75	0	0.0%
5622 Electricity	9,080	9,750	6,148	36.94%	9,750	0	0.0%
5627 Motor Fuel	0	600	465	22.50%	600	0	0.0%
5680 Chemicals	1,348	1,750	840	52.00%	1,750	0	0.0%
5690 Other Supp./Material	0	550	568	-3.27%	550	0	0.0%
5744 Computer Equip.	0	25	0	100.00%	25	0	0.0%
5810 Dues & Fees	819	1,155	821	28.92%	1,155	0	0.0%
5893 Claims & settlements	0	0	0	0.00%	0	0	0.0%
5923op TRANS TO wpca cap	0	1,000	0	100.00%	1,000	0	0.0%
5980 Res. For Cap & NR	0	20,000	0	100.00%	21,171	1,171	5.9%
5990 Contingency	0	1,200	0	100.00%	1,200	0	0.0%
	\$79,864	\$89,259	\$31,394		\$87,865	(\$1,394)	-2%
					+/-		

ROWS F/Y 2022-23 Operating Budget - Expenditures only

Adopted:

page 1 of 1

	Actual	APPROVED			PROPOSED		
	2020-21	2021-22	Spent	%	2022-23	\$	%
	EXPENSES	BUDGET	03/29/22	Available	BUDGET	+/-	+/-
5110 Full Time P/R	0	600	0	100.00%	600	0	0.0%
5120 P/T P/R (19.5 hrs/wk	0	2,295	0	100.00%	2,295	(0)	0.0%
5220 Social Security	0	142	0	100.00%	142	(0)	0.0%
5221 Medicare	0	34	0	100.00%	34	(0)	-1.4%
5319 Meetings/Conf.	0	538	0	100.00%	538	0	0.0%
5330 Prof/Tech Services	7,910	6,815	2,427	64.39%	7,863	1,048	15.4%
5430 Bldg. & Equip. M&R	27,444	20,950	18,253	12.87%	21,450	500	2.4%
5436 UTT/Oper. Labor	10,900	21,000	6,970	66.81%	18,000	(3,000)	-14.3%
5490 oth purchasedproprsrt	383	300	766	-155.33%	400	100	33.3%
5520 Prop/Liab Insurance	0	2,424	0	100.00%	2,424	0	0.0%
5530 Communications	623	1,250	624	50.08%	1,250	0	0.0%
5540 Newspaper Adv.	175	100	0	100.00%	100	0	0.0%
5580 Staff Travel	1,194	1,500	542	63.87%	1,500	0	0.0%
5590 Other Purch. Serv.	7,319	9,872	6,472	34.44%	10,075	203	2.1%
5611 Supplies/ materials	4	87	0	100.00%	87	0	0.0%
5615 UNIFORMS	0	150	0	100.00%	150	0	0.0%
5622 Electricity	7,351	9,750	4,227	56.65%	9,750	0	0.0%
5627 Motor Fuel	0	650	0	100.00%	650	0	0.0%
5680 Chemicals	4,008	9,750	2,520	74.15%	9,750	0	0.0%
5690 Other Supp./Material	910	350	0	100.00%	350	0	0.0%
5741 Machinery & Equipmer	22,771	0	0	0.00%	0	0	0.0%
5744 Computer Equip.	0	50	0	100.00%	50	0	0.0%
5810 Dues & Fees	821	1,339	861	35.70%	1,339	(0)	0.0%
5893 Claims & settlements	0	0	0	0.00%	0	0	0.0%
5923op TRANS TO wpca cap	0	1,500	0	100.00%	1,500	0	0.0%
5980 Res. For Cap & NR	0	20,000	0	100.00%	21,171	1,171	5.9%
5990 Contingency	0	1,200	0	100.00%	1,200	0	0.0%
	\$91,813	\$112,646	\$43,662		\$112,667	\$21	0%

