

**Disclaimer.** Please note, these Minutes have yet to be approved. Check with the department or Town Clerk for updated versions.

**BOARD OF SELECTMEN  
REGULAR MEETING  
October 5, 2022**

**Present:** Norman M. Needleman, First Selectman  
Stacia R. Libby, Selectman  
Bruce M. Glowac, Selectman

Norman Needleman called the meeting to order at 7:00 p.m.

First Selectman Needleman welcomed everyone to the Board of Selectmen in person and remote public access meeting via Zoom.

In attendance: First Selectman Norman M. Needleman, Selectman Stacia R. Libby, and Selectman Bruce M. Glowac.

Others in attendance: Finance Director Tracey Celentano, Aaron Rubin, Lana Westgate, Jim Rawn, and Coral Rawn.

**Approval of Agenda:**

**Motion** was made by Stacia Libby to approve the agenda. Bruce Glowac seconded the motion. All in favor.

**Approval of Minutes:**

**Motion** was made by Stacia Libby to approve the September 21, 2022 Meeting Minutes. Bruce Glowac seconded the motion. All in favor.

**Informational Items, Communications and Correspondence** None

There was discussion and some concerns that cars are not stopping at the stop signs on Book Hill Road - at both the intersection of Book Hill and River Road and Book Hill and Book Hill Woods Road. Bruce Glowac did report that when the new sidewalks are installed on River Road, the sightlines will improve at that intersection.

The Selectmen reported the Town was not awarded the Fire Fighters grant for the replacement of the expired air packs.

**Public Announcements / Comment:**

Mr. Needleman reported he received a nice note from Lori Oneil regarding the Town's Fire Marshal John Planas who went above and beyond helping her with her alarm system and she wanted the Town to know how fortunate the town is to have him as the Town's Fire Marshal.

Jim Rawn reported that residents at Heritage Cove are pleased with the upcoming sidewalk project on River Road.

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## **OLD BUSINESS:**

### **Capital Committee:**

The committee met on Tuesday, September 27<sup>th</sup> at 10:30 am with Ryan Welch, Bob Doane, Tracey Celentano, Kelly Sterner, and John Guskowski to review infrastructure projects. Mr. Glowac mentioned that the River Road sidewalk project and the River Road bridge project may have to happen separately. The hopes are the sidewalk project will start next summer, but that is being ambitious. Other infrastructure items the capital committee discussed are bridges that would need to be repaired, installation of additional sidewalks, and other infrastructure projects at the public works garage, the town hall building, and the transfer station. The committee will be meeting with other groups such as Park and Recreation and the Fire Department.

## **NEW BUSINESS:**

### **Appointments and Resignations Board and Commissions**

Open Town Board and Commission positions can be found at [https://www.essexct.gov/sites/g/files/vyhlf3116/f/uploads/boards\\_and\\_commissions\\_website\\_30.pdf](https://www.essexct.gov/sites/g/files/vyhlf3116/f/uploads/boards_and_commissions_website_30.pdf)

The application to join a Board or Commission can be found at: [https://www.essexct.gov/sites/g/files/vyhlf3116/f/file/application\\_to\\_volunteer\\_for\\_board\\_or\\_commission\\_fillable\\_4\\_13\\_18.pdf](https://www.essexct.gov/sites/g/files/vyhlf3116/f/file/application_to_volunteer_for_board_or_commission_fillable_4_13_18.pdf)

The following are Board and Commission openings:

- Conservation Commission – Regular Member
- Conservation Commission – Alternate Member
- Park and Recreation Commission –2 Alternate Members

### **American Rescue Plan Funds:**

Tracey Celentano reported the Town received the third tranch of funds, so all ARPA funds have been received.

### **Employee Handbook Addendum – 2022 Updates to Drug Policy**

There was discussion on updates to the Town's Employee Handbook regarding the Drug Policy. With the legalization of cannabis in Connecticut and regarding the testing of Town Employees, the Selectmen requested the Town attorney review and update the current policy.

