

TOWN OF EAST WINDSOR BOARD OF SELECTMEN

REGULAR MEETING

Tuesday, October 3, 2017

7:00 p.m.

Town Hall Meeting Room

11 Rye Street, Broad Brook, CT. 06016

Meeting Minutes

***** *Draft Document subject to Board Review/Approval* *****

Board of Selectmen:

Robert Maynard, First Selectman
Richard P. Pippin, Jr., Deputy First Selectman
Jason Bowsza, Selectman
Dale Nelson, Selectman
Steve Dearborn, Selectman

ATTENDANCE: Board of Selectmen: Robert Maynard, First Selectman; Richard P. Pippin, Jr., Deputy First Selectman; Jason Bowsza; Dale Nelson; Steve Dearborn.

GUESTS: Board of Finance Members: Jerilyn Corso, Kathy Pippin, Sarah Muska, Steve Smith; Interim Treasurer: Gayle Carolus; Town Planner: Laurie Whitten; Tax Collector: Patti Kratochival; American River Heritage Commission: Barbara and Dick Sherman; 250th Anniverwary Committee: Rebecca Talamini; Public Participants: Paul Anderson, Bill Loos, Tom Talamini, Frank Gowdy; Mary Hevnor; Glen Reichle, Bob Lyke, Keith Yagaloff.

Press: No one from the Press was present.

TIME AND PLACE OF REGULAR MEETING:

First Seletman Maynard called the Meeting to Order at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

PLEDGE OF ALLEGIANCE:

Everyone stood to recite the Pledge of Allegiance.

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Selectman Nelson requested a moment of silence for the victims of the massacre in Las Vegas.

AGENDA APPROVAL:

MOTION: To ADD American Heritage River Commission Report to NEW BUSINESS, A(1).

Pippin moved/Nelson seconded/

DISCUSSION: Selectman Nelson questioned if Deputy First Selectman Pippin's previous request to ADD Discussion of Town Properties should be added as well? Deputy First Selectman Pippin indicated his concerns had been addressed by (Operations Manager) Joe Sauerhoefer of the Department of Public Works.

**VOTE: In Favor: Unanimous (Maynard/Pippin/Bowsza/Dearborn/Nelson
(No one opposed/No one abstained)**

ATTENDANCE: See Attendance on page 1.

PARLIAMENTARY PROCEDURES:

Selectman Maynard requested people to identify themselves, and to be respectful of others during their comments.

APPROVAL OF MEETING MINUTES/ September 19, 2017 Regular Meeting Minutes:

MOTION: To APPROVE the Minutes of the Board of Selectmen's Regular Meeting dated September 19, 2017, with the following amendments:
Page 5, SELECTMEN COMMENTS AND REPORTS/D. Richard Pippin, Jr. bullet: Attended the Planning and Zoning Commission on September 12th, Four new Applications were received for: both new applications for East Windsor Housing Authority LTD, LLC.
Page 3, UNFINISHED BUSINESS/B. East Windsor's 250th Anniversary Commission COMMITTEE Report.

**VOTE: In Favor: Unanimous (Maynard/Pippin/Bowsza/Dearborn/Nelson
(No one opposed/No one abstained)**

COMMUNICATIONS: None.

PUBLIC PARTICIPATION:

First Selectman Maynard noted the Board would take public comments on the Casino Impact Payments and Town Meeting Improvements later in the Meeting. He opened discussion to the public on other items.

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Paul Anderson: cited concern for the cost of Pension negotiations. He reported that one day union members received an empty envelope, followed by an envelope the next day with pension information enclosed. Mr. Anderson hoped the Town didn't pay for the cost of the mailing of the empty envelopes.

Bob Lyke: offered a personal invitation for people to attend the 2nd Annual Harvest Dinner being held at LaNotte's on Saturday, October 14, 2017; tickets are \$35/person. Mr. Lyke noted he has tickets with him this evening.

BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/A.

Resignations: None.

BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/B

Reappointments: Capital Improvement Planning Advisory Committee (terms expiring 10/3/2017- 10/3/2019): a) **Bob Leach (R), regular member;** b. **Dick Pippin (R), regular member;** c. **Catherine Simonelli (R), regular member;** .

MOTION: To APPOINT Bob Leach, regular member, Dick Pippin, regular member, and Catherine Simonelli, regular member, to the Capital Improvement Planning Advisory Committee for terms expiring 10/3/2019.

Nelson moved/Bowsza seconded/

DISCUSSION: Selectman Bowsza questioned if all of the members previously serving on the CIP Committee are interested in returning? First Selectman Maynard replied negatively, noting all members were contacted. Selectman Nelson reported she hadn't received a letter, e-mail, or phone call. First Selectman Maynard indicated Joe Sauerhoefer isn't interested in being reappointed. Selectman Bowsza questioned the number of Commission members; Selectman Nelson reported there were 8 members, the Board is reappointing 3, the Committee should be meeting now. Selectman Dearborn noted the other people haven't shown an interest; First Selectman Maynard reiterated these 3 people have shown an interest for reappointment.

VOTE: **In Favor:** **Maynard/Bowsza/Dearborn/Nelson**
 Opposed: **No one**
 Abstained **Pippin**

MOTION: To APPOINT Dale Nelson to the Capital Improvement Planning Advisory Committee as a regular member for a term expiring 10/3/2019.

Pippin moved/Bowsza seconded/

DISCUSSION: First Selectman Maynard felt the Chairman of the Republican Town Committee and Democratic Town Committee had been contacted. Speaking from the audience Republic Town Committee Chairman Bob Leach indicated he had not been contacted.

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VOTE: **In Favor:** **Maynard/Pippin/Bowsza/Dearborn/
 Opposed: **No one
 Abstained **Nelson******

**BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/C. New
Appointments: 1. Ethics Commission, Mary Hevner (U), regular member for a term
expiring 1/24/2021:**

MOTION: **To APPOINT Mary Hevner, as a regular member of the Ethics Commission
 for a term expiring 1/24/2021.**

Pippin moved/Bowsza seconded/***DISCUSSION:*** None.

VOTE: In Favor: **Unanimous (Maynard/Pippin/Bowsza/Dearborn/Nelson
 (No one opposed/No one abstained)**

**BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/C. New
Appointments: 2. Planning and Zoning Commission, Frank Gowdy, (R), alternate member
for a term expiring 10/1/2021:**

MOTION: **To APPOINT Frank Gowdy as an alternate member to the Planning and
 Zoning Commission for a term expiring 10/1/2012.**

Pippin moved/Bowsza seconded/

DISCUSSION: Selectman Bowsza reported it's good to have Mr. Gowdy back on this
Commission.

VOTE: In Favor: **Unanimous (Maynard/Pippin/Bowsza/Dearborn/Nelson
 (No one opposed/No one abstained)**

UNFINISHED BUSINESS/A. East Windsor's 250th Anniversary **Commission
COMMITTEE Report:**

Rebecca Talamini, Chairman of the 250th Anniversary **COMMITTEE**, updated the public on the
following:

- 1) 250th Anniversary Committee Meeting being held Thursday, October 5th, at 7:00 p.m., at
the Osborn House, 115 Scantic Road.
- 2) Members will host a merchandise table at:
 - Barktoberfest, Reservoir Park, 27 Reservoir Avenue, October 7th, 11:00 a.m. to 4:00
p.m.
 - 2nd Annual Rotary Wine Tasting, Second Chance Farm, 42 Rice Road, October 7th,
1:00 p.m. to 3:00 p.m.
- 3) 250th Anniversary Masquerade Ball, New Year's Eve – 2017, LaNotte's, 5 hour open bar,
tickets \$95/person. Ms. Talamini reported she can take reservations for tickets presently;
tables seating 10 guests can be reserved as well.

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- 4) The Anniversary Committee has selected a time capsule to be buried during the Anniversary year; memorabilia will be collected at various events for inclusion in the time capsule.