2022-23 Individual Water System Expense Breakdown

	<i>25%</i>				Total
	VCWS	ROWS	Mem Sch	HWWS	
EXPENDITURES					
5110 - Full Time Salaries	700	500	100	100	1,400
5120 - PIT Seasonal PIR	2,623	1,967	328	328	5,245
5220- Social Security (.062)	163	122	20	20	325
5122 - Medicare (.0145)	38	29	5	5	77
5319 - Meetings/Conf.	500	453	85	85	1,123
Certification Training	125	125	38	38	
Conf./Seminars	375	328	47	47	
5330 - Prof/Tech Services	5,820	4,778	3,085	1,899	15,582
DOHS Water Quality Testing	5,610	4,488	3,060	1,874	
Misc. Engr. Bldg	n/a	n/a	n/a	n/a	
B102 Tank Insp/engr	n/a	n/a	n/a	n/a	
Annual Auditing Reports	210	290	25	25	
5430 - Bldg & Equip. M & Rep.	14,950	19,100	2,350	250	36,650
JF Labor	250	500		250	
well pump replacement	2,000	2,000	2,000	0	
Dist/WTP system maint.	2,500	1,000	150	0	
plumbing parts & repairs	400	800	200	0	
Greensand Valves		500		0	
Greensand media changeout	9,000	9,000		0	
Emrg. Gen. Maint. & An. Insp.	800	800		0	
VFD for R.O. pump	n/a	n/a	n/a	n/a	
Storage tank cleaning	n/a	4,500	n/a	n/a	
Well Driller	0	0		0	
5436 - UTT/Oper. Labor	18,000	18,000		4,506	40,506
5490 - Other Purch. Property Scrvs	400	400		150	950
Locate leaks/R & R meter & radio	400	400		150	
5520 - Prop/Liab Ins (Inc 10%)	1,317	2,124	300	2,124	5,865
5530 - Communications	650	1,100	150	650	2,550
5540 - Newspaper Advertising	100	100		100	300
5580 - Travel	1,500	1,500		1,500	4,500
5590 - Other Purch. Services	3,729	9,879	196	3,992	17,795
Billing Administration (112 cust.)	2,979	7,879	96	3,267	
Shut offs/Final bills	100	600		100	
Flushing water mains 2X/yr	450	1,300		450	
Annual Cross Connection Report	200	100	100	175	
5611 - Office Supplies	100	74	13	13	200
5615 - Uniform Allowance	75	75	75	75	300
5622 - Electricity	9,750	9,750		9,750	29,250
5627 - Motor Fuel (Veh & Gen)	600	600	50	50	1,300
Veh. \$200/200/50 - Gen. \$400/400					
5680 - Chemicals	1,750	7,500	2,250	1,750	13,250
5690 - Other Supp/Materials	550	250	100	550	1,450
5744 - Computer Equip	25	25	25	25	100
5810 - Dues & Fees	1,155	1,144	195	570	3,064
AWWA	45	34	11	45	
CWWA	735	735	184	150	
DEEP Annual Diversion permit	250	250		250	
DEEP Generator Permit	125	125		125	
5923 - Oper. Transfer to S.F.	1,000	1,000	500	1,000	3,500
5980 - Res for Cap & NR	21,171	21,171	0	6,700	49,042
5990 - Contingency	1,200	900	300	1,200	3,600
TOTAL	87,865	102,540	10,127	37,392	237,924
Approved Operating Budget 21-22	86,258	100,080	10,032	37,054	233,424
"+/-	1,607	2,460	95	338	4,500
"+/-	1.86%	2.46%	0.95%	0.90%	1.93%



Summary of Public Act 21-1
As of September 2021

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

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

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

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

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

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

There are two options for restricting the sale of cannabis:

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

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

Research Bulletin

Recreational Cannabis

January 10, 2022

Introduction:

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

Bill Summary:

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

Municipal Authority:

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

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

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

- 1) Local Referendum

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

The ballot questions should read:

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

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

2) Local Zoning Authority

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

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

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

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

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

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

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

Until June 30, 2024, municipalities are prohibited from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one retailer and one micro-cultivator for every 25,000 municipal residents, as determined by the most recent decennial census. Beginning July 1, 2024, the DCP Commissioner may post on the DCP website a specific number of residents such that no municipality shall grant zoning approval for more retailers or micro-cultivators than would result in one of each for every such specific number of residents, as determined by the commissioner.

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

Regulations of Smoking and Cannabis Use

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

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

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

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

Municipal Sales Tax

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

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

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

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

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

Employment and Labor Provisions

Effective date July 1, 2022, with some exceptions

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

Exempted employers include employers whose primary activity is:

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

Exempted positions include:

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

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

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

Delivery and Transport:

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

Ban on Certain Actions and Local Host Agreements

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

Further Information

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

Resources

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

Sirois, Cathy

From: Contact form at easthamptonct <cmsmailer@civicplus.com>
Sent: Saturday, May 14, 2022 8:40 AM
To: Town Council
Subject: [easthamptonct] Pot Retail (Sent by Kyle Chmielecki, Kyle.chmielecki@gmail.com)

CAUTION:

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Remember to hover over any links and if you suspect the email is not legitimate or a phishing email, please contact Tom McMahon at x3363.

Hello Town Council,

Kyle Chmielecki (Kyle.chmielecki@gmail.com) has sent you a message via your contact form (<https://www.easthamptonct.gov/user/27/contact>) at easthamptonct.

If you don't want to receive such e-mails, you can change your settings at <https://www.easthamptonct.gov/user/27/edit>.

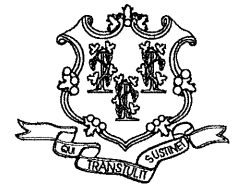
Message:

I saw the post in the Rivereast soliciting input on pot retail in our town. I want to commend Mrs. Walck for taking the stance against pot retail in our town. There's no need for it, and I don't want it for our town or my children. I am sure many residents in town agree. Mr. Goff points out that marijuana it is no worse than liquor and could raise revenue for the Town. These might be true arguments. However, the Council must consider the Character and values you want to uphold in Town and collateral costs. Essentially, is it worth it?

The answer is NO. Having pot retail in town represents a negative reputation for the town and erodes the traditional values we should uphold. Further, it encourages use and increases access for residents. Likewise, it will bring residents from outside of the town to Pot Retail. Finally, increased use comes with ancillary costs like 1) driving while high and traffic incidents, 2) additional ordinances and enforcement, and 3) increases consumption in the youth population and schools.

It's true these are all issues that exist with alcohol. However, that genie is out of the bottle and alcohol use, and misuse, is already understood and accepted as part of American life. Alcohol use comes with risks and reward that people already accept. Just like you would manage the number and location of alcohol retailers you should manage the number and location of pot retailers. The number is 0 and the location is somewhere else. There's no need for it. If you want to raise revenue or balance a budget then find another economic driver and control excess spending.

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.



