

SEPTEMBER 22, 2022

A special meeting of the City Council was held on Thursday, September 22, 2022 at 7:00 p.m. in the Board of Education Auditorium, 129 Church Street, Bristol. Present: Mayor Caggiano; Council Members Howe, Lusitani, Olsen, Panioto, Thibeault, and Tyler.

The call of the meeting was presented:

*“City Council Members
City Hall
Bristol, Connecticut*

SPECIAL CITY COUNCIL MEETING

There will be a Special Meeting of the Bristol City Council to be held on Thursday, September 22, 2022 at 7:00 p.m. in the Board of Education Auditorium, 129 Church Street, Bristol, Connecticut.

AGENDA

1. *Consent Calendar.*
 - a. *To authorize the Mayor or Acting Mayor to execute a Certification to the U.S. Department of Housing and Urban Development (HUD) stating that the Continuum of Care project application is consistent with the Consolidated Plan.*
 - b. *To authorize the Mayor or Acting Mayor to execute a motor vehicle lease by and between the City of Bristol and Acme Auto Leasing, LLC.*
 - c. *To establish a Building Committee consisting of six (6) members to oversee the planning, construction and completion of a new firehouse station 3 on Church Avenue, and to take any action as necessary.*
 - d. *To approve submission of a grant to expand the Infant and Toddler Child Day Care Contract and authorize the Mayor or Acting Mayor to execute any necessary documents related to the application Contract #22OECCDC01BRS with the State of Connecticut Office of Early Childhood from 6/27/22 – 6/30/24 and to refer to Board of Finance for appropriation and any action as necessary.*
2. *Public Participation.*
3. *To adopt amendments to Bristol Code of Ordinances Article VIII, Cannabis Establishments, and to take any action as necessary.*
4. *To nominate and appoint members to the Fair Rent Task Force, and to take any action as necessary.*
5. *To adjourn.*

*Per Mayor Jeffrey Caggiano, Chairman
DATED this 20th day of September, 2022.*

Join Zoom Meeting

<https://bristolct-gov.zoom.us/j/82927796548?pwd=aFVOQ0k5WU1QZ2twazFIWUJPCGd0QT09>

Meeting ID: 829 2779 6548

Passcode: 123456 Dial by your location +1 929 205 6099 US (New York)”

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1. ADOPTION OF CONSENT CALENDAR.

On motion of Council Member Olsen and seconded, it was unanimously voted: To adopt four matters as part of the Consent Calendar.

2. MAYOR OR ACTING MAYOR AUTHORIZED TO EXECUTE CERTIFICATION TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) STATING THAT CONTINUUM OF CARE PROJECT APPLICATION IS CONSISTENT WITH CONSOLIDATED PLAN.

Communication from Assistant Corporation Counsel Conlin regarding a Certification to the U.S. Department of Housing and Urban Development.

On motion of Council Member Olsen and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to execute a Certification to the U.S. Department of Housing and Urban Development (HUD) stating that the Continuum of Care project application is consistent with the Consolidated Plan.

3. MAYOR OR ACTING MAYOR AUTHORIZED TO EXECUTE MOTOR VEHICLE LEASE BY AND BETWEEN CITY OF BRISTOL AND ACME AUTO LEASING, LLC.

Communication from Assistant Corporation Counsel Conlin regarding a motor vehicle lease by and between the City of Bristol and Acme Auto Leasing, LLC.

On motion of Council Member Olsen and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to execute a motor vehicle lease by and between the City of Bristol and Acme Auto Leasing, LLC.

4. APPROVAL TO ESTABLISH BUILDING COMMITTEE TO OVERSEE PLANNING, CONSTRUCTION AND COMPLETION OF NEW FIREHOUSE STATION 3 ON CHURCH AVENUE.

Communication from Assistant Corporation Counsel Conlin regarding a Building Committee to oversee the planning, construction and completion of a new firehouse station 3 on Church Avenue.