NEWBUSINESS/A(1) American Heritage River Commission Report:

Barbara Sherman, Secretary for the American River Heritage Commission (ARHC) joined the Board to present the results of the most recent e coli water testing. Mrs. Sherman presented the Board with a spreadsheet indicating the quality of water along the Scantic River at various points in Somers, Enfield and East Windsor from May to September, 2017. Mrs. Sherman explained the test results, noting one day in July which indicated high levels of e coli in the East Windsor locations. Mrs. Sherman noted this is the second year of testing; the scientist collecting these samples hopes to be able to give the Commission information regarding the problematic areas next year. Mrs. Sherman suggested the Commission doesn't anticipate asking for additional funding for testing supplies next year as they were able to make a bulk purchase this year.

Mrs. Sherman noted the information being collected is not only helpful to local individuals using the river but is also being sent to UMASS.

NEW BUSINESS/1. Discussion of Temporary Health Care Structures (Granny Pods):

Town Planner Laurie Whitten joined the Board. Town Planner Whitten reported the State has passed Public Act 17-155 - An Act Concerning Temporary Health Care Structures – which mandates all 169 municipalities in Connecticut allow temporary structures for living space for individuals with health or mental impairment. Town Planner Whitten outlined requirements of these structures – see Attachment A, Town Planner Whitten's memo dated 9/14/2017 for specifics. Towns were notified of the passage of this Public Act in early September; the effective date of these regulations is October 1st, 2017. While the intent of the Public Act is well intended Town Planner Whitten noted the Public Act as written presents challenges to managing the structures from the perspective of locating the structures, cost for lease or purchase and associated utility and sewer or septic system costs, bonding, permitting timeframe and follow-up monitoring, and enforcement. Town Planner Whitten noted that most Planners agree the intent is a good thing but they find the lack of time for implementation and manageable requirements difficult at best. The Public Act allows municipalities to opt out. The Planning and Zoning Commission (PZC) reviewed this mandate during a Public Hearing the previous Tuesday and voted to opt out of Public Act 17-155 until they can formulate reasonable/manageable regulations to allow these structures as intended. The PZC is recommending to the Board of Selectmen vote to opt out as well.

Selectman Bowsza cited PA 17-155 went into effect Sunday (October 1st); if someone came in today for a Zoning Permit the State law would be in effect. He questioned what would happen to those people if East Windsor opts out of the program? Town Planner Whitten concurred the Public Act was effective October 1st; the Planning Office would process the Zoning Permit as required. If we opt out of PA 17-155 only living arrangements as currently allowed under the

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Zoning Regulations would be available, i.e. accessory apartments. Selectman Bowsza continued discussion as to how local regulations could/would be different? Town Planner Whitten suggested the PZC would review options that fit this community; she noted the PZC cited concern with loopholes that are inconsistent with current regulations. Some of their concerns related to HIPPA issues, some were enforcement. Town Planner Whitten reported that one of the things Planners in the State didn't like is the applicant would have to notify abutters that they were putting in this structure, with no appeal process for the abutter. It could become a nasty situation with people questioning the reason these structures are being put in. Selectman Bowsza questioned how local regulations would stop those questions? Town Planner Whitten suggested the regulations might not be related to health care; it might be an accessory structure for in-law apartments, or Veterans' housing or Affordable Housing. Selectman Bowsza questioned that (Public Act) 17-155 speaks specifically to health care? Town Planner Whitten replied affirmatively, noting the applicant must provide a script from a medical provider to get one of these. She suggested there is no guarantee that people will remove them when the medical need ceases, or they might put in more than one, or they might be built off-site with plywood and a tin roof. Town Planner Whitten clarified that the Public Act doesn't say the structures must be structurally sound; it only suggests that they built off-site. Town Planner Whitten reiterated the initial cost to lease or purchase, installation costs, utility and service costs, bonding for removal, permitting fees...; while the cost may be less than assisted living it's not really affordable as temporary living arrangements. She cited assisted living is usually covered by insurance for 90 days after surgery. Selectman Bowsza questioned if there has been interest in these facilities in the community? Town Planner Whitten replied negatively, noting no one showed up at the PZC Public Hearing and no one has spoken tonight.

Selectman Dearborn suggested these structures sound like a shanty town; they can be put on people's property forever. Selectman Bowsza cited the example of parents downsizing a larger home, then purchasing a Granny Pod to put next to a relative. Town Planner Whitten reiterated the health requirement; she noted the difficulty for the Planning Department getting into medical issues. How do you define that the need has ceased, and the removal process is to be initiated? Selectman Bowsza questioned how long before local regulations could be created? Town Planner Whitten noted current regulations already allow in-law apartments but not the Granny Pods; the intent of the PZC was to initiate review of options within the next couple of months.

MOTION: To OPT OUT of Public Act 17-155.

Pippin moved/Dearborn seconded/

DISCUSSION: Deputy First Selectman Pippin suggested there are other means by which to do this in place; someone could convert a 2 car garage to an in-law apartment. Selectman Bowsza questioned how the cost of that conversion relates to the cost of a temporary structure? Deputy First Selectman Pippin suggested it would be approximately half of the cost of the temporary structures; many homes already have a bathroom close to the garage, and it doesn't affect the look of the house. Deputy First Selectman Pippin suggested the Town isn't throwing people out in the street by opting out. Selectman Bowsza suggested he would rather leave this to the discretion of the Public Act until the Planning and Zoning Commission creates regulations

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someday. He suggested there is a motivation to put these regulations in place in case the Town doesn't act. Selectman Bowsza suggested there was a level of dignity in these proposals. Deputy First Selectman Pippin felt Selectman Bowsza wasn't giving the Planning and Zoning Commission credit for intending to create regulations. He suggested people could still apply for a Special Use Permit without the Public Act in place; Selectman Bowsza indicated he does support the Planning and Zoning Commission, he attends most of their meetings. Selectman Dearborn called the question.

VOTE: **In Favor:** **Maynard/Pippin/Dearborn/Nelson**
 Opposed: **Bowsza**
 Abstained **No one**

NEW BUSINESS/B. Casino Impact Payments:

Town Planner Whitten reported that with the Transit Oriented Development (TOD) imminent in Windsor Locks and the development of the Casino anticipated shortly Warehouse Point is in the crosshairs for rapid development. Town Planner Whitten noted she is getting many calls for new development; East Windsor needs to get regulations in place to promote planned development rather than react to whatever comes along. She cited earlier studies of the Warehouse Point area determined the Planning and Zoning Commission (PZC) considers the architecture and type of homes on Dean Avenue as a model for residential development. Current Zoning Regulations need to be revised to allow the higher density existing within the Dean Avenue area elsewhere within the Warehouse Point Village. Town Planner Whitten recalled earlier workshops which included input from local business owners and residents regarding their preferences for village development; she provided the Board with a concept plan which resulted from those workshops. The intent is to get more "feet on the street" to promote business within the Warehouse Point Village. Town Planner Whitten suggested the need to develop a Stormwater Management Plan for the Blue Ditch to accurately promote development while taking into consideration the impact of drainage and flooding within the village area. Town Planner Whitten reported these studies require research and development by experts ; the Planning Department hasn't the staff, expertise, or technology to research and develop the correct information and graphics to create the Village plan. She cited the attached proposal from LADA, one of the groups that presented the earlier workshops; she estimates the current cost of the study to be approximately \$172,000. Town Planner Whitten suggested she is asking the Board that she be kept in the loop when funding through the Casino Impact Fund is being considered as the development of the casino will impact the Warehouse Point Village. *(See Attachment B, Town Planner Whitten's memo dated 9/14/ 2017.*

Discussion continued regarding the LADA proposal. Selectman Nelson noted the cost has increased significantly. Town Planner Whitten noted she had been working off-site and had provided an outdated proposal to the Board; the scope of the work is correct. The estimated cost would include the Stormwater Management Study. Selectman Bowsza recalled in his time on the Board the only purchases made by the Town of this size was a fire truck; Town Planner Whitten suggested the Public Works Department often requests funding more than that. She

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reiterated the casino is coming; the Town needs to plan for housing for the employees. She cited no one comes through the PZC for any development proposal without a detailed plan; you can't just throw in a road without planning for its impact. Selectman Bowsza questioned that no one in house can do any of this work? Town Planner Whitten cited the current staffing level in the Planning Department; she also has one person in training. She reiterated the department is constantly having discussions with people considering development or business opportunities. Selectman Bowsza questioned if Town Engineer Norton could do the stormwater management study? Town Planner Whitten felt Town Engineer Norton had as much on his plate as the Planning Department does. Deputy First Selectman Pippin cited the Blue Ditch has been a mess for some time; Selectman Dearborn didn't see the flooding issues except for the people on South Water Street. He questioned if these plans would take people's houses by eminent domain? Town Planner Whitten cited the previous workshops included input from both residents and business owners; they are involved in this village plan. Discussion continued regarding participants/contributors in the previous workshops.