Municipality: East Hampton

Form NAA-01
2022 Connecticut Neighborhood Assistance Act (NAA)
Program Proposal

This form **must** be completed and submitted to your municipality for approval. All items **must** be completed with as much detail as possible. If additional space is needed, attach additional sheets. Please type or print clearly. See attached instructions before completing. **Do not submit this form directly to the Department of Revenue Services.**

Part I — General Information

Name of tax exempt organization/municipal agency: _____

Epoch Arts, Inc

Address: 27 Skinner Street, East Hampton, CT, 06424

Federal Employer Identification Number: 11-3760142

Program title: Epoch Arts Energy Conservation Project 22-24

Name of contact person: Elizabeth Namen

Telephone number: (860) 267-2597

Email address: elizabeth@epocharts.org

Total NAA funding requested (\$250 minimum, \$150,000 maximum): \$ 40,000.00

Is your organization required to file federal Form 990 or 990EZ, Return of Organization Exempt from Income Tax?

Yes No

If **Yes**, attach a copy of the **first page** of your most recent return.

If **No**, attach a copy of your determination letter from the U.S. Treasury Department, Internal Revenue Service.

Part II — Program Information

Check the appropriate description of your program:

100% credit percentage

- Energy conservation; **or**
 Comprehensive college access loan forgiveness (see Conn. Gen. Stat. § 12-635(3)).

60% credit percentage

- Job training/education for unemployed persons aged 50 or over;
 Job training/education for persons with physical disabilities;
 Program serving low-income persons;
 Child care services;
 Establishment of a child day care facility;
 Open space acquisition fund; **or**
 Other (specify): _____

Description of program: _____

A large portion of the building is not suitable for our youth/public programs due to broken windows, deteriorated brick, and lack of efficient utilities including heat and electricity. The purpose of this program is to close openings in the deteriorated brick walls and repair stone lintels to prevent free passage of air, replace the broken aluminum-frame windows with energy efficient windows, and install new electrical circuit and energy efficient lighting. This program will allow us to work towards installing efficient heat and water utilities, and opening the space to the public.

Need for program: _____

We welcome over 2000 members of the local region each year into our historic brick building. While the building is a significant historic feature of the town, it lacks the energy standards of modern construction. This grant will allow us renovate outdated features, drastically reducing our operating costs and environmental impact. The existing windows are non-insulating, or missing completely, and parts of the building use inefficient lighting and heating. NAA has allowed us to make many improvements to our building and we look forward to further expanding energy efficiency in our building.

Neighborhood area to be served: _____

East Hampton, CT and Middlesex County are the primary neighborhoods being served. Our programs have drawn people regularly from outside the County; we have regular participants in our programs from residents of Bristol and Hartford, CT.

Plan to implement the program: _____

The Epoch Arts Energy Conservation Project has been planned through consultation with local architects, engineers and contractors. We work closely with the Connecticut State Historic Preservation Office to maintain the Historic classification for the property. In addition to NAA funds, construction costs will be covered by private donations, matching and private grants and in-kind donations. Community support and input will insure we meet our project goals. We continue to form relationships with town agencies and civic organizations to offer positive, productive opportunities for our community.

Timetable:

Program start date: October 15th, 2022

Program completion date: September 15th, 2024

The program completion date must not be more than two years from the program start date. A certified post-project audit is due to the municipality overseeing implementation no later than three months after program completion date for all projects receiving \$25,000 or more in NAA funding.

Part III — Financial Information

Program Budget:

Complete in full. Expenditures must equal or exceed total funding.

Sources of Revenue:

NAA funds requested	<u>\$40,000.00</u>
Other funding sources - itemized sources:	
a) _____	_____
b) _____	_____
c) _____	_____
d) _____	_____

Total Funding:

Proposed Program Expenditures:

Direct operating expenses - itemized description:	
a) <u>Energy Efficient Windows</u>	<u>\$12,000.00</u>
b) <u>Brick & Stone Repairs</u>	<u>\$8,000.00</u>
c) <u>Energy Efficient Lighting</u>	<u>\$20,000.00</u>
d) _____	_____
Administrative expenses - itemized description:	
a) _____	<u>\$0.00</u>
b) _____	<u>\$0.00</u>
c) _____	<u>\$0.00</u>
d) _____	<u>\$0.00</u>

Total Proposed Expenditures:

\$40,000.00

Part IV — Municipal Information

To be completed by the municipal agency overseeing implementation of the program

Name of municipal agency overseeing implementation of the program: _____ Town of East Hampton _____
Mailing address: _____ 1 Community Drive, East Hampton, CT 06424 _____
Name of municipal liaison: <u>David E. Cox, Town Manager</u> _____
Telephone number: <u>860-267-4468</u> _____
Fax number: <u>860-267-1027</u> _____
Email address: <u>dcox@easthamptonct.gov</u> _____

<p>Post-Project Audit</p> <p>Is a post-project audit required for this proposal?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, date post-project audit due:</p> <p style="text-align: center;"><u>12/15/2024</u> Date</p>
--

COPY

Form 990-EZ

Short Form

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

2020

Open to Public Inspection

Department of the Treasury Internal Revenue Service

- Do not enter social security numbers on this form, as it may be made public. Go to www.irs.gov/Form990EZ for instructions and the latest information.

Form header section A through L containing organization details: Epoch Arts, Inc., 27 Skinner Street, East Hampton, CT 06424. Includes fields for accounting method (Cash), website (www.epocharts.org), and tax-exempt status (501(c)(3)).

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (see the instructions for Part I)

Check if the organization used Schedule O to respond to any question in this Part I [X]

Table with 21 rows and 4 columns. Rows 1-9: Revenue (Total: 107,846). Rows 10-17: Expenses (Total: 67,054). Rows 18-21: Net Assets (Total: 336,300).