On motion of Council Member Olsen and seconded, it was unanimously voted: To establish a Building Committee consisting of six (6) members to oversee the planning, construction and completion of a new firehouse station 3 on Church Avenue.

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5. SUBMISSION OF GRANT TO EXPAND INFANT AND TODDLER CHILD DAY CARE CONTRACT RELATED TO APPLICATION CONTRACT #22OECCDC01BRS WITH STATE OF CONNECTICUT OFFICE OF EARLY CHILDHOOD FROM 6/27/22 – 6/30/24, APPROVED.

Communication from School Readiness Liaison Osuch regarding a Building Committee to oversee the planning, construction and completion of a new firehouse station 3 on Church Avenue.

On motion of Council Member Olsen and seconded, it was unanimously voted: To approve submission of a grant to expand the Infant and Toddler Child Day Care Contract and authorize the Mayor or Acting Mayor to execute any necessary documents related to the application Contract #22OECCDC01BRS with the State of Connecticut Office of Early Childhood from 6/27/22 – 6/30/24 and to refer this matter to Board of Finance for appropriation.

6. PUBLIC PARTICIPATION.

Deb Paruske, 40 Matthews St. stated she did not agree with approving the cannabis ordinance.

Ann Munger Chrystal, 71 Eugene Ave. noted she did not agree with the cannabis ordinance.

Todd Williams, 20 Averyll Ave., Wolcott provided examples of youth who passed away due to drug use.

Jeannine Pinette, 79 Fifth St. stated the increase in revenue will not benefit the City if there are people who need assistance to withdraw from addiction.

Sue Kuchman, 30 Sheila Ct., stated cannabis was already available in Bristol, so why should people drive to New Britain to buy it.

Bart Halloran, attorney for Trulieve, 791 Prospect Ave., West Hartford stated the special ordinance meeting was not in the spirit of Freedom of Information. He suggested modifying the ordinance to allow hybrids to exist.

Tim Wang, security officer for Trulieve, 1175 Farmington Ave. stated the Trulieve facility which services 4,000 patients was tightly controlled.

Kelly Houston, 45 Gina St. did not agree with the sale of recreational marijuana in order to protect the children.

Steve Coan, 331 Main St. questioned why there was a rush in adopting the cannabis ordinance. It could be revisited in the future.

Mike Erosenko, 40 Palmorr Place noted his support for recreational cannabis.

Tim DeMerchant, 18 Vermont Ct., Southington supported the availability of cannabis.

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State Senator Henri Martin, 7 Ipswitch Rd. stated cannabis was dangerous and harmful to the brain development of teens. He did not support retail hybrid.

Russ Anderson, 93 Wolcott Rd. stated he opposed the sale of cannabis and that it would not generate the revenue the City expects.

Nicole Walker, 1325 Farmington Ave. #16 noted people will get cannabis whether or not it is approved.

Andrew Collins spoke on behalf of Cindy Lamarre, 301 Old Orchard Rd. opposed the sale of marijuana because of the impact on the youth. It should go on the ballot.

Roberta Setter, 316 Ivy Dr. commented on the peer pressure regarding marijuana.

Emily Bailey, 21 Tiffany Lane did not support the recreational hybrid model of cannabis sales.

John Wright, 28 Seneca Rd. approved of recreational marijuana retail sales.

Clifton Nunnally, 384 Matthews St. noted recreational marijuana users should not have to travel to Massachusetts to purchase it.

Sharon Lavertue, 46 Kenney St. stated the cannabis decision should be based on the kids not on money.

Ann Harmon, 49 Fair St. opposed the sale of cannabis. It would not bring quality people to Bristol.

Gary DeRosa, 550 King St. stated he was a pastor and worked with people going through rehab. He noted 70% of the people he worked with started with cannabis.

Robert Baldeli, 83 Bellevue Ave. would not like to see Bristol destroyed by the use and sale of cannabis. It would create a DUI uptick and violence.

