

**REGULAR MEETING AGENDA  
COLUMBIA BOARD OF SELECTMEN**

**Tuesday, April 2, 2024**

**7:00 PM**

**Adella G. Urban Administrative Offices Conference Room & Virtual  
323 Route 87, Columbia, CT**

Topic: Board of Selectmen

Time: Apr 2, 2024 07:00 PM Eastern Time (US and Canada)

**Join Zoom Meeting: <https://us02web.zoom.us/j/86094563060>**

**Meeting ID: 860 9456 3060**

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*This is a hybrid public meeting. The public can attend in-person or electronically. The information provided in this agenda contains the link to access the meeting electronically.*

*The public may view the video recording of the meeting on YouTube at "[Town of Columbia, CT](#)" Please allow approximately 48 business hours after the meeting for the video to be published.*

*For public input before the meeting, please email your comments to [PublicInput@columbiact.org](mailto:PublicInput@columbiact.org) prior to 24 hours before the meeting.*

**CALL TO ORDER:**

- 1. RULES OF CONDUCT FOR HYBRID VIRTUAL MEETING:** *This meeting will be held both in-person and virtual. This session is being both video and audio recorded. Board members and staff who are joining virtually will generally remain on mute except when speaking or voting and will generally be keeping video of themselves on throughout the meeting. If a member of the public joining virtually creates an audio or video disruption, they may be manually ejected from the meeting upon recommendation of staff or the First Selectman. If attending virtually, public comments during the meeting can be submitted through the "Chat" feature in or wave your hand and request your mic to be un-muted. PLEASE INCLUDE IN BOTH METHODS YOUR NAME AND ADDRESS.*
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA:**
- 4. APPROVAL OF MINUTES:**
  - 4.1** BOS Regular Meeting Minutes for March 19, 2024.

- 5. AUDIENCE OF CITIZENS:**
- 6. OLD BUSINESS:**
  - 6.1 FY 24/25 Budget Discussion on Amendments to the Proposed Budget.
  - 6.2 Columbia Lake Revised Town Ordinances Update & Next Action Steps
- 7. NEW BUSINESS:**
  - 7.1 Approval to use the Balance of the Brand Account to Apply Towards the New Dugouts & Baseball Field Upgrades
  - 7.2 Memorandum of Agreement for DEMHS Region 4 Homeland Security Grant Program.
  - 7.3 Approval for the placement of a Memorial Bench for Peter & Gertrude Naumec located on the lawn facing the lake at the Murphy House.
  - 7.4 Columbia Lions Club Seeking Permission to Update Landscaping and Lighting around the Town Green Gazebo and around the Town Green Sign.
- 8. COLUMBIA LAKE / DAM / BEACH:**
- 9. APPOINTMENTS / RESIGNATIONS:**
  - 9.1 Completion of 6-month probation for Kyle Pelletier, DPW Highway Foreman.
  - 9.2 Resignation of Brandon MacClean from the Hop River Mills Preserve Committee.
  - 9.3 Appointment of Guy Wanegar to the Hop River Preserve Committee
- 10. TOWN ADMINISTRATOR REPORT:**
- 11. CORRESPONDENCE:**
  - 11.1 The Willimantic Chronicle
    - Hop River Trail Alliance Public Hearing Set.
    - Discovery Zone in violation of ADA.
    - Bridge construction set to begin.
- 12. BUDGET:**
  - 12.1 Transfers:
  - 12.2 Refunds:
- 13. APPROVE PAYMENT OF BILLS:**
- 14. AUDIENCE OF CITIZENS:**
- 15. BOARD MEMBER COMMENTS:**
- 16. EXECUTIVE SESSION: Real estate per State Statutes Section 1-200(6)(D); Pending Litigation per State Statutes Section 1-200(6)(B); Personnel per State Statutes Section 1-200(6)(A).**
- 17. ADJOURNMENT:**

**REGULAR MEETING MINUTES  
COLUMBIA BOARD OF SELECTMEN  
Tuesday, March 19, 2024  
7:00 PM**

**Adella G. Urban Administrative Offices Conference Room & Virtual  
323 Route 87, Columbia, CT**

**Members Present:** Steven M. Everett, First Selectman; Judy Ortiz, Deputy First Selectman; William O'Brien, Selectman; Christopher Lent, Selectman; Lisa Napolitano, Selectman.