East Hampton Police Department

1 Community Drive
East Hampton, CT 06424



Dennis Woessner
Chief of Police

Jun 8, 2022

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

Attached to this memorandum are two General Orders which I am submitting for approval:

General Order 1.7, Strip and Body Cavity Searches is an existing General Order which required updating to reflect changes required by the Police Officer Standards and Training Council (POSTC) Accreditation Standards. The change includes language specific to the LGBTQ populations.

General Order 5.24, Roadway Hazards and Motorist Assistance is a new General Order which we were required to create to be in compliance with POSTC Accreditation Standards.


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



EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 1.7

DEPARTMENT ROLE AND AUTHORITY

SUBJECT: STRIP AND BODY CAVITY SEARCHES		
Issue Date: 10/10/2018	Effective Date: 9/25/2018	Distribution: All Personnel
Amends/Rescinds GO: Dated 5/2/2014		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

The purpose of this policy is to establish guidelines and procedures for conducting Strip and Body Cavity searches, which are authorized by state law.

II. POLICY

East Hampton Police Department officers shall observe the rights of citizens under the Fourth Amendment to the United States Constitution which guarantees the right of people to be free from unreasonable searches and seizures of their homes, persons, and things. The Department recognizes that the use of strip searches and body cavity searches may, under certain conditions, be necessary to protect the safety of officers, civilians, and other prisoners; to detect and secure evidence of criminal activity; and to safeguard the security, safety, and related interests of the Department's prisoner detention and holding facilities.

III. DEFINITIONS

Strip Search: A strip search is defined in Connecticut General Statutes § 54-33k as having an arrested person remove or arrange some or all of his or her clothing; or, if an arrested person refuses to remove or arrange his or her clothing, having a peace officer or employee of the police department remove or arrange the clothing of the arrested person so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments used to clothe said anatomical parts of the body.

IV. PROCEDURE

A. Strip Search and Body Cavity Searches

Such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched, in accordance with the procedural guidelines for conducting such searches as set forth in this policy. Strip searches and body cavity searches of persons are strictly governed by Connecticut General Statutes §§ 54-33k and 54-33l.

A “**strip search**” is defined as having an arrested person remove or rearrange some or all of his clothing to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments used to cloth these parts of the body. In accordance with § 54-33l (a), no one arrested for a motor vehicle violation or a misdemeanor shall be strip searched unless there is reasonable belief that the person is concealing a weapon, a controlled substance, or contraband. **Furthermore, pursuant to Connecticut General Statutes and this General Order** strip searches must be conducted by a person of the same sex as the suspect, **or the requested sex of the individual being searched** and where they cannot be observed by persons not physically conducting the search or not absolutely necessary to conduct the search.

Any officer conducting a strip search shall obtain the written permission of the police chief or his designee and prepare a report of the search.

The statute does not define the term “**body cavity search**.” The language of the statute suggests, however, that a “strip search” and a “body cavity” search are distinct and different. No search of any **body cavity other than the mouth** may be conducted without a search warrant, which requires probable cause. The warrant must specify that the search be performed under sanitary conditions and be conducted either by or under the supervision of a person licensed to practice medicine.

B. Training

All sworn officers shall receive training regarding strip and body cavity searches. Training shall include that which was received at the Connecticut Police Training Academy, during the Field Training and Evaluation Program, and from roll call and in-service training. Such training shall include instruction on the proper, safe, legal, and professional manner in which to conduct a strip search. The Department shall provide officers with annual refresher training on this section regarding strip and body cavity searches.

C. Use of in-Custody Search

Because strip searches of arrestees are not routinely warranted, it is important for officers to rely on pat-down searches performed in the field and at booking to disclose any weapons or contraband that an arrestee might be hiding on his/her person. The importance of these searches cannot be overemphasized. They are essential to officer safety during initial arrest of a suspect, during prisoner transportation, and may be the only opportunity to prevent the introduction of weapons or contraband into the police facility or the destruction of evidence at the station. Field and booking custody searches are often the primary means of establishing reasonable suspicion necessary for conducting a later strip or body cavity search.

D. Connecticut State Law

Connecticut General Statutes § 54-33I specifies that police officers are not excluded from prosecution under any Connecticut Statute for their actions. In addition, a person wrongfully searched is not prohibited from seeking or obtaining civil or injunctive relief.

E. General Guidelines

While safety and security are recognized as legitimate concerns of law enforcement personnel, they are not solely sufficient grounds for conducting strip searches given the highly intrusive nature of these procedures and the privacy interest of arrestees. As a result, the arresting officer plays a major role in determining whether an arrestee should be strip searched based on his/her knowledge of the facts surrounding the arrest and of the individual arrested. Officer input is critical at booking, or during temporary detention, to establish clear justification for conducting or not conducting such searches.

In conjunction with Connecticut General Statutes § 54-33I, as amended, which sets out specific guidelines for a strip search, the following procedures shall be followed when conducting strip and body cavity searches.

1. Authority – With and Without – a Warrant

Persons arrested for motor vehicle violations or misdemeanors shall not be subjected to a strip search unless there is reasonable belief of concealment of a weapon or controlled substance or contraband. Reasonable belief may be based upon, but is not limited to the following:

- a. ***The nature of the offense charged:*** Violent felony offenses and those related to drug possession often provoke suspicion that the offender is concealing weapons or evidence. However, the fact that an individual is arrested on a felony charge alone does not, without reasonable suspicion, always support the use of a strip search.