Kristen Giantonio, Vice-Chair Board of Education, 275 Allentown Rd. on behalf of the BOE Republican caucus highlighted their position statement in opposition of any ordinance permitting the sale of marijuana for recreational use. She also noted the restriction should be more than 250' from a school or residential neighborhood for a hybrid retailer.

Joanie Hermann, 111 Debra Lane expressed concern over why this ordinance was being rushed through. It should go through referendum.

Seth Reicetti, 83 Bellevue Ave. stated cannabis was a gateway drug. It would lead to crime.

Richie Maiolin, 83 Bellevue Ave. stated he started smoking cannabis at 9 years old and became addicted to drugs.

Mel Bee, 35 Rustic Terrace noted recreational cannabis laws protect roads, policies can be enacted to provide workplace safety, Bristol can restrict the hours and signage for

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cannabis facilities, and the City can charge retailers for public safety services during their first 30 days of operation.

Camelia Lopez, 91 Tulip St. cannabis use can help people with mental illness, pain, and cancer.

Tina Matthews, 23 Alder St. stated recreational use of marijuana has more than three times the amount of THC than 25 years ago. It impairs thinking and driving.

Ken Cockayne, 93 Tuttle Rd. cannabis should be more than a financial benefit. It has been a detriment in Colorado. He expressed concern over what it would do to Bristol.

Emily Michaud, 31 Cawley St. (videoconference) stated cannabis was not a positive to bring into Bristol at this time.

Joseph Smith, 54 Silo Rd. (videoconference) stated this was an opportunity for Bristol not to get passed over again. Cannabis would be a good source of revenue.

Andrew Simonow, 6 West Ave., East Hampton (videoconference) noted cannabis can still be delivered to Bristol, even if the City does not approve it.

Brittany Barney, 128 Queen St. (videoconference) stated the ordinance should be revised to include at least one hybrid facility.

7. RECESS.

Mayor Caggiano requested a recess at 8:28 p.m.

Mayor Caggiano reconvened the meeting at 8:33 p.m.

8. ADOPTION OF AMENDED BRISTOL CODE OF ORDINANCES ARTICLE VIII, CANNABIS ESTABLISHMENTS, SEC. 13-122 THROUGH SEC. 13-130.

As recommended by the Ordinance Committee and on motion of Council Member Tyler, Chrm. and seconded, it was unanimously voted: To waive the reading of Article VIII, Cannabis Establishments, Bristol Code of Ordinances Sec. 13-122 through Sec. 13-130.

As recommended by the Ordinance Committee and on motion of Council Member Tyler, Chrm. and seconded, it was unanimously voted: To amend and adopt the Bristol Code of Ordinances Sec. 13-122 through Sec. 13-130, Cannabis Establishments. It will be effective upon the expiration of fourteen days of its newspaper publication.

(The amended and adopted ordinance is at the end of this item in the minutes of this meeting.)

Council Member Tyler stated this ordinance first came to the Ordinance Committee with a recommendation that hybrid establishments would be allowed in Bristol. However, they were reviewing guardrails, such as distances to schools and limiting the numbers. After a public hearing and input from a few of the stakeholders, the draft was a work in progress

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and was changed again. The language now allows medical dispensaries and manufacturing and prohibits hybrid and retail establishments.

On motion of Council Member Thibeault and seconded, it was voted: To amend the proposed ordinance with four changes as follows –

- Insert hybrid retailer in Sec. 13-124 and label it subsection “A”.
- Add a new subsection labeled “B” which reads:

B. No more than 2 hybrid retailers will be allowed to operate in the City.

- Remove the “s” in Establishments in Sec. 13-125.
- Remove the word “retailer” in Sec. 13-128(2).

A roll call vote was taken.

YES
Council Member Lusitani
Council Member Thibeault
Council Member Howe
Mayor Caggiano

NO
Council Member Olsen
Council Member Panioto
Council Member Tyler

ABSTAIN

AMENDMENT ADOPTED: YES – 4; NO – 3; ABSTAIN – 0.