Town Planner Whitten suggested if the Board could provide some funding from the casino mitigation funds in increments - \$30,000 now and \$30,000 in 6 months to get the regulation creation process started before the casino comes. Selectman Nelson questioned grant funding? Town Planner Whitten indicated she constantly applies for grants; she cited she applied for a grant for all of this. Town Planner Whitten noted she has a current grant application pending for 2 ½ miles of sidewalks down Reservoir Avenue, across Perri Lane, and down Depot Street. Town Planner Whitten noted grant funding is stalled, perhaps by the State budget situation. If the grant application for the Warehouse Point Village Study is awarded then the up front funding could be reimbursed. Town Planner Whitten reported she is here tonight to advise the Board it's not just the Police and Fire that need the money for mitigation. Planning is the heartbeat of this community; we are the ones that help create this community. Selectman Bowsza questioned that Town Planner Whitten was asking for a marker for funding or is this something we need to do? Town Planner Whitten this is a plan the Town needs to do. Selectman Bowsza questioned that absent the mitigation money where would we get this money? Town Planner Whitten suggested the Contingency Fund. First Selectman Maynard noted the Town's current philosophy is to hold off funding requests until the State budget situation is resolved but he noted the Board of Finance created a Casino Impact Fund at their previous meeting; he felt it was appropriate for Town Planner Whitten to come in and advise the Board of the department's needs. Selectman Bowsza then suggested this really is setting down a marker? Town Planner Whitten concurred, but noted, that said, the sooner we get started....., this is going to take years to get implemented; it's not going to happen overnight. If we wait until the casino is here it will be too late.

NEW BUSINESS/C. Town Meeting Improvements:

First Selectman Maynard noted the recent Town Meeting at which the proposed (Casino Mitigation Impact Fund) Ordinance was turned down. He cited the opportunity for the Board to now put together an ordinance that people would be comfortable with. He queried his fellow Selectmen for input.

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Deputy First Selectman Pippin cited the Board of Finance (BOF) created a Casino Impact Fund at their previous meeting. He offered a potential ordinance (*see Attachment C*) which he felt addressed the concerns of the people. Deputy First Selectman Pippin felt the fund manager is really the duties of the BOS, who would send a funding request to the BOF, the funding request – if over \$20,000 - would then be voted on at a Town Meeting. Deputy First Selectman Pippin suggested consideration of his proposal should be on the next BOS's Agenda.

First Selectman Maynard felt a meeting of everyone involved – Town departments, Police, Fire, anyone who wants to come – should be held to get input for the ordinance. The meeting could be put on YouTube so the people can see what is being proposed, and then a Public Hearing should be held to take the people's input. First Selectman Maynard recalled the Board's ability to work together to create the Development Agreement; he felt they could work together on this ordinance. First Selectman Maynard suggested the BOS should have a dialogue with the various parties and the public; he would like to have this done by December 1st.

Discussion followed among the Board members. Selectman Nelson questioned the failure of the passage of the State budget and its impact on municipalities, and the status of permits for the casino. First Selectman Maynard and Deputy First Selectman Pippin reviewed the stages of the development process for MMCT to demolish the existing structure and construct the casino. First Selectman Pippin reviewed the timing of receipt of the MMCT upfront and impact funding. Selectman Bowsza questioned the impact of the election on crafting/implementation of the ordinance. Selectman Dearborn felt the ordinance should be done with the new BOS. First Selectman Maynard reiterated his intention to hold the meeting of departments before the next BOS's Meeting, then to review that input and craft an ordinance at the next BOS's Meeting, and schedule the Public Hearing.

First Selectman Maynard reiterated that the purpose of the ordinance is to fund the Casino Impact Fund, and to direct the Town of East Windsor on how the money in the Casino Impact Fund should be distributed. First Selectman Maynard recalled that many ideas came up during the Town Meeting. He also liked Deputy First Selectman Pippin's suggestion of a cap on the Casino Impact Fund, with the excess going to CIP (Capital Improvement Projects) or other purposes which may be identified during discussion. Deputy First Selectman Pippin cited he specified \$6 million vs. \$3 million in his suggested ordinance because of concern that money received in June would have to be spent/allocated within the next month. Deputy First Selectman Pippin questioned that the retention cap should be as high as \$6 million butSelectman Bowsza suggested the Fund could be a Revolving Fund; in that case it doesn't matter when the money comes as the funds roll over from one year to the next.

Discussion followed regarding the mechanics of managing a revolving fund. Responding to First Selectmen Maynard's concern that the Casino Impact Fund could continuously grow if not capped Selectman Bowsza suggested if the fund currently holds a balance of \$5½ million and a new check comes in for \$3 million then a half million dollars would go to the Revolving Fund and in the case of Deputy First Selectmen Pippin's suggestion the \$2 1/2 million would go to the Capital Improvement Fund. Selectman Bowsza cited he made an amendment during the Town

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Meeting that would have transferred the excess to the General Fund. Deputy First Selectman Pippin was concerned that the money would vanish in the General Fund; if it goes to CIP the Town could fund many needed projects. First Selectman Maynard clarified that while he wasn't advocating this he recalled, for discussion, that many people at the Town Meeting said the surplus money should go back to the taxpayers. First Selectman Maynard reiterated he liked the idea of a cap.

First Selectman Maynard opened discussion to the public.

Bob Lyke: liked the dialogue occurring, liked Deputy First Selectmen Pippin's suggestion, and liked the long term plan Town Planner Whitten proposed earlier. He suggested she is both the developer and the planner for the town; while she doesn't even live in town she has given him a glimmer of hope for what the town really needs – a long term Planner. Mr. Lyke cited his continuing proposal for a long-term Economic Development person and long-term Financial Planner. All of this discussion needs to be done with the various departments and boards to develop a long term plan; then create a job description for the positions cited. Mr. Lyke felt the CIP is the only agency, board ,or commission that has a business plan for more than a year at a time.

Keith Yagaloff: felt the Board was really looking at 3 ordinances:

- 1) to have an ordinance for the mechanism to create the fund:** Mr. Yagaloff felt Mr. Pippin was dead on with his approach.
- 2) an ordinance to be able to return money to the taxpayers/taxpayer relief** but not beat up on the mill rate because, as people pointed out in their comments, destroying the mill rate also destroys the revenue from the casino. Mr. Yagaloff cited First Selectman Maynard's comment earlier regarding having a grant program; he agreed you should have a grant program to return money to the taxpayers
- 3) an ordinance to create the mechanism of how to spend the impact/mitigation money –** who will decide how that impact money is spent, who will decide what the plan is, who will decide what is needed for consultants and how that will work?

Mr. Yagaloff suggested creating the 3 ordinances rather than putting everything in the one pot; if we created one ordinance we would have to change it along the way if one of the functions wasn't working.

Mr. Yagaloff suggested he felt the smartest thing he heard tonight was the planning component; that was probably the most intelligent presentation on what this Town should do right now is in terms of an investment in planning. The goal here isn't just to invest in spending so we spend all our money on the operation of the casino; the goal should be to spend our money to have a return on the investment for planning. Planning is how we maintain a return in investment and maintain a quality of life so we don't destroy it with unwanted businesses and stuff. Mr. Yagaloff suggested there needs to be a plan because that will drive economic development for the future for anyone coming in in case the casino disappears. This money is an investment in the Town; it's not an investment in the casino.