- b. ***The duration of the detention:*** The duration of the detention can also serve as an aid in determining if a strip search is warranted. Arrestees being held for a short period of time, and who will be continuously restrained, may not warrant a strip search unless there are other factors present.
- c. ***The arrestee's appearance and demeanor:*** An arrestee, who presents an unusual and inordinately nervous demeanor, conducts himself/herself in a manner that suggests he/she is attempting to conceal something, or acts in a generally suspicious manner, may add to an officer's reasonable suspicion.
- d. ***The circumstances surrounding the arrest:*** The circumstances under which the arrest was made may also constitute a factor in determining reasonable belief. Such circumstances include the area/location in which the arrest was made, (e.g., in an established drug house or area known for the sale/distribution of narcotics or street violence); the individuals with whom the arrestee was associating, (e.g., known felons with violent criminal histories); and the degree of resistance offered by the arrestee, (e.g., indicating the possibility of the arrestee possessing a weapon, evidence, or contraband.)
- e. ***The arrestee's criminal record:*** An individual with a lengthy criminal record, particularly crimes of violence and narcotics offenses, possession and/or use of firearms, or other deadly weapons, and prior involvement in illegal drugs, are pertinent in establishing reasonable belief.
- f. ***The discovery of evidence:*** The discovery of evidence of a major offense in plain view or in the course of a search incident to the arrest.
- g. ***Information/Actions:*** Information or actions of the arrestee indicating the likelihood that evidence, contraband, or a weapon are being concealed.
- h. ***Suspicious objects:*** The detection of suspicious objects beneath the suspect's clothing during a field search incident to the arrest.
- i. ***Whether other reasonable alternatives exist:*** Use of metal detectors or a pat-down of an arrestee may be accomplished in lieu of a strip search when to do so can meet the safety and security needs of the Department. Temporary segregation from other arrestees may also serve as an acceptable alternative to a strip search.

2. Provisions for Privacy and Search by Gender

When strip searches are conducted, the following provisions regarding privacy shall apply:

- a. Only sworn officers of this Department are authorized to perform a strip search of arrestees being detained at the East Hampton Police Department. If there is no officer of this Department available to conduct a strip search of an arrestee of the same sex, then the Supervisor shall make arrangements to have a sworn officer of the same sex, from another law enforcement agency, perform the search. **Officers shall be sensitive to the LGBTQ populations when conducting strip searches. When appropriate ask the arrestee whom they would prefer to conduct the search.**
- b. In conformance with approved hygienic procedures and professional practices. Officers shall wear protective gloves and take all other universal precautions as required. To maintain proper hygiene, protect the dignity of the arrestee, and reduce liability and other allegations of wrongdoing, officers shall attempt to avoid contact with an arrestee during the strip search.
- c. In a room specifically authorized for this purpose by the Supervisor, taking precautions to prevent any unauthorized viewing or intrusions into the area.
- d. By the fewest number of personnel necessary and only by those of the same sex **or requested sex**. Usually the number of necessary personnel will be no more than two officers, unless the arrestee is violent or other unusual circumstances exist.
- e. Under conditions that provide privacy from all but those authorized to conduct the search.
- f. Field strip searches of prisoners are generally prohibited, except in the rarest of circumstances under exigent circumstances where the life of officers or others may be placed at risk, and only in privacy with the explicit written approval of a Supervisor authorized herein to be a designee of the Chief of Police.

3. Strip and Body Cavity searches on Juveniles

- a. Strip and Body Cavity searches of a juvenile (an unemancipated person under the age of 18) that has been arrested for a “delinquent act,” as defined in CGS § 46b-120(9), that would be classified as a felony if committed by a person over the age of eighteen are authorized with the approval of the Chief of Police or his designee.
- b. This policy does not permit the Strip and Body Cavity searches of juveniles arrested for a “delinquent act” that would not be classified as a felony if committed by a person over the age of eighteen or a juvenile charged as a member of a family with service needs, as defined in CGS § 46b-120(5), unless there is reasonable belief that the individual is concealing a weapon, controlled substance or contraband. (This would be consistent with CGS § 54-33(a).)
- c. The manner in which the search is conducted should take into consideration the juvenile’s age and level of maturity as well as any known or apparent intellectual disabilities or mental illness.
- d. The report of the strip search, as required by CGS § 54-33(d)(2), should be provided to the juvenile and the juvenile’s parent or guardian or legal counsel.

F. Reporting Requirements

Written permission of the Chief of Police, or designee, is required to perform a strip search. Where articulable, reasonable belief exists to conduct a strip search for weapons or contraband, the arresting officer shall make a documented request for such action to the Supervisor, by filling out the *Authorization for Strip Search Form*, which shall clearly state the basis for suspicion. A completed copy of this form will be given to the arrestee. This form shall also include the following information:

- 1) The time and place of the search
- 2) The identity of the individual searched and the name of the officer conducting the search, plus any other person(s) who are present
- 3) A detailed description of the nature and extent of the search

When a strip search is conducted, any weapons, evidence, or contraband found during the search should be fully documented and secured as evidence for possible criminal charges. Any problems encountered or items confiscated should be brought to the attention of a supervisor. The officer’s police report shall also include any other pertinent information regarding the search.

G. Body Cavity Searches

An inspection of the suspect's mouth may not require a search warrant. A search of any other part of the body, however, requires a search warrant. Because body cavity searches are particularly intrusive, they must meet a higher standard in order to be deemed justifiable, and to conform to the requirements of reasonableness in the manner in which they are performed. The requirements of privacy, hygiene, and the training of those who perform such searches are of importance in the context of body cavity searches.

Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence, or contraband within a body cavity, the following procedures shall be followed:

1. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.
2. The officer shall consult with a supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and or poses a threat to the safety of officers, the arrestee, others and/or the security of the Department's detention operation.
3. If probable cause exists for a body cavity search, an affidavit for a search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause. The warrant shall be specific as to sanitary conditions and conducted either by or under the supervision of a physician under the guidelines of Chapter 370. In addition, a *Medical Authorization for a Body Cavity Search Form* must be completed and a copy given to the arrestee.
4. On the basis of a search warrant, a body cavity search shall be performed by an authorized agency physician or by other medically trained personnel at the physician's direction.
5. For safety and security reasons, the search shall be conducted at a medical facility, or at another authorized facility, and in a room designated for this purpose.
6. The authorized individual conducting the search shall file a report with the Department, which shall be included in the police report. Officers witnessing this search shall complete a supplemental police report containing all pertinent information.



STRIP SEARCH AUTHORIZATION

DATE: _____ CASE # _____

LOCATION OF SEARCH: _____

Time Search Began: _____ Time Search Ended: _____

THE FOLLOWING OFFICER(S):

1. _____
Rank & Name (Printed) *Signature*

2. _____
Rank & Name (Printed) *Signature*

3. _____
Rank & Name (Printed) *Signature*

HAVE BEEN AUTHORIZED TO CONDUCT A STRIP SEARCH OF:

Subject Name: _____ Date of Birth: _____

Address: _____

WHO IS IN CUSTODY AND IS SUSPECTED OF BEING IN POSSESSION OF A WEAPON, CONTROLLED SUBSTANCE, OR CONTRABAND.

AUTHORIZED BY: _____ Date: _____
Chief or his Designee Signature

NOTE: Written authorization must first be obtained from the Chief of Police or his designee, prior to conducting a strip search. This Strip Search Authorization Form must be completed in triplicate as follows:




- Original – with case report
- 1 copy – with arrest/court paperwork
- 1 copy – to subject of search



EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 5.24

PATROL FUNCTIONS

SUBJECT: ROADWAY HAZARDS AND MOTORIST ASSISTANCE		
Issue Date: TBD	Effective Date: TBD	Distribution: All Personnel
Amends/Rescinds GO:		Review Date:
<p>Per Order of:</p> <div style="text-align: center;">  Dennis Woessner, Chief of Police </div>		
<p><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></p>		

I. PURPOSE

To establish responsibilities of Officers as they relate to providing assistance to motorists and correcting hazardous roadway conditions.

II. POLICY

The East Hampton Police Department is committed to providing a safe roadway system for the public that is clear of hazardous conditions and to provide assistance to roadway users whose vehicles may be disabled.

III. ROADWAY HAZARDS

Members of the Department who identify a traffic hazard are responsible for ensuring the public safety until the hazard is corrected. The traffic hazards can be such items as debris in the roadway, defects in the roadway; visual obstructions, damaged or down traffic signals or signs, lack of or defective roadway lighting systems, and other roadside hazards including abandoned, disabled or parked vehicles on or near the roadway.

Members shall take appropriate action to ensure the hazard is corrected as quickly as possible. The actions can include, but are not limited to:

- a. Clearing debris from the roadway if possible
- b. Notifying dispatch of the traffic hazard to ensure the proper state or local department is notified in a timely manner to correct the hazard. If necessary, initiate an emergency call out to get the hazard corrected immediately. Dispatch maintains a list of contact numbers for referrals.
- c. Providing assistance to disabled motorists and/or contacting dispatch to obtain the services of a wrecker to remove the vehicle that is creating the hazard.

Members of the Department shall insure that the traveling public is safe until the traffic hazard is clear. This may include the need to direct traffic, divert traffic from the area, or to obtain temporary signs to replace damaged signs.

IV. DISABLED VEHICLES

Members of the Department on routine patrol or via dispatched calls may encounter disabled vehicles. Upon arrival, the officer should position their vehicle to provide safety to the person needing assistance and to also alert the traveling public to the problem. Officers shall provide the necessary assistance to the operator of the vehicle, to include having dispatch contact a wrecker service from the police wrecker rotation list or one of the owner's request, if that wrecker service can respond in a reasonable amount of time. If the disabled motorist is unable to make his own arrangements for a ride officers have the discretion to provide transportation to the disabled motorist to his residence, if they live in town, or to a location which is safe for the operator to wait for a ride. Officers should be cognizant not to leave a disabled motorist or any passengers in a dangerous situation.



To: East Hampton Town Council, David Cox Town Manager
From: East Hampton Conservation Lake Commission
Date: May 24, 2022
Subject: Recommendations for Lake Treatment Options

At our recent meetings, the CLC has been researching and discussing Lake treatment options to deal with possible algae blooms this summer as well as in future years. The 2022 plan for the Lake calls for the Aeration System to be activated from April until October. A total of 5 Bio Blast treatments are budgeted for June through August. (Specific dates of application to be determined based on assessed lake conditions by the contracted applicator vendor, Ever Blue Lakes). We are optimistic that this upcoming season will see improvement in the Lake conditions compared to 2021 as long as we do not see a repeat of the 2021 unusual weather conditions (extremely heavy rainfall events).

In the event that conditions do deteriorate, and we start to see Blue Green Algae blooms the CLC feels that we should have a short-term plan in place in order to combat the bloom and meet our goals of keeping the Lake safe from a health perspective and open for recreational use.