(This vote above was taken after the following additional amendment by Council Member Panioto was considered.)

Council Member Thibeault stated many people indicated to her they wanted to give testimony, but they were concerned about the stigma. She noted that every dispensary in the State was applying to expand as a hybrid retailer. She was not advocating for any business, but she wanted to preserve Bristol’s medical dispensary, if Bristol does not allow hybrid. No one wants it to impact the youth. Marijuana was already in Bristol and she hoped this might get rid of street weed.

Council Member Tyler objected to discussing the amendment before allowing the ordinance submitted by the Ordinance Committee to be discussed first. She noted further the initial amendment undermined the Ordinance Committee and the process.

Council Member Olsen supported the use of cannabis for anxiety reduction, cancer patients, pain, insomnia, and other debilitating medical problems. The decision to allow hybrid facilities should not be based on revenue and creating jobs. She has seen the damage that drugs can do and cannabis contains mind altering compounds, such as THC. She was concerned about the potential impact on youth. She questioned whether Bristol wants to be known for selling cannabis for recreational use.

Council Member Panioto noted he did not know whether Trulieve had Bristol’s best interests at heart long term. He stated Trulieve put resources into Applewood Restaurant on Route 6 before the first public hearing on the cannabis ordinance.

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On motion of Council Member Panioto and seconded, but not voted on: To amend the motion by referring the revised (amended) ordinance to the Board of Police Commissioners for review.

(Assistant Corporation Counsel Conlin stated Council Member Panioto's amendment was not germane and pertinent to the initial amendment on the floor and was like a motion to postpone, so no vote was taken on this amendment.)

Council Member Tyler stated the City Council was disregarding the Police Department. The City may need officers to staff the cannabis locations when they first open. She questioned whether traffic studies had been done, what the impact would be on the housing market, and the lack of transparency. She indicated at the public hearing 70% of the people were opposed to retail sales including hybrid.

Council Member Howe noted the City can use programs to educate children about cannabis. He stated he used cannabis for medical purposes and it was beneficial. Trulieve is well regulated and secure.

Council Member Lusitani stated Trulieve served over 3,000 patients since 2012. Setting up guardrails protects Bristol from having a hybrid facility on every corner. Some people will benefit from a hybrid facility. It is the responsibility of parents to inform the children about the impact of drugs and alcohol.

Mayor Caggiano clarified that the Zoning Commission in September, 2021 did not take a vote on the State Statute, but they viewed this as regular retail. Eighteen hybrid licenses have been chosen by eighteen medical dispensaries. He commented the City Council had to decide on the guardrails to keep medical establishments here. He noted further that we were elected for lack of liberty and choice. Medical marijuana was valuable.

On motion of Council Member Tyler and seconded, it was defeated: To amend the proposed ordinance to change the distance from 250' to 1500' and insert "a residential zone".

A roll call vote was taken.

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Council Member Olsen	Council Member Lusitani	
Council Member Panioto	Council Member Thibeault	
Council Member Tyler	Council Member Howe	
	Mayor Caggiano	

AMENDMENT DEFEATED: YES – 3; NO – 4; ABSTAIN – 0.

On motion of Council Member Tyler and seconded, it was defeated: To amend the proposed ordinance and retain the distance of 250', but insert the word "residence".

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A roll call vote was taken.

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
	Council Member Lusitani	
Council Member Olsen	Council Member Thibeault	
Council Member Panioto	Council Member Howe	
Council Member Tyler	Mayor Caggiano	

AMENDMENT DEFEATED: YES – 3; NO – 4; ABSTAIN – 0.

On motion of Council Member Howe and seconded, it was voted: To adopt the ordinance as amended by Council Member Thibeault.

A roll call vote was taken.

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Council Member Lusitani	Council Member Olsen	
Council Member Thibeault	Council Member Panioto	
Council Member Howe	Council Member Tyler	
Mayor Caggiano		

MOTION ADOPTED: YES – 4; NO – 3; ABSTAIN – 0.