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Selectman Bowsza questioned if Mr. Yagaloff was speaking of the \$3 million or the \$9 million as the total funding source? Selectman Bowsza suggested that if anyone has read the Development Agreement there is a tax payment that comes due with a fixed assessment for 5 years and there is an impact/mitigation payment due that is \$3 million. So there's a total of "\$9 million". The ordinance that was discussed 2 weeks ago only spoke to the mitigation money, not the tax money.

Mr. Yagaloff suggested he personally felt the \$3 million partially should go for tax relief, and the \$5 million should partially go for tax relief – the reason is a component should go for tax relief, a component should go for education, a component should go for public safety, a component for planning; all the money should be spent appropriately. He's talking about creating a mechanism through the ordinances that allows you to implement your policy decisions down the road. Whether it's the \$5 million, or the \$3 million, or combined, once you set your ordinance in place then you can make the policy decisions that utilize those ordinances as tools.

Selectman Bowsza then initiated discussion of a Town's ability under the Connecticut General Statutes to divert tax money/revenue outside the General Fund. Discussion followed regarding differing opinions involving the management of tax revenue vs. management of the mitigation funding.

Mr. Yagaloff concluded by reiterating the suggestion to create the 3 ordinances discussed. He suggested the ordinances should be the tools to make the policy decisions; the ordinances shouldn't be the policy decisions. You create the ordinances, they are the vehicles for what you want to do, the BOS then brings it to Town Meeting for a vote on budgets and creating the policy through the vote on the budget and establishing the priorities – not creating the policy based on creating the ordinance. These are specialized ordinances to utilize the money from the casino in a way that benefits all the needs of the Town.

Bill Loos: doesn't want to hire anyone else to run the Town and handle this fund; we have a Treasurer, she's already handling \$30 million, she can handle another \$3 million. Back and forth discussion occurred regarding timing of the receipt of the various monies, both the upfront impact money and the ongoing revenue. Mr. Loos felt the \$5 ½ million should go to the General Fund; it's tax money; he offered as an example if he built a house he would pay taxes on it. He suggested that's what they are doing over there; they're building a house. He suggested that Walmart, and the other things that people build, like hotels, - that's tax money, so we don't have anything to do with that except it goes into our budget. The Board agreed; Deputy First Selectman clarified that the \$3 1/2 million is so all the people in town don't have to dig into their pockets for the casino; if it goes into the General Fund you will be digging into your pockets. Mr. Loos indicated he wanted the public's involvement in the spending proposals. Mr. Loos questioned why the Board needed to create the ordinance; the Charter defines the budget process. Deputy First Selectman Pippin suggested the ordinance keeps people from changing or maneuvering the payments without the public having anything to say about it. Mr. Loos questioned Deputy First Selectman Pippin's reference to the Charter in his proposed ordinance; Deputy First Selectman Pippin suggested it's redundant but it's for the naysayers that have

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probably never read the Charter or don't understand. Deputy First Selectman Pippin noted the ordinances would need to be reviewed by the Town Attorney.

Paul Anderson: felt if you spend money from this (Casino Impact) fund to pay for something that's a continuously occurring cost it should always be paid for from this fund – not go into the General Fund. If you need a Police Officer for the casino all of that cost should be paid for from this fund this year and next year, and if the casino goes away then the need for that officer no longer exists. That's how you get rid of the officer.

Tom Talamini, 23 Rice Road: felt we need someone to manage the fund; Mr. Talamini felt if you have people on the Board it will be a money grab. It shouldn't be someone from the Police Department of the School Board, then it will be a fight for the money.

Bob Lyke: agreed with Mr. Talamini. He reiterated the need for a full-time Financial Planner. Mr. Lyke felt with a Treasurer we get what we pay for; we just lost one for \$110,000. If we get a full-time Financial Planner we get rid of the politics.

Steve Smith: we to change the Charter.

First Selectman Maynard cited receipt of an e-mail on 9/21 from **John DeLisa, 53 Scantic Road** regarding comments related to the Town Meeting held on 9/19th regarding to the vote on the Casino Impact Fund Ordinance; Mr. DeLisa relayed his concern for the accuracy of the vote which was taken by hand rather than by ballot. Mr. DeLisa felt the right to vote in privacy was denied to the people because the meeting ran late and the crowd wanted to get it over with as quick as possible. First Selectman Maynard reported he responded to Mr. DeLisa's e-mail and received the following feedback on 9/21st: Mr. DeLisa thanked First Selectman Maynard for his intent to share this e-mail tonight. Mr. DeLisa hadn't meant the comments to be negative but to be proactive in finding a more private voting process; Mr. DeLisa hadn't expected such a long night.

First Selectman Maynard noted he received other criticisms as well.

Selectman Nelson reported that she attended a Board of Education Meeting (BOE) during which it was reported people witnessed people roaming through the school unauthorized. Also, there was little lighting when people crossed the road when the meeting ceased at 10 o'clock; she felt there should have been a Police Officer to direct people. Selectman Nelson felt it would be better to hold subsequent meetings at the High School.

Dick Sherman, 12 Allen Drive: he knew some of the people who attended who were not from East Windsor; he knew some of them. He felt the Registrars should clear the people - give them a ticket containing a yes or no option for voting. Deputy First Selectman Pippin clarified that some of those people might be property owners in Town and would have had the right to vote.

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Tom Talamini, 23 Rice Road: people introduced amendments; those should have been read so the people knew what they were voting on.

Barbara Sherman, 12 Allen Drive: after it was over, what happened? No one said it was voted down; Mrs. Sherman felt it was anti-climactic.

Frank Gowdy: The Twins are winning – 3:0.

Paul Anderson: for that kind of meeting there should be no other items on the Agenda and it should start earlier. Back and forth discussion occurred regarding the meeting specifications outlined in the Charter. Mr. Anderson suggested his point was that everyone should be at the same place, and there should be no other items on the agenda.

Deputy First Selectman Pippin reported people told him they stood around like a herd of cattle; he felt the vote should have been by ballot, and the Town Attorney should have been there as there were technical questions he should have addressed. Deputy First Selectman Pippin felt we had a good expert on parliamentary procedures but he felt the Town Attorney should have been there; it would have been money well spent.

NEW BUSINESS/D. Replacement liner for Ice Rink:

First Selectman Maynard cited a request received from Director of Parks and Recreation Maltese to replace the liner for the portable ice rink. Selectman Nelson questioned where the rink is set up? Speaking from the audience, Rebecca Talamini reported it's been set up at the High School; Bob Lyke suggested it may be set up at the Town Green in the future. Deputy First Selectman Pippin noted the Town doesn't have a viable budget because we don't have a State budget; he felt the Town may need to use the money elsewhere.

MOTION: To APPROVE \$1,500 to replace the liner for the Ice Rink.

Bowsza moved/Dearborn seconded/

DISCUSSION: First Selectman Maynard questioned that Selectman Bowsza wasn't specifying where to get the money from? Selectman Bowsza suggested he was leaving that to the Board of Finance.

**VOTE: In Favor: Maynard/Bowsza/Dearborn/Nelson
 Opposed: Pippin
 Abstained No one**

NEW BUSINESS/E. Pension Negotiation Expenses:

First Selectman Maynard reported the Town is currently negotiating all union pensions, which costs a lot for an actuarial consultant and legal representation. Discussion occurred regarding the source of funding for these expenses – the General Fund vs. the Pension Trust. Selectman

**TOWN OF EAST WINDSOR
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Bowsza clarified that the Pension Trust is specifically to fund the pensions; legal fees for union negotiations are budgeted for.

NEW BUSINESS/F. Kogut Property Lease:

Glen Reichle joined the Board to discuss execution of the coming year's lease on the Kogut property. Mr. Reichle summarized his receipt of the current lease; he agreed to sign the lease this evening and bring in the check when it's due at the end of the month. First Selectman Maynard and Deputy First Selectman Pippin signed the lease; Selectman Dearborn witnessed the signing of the lease.