**Motion** was made by Bruce Glowac to approve the Addendum #5 – 2022 Updates to Drug Policy (copy attached). Stacia Libby seconded the motion. Motion passed.

### **Phase I Environmental Site Assessment – Site Location: 11 Dump Road, Essex**

The site is owned by the Town of Essex and has been used by RiverCOG for the past 17 years as a collection site for household hazardous waste and paper shredding. RiverCOG is no longer using the site and the Town requested a Phase I Assessment. Thunderbird Environmental, LLC prepared the assessment. The Selectmen discussed the assessment and suggested the assessment be sent to the Town attorney for review before accepting the assessment.

**Motion** was made by Norman M. Needleman to table the acceptance of the site assessment until the next Selectmen's meeting. Bruce Glowac seconded the motion. All in favor.

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### **Transfer Station Fees**

There was discussion of increasing the fees. There was also discussion of what to do with older solar panels when they come to the end of their life use.

**Motion** was made by Norman Needleman to amend the following Transfer Station and Recycling Center fees. Annual Sticker from \$125 to \$150. Senior Annual Sticker from \$75 to \$100. Punch Card from \$25 to \$30. Demolition Material & Bulky Waste from \$20 yard to \$25 yard and \$10 for ½ yard to \$15 for ½ yard. Log Disposal from \$10 yard to \$15 a yard. Sleeper Furniture from \$20 each to \$25 each. Stuffed Furniture from \$10 each to \$15 each. Bruce Glowac seconded the motion. All in favor.

**Public Hearing** None

### **Set Town Meeting**

**Motion** was made by Bruce Glowac to set a Special Town Meeting on Wednesday, October 19, 2022, at 6:55 pm in Conference Room B. Stacia Libby seconded the motion. All in favor.

**Public Comment / Announcements:** None

### **SELECTMEN GENERAL DISCUSSION:**

There was discussion of the installation of a water tower project in Ivoryton. Because the property, which is deemed the best location for the water tower, is in open space, there are restrictions on the usage of the property. There are several steps that need happen for such a project to be approved.

**Motion** was made by Norman Needleman to adjourn the meeting at 7:37: p.m. Stacia Libby seconded the motion. All in favor.

Respectfully submitted,  
Maria P. Lucarelli

## IV. WORKPLACE EXPECTATIONS AND ADMINISTRATION

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### **Drug- & Alcohol-Free Workplace**

#### **Alcohol, Drugs, and Tobacco Standards**

For the purposes of this policy, the following definitions apply:

- “cannabis” means marijuana which includes all parts of a plant or species of the genus cannabis or any infra specific taxon thereof, whether growing or not, and including its seeds and resin; its compounds, manufactures, salts, derivatives, mixtures, and preparations; and cannabimon, cannabimol, cannabidiol (CBD), and similar compounds unless derived from hemp as defined in federal law. The definition of marijuana also includes any product made using hemp, as defined in state law, with more than 0.3% total THC concentration on a dry-weight basis, manufactured cannabinoids, and certain synthetic cannabinoids.
- “caregiver” means a person, other than the qualifying patient or the qualifying patient’s physician or APRN, who is at least 18 years old, and agrees to take responsibility for managing the patient’s well-being with respect to his/her palliative use of marijuana.
- “controlled substances” means all forms of narcotics, depressants, stimulants, hallucinogens, steroids, and cannabis (including products made with or infused with these substances) whose sale, purchase, transfer, use, or possession is prohibited or restricted by state or federal law.
- “exempted employee” means any employee holding an exempted position.
- “exempted position” means a position:
  - (A) As a firefighter;
  - (B) As an emergency medical technician;
  - (C) As a police officer or peace officer, or in a position with a law enforcement or investigative function at a state or local agency;
  - (D) Requiring operation of a motor vehicle, for which federal or state law requires any employee such position to submit to screening tests, including, but not limited to, any position requiring a commercial driver’s license or any position subject to 49 CFR 40, 14 CFR 120 or 49 CFR 16;

(E) Requiring certification of completion of a course in construction safety and health approved by the federal Occupational Safety and Health Administration;

(G) For which the provisions of this section are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement;

(I) Funded in whole or in part by a federal grant;

(J) Requiring the supervision or care of children, medical patients, or vulnerable persons; or

(K) With the potential to adversely impact the health or safety of employees or members of the public, in the determination of the Town.

