


MEMORANDUM

TO: Town Council

FROM: David E. Cox, Town Manager 

DATE: November 22, 2019

SUBJECT: Town Manager's Report

The following information includes follow up from general items that were discussed at previous Council meetings as well as updates of a general nature from the departments. The items are organized by department and are intended to provide information on activities currently being undertaken by the Town's departments and those matters that are upcoming. Not all departments will be represented in each Report.

Council Meeting Follow Up

- During the November 12 Council meeting, an appointment was made to fill a vacancy on the Board of Finance. There was some concern expressed about that appointment including concerns over whether the appointee had a disqualifying conflict of interest. As indicated during the meeting, the Town Attorney was consulted and the indication was that the potential conflict (part time employment with the Board of Education) was not a disqualification. In follow up to a request at the meeting, a full legal opinion was developed and distributed. For the record, it is attached to this Report.

Finance

- Final field work by the Town's contracted auditing firm (PKF O'Connor Davies, LLP) has begun on the FY 2019 audit. Based on staff work, the unaudited general fund net income is estimated to be \$277,719, which will bring fund balance to \$5,713,343 as of June 30, 2019. Fund balance is now at 12.3% of FY 2020 budgeted expenditures. Positive variances in both revenue (\$102,340) and expenditures (\$175,379) were the contributing factors to the net income and increase in fund balance.

Fire Marshal

- Staff has provided its annual reminder to churches, restaurants and other areas where people assemble regarding the warnings and requirements related to the safe installation of holiday decorations. The letters, which are attached, are intended to help these locations enjoy holiday decorations that are as safe and Code compliant as possible.

Land Use Department

- The Land Use Department continues to work with the Planning and Zoning Commission to update Section 3.1 of the Zoning Regulations related to the Lake Pocotopaug Protection Zone. A new draft has been completed and is up on the Town website and available in the office for viewing. A second Public Workshop will be held in mid-December, followed by an updated draft in January. A third Public Workshop will be held in mid-to-late January.
- The Department is continuing its work assisting the Planning and Zoning Commission with the application for a Zone Change and Special Permit at 49 Oakum Dock Road made by Roncalli Institute/St Clement's Castle, which if approved would allow it to construct a banquet facility on that site. The Public Hearing has now closed and the Commission has until Friday, January 10, 2020 to make a decision unless the applicant grants/requests more time.
- Staff is working to develop a job description in order to hire an intern, which is likely either an undergraduate or graduate student in the field of Planning, for the Spring semester to develop a plan to enhance the relationship between the Village Center area and the Airline Trail for the betterment of both. The position is funded by a Connecticut Chapter of American Planning Association grant, which has no local match required. Staff recently met with several business owners in the Village in order to inform them of this upcoming project and ask for their involvement.
- The Route 66 Corridor Study is in its final stages. Consultants are in the process of publicizing the proposed construction alternatives for the next twenty years. When completed, these will be available for viewing on the RiverCOG website at <http://rivercog.org/route66.html>. The proposals in the Plan will be the preferred alternatives to receive funding anytime DOT makes upgrades along Route 66. The 1998 Corridor Study resulted in several improvements along the route including two in East Hampton; the traffic light at the intersection with Lakeview Street and the improvements to the intersection with the west end of Old Marlborough Road.

Library

- For the second year in a row, the Library will host a Holiday Raffle in our Village Center to encourage residents to shop local. For every purchase made at a participating Village Center store, the buyer will receive a raffle ticket, which can be returned to the Library

to be entered in the raffle to win a fantastic gift basket stuffed with Village Center goodies and gift certificates. Raffle tickets will be distributed from November 30 to December 23. The drawing will be held December 24. The Library and the businesses have found the raffle to be mutually beneficial. The businesses have seen increased holiday foot traffic since the raffle was introduced and the Library realizes an increase in traffic during December, which is usually its slowest month for borrowing. This promotion encourages East Hampton to drop by the library during this time and check out all the Library has to offer. Last year, over 450 raffle tickets were returned to the Library. In 2018, the Library won the CT Library Association's Excellence in Public Library Service Award for its work on this project and other similar efforts to restore the Village Center.