Mr. Reichle also reported he had been approached at Community Day by people telling him they heard the farm was going into ballfields; Mr. Reichle queried the Town regarding any information? Selectman Dearborn concurred he had been approached by people as well regarding ballfields. No one had information other than Mr. Reichle and Selectman Dearborn.

NEW BUSINESS/G. Flashing Sign Grant:

Town Engineer Norton reported the flashing crosswalk signs will be installed before snow falls. The signs will be put in various locations, such as the crosswalk between the (Broad Brook Elementary) School and the Town Hall. They will be permanent signs, with a flashing component .

NEW BUSINESS/H. Approval of Tax Refunds:

MOTION: To APPROVE the Tax Refunds as reflected in the report received September 28, 2017 in the amount of \$2,026.36.

Nelson moved/Bowsza seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Maynard/Pippin/Bowsza/Dearborn/Nelson
(No one opposed/No one abstained)**

SELECTMEN COMMENTS AND REPORTS/A. Jason E. Bowsza: See Attachment D

SELECTMEN COMMENTS AND REPORTS/B Dale A. Nelson: See Attachment E

In addition, Selectman Nelson reported the following:

1. Heather's Second Chance Farm Silent Auction, Second Chance Farm, 11/4th, to benefit this young woman who is battling cancer.
2. Abby's Helping Hand, Ladies Lunch and Vendor Shop will be held on 11/19 at Maneeley's – lunch and fashion show, tickets \$35/person

SELECTMEN COMMENTS AND REPORTS/C. Richard Pippin, Jr.

**TOWN OF EAST WINDSOR
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Deputy First Selectman Pipping reported the following:

3. Attended a Board of Finance (BOF) Meeting on 9/21; the first meeting was held with the auditors, the Town is in good financial shape. The Town received the grant for the Senior Bus; the Town approved its share. The Chairman of the Board of Education and the Superintendent of Schools attended and would like to appear monthly for updates. The BOF created a Casino Impact Fund to hold and manage money received related to the casino.
4. Permanent Building Committee: Town Engineer Norton and Maintainer Sauerhoefer met with the Town Attorney regarding a letter to the general contractor citing deficient items, such as flooring, sidewalks, and landscaping, related to the Broad Brook Elementary School Modular Classrooms. A payment request in the amount of \$474,715 for work at the Broad Brook Middle School was made and approved. The decking was slightly over-budget but the whole project is on budget and on schedule.
5. The Alliance Grant was handled by Roger of the Board of Education.
6. Attended Planning and Zoning Commission Meeting on 9/26th:
 - Tim Moore was voted in as Commission Secretary
 - The Commission approved a partial release of the landscaping bond for Walmart.
 - ***East Windsor Housing LTD, LLC*** received approval for elimination of the walking trail at Meadow Farms Active Adult Community, AND elimination of the installation of sidewalks on Farms Road.
 - Herb Holden Trucking was granted an extension of their excavation permit for Wapping Road
 - Discussion (Public Hearing) was held on the Temporary Health Care Structures (PA 17-155). The PZC voted to opt out of the mandate; they didn't think it was a good idea as written.

SELECTMEN COMMENTS AND REPORTS/D. Steve Dearborn:

1. Selectman Dearborn noted Pond Street has been paved. Town Engineer Norton reported that was done by the Connecticut Water Company, as Pond Street is their access to their water tower.
2. Selectman Dearborn thanked everyone who showed up at the Town Meeting and voted the ordinance down.
3. Selectman Dearborn noted this month's Zoning Board of Appeals Meeting was cancelled.

SELECTMEN COMMENTS AND REPORTS/E. Robert Maynard:

First Selectman Maynard reported he has received an RFP from an alternative power company which is proposing an installation on a location within East Windsor for renewable energy. He suggested the proposed site is perfect for this operation. He suggested the Town should do whatever it can to support them as this would be a revenue source for the Town. Selectman Bowsza was also familiar with this RFP; he suggested this is a home run. Selectman Bowsza also agreed that the Town should do whatever it can to support this proposal.

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First Selectman Maynard also reported CCM (Connecticut Conference of Municipalities) is holding its annual conference November 28th and 29th at Foxwoods Casinos.

PUBLIC PARTICIPATION (Another opportunity for the public to make comments:

Paul Anderson, 89 Main Street: as President for the Broad Brook Library he thanked the Public Works Department and the contractor for making the end of the road work with the end of the Library property; the Library Association appreciates it.

Tom Talamini, 23 Rice Road: suggested it would have been good for the public to be able to see an overhead of First Selectmen Maynard's material on the energy proposal. First Selectman Maynard reported the material wasn't received in format easily converted to an overhead.

Bob Lyke: reported another way to provide information is the mini-message sign; he cited an example in Southwick, MA. Mr. Talamini clarified that a similar request that had been made by the High School had been denied by the Zoning Board of Appeals, and requires referral back to the Planning and Zoning Commission. Deputy First Selectman Pippin suggested the concern is distracting motorists.

Bill Loos, Melrose Road: regarding the suggestion that the Broad Brook Fire Department use the removal of garages at the Broad Brook Mill as a training exercise, they have been advised they need to put plywood in the windows, etc. which is cost prohibitive for the department. AND, regarding the Woolam Road property, the outside siding and roof contains asbestos, so the Fire Department can't use that for training either.

SIGNATURES FOR APPROVAL OF CHECK RESIGTERS:

The Board reviewed and signed check registers as presented.

EXECUTIVE SESSION/Pursuant to C.G.S. Section 1-200 (6)(a) Employment, Section 1-210(b)(1) Legal, Negotiations:

MOTION: To GO INTO EXECUTIVE SESSION Pursuant to C.G.S. Section 1-200 (6)(a) Employment, Section 1-210(b)(1) Legal, Negotiations at 9:35 p.m. Attending the Executive Session were: First Selectman Maynard, Deputy First Selectman Pippin, Selectmen Bowsza, Dearborn, and Nelson, and Patti Kratochvil, Tax Collector; Len Norton, Town Engineer/Director of the Department of Public Works, and Attorney Steve Mednick.

Pippin moved/Dearborn seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Maynard/Pippin/Bowsza/Dearborn/Nelson
(No one opposed/No one abstained)**

The recording secretary left the Meeting at 9:35 p.m.

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
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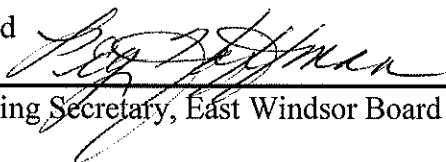
The recording secretary was advised the Board came out of Executive Session at 10:25 p.m. No votes or actions were taken.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting of the Board of Selectmen at 10:25 p.m.