- “qualifying patient” means a Connecticut resident who was diagnosed by a physician or an advanced practice registered nurse (“APRN”) as having a debilitating medical condition, and is (1) at least 18 years old, (2) is an emancipated minor, or (3) has written consent and permission from a custodial parent, guardian, or other person having legal custody of such qualifying patient.
- “palliative use” means the acquisition, distribution, transfer, possession, use, or transportation of cannabis or paraphernalia relating to cannabis, including the transfer of cannabis and paraphernalia relating to cannabis from the patient’s caregiver to the qualifying patient, to alleviate a qualifying patient’s symptoms of a debilitating medical condition as defined by law or the effects of such symptoms, but does not include any such use of cannabis by any person other than the qualifying patient.

The Town recognizes that substance abuse is detrimental to an individual’s health and may jeopardize safety in the workplace and to the public it serves. This Town policy is established to comply with the Drug-Free Workplace Act of 1988, the Connecticut Palliative Use of Marijuana Act, and the Connecticut Responsible and Equitable Regulation of Adult-Use Cannabis Act. Wherever inconsistencies of interpretation arise, the law and regulation shall prevail.

The unauthorized use, possession, storage, manufacture, distribution, and sale of alcohol, controlled substances, and illegal drugs is prohibited on Town premises, property, or during any business conducted in Town-owned or Town-authorized vehicles or equipment, Town events, Town meetings, or during working hours. The use or possession of alcohol, illegal drugs, and drug paraphernalia, and the unauthorized use or possession of controlled substances, on Town premises, property, vehicles, or equipment, or while conducting Town business elsewhere, and under all circumstances during working hours and in the conduct of Town business, is prohibited and may result in discipline up to and including termination. Use of alcohol and illegal drugs, and the unauthorized use of other controlled substances, off work time which results in impairment at work during working hours is also prohibited, and may result in discipline up to and including termination. Employees or officials who are taking legally prescribed and/or over-the-counter medications, including the palliative use of cannabis by a qualifying patient or caregiver, are prohibited from reporting to work impaired in a manner which affects job performance, safety, or the efficient operation of work and/or equipment, and may also be subject to discipline, up to and

including termination.

Unless required by federal law or required to obtain federal funding, the Town may not refuse to hire a person or discharge, penalize, or threaten an employee solely based on the person's or employee's status as a qualifying patient or caregiver.

The Town may not prohibit the possession of cannabis for palliative use by a qualifying patient or caregiver during work hours, while on Town property, or at a Town-sponsored event or activity. The Town is not restricted, however, in its ability to prohibit the use or possession of alcohol, illegal drugs, and drug paraphernalia, and prohibit the unauthorized use or possession of controlled substances during work hours, while on Town property, or at a Town-sponsored event or activity. The Town therefore prohibits the use or possession of alcohol, illegal drugs, and drug paraphernalia, the unauthorized use or possession of controlled substances on Town property, and all employees from being under the influence of alcohol, illegal drugs, or the unauthorized use of controlled substances at a Town-sponsored event or activity, or during the conduct of Town business.

As a condition of employment, Town employees will abide by the terms of this Town policy and notify the Town of any criminal drug offense convictions, including a plea of nolo contendere (no contest), not later than five (5) days after any such conviction for violations occurring on Town premises, property, or work locations, in Town-owned or Town-authorized vehicles or equipment, or while on Town business. This includes convictions for the unlawful use, possession (including the storage in a desk, locker, or other repository), manufacture, distribution, dispensation, or sale of illegal drugs, drug paraphernalia, or controlled substances on Town premises, property, while conducting business in Town-owned or Town-authorized vehicles or equipment, or during working hours. When appropriate, and as authorized or required by law, the Town may refer any illegal drug activities to law enforcement, licensing, and credentialing agencies.