The amended and adopted ordinance is as follows –

Article VIII. Cannabis Establishments

Sec. 13-122. Purpose. The purpose of this chapter is to protect and preserve the public health, safety and welfare of the citizens of Bristol.

Sec. 13-123. Definitions. All terms used in this Article shall have the same meanings as set forth in the Responsible and Equitable Regulation of Adult-Use Cannabis Act ("RERACA"), Public Act 21-1, and inclusive of the Regulations of Connecticut State Agencies, as amended from time to time.

Sec. 13-124. Establishment Limitation.

A. No cannabis establishment shall operate in the City except for a hybrid retailer, dispensary facility, cultivator, micro-cultivator, producer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter, which shall be subject to the further limitations set forth in this Article.

B. No more than 2 hybrid retailers will be allowed to operate in the City.

Sec. 13-125. Proximity Limitation.

A. No cannabis establishment not specified in the zoning regulations shall be permitted to operate on a site that is within 250 feet of any school, church, hospital, municipal park or municipal recreational facility. Said distance requirement shall be measured by taking the nearest straight line between the respective lot boundaries of said sites.

B. Cannabis establishments shall be restricted to the BG, BD, BHC, I and IP zones, provided such establishment can otherwise satisfy zoning regulations for operating in such a zone.

Sec. 13-126. Approval Process. Upon obtaining all licenses required pursuant to RERACA and all approvals required by the Planning Commission and/or the Zoning Commission, any Cannabis Establishment seeking to do business in the city shall apply to the City Council for

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permission to do so. Approval shall be obtained with a majority vote of members present to approve an applicant at a City Council meeting.

Sec. 13-127. Changes to an Approved Cannabis Establishments. Should an approved Cannabis Establishment change its location after approval by the City Council, or substantially change its approved site plan, such Cannabis Establishment must again seek approval from the City Council as described in section 13-126. If a Cannabis Establishment has its license suspended or revoked, said Cannabis Establishment shall notify the Mayor's office within 24 hours of such action and provide a copy of any notice received from the State.

Sec. 13-128. Prohibited Conduct. No person shall gift, sell or transfer cannabis to another person: (1) To induce, or in exchange for, any donation for any purpose, including, but not limited to, any charitable donation or any donation made to gain admission to any event; (2) At any location, other than a dispensary facility, or hybrid-retailer, (A) where a consumer may purchase any item other than cannabis, a cannabis product or services related to cannabis, or (B) that requires consideration, including, but not limited to, membership in any club, in order to gain admission to such location; or (3) As part of any giveaway associated with attendance at any event, including, but not limited to, any giveaway made by way of a door prize, goodie bag or swag bag. The provisions of this subsection shall not be construed to prohibit any gift of cannabis between individuals with a bona fide social relationship, provided such gift is made without consideration and is not associated with any commercial transaction.

Sec. 13-129. Fine for Prohibited Conduct. Any police officer or other person authorized under section 23-2 of the Code of Ordinances may issue a citation of \$500 to any person who commits such a violation for each violation of this article.

Sec. 13-130. Savings clause. Should any court of competent jurisdiction declare any section, clause or provision of this article to be unconstitutional or unlawful, such decision shall affect only such section, clause or provision so declared unconstitutional or unlawful, and shall not affect any other section, clause or provision of this article.

9. APPROVAL OF APPOINTMENTS TO FAIR RENT TASK FORCE.

On motion of Council Member Howe and seconded, it was unanimously voted: To approve the appointments of the following members to the Fair Rent Task Force.

Fair Rent Task Force

Jon P. FitzGerald

David J. Haberfeld

Susan Pyzynski

Ronald Petosa

Timothy J. Gamache

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10. ADJOURNMENT.

At 9:57 p.m., on motion of Council Member Olsen and seconded, it was voted: To adjourn.

ATTEST:_____

Therese Pac
Town & City Clerk