

TOWN MANAGER'S REPORT

TO: Honorable Town Council Members

FROM: Karl F. Kilduff, Town Manager

DATE: July 07, 2021

Please find my report concerning various items of interest to the Town Council and community.

1. Council Business:

- Blight Ordinance Subcommittee - Now that we have full sub-committee of the Council, the first meeting of the Blight Ordinance Subcommittee met on June 28, 2021. Committee members were provided in advance with an information packet from CCM on blight which included policy comments and examples of ordinances adopted in other communities. They were also provided with a sample ordinance provided by our Town Attorney which was adopted in South Windsor. A number of improvements were discussed to clarify Clinton's ordinance and additional information was sought regarding the statutory authority to levy a special assessment on blighted properties. The Committee is continuing its work.
- Legalization of Recreational Marijuana - As I communicated earlier, the General Assembly passed a bill that legalized the recreational use of marijuana. While legalizing the use of cannabis products, certain powers were granted to municipalities in the process. Attached to this report is Public Policy Report from CCM which provides more details on the bill which relate to local governments.
- Follow-Up with Performing Arts on Auditorium Use - I met with a number of representatives from the performing arts community to discuss the use of the auditorium. Their agenda was wide ranging and touched on a number of historical issues beyond just use of the space. Use of the space was quickly remedied. The other issues are more involved and require a closer review/consideration. We are going to continue a dialogue regarding use of the auditorium.

2. CCM:

CCM does not have a Legislative Committee meeting scheduled during the summer months while the General Assembly is out of session.

3. River COG:

The Council of Governments met on June 23, 2021. Highlights of the meeting included:

- Household Hazardous Waste - Going into the new fiscal year, the COG was informed that its insurance carrier for the household hazardous waste program would not cover the historic risk of prior collections in Essex since 2005. As a result, the COG needs to secure one policy for the collection during the fiscal year and a second policy that would cover the "tail."

As a result, the cost of the program will grow and require an increase the Town's contribution beyond what is currently budgeted. The extent of the increase and how the added cost will be equitably distributed have yet to be determined. The COG does have a waste reserve fund which would be used to buy down the increased cost for FY21-22. If that fund is used, the full cost would be seen in FY22-23.

- Request for ARPA Funding - The COG intends to ask all communities to make a voluntary set aside of 15% of the "county" allocation of ARPA funds, which was sent to municipalities, to support a regional project. The request was tabled pending further information on the types of projects.
- MIRA - It was reported that MIRA will be issuing RFPs to solicit vendor proposals that support their transition to shipping waste out of Connecticut and closing the Hartford waste-to-energy plant. They will also work through a process with DEEP to determine their ability to use the Hartford site as a transfer station to collect and ship waste.

4. CRAHD:

The CRAHD Board of Directors met on June 15, 2021 to approve a budget for FY21-22. The budget includes hiring an additional sanitarian to help support construction activity. The rest of the meeting included a review of past activity to respond to the pandemic, strategies to reach the unvaccinated and discussion of COVID.

5. 9 Town Transit:

The Board of 9 Town Transit met on June 18, 2021. Agenda items included the launch of Park Connect as a free service to connect travels to Hammonasset Park using the Clinton Trolley. The route ends on Old Saybrook and Hammonasset. The one stop in-between is the Clinton dock. I have attached some information to this report on the pilot service which was funded by the State. It was noted that ridership is starting to rebound from the lows seen during the pandemic. Additionally, discussion focused on the merger of 9 Town Transit with the Middletown Area Transit District. The process of integration is continuing between the two transit districts. However, the DOT remains the stumbling block to fully implementing the combined service which relies on a multi-year funding agreement from the State which will support the consolidation.