- The Library is in the process of recruiting and hiring for the full-time position of Head of Circulation and Technical Service. Longtime employee Marilou Overson, our current Manager of Acquisitions, will retire from the Library on December 5 after over 20 years of service. Given her retirement as well as the changing nature of libraries and technology, the opportunity was used to revise the position to fit our modern needs.

Parks & Recreation

- Staff continues to work on the Job Description of a new position called Program Specialist the duties of which would relate to development and oversight of paid programming with special focus on evening and weekend activities. The part time position would be funded through fees charged for the programs that are developed. Staff is in final review of the proposal and anticipates bringing it to the Council in December.
- The Jingle Bell Parade is scheduled for Friday, December 6 with activities beginning at 5:00pm in the Library with refreshments, crafts, games and a performance by the High School Jazz Band. At 6:00pm Santa and the fire truck will lead the way down Main Street to the Center School grounds where the tree will be lit and Santa will take pictures with children. It is intended that the events this day will honor the late Monica Kangley who was the Children's Librarian in East Hampton and who founded the annual event.
- With the assistance of the Land Use and Public Works Departments, staff has continued to work on the Title 319 grant funded projects initiated by the Conservation Lake

Commission in the Lake Pocotopaug Watershed. Staff has visited several sites with Steve Trinkaus, a Low Impact and Sustainable Development (LISD) professional to assess site viability for LISD retrofit projects. The Departments have worked together on permitting and to develop a model access agreement and drainage easement for use throughout the watershed on LISD retrofit projects. Recently, three additional locations have been identified and are considered as high priorities on the Nine Point Plan. These locations are: Christopher Brook, Hawthorne Road and Sears Place.

Police Department

- A new Youth and Family Services Director has been hired by the Town. Ms. Lauren Incognito will join our staff on Monday, November 25. Lauren comes to us with a strong background in mental health services, addiction counseling, care for those with disabilities, family therapy and housing challenges. Staff looks forward to working with her.

Public Works

- In cooperation with the Parks and Recreation Department, staff completed the water quality improvements at Old Marlborough Road, which were recommended out of the Nine Point Plan for the watershed. These measures included storm culvert replacement, development of a plunge pool stilling area and installation of filtering material to remove sediment and nutrients before the water enters its final course to the lake. The improvements impact water coming from Old Marlborough Road and RT 66.
- Partially related to the storm water work above as well as sanitary sewer repairs, the Old Marlborough Road paving project is complete. Public Works crews have completed restoration of all impacted driveway aprons.
- As of Friday afternoon, Public Works crews have demolished and disposed of the stairs between Town Hall and the Building/Land Use Department. Construction of the new stairs is slated to begin on December 2 and should be completed within 2 weeks.
- Our catch basin cleaning contractor has begun cleaning catch basins with the focus on those in the lake watershed. There are approximately 500 Catch basins within the watershed and the intent is to clean them all during this round of cleaning, which should be complete within the next two weeks.

- Public Works crews have begun the annual fall leaf clean up. The cleanup will extend through the beginning of December.

WPCA/Joint Facilities

- Work continues on North Main Street pump station with a major effort to complete ground-disturbing actions so the site may be prepared for winter. Recent activity included start-up and staff training related to the new generator at the site. Recall, the two main objectives of the improvements at the site were the installation of permanent generator (as opposed to use of a portable) and moving the controls to a safer location above ground.

Town Manger/Other

- The proposal submitted by several municipalities around Middletown for funding to develop a Health Enhancement Community was selected! A kickoff meeting for the Greater Middletown Area Health Enhancement Community Initiative was held Thursday and Russ Melmed, Director of Public Health, and the Chatham Health District's Public Health Nurse attended. As the Council may recall, the State solicited proposals from partnerships of municipalities and other entities for development of Health Enhancement Communities (HEC). These HEC would involve the coordinated efforts of various agencies to address chronic health issues related to weight and other disease/disorder management with the intent of creating a sustainable program that ultimately reduces the cost of providing care for the health needs of the community by reducing the number of persons impacted by these treatable issues. Over the next few months, the involved municipalities and entities will develop the HEC program for our area, which will be submitted to the State for review. Once the program is determined to be acceptable, it is expected that further funding would be received to implement it. Chatham Health District and our Youth and Family Services Department will be our primary representatives to the activity.
- A couple of actions are taking place related to the Airline Trail. First, the Park and Recreation Advisory Board's Airline Trail subcommittee has undertaken a letter-writing campaign to encourage DEEP and Eversource to resolve the various issues related to funding the relocation of utility poles and other issues. The State and Eversource are negotiating how to move ahead the work related to the western end of the trail in a wet area so that the trail can be rehabilitated including the potential construction of a