The Town will not condone criminal activity on its property (or on property under its direct control) and will take appropriate corrective actions up to and including termination or requiring participation in drug abuse assistance or rehabilitation programs. The Town provides, through its employee benefit programs, an employee assistance program (EAP), which provides confidential assistance to help resolve alcohol or drug abuse and other personal/emotional problems at no cost to employees. Use of the EAP does not jeopardize an individual's employment or opportunities for promotion. Employees are encouraged to seek assistance from the Town's EAP provider before alcohol and drug problems interfere with work.

The Town is also not restricted in its ability to discipline an employee for being under the influence of intoxicating substances during work hours, while on Town property, or at a Town-sponsored event or activity.

### **Testing**

The Town has established clear policies and procedures with respect to testing of individuals for drugs and alcohol. Employees who are required to possess a Commercial Drivers' License (CDL) or a Marine License as a condition of employment are subject to federal requirements concerning drug and alcohol testing as provided pursuant to the Federal Highway Administration (FHWA)

Regulations on Drug Use and Alcohol Abuse. Certain employees are subject to the terms of their collective bargaining agreements, which may provide for additional prohibitions and substance abuse testing requirements.

A positive drug test for cannabis (11-nor-9-carboxy-delta-9-tetrahydrocannabinol) may form the sole basis for discipline up to and including termination only if the test is administered:

- (a) as part of a random drug testing policy for all employees, excluding qualifying patients;
- (b) for an existing exempted employee, excluding qualifying patients; or
- (c) because (1) failing to do so would put the employer in violation of a federal contract or cause it to lose federal funding, (2) the employer reasonably suspects an employee's usage of cannabis while engaged in the performance of the employee's work responsibilities, or (3) the employee manifests specific, articulable symptoms of drug impairment while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including, but not limited to, (A) symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior or negligence or carelessness in operating equipment or machinery, (B) disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property, or (C) carelessness that results in any injury to the employee or others.

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## VI. HEALTH AND SAFETY

### Smoking

For purposes of this policy, the following definitions apply:

- "Electronic Delivery System" means an electronic device that may be used to simulate smoking in the delivery of nicotine, cannabis, or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or electronic hookah, and any related device and any cartridge or other component of such device.
- "Smoking" means the burning of a lighted cigarette, cigar, pipe, or any other similar device, whether containing, wholly or in part, tobacco, cannabis, or hemp, including, but not limited to, electronic delivery systems or vapor products.
- "Tobacco product" includes, but is not limited to, cigarettes, cigars, blunts, bidis, pipes, chewing tobacco, and all other forms of smokeless tobacco, rolling papers, and any other items containing or reasonably resembling tobacco or tobacco products, such as electronic cigarettes or vapor products.

- “Vapor product” means any product that employs a heating element, power source, electronic circuit or other electronic, chemical, or mechanical means, regardless of shape or size, to produce a vapor that may include nicotine or cannabis, that is inhaled by the user of such product.

Town employees should be able to work in a smoke-free environment and state law requires that employers establish rules governing smoking in all offices and workplaces. This policy applies to all Town employees, officials, vendors, and visitors. There shall be no smoking nor other use of tobacco product in any area of a Town building, Town facilities, on all Town property, both inside and outside, and on all buses or other transportation vehicles under the jurisdiction of the Town.

This prohibition applies throughout Town Hall and all other town buildings, offices, and facilities, and while driving, operating, or occupying Town vehicles, boats, and equipment. The Town prohibits all vendors operating on Town owned or operated properties from selling smoking materials, including, but not limited to, electronic delivery systems, tobacco products, or vapor products. No cigarette machines will be located on any Town property.