Dearborn moved/Pippin seconded/VOTE: In Favor: Unanimous

Respectfully submitted



Peg Hoffman, Recording Secretary, East Windsor Board of Selectmen



TOWN OF EAST WINDSOR

PLANNING & ZONING DEPARTMENT

11 RYE STREET, BROAD BROOK, CT. 06016

Phone : (860) 623-6030

TOWN PLANNER LAURIE WHITTEN, CZEO, AICP

ZONING ENFORCEMENT OFFICER, MATT TYKSINSKI

MEMORANDUM

TO: Robert Maynard, First Selectman
 Members of the Board of Selectman
 Planning and Zoning Commission
 Citizens of East Windsor

FROM: Laurie Whitten, CZEO, AICP *LW*

DATE: September 14, 2017

SUBJECT: PA 17-155: An Act Concerning Temporary Health Care Structures

The above referenced Public Act essentially requires/mandates municipalities to allow temporary shelters (aka "tiny houses" or "Granny Pods") to be placed on single family residential properties. These structures must follow the following criteria (in a short synopsis from Town Planner):

1. Must be transportable, self contained, not have a permanent foundation, built offsite, and be no larger than 500 square feet;
2. The placement of the structure must:
 - (1) Be in a single family residential zone;
 - (2) Meet all standard zoning setbacks, bulk and area requirements;
3. The Town:
 - (1) May require room for emergency access
 - (2) May require proper hookups to electrical, plumbing, water, septic or sewer
 - (3) May require a \$50,000 bond to secure removal of the structure
 - (4) May require a fee of up to \$250.00 for a permit, and an annual renewal fee of \$100.00
 - (5) Shall require removal of structure within 120 days after it is vacated
 - (6) Shall issue a permit (zoning?) within 15 days maximum
4. The applicant Shall:
 - (1) Provide a medical note stating the intended resident is either mentally or physically impaired
 - (2) Shall send certified notices to all abutters stating that a temporary health care structure will be located on the property no later than 3 days after application is submitted.
5. The Municipality MAY opt out of the act by following process as outlined in the act (PZC Public Hearing and BOS approval to opt out)

Should the Town wish to opt out before the act becomes effective on October 1, 2017, the PZC must hold a public hearing, and then vote to opt out [to be held September 26, 2017.] The BOS would then need to set a special meeting before Oct 1, 2017 and also vote to opt out of the act.

Otherwise, if a valid application is submitted prior to the BOS taking action, the town must honor the application come Oct 1, 2017.

Many Planners in the State, although find the act well intentioned, have many concerns. Some of these concerns include :

- **Timing of the permit:** The zoning permit is contingent on either the WPCA or NCHD signing off for septic, and there is a question of how long such a review might take, and how to set a fee schedule for such small additions with a bedroom . The Building Department has a statutory 30 days to review and issue a building permit foe plumbing, electrical, structure, etc.. This can cause some confusion and unintentional delays.

- **Other impediments:** It is possible that a variance and/or a wetlands permit may be required for the structure. Again this gets into statutory timing vs. mandated fast track permitting.
- **Enforcement:** Despite the ability to require a bond to have the structure removed, this adds another burden on Town departments to check on and verify that the tenant is still “valid”, and to require removal if this is not true. In addition, abutters are being required to be noticed without any recourse of appeal, which can lead to FOI and HIPAA controversies and legal actions.
- **Rentals:** These theoretically could be rented out with a doctor’s note. Town staff will be required to determine residency based on a doctors note,
- **Structure:** Could be built offsite with no criteria other than size, or could be a 500 sq. ft. rv; and could be located on site indefinitely as there is no age restriction;

I do not believe that the PZC or Town are against these units, or offering such an opportunity. In fact it might be worth creating a zone for “tiny house” for Veterans, Affordability, or others! However, it might be a better product if we create a regulation that fits the Town needs with our own standards.

Attached are documents for reference

- PA 17-155
- Explanation and testimony documents from CT Chapter of American Planning Association(CCAPA)
- PLEASE SEE TOWN WEBSITE FOR FULL PA and OTHER EXPLANATORY DOCUMENTS

Respectfully
Laurie P. Whitten, CZEO, AICP
Director of Community Planning and Development/
Town Planner

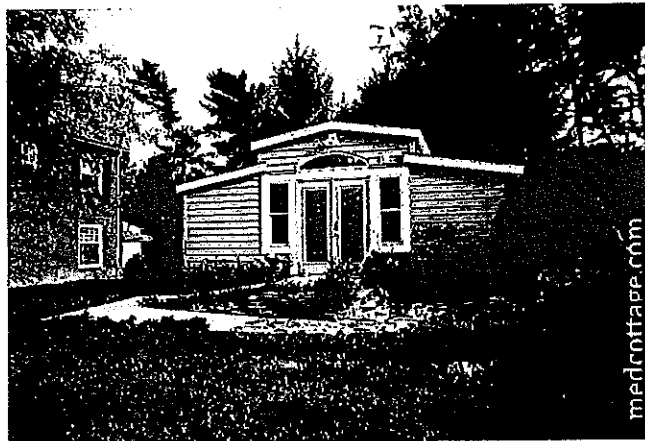


Making Great Communities Happen

Connecticut Chapter of the American Planning Association

SB 922: AN ACT CONCERNING TEMPORARY HEALTHCARE STRUCTURES

This act approves temporary health care structures (aka "granny pods") as allowable accessory units in single-family zones, unless a municipality opts-out of the statute. A municipality's regulations regarding lot setbacks, coverage, etc., would apply to a temporary health care structure just as they would to another accessory structure such as a garage or shed. Per the statute, a participating municipality must approve or deny a permit within 15 business days after application, but cannot deny a permit if the applicant provides proof of compliance with the statute and applicable building and public health codes.



What is a Temporary Health Care Structure?

A Temporary Health Care Structure is a portable residential structure intended for occupation by an impaired person requiring caregiver assistance. It offers an alternative for an impaired residents who might otherwise have to enter a nursing home to obtain handicapped-accessible housing on their caregiver's property.

The statute defines temporary health care structures as: primarily assembled off-site, not built or placed on a permanent foundation, no more than 500 square feet in size, and in

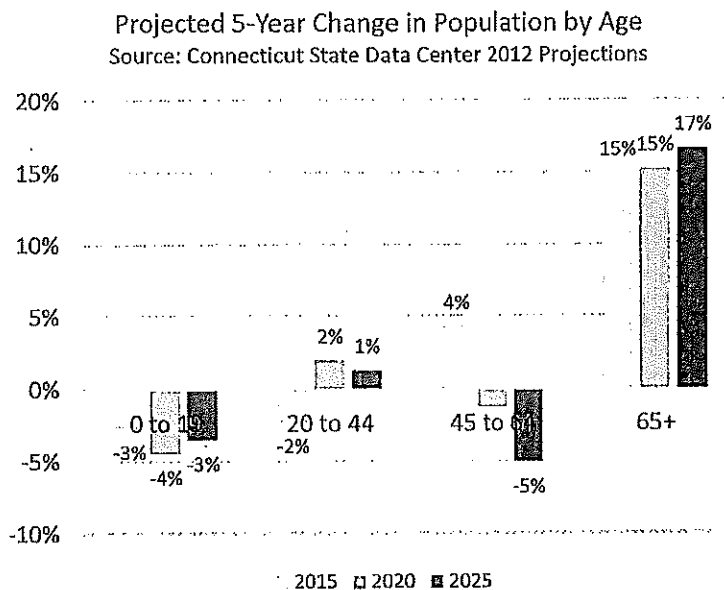


ECHO Cottages, built in the Hudson Valley, are approximately 450 square feet and include a kitchen/sitting area, bathroom and bedroom, washer and dryer, dishwasher, built-in convection microwave, electric stove, refrigerator with top mount freezer, and a 5' barrier-free shower with grab bars. echocottages.com

compliance with the applicable provisions of the State Building Code, Fire Safety Code, and Public Health Code. Per the statute, the temporary health care structure must be an occupied by an impaired person, may be subject to annual permit renewal, and must be removed within 120 days of the impaired person vacating the unit. The caregiver living on the property must be a relative, legal guardian, or health care agent responsible for the unpaid care of a mentally or physically impaired person. Only one temporary health care structure is permitted per lot.

Why Was This Statute Put Into Place?

The statute was enacted to enable the introduction of a new type of housing unit which will be an important option for Connecticut's aging households seeking affordable, handicapped-accessible housing close to caretakers and/or family. Residents aged 65 and older will be the fastest-growing segment of Connecticut's population over the next several decades as the baby boomer generation enters retirement. Most seniors want to stay in their homes as they age but may face sudden and unexpected health problems for which their current homes are inadequate. This statute enables municipalities to provide a fast-



tracked approval process for installing temporary health care structures that make them a viable alternative to nursing home care, expensive and permanent home modifications or additions, or relocating to housing further from care. Connecticut joins Minnesota, North Carolina, Tennessee, and Virginia in passing state legislation to enable this new type of housing.