boardwalk. Also, I have signed on to the joint letter attached to this Report from the cities of Meriden and Middletown and the towns of Cheshire, Portland and East Hampton encouraging the State Department of Transportation to the study and develop a route to extend the Airline Trail to the Farmington Canal Trail. The resulting connection would create what is referred to the Central Connecticut Loop Trail, which would be a continuous looped system of trails in excess of 100 miles allowing connections to major train stations and several municipalities for recreation, tourism and commercial enjoyment.

- The Town Hall project remains on schedule for substantial completion by March 2020. Exterior work is beginning to wrap up including the installation of landscape material and winter seeding of the site. Final paving of the roads and parking lots along with installation of light poles is expected to be completed in the upcoming weeks. Interior work continues to take shape and some of the first wall paint and other interior finishes are starting to be applied. Staff has been preparing for the eventual move through the final review of furniture and equipment that will be relocated from existing facilities and other matters of relocation. Soon estimates and quotations will be solicited for the movers. Current expectations are the Town operations will relocate to the new facility in mid-April 2020.

Council Follow Up

DC

Attachments

cc: Management Staff



Richard D. Carella
(t) 860.548.2681
(f) 860.346.4580
rcarella@uks.com

November 18, 2019

Mr. David Cox, Town Manager
Town of East Hampton
20 East High Street
East Hampton, CT 06424

Re: *Appointment to Board of Finance*

Dear Dave:

You have asked me to review the process and answer certain questions related to the appointment of a Board of Finance member following the most recent municipal election, where one of the current Board of Finance members (a member of the Democrat party) has been elected to the Town Council, leaving an open seat to be filled on the Board of Finance. The proposed appointee, also a member of the Democrat party, ran for a full seat on the Board of Finance but fell short, having received the next highest number of cast votes for the Democrats for that open seat. The proposed appointee is a substitute teacher in the East Hampton school system. Historically, only the Town Council has appointed members to the Board of Finance to fill of vacancies.

The process of appointing a Board of Finance member to fill a vacant seat is a matter of purely local concern, and as such the Town Charter Sections 5.1 and 6.3 control the manner in which this is accomplished. *See, e.g. Windham Taxpayers Ass'n v. Bd. of Selectmen of Town of Windham*, 234 Conn. 513, 535, 662 A.2d 1281, 1293 (1995) (town budgetary matters are controlled by local charter, contrasted with state concerns for public health, education, and safety the purview of which are state statutes); *Town of Shelton v. Commissioner of Environmental Protection*, 193 Conn. 506, 521, 479 A.2d 208 (1984) (the organization of local government or local budgetary policy is a matter of purely local concern.)

Town Charter Section 5.1 states, "There shall be a Board of Finance consisting of seven members who shall be elected to four year overlapping terms as provided by ordinance. No more than five members shall be of the same political party. The Board of Finance shall have all the powers and duties conferred on boards of finance by the General Statutes or as they may be amended, except as otherwise specifically provided by this charter."

Town Charter Section 6.3 states “Whenever a vacancy in an elective office occurs, the council or other appointing authority so designated by law, shall fill the vacancy by appointment for the unexpired portion of the term.”

The proposed appointee should be appointed to fill the remainder of the term of the vacating board member. Being of the same political party, the proposed appointee’s appointment will not violate the minority political requirement set forth in the Town Charter Section 5.1. The Town Council, pursuant to Section 6.3 is the appointing authority.