6. Miscellaneous:

- UConn Stormwater Corps - We had a kick-off meeting with UConn on June 29 to discuss potential sites for review by engineering students. The students were then to perform field work to review town-owned locations to determine the best way to disconnect impervious surface from watercourses with low impact development ideas. A final report will be provided to the Town which will support stormwater management practices required by the MS4 stormwater mandate. The Town will have the ability to leverage \$22,000, at a minimum, to implement a low impact development project. Public education materials would also be part of the project. The students will have their findings and recommendations ready in the second half of July.

- Online Permitting System - The Town has completed its decision-making process to select a system vendor which will allow for online permitting. We have selected OpenGov on a piggy-back bid offered through the Capitol Region Council of Governments. The OpenGov platform offers a great deal of flexibility to expand online permitting beyond Building and Land Use. It also offers an all-in-one payment solution to facilitate online payments. Once we get beyond the contracting phase, Building and Land Use will be the first to go online. Other functions can be mapped to go forward after that.
- FY21-22 Insurance Renewal - The Town Insurance Consultant marketed the Workers' Compensation and "Package" Insurance (property, liability, auto) seeking competitive pricing and companies to place our coverages. Workers' Compensation remained with CIRMA with a rate reduction over the prior year. The other coverages were placed outside of the CIRMA program based on competitiveness or extent of coverage. Renewals in some lines of coverage were higher than the expiring policy but the bottom line amount is covered by the approved budget. Of note, property was higher as carriers respond to coastal property risks, which has been a long-term trend driven by events outside of Connecticut. Cyber insurance is also higher than projected reflecting a tightening in the market place as fewer carriers are offering coverage or raising standards. Cyber coverage will remain an issue going into FY22-23. As a result, the Town and BOE will need to have discussions with our insurance consultant to discuss necessary risk management practices to secure future coverage.



Municipal Management Bulletin

545 LONG WHARF DRIVE, NEW HAVEN, CT 06511 • PHONE (203) 498-3000 • FAX (203) 562-6314

SB 1201-Adult-Use Recreational Marijuana Municipal Impact and Analysis

SB 1201 was enacted during the June 2021 Special Session which legalizes adult use of cannabis. Among other things, the new law (a) creates a process for the erasure of previous marijuana related convictions, (b) establishes legal adult recreational use of cannabis by allowing individuals age 21 or older to possess, use, or otherwise consume cannabis and cannabis products, (c) and establishes new laws, regulations and control of cannabis products. In general, the bill limits possession to 1.5 ounces of cannabis plant material and 5 ounces of such material in a locked container in the person's residence or locked vehicle glove box or trunk (or equivalent cannabis product amounts or combined amounts). In addition, beginning on July 1, 2023 the bill allows any individual age 21 or older to cultivate up to three mature and three immature cannabis plants in an individuals primary residence.

The following are specific municipal provisions of SB 1201:

Local referendum (section 83-84) - Effective July 1, 2021 if at least 10% of a municipalities electors petition for a vote to allow certain marijuana sales, it must be done at least 60 days before a regular election. If met, the municipality must hold a referendum to determine whether to allow (1) the recreational sale of marijuana in the municipality or (2) the sale of marijuana in one or more of the cannabis establishment license types. The bill does specify what specific language needs to be used in a referendum question.

Zoning Authority and Restrictions (sections 83-84, 148)

The bill allows municipalities to amend their zoning regulations or local ordinances to take the following actions regarding cannabis establishments:

- a) prohibit them from opening;
- b) reasonably restrict their hours and signage; or
- c) restrict their proximity to religious institutions, schools, charitable institutions, hospitals, veterans' homes, or certain military establishments.

If a municipality imposes regulations or ordinances regarding the above, they will be precluded from imposing additional or modified restrictions on cannabis establishment regarding hours, zoning, or signage existing businesses until five years after the restrictions are originally adopted. If municipalities take no action through zoning regulations or ordinances, these establishments must be zoned as similar uses would be. The bill prohibits municipalities from regulating the delivery of cannabis of any form. In addition, prohibits negating or entering into local host agreements.