Regulatory Process Outlined by Statute

Individuals seeking to install a temporary health care structure must apply for a permit from the municipality in which it will be installed. As part of the permit application, applicants must:

- Provide a statement by a Connecticut-licensed physician confirming that an occupant of the structure is impaired. *Impairment is defined as needing assistance with two of five categories of daily living (see below).
- Applicants must send notice of the permit application to abutting property owners within three days of submitting the application.

Municipalities may:

- Require the structures to be accessible to emergency vehicles and connected to private water or septic systems or water, sewer, and electric utilities serving the primary residence.
- Require permittees to post a bond of up to \$50,000 to ensure compliance (i.e. removal when no longer needed).
- Submit confirmation annually that a structure is compliant (i.e. still occupied by an impaired person)
- Charge an initial permitting fee of up to \$250 and an annual re-certification fee of up to \$100; and inspect the structures, at reasonable times convenient to the caregiver, to ensure compliance;
- Revoke a permit if the permittee violates any of the bill's requirements.

Municipal Opt-Out Provision

The statute provides for municipalities to opt-out in order to prevent the installation of temporary health care structures or to allow municipalities time to develop their own framework for regulating temporary health care structures. Opting out is a two-step process: first, requiring the Planning and Zoning Commission to vote to opt-out; and then the municipality's legislative body to vote to opt-out (e.g. City Council, Board of Selectmen). The Planning and Zoning Commission action must be preceded by a public hearing. The Commission must state on the record the reasons for opting out, and publish notice of its decision in a newspaper having substantial circulation. If a municipality has previously opted-out, opting in requires either the Planning and Zoning Commission or legislative body to reverse its former action.

For More Information:

CCAPA Government Relations Co-Chairs:
Amanda Kennedy & John Guskowski, govrel@ccapa.org

Companies specializing in elder accessory housing:
Echo Cottages Ltd., Hudson Valley, NY: www.ehocottages.com
MEDCottage, Blacksburg, VA: <http://www.medcottage.com>

rev. 6/14/17



**Guidance concerning questions related to PA 17-155
AN ACT CONCERNING TEMPORARY HEALTH CARE STRUCTURES**

In response to questions concerning the new Temporary Health Care Structure Law, CCAPA has researched and offers the following guidance to our members. For more information, please review the Fact Sheet available at <http://www.ccapa.org/legislative/current-session/>.

What is the process for DPH approving connections to septic systems?

Property owners must seek an exception from DPH to hook up a second structure to a single system. See the [July 27, 2017 letter](#) from DPH regarding temporary health care structures, the [DPH Circular Letter](#), and [Exception](#) application. The July 27 letter indicates that DPH will be treating a temporary health care structure as an additional bedroom for B100a compliance purposes.

How can municipalities comply with the 15-day approval period limit if Wetlands or Health Department applications take more than 15 days?

The statute is silent on this, but it is expected that the process would be similar to Special Zoning Permits or Subdivision applications when faced with Wetlands delays. Case law has indicated that the statutory review period goes into a sort of suspended-animation while the other regulatory bodies are doing their review. The statute simply indicates that the Zoning component of this review cannot take more than 15 days.

It is hoped that as these structures become more of a known quantity in Connecticut, the Health District review and approval will become more routine and rapid.

How much do temporary health care structures cost?

Cost varies. Units can be custom built, prebuilt, or modular. One company, ECHO Cottages LTD, builds modular units in the Hudson Valley for sale or lease and has installed them in sites in NY, DE, and PA. Their units cost about \$60,000 to purchase, plus installation, or about \$1300 per month to rent. Installation usually costs about \$10,000. Remember to allow for the cost of removal when the unit is no longer needed.

Can my town pass setback regulations for THCs that are different from other accessory uses?

Yes and no. Yes- if the Town passes a differential setback requirement for temporary health care structures between now and October 1, 2017, then upon that date, THCs would be subject to those differential setbacks (i.e. a 100 sf shed has a different setback than a 400 sf residential unit, etc.). If the Town makes no change between now and October 1 in the Zoning Regulations, the setbacks in place at that point would control. Alternatively, if the setback differentiation was the only issue of concern, the Town could pretty readily just opt-out using the statute's procedure and pass their own slightly modified version of these regulations.



How can the state dictate land use policies for my town?

Local zoning in Connecticut is enabled by state statute. Statutes dictate the process and jurisdiction of local planning commissions to establish land use regulation. There are numerous state statutes dealing with specific land uses that have warranted laws that establish a consistent statewide policy. Examples: group homes (must allow), family child care homes (must not treat differently from single family). The THC statute is different in that the law establishes a default regulation which municipalities have the option of replacing with a local regulation.

Is there any guidance on the type and form of bond that municipalities are authorized to require?

No. Similar to many other requirements of Zoning or Subdivision Regulations, the municipality is empowered to require a performance or maintenance bond to ensure that the promised activity is properly implemented. In this case, the municipality is allowed some surety that the THCS is removed by the owner when no longer needed. The form of the bond and process is not addressed in the statute, but presumably could follow other municipal regulations, which often require a letter of credit, insurance certificate, or cash bond.

When do municipalities have to opt out by?

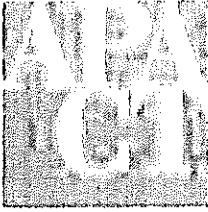
Municipalities wishing to opt out should do so before the law becomes effective October 1, 2017. Municipalities may also opt out after October 1 but must approve valid temporary health care structure applications until an opt-out has been finalized.

Do both the Zoning Commission and Legislative Body (council, board of selectmen, etc.) have to approve an opt-out?

Yes. There are two entities that need to participate in the opt-out procedure: the Zoning Commission and Selectmen/Legislative Body). If for some reason the Zoning Commission wishes to opt-out but the Board of Selectman (or Town Council) wishes to keep the regulations in place (or vice-versa), the statute will continue to apply to the municipality. In other words, either body can block an opt-out.

-Disclaimer-

This material was created by CCAPA as a guidance document for the use of members. This should not be treated as a substitute for legal advice or opinion. If you require legal advice or opinion, you should inquire with your municipality's legal counsel or other appropriate legal counsel.



Making Great Communities Happen

Connecticut Chapter of the American Planning Association

Testimony regarding
**Raised Bill No. 922 – AN ACT CONCERNING TEMPORARY HEALTH CARE
STRUCTURES**

CCAPA opposes this bill as written. While we are strongly in favor of providing Connecticut's residents with additional tools and options to take care of relatives as they recover from injury or illness, as well as improving the regulatory environment for these structures, the Raised Bill is taking the wrong approach. For the last several months, CCAPA had been working closely with Senator Osten and the Task Force to Study the Zoning of Temporary Health Care Structures, and this Task Force agreed upon very deliberate, thoughtful recommendations that were based on best-practices from numerous other States and developed into a proposed Bill. The proposed Bill did not include a municipal opt-out provision, but overall reflected a stronger and more comprehensive approach to this issue than the Raised Bill.

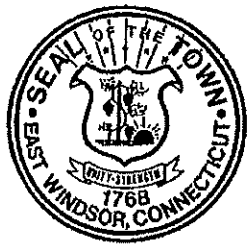
The Task Force's approach provided specific guidance and procedures to municipalities that worked through the standard Zoning review processes to streamline the review and permitting of these structures, and contemplated an opt-out provision that would ensure that communities wishing to forego these procedures would be forced to have a public conversation about the topic. The Raised Bill creates a circumstance that would allow the Town Council or Board of Selectmen to bypass the traditional Zoning processes of Section 8-2 of the Statutes, establishing an undesirable carve-out of authority over land use regulations. CCAPA strongly urges the Committee to revisit the recommendations of the Task Force to Study the Zoning of Temporary Health Care Structures on this matter, and particularly to provide for a municipal opt-out provision and process.

WHO WE ARE

The Connecticut Chapter of the American Planning Association (CCAPA) has over 420 members who are governmental and consulting planners, land use attorneys, citizen planners, and other professionals engaged in planning and managing land use, economic development, housing, transportation, and conservation for local, regional, and State governments, private businesses and other entities. CCAPA has long been committed to assisting the legislature and State agencies with developing and furthering responsible growth management principles. The APA is an independent, not-for-profit, national educational organization that provides leadership in the development of vital communities.