The question of the correct appointing authority has come up as a result of the recent decision in the matter of the *Board of Education of Town of East Hampton v. Town of East Hampton*, Judicial District of Middlesex, Docket CV 15-6014644 (November 16, 2017, Domnarski, J.). In that case, Judge Domnarski interpreted the provision of Town Charter Section 6.3 relative to the filling of a vacancy in the Board of Education, and concluded that the Board of Education had the appointment authority, not the Town Council. That decision relied heavily on the historic context of the Board of Education filling its own vacancies in conjunction with the provisions of C.G.S. §10-219. Such is not the case here, where, following the *Windham Taxpayers Ass'n* and *Town of Shelton* cases cited above, my opinion is that the appointing authority properly rests with the Town Council as the appointment of a Board of Finance member is a matter of purely local concern related to the organization of the Board of Finance.

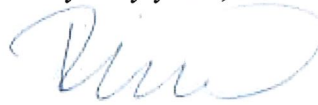
Another question has arisen regarding the employment of the proposed appointee as a substitute teacher in the East Hampton school system, and if such employment and concurrent appointment to the Board of Finance would violate the standards of conduct set forth in the Town’s Code of Ethics. Specifically, the concern is whether, as an employee of the Town school system the proposed appointee’s employment would constitute a prohibited “interest” as defined in the Code of Ethics. The term “interest” is defined in the Code of Ethics as “a direct or indirect pecuniary or material benefit accruing to a public officer or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the Town of East Hampton, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated.” By its own definition, contracts which “*confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated*” are not an “interest.” In this case, the employment terms of any other substitute teacher would have “similar benefits,” and, as any substitute teacher’s employment agreement with the Town is not specifically negotiated nor the subject of official action by the Board of Finance, it is not an “interest.” The prohibitions contained in the Section E-3 of the Code of Ethics related to public officers having an “interest” in a contract with the Town would not be applicable in this instance. Accordingly, in my opinion the appointment of a substitute teacher to the Board of Finance does not violate the Code of Ethics.



Mr. David Cox, Town Manager
November 18, 2019
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This is not to say that the Code of Ethics does not apply to actions that Board of Finance members may be called upon to decide. If, in such an instance, any member of the Board of Finance encounters a set of circumstances (e.g. a particular appropriation related to a contract or transaction in which such member has an “interest”) which could lead to a violation of the Code of Ethics, then such member has a duty to, at the least, disclose the “interest” and recuse him/herself from the participation, discussion and voting related to such matter, and at most, depending on the circumstances, resignation may be appropriate. However, such is not the case in this appointment, and the Town Council is free to appoint a Board of Finance member to fill a vacancy with an individual currently employed as a substitute teacher in the East Hampton school system.

Very truly yours,



Richard D. Carella

RDC/lk



Office of the FIRE MARSHAL
RICHARD KLOTZBIER
firemarshal@easthamptonct.gov

November 11, 2019

ASSEMBLY

To Whom it may Concern:

As we approach the holiday season I would like to remind you of a few Fire prevention Code requirements so that you, and your customers may have a safe and enjoyable holiday season.

- Live balled Christmas trees or artificial trees are the only type of tree allowed. Cut Christmas trees are not allowed.
- Limited quantities of combustible vegetation shall be permitted where the Fire Marshal Office determines that adequate safeguards are provided based on the quantity and nature of the combustible vegetation.
- Artificial vegetation and artificial Christmas trees shall be labeled or otherwise identified or certified by the manufacturer as being fire retardant.
- Vegetation and Christmas trees shall not obstruct corridors, exit ways or other means of egress.
- Only UL listed electrical lights and wiring shall be used on natural or artificial combustible vegetation, natural or artificial Christmas trees, and other similar decorations.
- Open flames such as from candles, lanterns, kerosene heaters, and gas-fired heaters shall not be located on or near combustible vegetation, Christmas trees, or other similar combustible materials.
- Combustible vegetation and natural Christmas trees shall not be located near heating vents or other fixed or portable heating devices that could cause it to dry out prematurely or to be ignited.

As always the office of the East Hampton Fire Marshal is available to answer any fire safety questions. Please feel free to contact us via email (best method) or telephone. We will gladly assist you.