Until June 30, 2024, the bill prohibits municipalities 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.

The law also allows municipalities, for the first 30 days after cannabis retailers or hybrid retailers open, to charge them up to \$50,000 for any necessary and reasonable municipal costs for public safety services related to the opening (such as for directing traffic).

- OVER -

Regulating Cannabis Usage (sections 83-84)

Effective October 1, 2021, existing law allows municipalities to regulate activities deemed harmful to public health, including smoking, on municipally-owned property. The bill broadens this to include property that a municipality controls but does not own. It specifies that this regulatory authority applies to (1) smoking tobacco or cannabis, including cannabis ecigarette use (i.e., electronic delivery systems and vapor products) and (2) other types of cannabis use or consumption. It allows municipalities to ban cannabis smoking (including ecigarette use) at outdoor sections of restaurants. Through regulations, municipalities may set fines for violations, up to (1) \$50 for individuals or (2) \$1,000 for businesses.

For municipalities with more than 50,000 people, if the town or city decides to regulate the public use of cannabis, the local regulations must designate a location in the municipality where public consumption of cannabis is allowed.

Municipal Cannabis Tax (Sections 126--127)

The bill imposes a 3% municipal sales tax (in addition to the state cannabis tax established at 6.35%) on the gross receipts from the sale of cannabis by a cannabis or hybrid retailer or micro-cultivator. Under the bill, "gross receipts" means the total amount received from cannabis sales by the retailer or micro-cultivator. The tax must be collected from consumers at the time of sale and be held in trust until remitted to the municipality. The bill exempts from the municipal sales tax:

- a) cannabis for palliative use;
- b) sales of cannabis by a delivery service to a consumer; and
- c) the transfer of cannabis to a transporter for transport to any cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, dispensary facility, cannabis retailer, hybrid retailer, or producer.

Any municipality in which a cannabis or hybrid retailer or micro-cultivator is located will need to submit to the DRS commissioner, at least annually, the name and contact information of the individual designated by the municipality to receive notifications regarding the local cannabis tax. The DRS commissioner will then notify (and establish policies and procedures) the municipally designated individuals of the tax amount reported due from each cannabis and hybrid retailer and micro-cultivator located in their respective municipalities.

Within 60 days after receiving such a notice from DRS, each municipality must invoice each applicable cannabis retailer, hybrid retailer, and micro-cultivator in accordance with the law for DRS notices. This will need to be done through an invoice by first-class mail to the address of the facility on file. The retailer or microcultivator must remit payment to the municipality within 30 days after the invoice was sent.

Under the bill, the amounts remitted become a part of the municipality's general revenue and must be used for the following purposes:

- a) streetscape improvements and other neighborhood developments in communities where cannabis or hybrid retailers or micro-cultivators are located;
- b) education programs or youth employment and training programs in the municipality;
- c) services for individuals living in the municipality who were released from DOC custody, probation, or parole;
- d) mental health or addiction services;
- e) youth service bureaus and municipal juvenile review boards; and
- f) community civic engagement efforts

CCM hosted municipal representatives from Colorado and Massachusetts at our 2019 Annual Convention to share the municipal perspective regarding the legalization of marijuana in those States. To view the CT-N coverage, please click on the link: [CCM Panel Discussion on the Legalization of Recreational Marijuana](#).

#

For more information on this issue, please contact Mike Muszynski
[\(mmuszynski@ccm-ct.org](mailto:mmuszynski@ccm-ct.org) or 203-500-7556) of CCM.

ParkConnect Pilot



- Partnership with DEEP and DOT to improve access to state parks and mitigate congestion with 100% state funds
- Runs May 28 - September 6, 2021 as a fare free pilot
- Extends routes 641 and 645 to Saturday, Sunday and holidays
- Extends Clinton Trolley to Hammonasset Beach and increases to 7 days a week
- Provides new Madison Shuttle from Hammonasset Beach to Madison 7 days a week