Working with Northeast Aquatic Research and Ever Blue Lakes, we have identified several options which would treat Blue Green Algae Blooms:

1. Copper Sulfate. We currently have a permit for a Copper Sulfate Treatment. The cost is \$16,700. Immediate impact. Estimated treatment effect time 4 to 6 weeks. Can be used with aeration. Vendor Applicator: Solitude or Pond & Lake Connection.
2. Lake Guard Oxy Peroxide based Algaecide. The product comes in powder form and is designed for slow release in the water column killing the Blue Green Algae. Ever Blue Lakes, feels that this will make it compatible with the Aeration system. Cost \$18,333 immediate impact. Estimated treatment effect time 4 to 6 weeks. Vendor, Ever Blue Lakes Pond & Lake Connection would need to get the permit. The Product is approved by Ct DEP, but this would be 1st permit issued in CT. It's a new product on the market in the USA but there are a number of favorable case studies from Europe supporting it.

The CLC Recommends the Town Council approve having Ever Blue Lakes move forward to obtain a permit for Lake Guard Oxy. Our recommendation is to make Lake Guard Oxy the 1st option to deploy if needed to treat a significant Blue Green Algae bloom. If the permit cannot be obtained in time to utilize Lake Guard this season, then Copper Sulfate should be the backup choice.

The CLC reasons for supporting Lake Guard Oxy over Copper sulfate are as follows:

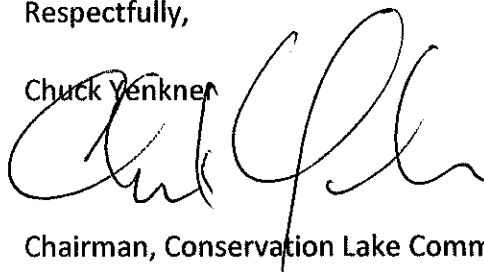
Lake Guard is peroxide based and therefore more ecologically friendly. It's safe for humans, fish, plants and wildlife. (Copper Sulfate is also safe if applied properly)
Lake Guard is a new product to the market and offers the potential for superior results due to its ability to stay suspended in the water column.
Lake Guard costs are very competitive with copper sulfate which, until now, has been the lowest cost Algae fighting solution.

Budget considerations:

The cost of the Lake Guard Oxy application is \$350 which is available from the CLC Budget. If the application is required, we could possibly reallocate funds currently budgeted for Bio Blast treatments to cover all or part of the application costs. Hopefully the product will be permitted in time for us to have it as a tool to use if needed this summer. If not, we believe it would be beneficial to have the permit in place for possible use in 2023.

Respectfully,

Chuck Yenken



Chairman, Conservation Lake Commission

APPOINTMENT SUB-COMMITTEE

The following are recommendations from the Appointment Sub-Committee from their June 7, 2022 meeting:

Appointments

- David Price – Clean Energy Task Force
- Jack Solomon – Clean Energy Task Force
- Casey Donnelly – Alternate – Middle Haddam Historic District Commission
- Peter Pach – Alternate – Middle Haddam Historic District Commission
- Matthew Walton – Alternate – Planning & Zoning Commission

BOARD AND COMMISSION SUMMARY MAY 2022

Arts & Culture Commission

The Arts & Culture Commission held a special meeting on May 10 to hear presentations on the two final grant applications and to choose the grant winners. They also discussed the Garden Tour/Plein Air Painting Event.

The Arts & Culture Commission held their regular meeting on May 19 at Sears Park. The Student Art Award Ceremony was held that evening. They discussed the garden tour pamphlet and discussed the grant distribution.

Board of Finance

The Board of Finance met for their regular meeting on May 16. PKF O'Connor Davies was accepted as the auditor for the fiscal year ending June 30, 2022 and Mr. Jylkka shared some information regarding the State Motor Vehicle Tax Cap and discussed the associated impacts and reimbursement formula.

The Board also met for a special meeting on May 23 to set the permanent mill rate (34.66) and MV property tax rate based on the state cap (32.46) for the 2022-2023 Fiscal Year.

Brownfields Redevelopment Agency

The Brownfields Redevelopment Agency met on May 23. The Town Manager gave updates to the agency members. The agency was approved to join the UConn TAB program and gain help from the school. The members discussed the next steps and which properties to use TAB's help. The members suggested Assessment Grants and a possible Remediation Grant for one other property. A proposal needs to be drafted with all the relevant information and cost estimates for each phase for each property for the grants and for the TAB program.

Clean Energy Task Force

The Clean Energy Task Force met on May 3. The members discussed the September 2022 Electric Car Show, the Task Force vacancy, Earthlite Tech & John Greeno regarding Heat Smart programs, and the CETF website newsletter for any updates. The members will start reaching out to dealerships and car owners for the car show over the next couple of months.

Commission on Aging

The Commission on Aging met on May 12. Jo Ann Ewing provided an overview of the programs and activities at the Senior Center. The members discussed the commission's webpage and their brochure for possible updates. Mr. Atherton will look into purchasing shopping bags. Council member Walck noted she will donate \$500 to the shopping bag purchase. Members also discussed the format for an upcoming ice cream social. The sub-committees for the survey discussed the best way to present their information to the Town Council.

Conservation-Lake Commission

The Conservation Lake Commission met on May 12. Nick McMan from Pond and Lakes Connection attended the meeting to present to the commission members. He explained their products, the uses of their products, and provided quotes for each treatment that would be available for the lake. The members were interested in using the company for in-lake treatment. Updates for the watershed projects/ federal funding, report on education, the lake smart program, and the advisory panel were

provided for the members. The members approved of using commission funds to let Ms. Gioielle perform marketing for the commission.