Sincerely,

Richard A. Klotzbier
Fire Marshal



Remember Fire Safety





Office of the FIRE MARSHAL
RICHARD KLOTZBIER
firemarshal@easthamptonct.gov

November 11, 2019

Places of Worship

To Whom it may Concern:

As we approach the holiday season I would like to remind you of a few fire prevention code requirements so that you and your parishioners may have a safe and enjoyable holiday season.

- We are all aware that during the holiday season there is an increase in attendance during services. While getting together as a faith community is welcome, it can also provide some challenges. The increase in parishioners may lead to the addition of seating in order to accommodate them. Please keep in mind that the building is designed to certain requirements to allow for proper egress in the event of an emergency, and that the adding of additional seats reduces the effectiveness of the means of egress. The CT Fire Prevention Code does not allow additional seating. So please do not add extra chairs for your services.
- Live balled Christmas trees or artificial trees are the only type of tree allowed. Cut Christmas trees are not allowed.
- Limited quantities of combustible vegetation shall be permitted where the Fire Marshal Office determines that adequate safeguards are provided based on the quantity and nature of the combustible vegetation. Feel free to contact our office to discuss.
- Artificial vegetation and artificial Christmas trees shall be labeled or otherwise identified or certified by the manufacturer as being fire retardant.
- Vegetation and Christmas trees shall not obstruct corridors, exit ways or other means of egress.
- Only UL listed electrical lights and wiring shall be used on natural or artificial combustible vegetation, natural or artificial Christmas trees, and other similar decorations.
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As always the office of the East Hampton Fire Marshal is available to answer any fire safety questions. Please feel free to contact us via email (best method) or telephone. We will gladly assist you.

Sincerely,

Richard A. Klotzbier
Fire Marshal





Timothy P. Coon
City Manager

City of Meriden, Connecticut

OFFICE OF THE CITY MANAGER

142 East Main Street, City Hall

Meriden, CT 06450-5605

Telephone (203) 630-4123 • Fax (203) 630-4274

tcoon@meridenct.gov

15 November 2019

Mr. Joseph Giuliatti, Commissioner
Connecticut Department of Transportation
2800 Berlin Turnpike
P.O. Box 317546
Newington, CT 06131-7546

Re: Air Line Trail to Farmington Canal Trail Connector Study

Dear Commissioner Giuliatti:

The cities and towns of Cheshire, East Hampton, Meriden, Middletown, and Portland have been quietly and steadily working together to connect the state's two most significant and longest multi-use trails: the Farmington Canal Heritage Trail and the Air Line State Park Trail. Of the approximately 22.7-mile-long corridor that currently separates these trails, 8.6 miles have already been built or are currently in design and 8.6 miles of route are planned. This leaves approximately 5.5 miles of trail on the east side of Meriden and the west side of Middletown that require an in-depth route designation study. Public Act No. 19-161 section 4 was passed in the 2019 legislative session to address this need, but we need your help.

PA 19-161 directs the Department of Transportation, in consultation with the Department of Energy and Environmental Protection and RiverCOG, to conduct the above-mentioned study and, by doing so, to advance the completion of a 111-mile long multi-use loop trail in the center of Connecticut. This loop will be an important transportation and recreational amenity with the potential of supporting tourism. The connection will also provide East Coast Greenway users a scenic and relatively flat alternate route for the long-distance travelers. Perhaps most important, the connector trail will provide bicycle access to the Meriden CTRail station for residents of Cheshire, Meriden, and Middletown.

As you well know, infrastructure that allows people to access their city or town without a car creates the vital places that Connecticut needs in order to bring new investment and to keep and attract young people. Livability and walkability / bikeability are one in the same. This connector trail will become a new main street for our communities. For a relatively small investment, the State of Connecticut can build on the progress made by our municipalities to achieve major progress for bicycle transportation and recreation. Please help us make this a reality.

Attached to this letter are a description of the routing study that is needed to keep progress moving on this mid-state connection, and a spreadsheet showing the status of different sections of the corridor. A Google Map of the completed central Connecticut loop including color coding for sections of the proposed connector route mentioned in the spreadsheet is pasted in below.

