

OFFICE OF THE
FIRST SELECTMAN

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Lynne A. Vanderslice
First Selectwoman

Lori A. Bufano
Second Selectwoman

Joshua S. Cole
Selectman

Deborah A. McFadden
Selectwoman

Ross H. Tartell
Selectman

TOWN HALL
238 Danbury Road
Wilton, CT 06897

BOARD OF SELECTMEN MEETING
Tuesday July 20, 2021
Held Electronically

PRESENT: First Selectwoman Lynne Vanderslice, Lori Bufano, Joshua Cole, Deborah McFadden, Ross Tartell

GUESTS: Police Chief John Lynch, Fire Chief Jim Blanchfield, Michael Wrinn-Director, Planning & Land Use Management, Chris Burney-Director, Public Works, Facilities and Energy Management

A. Call to Order

Ms. Vanderslice called the meeting to order at 8:15pm.

B. Public Comment

None.

C. Consent Agenda

Motion made by Mr. Cole seconded by Ms. Bufano and carried 5-0 to approve the Consent Agenda as follows:

- Minutes
 - Board of Selectmen Regular Meeting Executive Session – June 22, 2021
 - Board of Selectmen Regular Meeting – June 22, 2021
- Gift
 - Douglas & Kathleen Clark – Andrew Headden Gift Fund - \$500

D. Discussion and/or Action

1. RFP/Lease of Real Property for Wireless Telecommunications Facility
Michael Wrinn provided a review of the proposed RFP. He noted the dates on the proposed RFP would be amended. After further review and discussion Ms. Vanderslice asked for a motion to approve the town to put out the RFP as discussed and amended. Motion moved by Ms. McFadden, seconded by Mr. Tartell and carried 5-0.
2. Proposed Labor Day Weekend Firework Celebration and Vendor Contract – Steve Pierce
Ms. Vanderslice spoke in Steve Pierce's absence, noting the department is seeking to hold activities, similar to the July 4th activities, on September 4th, the Saturday of Labor Day weekend. She also noted the plan to offer resident first responders and health care workers free parking. She also noted the fireworks vendor is the same as in previous years. After further discussion and review, motion to authorize the First Selectwoman to

execute the contract with the Vendor for fireworks. Motion moved by Mr. Cole seconded by Ms. Bufano and carried 5-0.

3. Contract for Replacement of Middlebrook Tennis Courts – Steve Pierce
In Steve Pierce's absence, Ms. Vanderslice reviewed the contract for replacement of Middlebrook Tennis courts. She noted the contract is with the same contractor, as the Wilton High School courts. She also noted the cost is higher per court than for the high school, but lower than a quote received by another municipality. The work would begin in August with all work completed by the start of school, except for the painting of the lines. After further discussion and review, Ms. Vanderslice asked for a motion to authorize the First Selectwoman to execute the contract. Motion moved by Ms. McFadden, seconded by Mr. Tartell and carried 5-0.
4. Fire Department Update – Chief Jim Blanchfield
Ms. Vanderslice introduced Chief Jim Blanchfield who provided an update on the Fire Department. He noted the addition of a Deputy Fire Chief (John Plofkin), Apparatus Supervisor (Richard Carlo, Jr.) and a Firefighter (Nicholas Traycheff). He reviewed the process for burn permits, noting he and the Fire Marshall would be proposing changes to the related ordinance. Chris Burney and Mr. Blanchfield reviewed the status of work for the HQ kitchen and Fire Station 2.
5. Recommendation to Disband the Dive Team – Chiefs Jim Blanchfield and John Lynch
Fire Chief Blanchfield and Police Chief Lynch reviewed their recommendation to disband the dive team. Chief Lynch noted the demand for the team (2 times in approximately 10 years) can't justify the team. Norwalk and Westport can cover the town via mutual aid. After further review and discussion Ms. Vanderslice asked for a motion to Disband the Dive Team. Motion moved by Mr. Tartell, seconded by Ms. McFadden and carried 5-0

Board asked that Chief Blanchfield convey thanks to the Dive Team for their service.