Design Review Board

No meeting

Economic Development Commission

The Economic Development Commission met on May 17. The members discussed updates and new ideas for the Bells on the Bridge event, the draft Town Council report regarding the business incentive program application for Global 66, LLC at 265 West High Street, the Planning and Zoning approvals, motions, and minutes from their previous meeting, and the Business of the Month nominations. The members also discussed developing guidance on evaluating and scoring for the business incentive program. The members were given an update from the Town Manager from his report.

Fire Commission

No meeting

Inland Wetlands Watercourses Agency

The Inland Wetlands Watercourses Agency met on May 25.

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. Tabled
- B. Application IW-22-007: Carrie Sue Clausi, 124 Tartia Road – Two lot subdivision within an Upland Review Area. Map 27/ Block 54/ Lot 7. Mr. Wall made a motion to approve application IW-22-007: Carrie Sue Clausi, 124 Tartia Road – Two lot subdivision within an Upland Review Area – Map 27/ Block 54/ Lot 7 using the short form and accepting the flagged wetlands delineation. The motion was seconded by Mr. Wall. Vote: 4-0

New Applications:

- A. Application IW-22-010: Cindy Walker-Gaines, 71 North Main Street – Modifications to existing permit IW-18-004. Map 04A/ Block 45/ Lot 26. Mr. Hill made a motion to approve application IW-22-010: Cindy Walker-Gaines, 71 North Main Street – Modifications to existing permit IW-18-004. Map 04A/ Block 45/ Lot 26. Vote: 4-0
- B. Application IW-22-011: Town of East Hampton, Lake Pocotopaug Watershed Stormwater Retrofit Plans at Various Locations: East High St (10A/83A/8B), Christopher Pond (04A/45/29), Christopher Brook at Edgemere Condominiums (19/45/1), Pond at Edgewater Hill (10A/85/5C), Spellman Point Drainage (09A/70A/19), Fawn Brook at Bay Road (09A/70B/4A), Sears Park (60 North Main St 04A/63B/20), and Brookhaven Beach (10A/82/26A). Mr. Hill made a motion to continue the application to the next meeting. Mr. Wall seconded the motion. Vote: 4-0.

Joint Facilities

The Colchester –East Hampton Joint Facilities Board met on May 17th via Zoom. The MAPS (Middletown Ave Pump Station) RFQ meeting and tour was held on May 10. Mr. Clayton is recommending establishing a sub-committee or design review group for application review and interviews. The Colchester odor control system is up and running and has not received any recent odor complaints. Joint Facilities received the NACWA Peak Performance Platinum Service Award for 2021/22. The Board approved management’s decision to replace the conduit throughout the aeration tanks. Cost not to exceed \$48,000.00.

Library Advisory Board

The Library Advisory Board met on May 2 via Zoom. New Library Director Timothy Kellogg attended his first meeting and shared his background and experience. The members reviewed the Library budget that will be included in the budget referendum. The EHxtravaganza concluded at the end of April. The members discussed the return to in person meetings. The Board will hold a hybrid meeting for June. There was discussion of the CT Library Association “Passport to Libraries” program for future participation.

Middle Haddam Historic District Commission

No meeting

Parks & Recreation Advisory Board

The Parks & Recreation Advisory Board met on May 3. Mr. Hall has applied for the 2022 Enrichment Grant again this summer. The High School rowing program made a presentation to the board. Members heard updates from the Air Line Trail Sub-Committee, Seamster Park Playground Sub-Committee and the High School Fields Committee. Mr. Hall discussed details of a potential scholarship in the name of Jeffrey Leith.

Planning & Zoning Commission

The Planning & Zoning Commission met on May 4.

Public Hearings:

- A. PZC-22-004: Saint Clements Marina, 49 Oakum Dock Road for Site Plan Modification in C Zone – Section 5.2.B. Map 02/ Block 9A/ Lot 4. The applicant withdrew the application due to procedural errors. A new application will be submitted at a later date.

New Business:

- A. PZC-22-006: James Marino, 27 Salmon Run for 2 lot Subdivision Map 35/ Block 95/ Lot 7/ 51. Kevin Kuhr made a motion to set a Public Hearing for June 1, 2022. Rowland Rux seconded the motion. Vote: 7-0
- B. PZC-22-007: Carrie Sue Clausi, 124 Tartia Road, for 2 Subdivision Map 27/ Block 54/ Lot 7. Kevin Kuhr made a motion to set a Public Hearing for June 1, 2022. Jim Sennett seconded the motion. Vote: 7-0

Water Pollution Control Authority

The East Hampton WPCA Board held a Special Meeting on May 10 via Zoom. The Board recommended the 2022/23 Water Budget be presented to the Town Council on Tuesday, May 24, 2022 and scheduled the Public Hearing on June 7 for the same. Well pump #1 at Village will need to be replaced at an estimated cost between \$6K and \$7k.

Zoning Board of Appeals

The Zoning Board of Appeals met on May 9 via Zoom.

Public Hearings:

- 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. – Continue to June 13, 2022 per Applicants request. Mr. Pfaffenbach made a motion to continue Application ZBA-22-002: Atlantis Marketing, 1 Colchester Ave., 5 Colchester Ave., and 157 Main St., to the next regularly scheduled meeting June 13, 2022 as requested by applicant. The motion was seconded by Mrs. Jacobson. Vote: 4-0