<https://tinyurl.com/y3ykm7uz>

We are working to schedule a meeting with our legislators to give them, by the end of the year, an update on this project and any developments resulting from the public act since its passage. We would like you and relevant CTDOT staff to attend that meeting and hope to find a date that works for you and the legislators. Working together we will complete this important connection for our cities and towns, and our state.

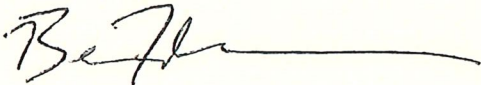
Sincerely,



Timothy Coon
Meriden City Manager



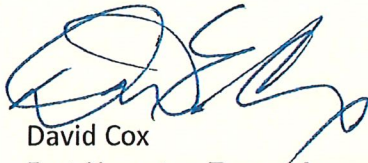
Sean Kimball
Cheshire Town Manager



Ben Florsheim
Middletown Mayor



Susan Bransfield
Portland First Selectwoman



David Cox
East Hampton Town Manager

Air Line Trail to Farmington Canal Trail Connector Study

Study Purpose

Identify a feasible connection between the Air Line Trail and Farmington Canal Trail, the state's two longest and most significant multiuse trails, via the Arrigoni Bridge, Middletown, Meriden, and Cheshire. Once the connection is completed, along with the East Coast Greenway route, an approximately 111-mile loop of multi-use trail will be created in central Connecticut. Fulfill the mandate in Public Act No. 19-161 section 4 on the CTDOT.

Draft Study Scope

1. Identify existing and planned sections of trail and unplanned gaps
2. Identify feasible routes for gap connections
3. Assess feasibility of already planned routings
4. Conduct a robust public involvement process to solicit public input and built interest in the trail
5. Select a preferred routing alternative that includes a connection to the Meriden Train Station
6. Create phasing recommendations and cost estimates for phases of the preferred routing
7. Identify next steps for each municipality and COG, also for CTDOT and CTDEEP