CONTACTS

Connecticut Chapter of the American Planning Association
Govt. Relations Committee Co-Chairs
Amanda Kennedy, AICP
John Guskowski, AICP
Phone: (860) 889-2324
govrel@ccapa.org



TOWN OF EAST WINDSOR

PLANNING & ZONING DEPARTMENT

11 RYE STREET, BROAD BROOK, CT. 06016

Phone : (860) 623-6030

TOWN PLANNER LAURIE WHITTEN, CZEO, AICP

ZONING ENFORCEMENT OFFICER, MATT TYKSINSKI

MEMORANDUM

TO: Robert Maynard, First Selectman
 Members of the Board of Selectman
 Citizens of East Windsor

FROM: Laurie Whitten, CZEO, AICP *UPW*

DATE: September 14, 2017

SUBJECT: Casino funds, Warehouse Point, and Transit Oriented Development –Funding needed

As the Transit Oriented Development (TOD) with a new double track and new station location in Windsor Locks becomes more of a reality, East Windsor is continuing it's efforts towards the process to develop new regulations in Warehouse Point , based on the adopted plan in the POCD. We must first establish a stormwater management plan in order to minimize potential flooding from the Blue Ditch and the Connecticut river. Then development of new Village style to promote smarter new and re-development, mixed use, some higher density housing development, along with complete streets with multi modal capacity inclusive of bicycle and pedestrian paths, along with a possible River trail along South Water Street.

Coupled with the pending MMCT Casino to be located at the Cinema Site, Warehouse Point is in the crosshairs for rapid development. As we anticipate applications to be submitted for the Casino in the near future, the PZC has also been working on making the Highway Interchange Floating Zone more business and development friendly. In part we are looking to eliminate the need to re-zone, add more permitted uses such as multi use and gas stations, and expand the area that can qualify for more flexible campus style development. Meanwhile, **we are well aware of the development pressure related to the Casino, as numerous calls have been received regarding new hotels and housing opportunities.** We need to be prepared for this influx, throughout town and in particularly in Warehouse Point.

Staff has repeatedly asked for funding for a consultant so the Town of East Windsor can be prepared by having the proper studies and regulations adopted BEFORE the influx of applications occurs. As some may have witnessed, a workshop takes many people, planning and preliminary study before it can occur and be successful. The Planning Department is not staffed, nor has the resources to accomplish these tasks. Staff must stress that the need for these studies and regulation modifications is needed NOW, before it is too late.

For the last two years the Planning Department compiled the RFP(s) and supported the casino, and was involved with the developers negotiations. **As the Town Planner, I cannot stress enough the absolute need for funding UPFRONT and NOW to accomplish the preparation of proper stormwater management plans, street design and architectural concepts, and implementing proper zoning requirements, BEFORE the Casino construction is initiated.**

Respectfully
 Laurie P. Whitten, CZEO, AICP
 Director of Community Planning and Development/
 Town Planner

BOS- 10/3/2017- Attachment C

To place the money's received pursuant to section one a and b of the impact payments described in the development agreement the town of East Windsor and MMCT Venture ,LLC signed February 28 2017.

Into a Casino Impact Fund to be administered by the selectman and disbursements to follow the path prescribed in the Town Charter Board of Selectmen recommend to Board of Finance, Then to Town Meeting if over \$20,000. This fund shall contain no more than six million dollars. Any excess funds shall be transferred to capital improvement fund

Bow 10/3/2017 attachment D

Selectmen's Report - October 3, 2017

On September 19, the Town Meeting rejected my proposed ordinance to determine how to handle mitigation funding from MMCT. I know that it wasn't a perfect plan, but it remains the only complete plan that has been put forward.

I remain open to a better way of providing the services that we promised to provide to protect the quality of life in town, although 8 months after the development agreement was signed and 7 weeks after my idea was put forward, NO OTHER plan has been suggested.

Voters should take note and have every right to ask every candidate for local office what their plan is. This should not be a last minute scramble because elected leaders didn't do the hard work when they should have.

On September 21, I toured the Broad Brook Mill site with William Penn, Matt Panciera and Tom Talamini. It was enlightening to see it first hand. It looked to me that the best recourse is to take the buildings down and remediate the site accordingly. I also suggested that the 14 acre site could be ideal for solar generation. They offered assurances that further information would be available for the general public in weeks, not months.

On September 26, pension negotiations commenced. I look forward to being able to share more details on them as I am able, although that won't be until they have concluded.

On September 29, I attended the East Windsor Boys soccer game. They played an outstanding game, losing to Windsor Locks 0-1 in double overtime. The girls played earlier in the evening, but I missed their game. They both play under the lights at home on 10/13 for Homecoming. Stop by to support our hometown athletes.

Thanks coming Saturday, the East Windsor Rotary Club is hosting their annual wine tasting at Second Chance Farm on Rice Road starting at 1pm. Come enjoy a lovely fall day at a great venue and support a wonderful charitable organization.

Respectfully submitted,

Jason E. Bowsza
Selectmen

Sent from my iPhone

BOE - 10/3/2017 - Attachment E

9/27/17

Board of Education

7:30 PM

All members are in attendance. The only mention of financial issues was that the BOE has an \$18,000 shortfall and cautioned any spending at this time. No updates on the BBES project, Alliance Grant EWMS roof project, or FY 18 budget. There are two policy updates A 5131 Conduct and discipline and B 5131.6 Controlled Drugs and Alcohol. There are several eliminations and 1 new policy 5143.53 Gender Identity and expression. The policies were reviewed by the board, as well as the BOE attorney and approved by CABE. **New business** discussion was about the building utilization – Dr DeBarge addressed the issue BBES all rooms are in use as well as BBMS. EWHS 5 rooms are in use only part of the time such as the meeting room N-4. B wing there is one 1 room used for “catch up” to assist with homework assignments as to not let the student be overwhelmed. D-2 is used for professional development; W wing room as well as the science lab is used – not every day or every class. **Public Participation** – I asked about the Youth Service Bureau (EW Youth Center is closing) and was informed this is a budget issue with the state, so this is on hold. Dr Michna brought up an issue at the elementary school while the town meeting was taking place. He and David Swaim found people wandering the halls and it was noted someone was smoking on school property. If meetings are going to continue at this facility there needs to be police presence. It was also noted that the light for the crossing has not been installed as well as the police flashing sign. Does the school recycle – Dr DeBarge will check.

10/2/17

WHPFD

7:00 PM

The commission added “personnel” to the agenda under new business also the curfew time for this meeting is 9:00PM. **Chairperson’s report** – there is an open commissioners appointment; 3 people applied, 1 backed out as he is in FL for 3 months. The other two candidates are D. James Barton and Terry Waller. Mr. Barton had nothing to say as the commission is aware of his abilities; Terry spoke to his background as a battalion leader in the Hartford Fire Department as well as an administrator in the same. Terry was voted in and was sworn in to his duties at the end of the meeting (by me). Jeff ? was appointed as a clerk, however the tax collector was postponed. An invitation to bid on station 2 issues will be put in the JI, Tony also mentioned that there are 2 trees that need to come down. **New business** – Mike Balf approached the commission for 1 full time FSM with 2 PT positions per day. After much discussion they increased the hourly rate to \$16.00 (same as BBFD), the Chief will look into the financial obligations for further upgrades to personnel. **Fire Marshall** - report was given (I received a copy when I asked). **Chief’s report** – 47 calls last month which totals 290 for the year. Physicals are done, policy manual has been updated. Knox box has been ordered, station 2 alarm has been set, MMCT meeting needs to be scheduled, blood drive will be at station 1 on Wednesday the 11th from 11:00 – to 4:00, an RFP will be going out for snow plowing.

10/5/17

BBFD

7:00 PM

Respectfully submitted,
Dale Nelson, Selectwoman