6. 8-24 Referral Response – Schencks Island Master Plan
Ms. Vanderslice reviewed the 8-24 Referral response from the Planning and Zoning Commission. Michael Wrinn added additional comments on the 8-24 Referral Response. Discussion amongst the board.
7. July 1, 2021 Legislation Changes
 - Cannabis – Municipal Authority
See attached memo on this topic. Ms. Vanderslice shared the following questions the board need to consider: *Does the Town want to consider restricting or prohibiting the sale of recreational marijuana in Wilton and if so should that decision be made by Board of Selectmen or a special town meeting?* and *Does the Town want to consider restricting and prohibiting where marijuana can be smoked or vaped on town owned and/or town-controlled property and/or at outdoor dining area?* Discussion amongst the board and Michael Wrinn. Board generally in favor of bringing questions to a Special Town Meeting as well as conducting information sessions and public hearing type sessions to obtain input.
 - PSAP
Ms. Vanderslice reviewed a new legislation requiring a task force be created to develop a plan for regionalized dispatch.
 - Board and Committee Meetings
Ms. Vanderslice noted the realities of implementing the requirements for a hybrid meeting may be too much to ask of appointed board and

commission members. It may be better for appointed boards and commissions, except those with regulatory authority, to hold either fully remote public access or in-person public access and that the BOS remove the requirement for those same appointed boards or commissions to video record their meetings. The consensus of the members was to remove the requirement to video record.

8. Possible Appointments – Housing, EDC

Motion moved by Ms. McFadden to appoint Ryan Sullivan to the Housing Committee and Alison Smith to the Economic Development Commission. Motion seconded by Ms. Bufano and carried 5-0.

E. Selectmen's Reports

1. First Selectman

- Ms. Vanderslice noted the Governor extended the emergency through September 30th. Prior executive orders expire at midnight on July 20th. The Governor issued Executive order 13 which includes a limited number of items, including the mask requirement under Executive order 12A.
- As expected, ticket sales for the Hideaway Circus event indicate that the event is drawing residents from outside of Wilton. The location of the event will allow us to showcase Wilton's schools and athletic facilities.

2. Selectmen

Mr. Cole

Mr. Cole reminded all that the Wilton Chamber of Commerce Street Fair will be taking place on Saturday, July 24, 2021, 10am – 3pm.

Mr. Tartell

Mr. Tartell noted that he was glad that a Friends of Bradley Park had been formed.

Ms. McFadden

None.

Ms. Bufano

None.

F. Public Comment

None.

G. Adjournment

Having no further business, Ms. Vanderslice asked for a motion to adjourn at 9:37pm. Motion moved by Ms. McFadden, seconded by Mr. Tartell and carried 5-0.

Jacqueline Rochester

Recording Secretary

Taken from Video



MEMORANDUM

To: Municipal CEOs
From: Nicholas R. Bamonte, Esq.
Date: July 2, 2021
Re: Municipal Authority to Regulate Recreational Marijuana

The state legislature recently approved Senate Bill 1201, “An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis” (the “Act”), now codified as Public Act 21-1, which legalizes recreational use of marijuana in Connecticut effective July 1, 2021, but also provides the following regulatory authority and limitations to local municipalities.

Effective July 1, 2021:

1. Regulation by Referendum (Section 83 of the Act):

- Upon petition and subsequent vote at a regular election, municipalities may (a) prohibit all recreational sale of marijuana in the municipality; or (b) limit recreational sale to certain types of sellers that have been established under the Act and are required to obtain licenses from the Department of Consumer Protection (“DCP”). See attached Exhibit A summarizing the new “cannabis establishment” licenses authorized under the Act, depicted throughout this memo in *italics*.
- The petition must be signed by at least 10% of the electors of a municipality and filed with the town clerk at least 60 days before any regular election.
- The ballot must comply with C.G.S. § 9-250 and, depending on the petition request, state the question as follows:
 - "Shall the sale of recreational marijuana be allowed in [insert name of municipality]?" or
 - "Shall the sale of cannabis under [insert specific type of state license or licenses] be allowed in [insert name of municipality]?" or
 - "Shall the sale of recreational marijuana be prohibited in [insert name of municipality]?"
- No elector shall vote for more than one question.
- The vote must comply with C.G.S. § 9-369. of the general statutes and
- The vote becomes effective on the first Monday of the next month and remains in effect unless and until a new vote is taken.
 - At least one year after the first vote, a new vote may be taken at a special election called for that purpose and that complies with C.G.S. § 9-164.
- Absentee voting is allowed if the elector satisfies the existing requirements under C.G.S. Chapter 145.