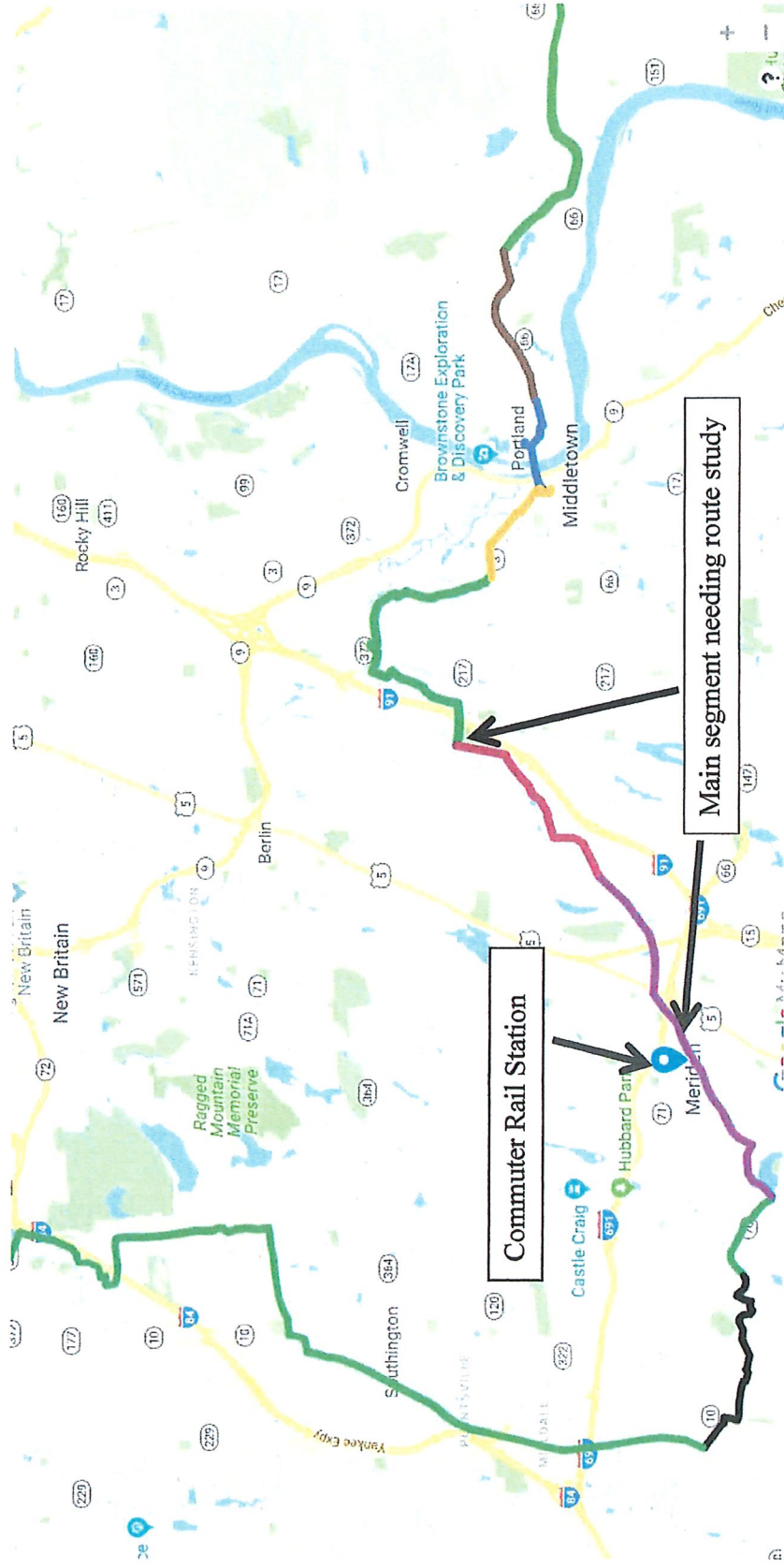
Study Cost

Based on a similar study for the Naugatuck River Greenway, this study will cost between \$250,000 and \$300,000. No money was appropriated by the General Assembly for this study. Could potentially be funded by a STP-U funded corridor study. Study could be administered by RiverCOG.

Statutory Language

<https://www.cga.ct.gov/2019/ACT/pa/pdf/2019PA-00161-R00HB-07140-PA.pdf>
(page 9)

Sec. 4. (Effective from passage) The Commissioner of Transportation, in consultation with the Commissioner of Energy and Environmental Protection and the Lower Connecticut River Valley Council of Governments, shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to transportation. Such report shall (1) identify a possible route for a multiuse trail to connect the Arrigoni Bridge in the city of Middletown to the Farmington Canal Trail in the town of Cheshire via the city of Meriden and the commuter rail station in the city of Meriden, (2) recommend phases for the construction of such trail and estimate the cost of each such phase, and (3) summarize any public comments received by the Departments of Transportation or Energy and Environmental Protection or the Lower Connecticut River Valley Council of Governments concerning the report or the possible route for such trail.



For details on the colored segments above, refer to the spreadsheet titled "ALT-FCT Connector Segments."

Air Line Trail – Farmington Canal Trail Segment Status (as of Nov. 2019)

ALT-FCT Connector Route	mileage	Status	Color	Existing or in design	Planned	Proposed	Off-Road	On-Road
Portland Sections								
YMCA Camp to Intersection of Rt 66 and Air Line Ave.	2.2	Being planned by Rt. 66 corridor study	brown		2.2		2.2	
Air Line Ave to W. side of Arrigoni Bridge	1.64	"	blue		1.64			1.64
Middletown Sections								
Arrigoni Bridge to MHS	1.7	Planned by City of Middletown	orange		1.7		0.85	0.85
MHS to Intersection of Smith & Middle St.	4.7	Existing or funded by City of Middletown	green	4.7			4.7	
Smith & Middle St. to Meriden City Line	2.9	Proposed	red			2.9	1.45	1.45
Meriden Sections								
Middletown City line to Quinipiac Gorge Trail	5.13	1/2 designed, 1/2 proposed	purple	2.565		2.565	2.565	2.565
Quinipiac Gorge Trail	1.31	existing	green	1.31			1.31	
Cheshire								
	3.05	planned, on-road	black		3.05			3.05
Total of all sections	22.63			8.575	8.59	5.465	13.075	9.555
				Existing or in design	Planned or being planned	Proposed	Estimated off-road	Estimated on-road