- Any class of cannabis establishments already allowed or established in a municipality before the vote becomes effective is not subject to any resulting prohibition or limitation on sale.
2. Regulation by Zoning Regulation or Local Ordinance (Section 148 of the Act):
- Municipalities may amend their zoning regulations or pass a local ordinance to:
 - prohibit the establishment of a cannabis establishment,
 - establish reasonable restrictions regarding the hours and signage (but only if as such signage restrictions apply to all signs in a municipality) of a cannabis establishment within the municipality, or
 - establish restrictions on the proximity of cannabis establishments to churches, public or parochial schools, convents, charitable institutions (whether supported by private or public funds), hospitals or veterans' homes or any camps, barracks or flying fields of the armed forces.
 - The chief zoning official of a municipality must report in writing any zoning changes adopted by the to the Secretary of the Office of Policy and Management and to DCP within 14 days of adoption.
 - Unless otherwise provided for by a municipality through its zoning regulations or ordinances, a cannabis establishment must be zoned as if for any other similar use.
 - Any restriction regarding hours, zoning and signage of a cannabis establishment adopted by a municipality shall not apply to an existing cannabis establishment located in such municipality if such cannabis establishment does not convert to a different license type, for a period of five years after the adoption of such prohibition or restriction.
 - Until June 30, 2024, municipalities can only grant zoning approval for one *retailer* and one *micro-cultivator* for every twenty-five thousand residents of the municipality per the most recent decennial census (the “density cap”).
 - On and after July 1, 2024, DCP may change the specific number of residents required per approval.
 - A special permit or other affirmative approval is required for any *retailer* or *micro-cultivator* seeking to be located within a municipality.
 - A municipality cannot grant special permit or approval for any *retailer* or *micro-cultivator* if that would result in an amount that exceeds the density caps described above.
 - When awarding final licenses for a *retailer* or *micro-cultivator*, DCP may assume that, if an applicant has obtained municipal zoning approval, the approval of a final license will shall not result in a violation of the above requirements or any other municipal restrictions on the number or density of cannabis establishments.
3. Public Safety Reimbursement (Section 83 of the Act):
- For up to 30 days after the opening of a *retailer* or *hybrid retailer* a municipality may charge such *retailer* or *hybrid retailer* for any necessary and reasonable costs incurred by the municipality for provision of public safety services related to opening, including, but not limited to, public safety costs incurred to direct traffic, not to exceed \$50,000.
4. Limitations (Section 83 of the Act):
- Municipalities cannot prohibit (a) delivery of cannabis within the municipality or (b) transport of cannabis to, from or through the municipality by any person authorized to do so under the Act.

- Municipalities cannot accept donations from, or enter into a local host agreement with, any establishment or person that has applied for a state license to open or operate a cannabis establishment in the municipality.

Effective October 1, 2021:

1. Regulation of Municipal Property (Section 84 of the Act, which amends C.G.S. § 7-148):
 - The authority for municipalities to regulate smoking on property owned or controlled by the municipality will be expanded to include smoking or vaping of cannabis.
 - If the municipality's population is greater than 50,000, the regulations must designate a place in the municipality where public consumption of cannabis is permitted.
 - The regulations may prohibit the smoking of cannabis and the use of electronic cannabis delivery systems and vapor products containing cannabis in the outdoor sections of a restaurant.
 - The regulations may prescribe penalties for the violation of such regulations, but the fine cannot exceed \$50.00 for a violation involving consumption by an individual or \$1,000.00 for a violation by any business.
2. Expansion of Smoking Location Prohibitions (Section 86, 87 and 88 of the Act):
 - Existing law prohibiting smoking or vaping in certain locations will be expanded to now include the space within 25 feet of any doorway, window or air intake vent of a municipally owned or leased building.
 - This same expansion applies to school buildings. Smoking and vaping is already prohibited on “school grounds” under existing law, which will not change.

EXHIBIT A

Types of Cannabis Establishments/Licenses under the Act

1. *Producer*: a person that is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder (medical marijuana)
2. *Dispensary facility*: means a place of business where cannabis may be dispensed, sold or distributed in accordance with chapter 420f of the general statutes and any regulations adopted thereunder, to qualifying patients and caregivers, and to which DCP has issued a dispensary facility license under chapter 420f of the general statutes and any regulations adopted thereunder (medical marijuana)
3. *Cultivator*: a person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.
4. *Micro-cultivator*: a person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by DCP
5. *Retailer*: a person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs
6. *Hybrid retailer*: a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products
7. *Food and beverage manufacturer*: a person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages
8. *Product manufacturer*: a person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type
9. *Product packager*: a person that is licensed to package and label cannabis
10. *Delivery service*: person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in section 21a-408 of the general statutes, or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v of the general statutes that have a protocol for the handling and distribution of cannabis that has been approved by DCP, or a combination thereof
11. *Transporter*: a person licensed to transport cannabis between cannabis establishments, laboratories and research programs

*Note: As of July 1, 2021, DCP is authorized to accept applications from any medical marijuana *dispensary facility* to convert its license to a *hybrid-retailer* license and any medical marijuana *producer* for expanded authorization to engage in the adult use cannabis market under its existing license.