**Also Present:** Mark B. Walter, Town Administrator, Ann Dunnack, Mary Roickle.

**CALL TO ORDER:** S. Everett Called the Meeting to Order at 7:00 pm.

1. **RULES OF CONDUCT FOR HYBRID VIRTUAL MEETING:** S. Everett read the rules of conduct for a hybrid virtual meeting.
2. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
3. **APPROVAL OF AGENDA:** S. Everett MOVED to APPROVE the Agenda as presented. MOTION CARRIED 5.0.
4. **APPROVAL OF MINUTES:**
  - 4.1 **BOS Regular Meeting with Budget Workshop Minutes for March 5, 2024.** S. Everett MOVED to APPROVE the Board of Selectmen Regular Meeting Minutes with Budget Workshop for March 5, 2024. MOTION CARRIED 5.0.
5. **AUDIENCE OF CITIZENS:** None.
6. **OLD BUSINESS:**
  - 6.1 **Authorize the creation of the Columbia Garden Club and approval to set up the Columbia Garden Club fund to maintain funds raised through both fundraising by the club and transfers by the Town.** M. Walter said that we would like to give some startup funding for the garden club, and we will need to create a fund for this. The garden club will also be doing fundraising to add to the fund. S. Everett MOVED to AUTHORIZE the creation of a Columbia Garden/Beautification Fund to cover the costs to maintain the Town gardens and public areas. This will be funded through fundraising efforts by the committee and Town Appropriations. MOTION CARRIED 5.0.  
  
S. Everett MOVED to APPROVE the transfer from Contingency of \$2,000 as a start for the funding of the Columbia Garden/Beautification Committee Fund. MOTION CARRIED 5.0.
7. **NEW BUSINESS:**
  - 7.1 **Rec Park Baseball Field Requested Repairs and Maintenance.** M. Walter explained that the drainage effort we did last year to put three curtain drains in the outfield of the little league is working, but unfortunately that drainage all went towards the volleyball/tennis courts and now will need to be fixed. We are making

a retention pond to help address that problem. The town is subcontracting to Mike Olzacki who specializes in baseball fields. The work will involve cutting edges, tilling the infields, and adding more clay. Department of Public Works (DPW) will help in delivering material. Public Works will be over-seeding the outfields and adding mats to cover the seeds to help with germination.

The dugouts in the Pony League field needs repair and upgrades. There are funds in the Rec Park budget to build two new dugouts. The cost for subcontracting the work on the fields will be \$5,000 and DPW will provide in-kind services.

The scoreboard for Little League has been on backorder for little over a year. We were notified that the scoreboard would not be coming in and the contract was cancelled. We now have a scoreboard on order. The cost will be an extra \$4,000. The Lions Club and Little League funded a majority of the scoreboard, and the additional money will be taken out of the Recreation fund.

- 7.2 Discussion Regarding Gate Access and Keys.** M. Walter said we gave out 50 gate keys last year. S. Everett said that we have had some issues with keeping track of people letting in boats that may or may not have been inspected, or may or may not have been registered, or issues with confirming motor size, and cleanliness of the boat. We have also had problems with the gate be left open. He said initially we gave keys out to help the fishermen so they could get access to the lake in the early morning or later in the evening.

W. O'Brien asked what the Lake Management Advisory Commission (LMAC) would like to do. M. Roickle said LMAC has not advised the BOS with any motion yet. She said there has been discussion leaning towards stopping/postponing or canceling the use of gate keys until further notice and some type of solution that would work.

Discussion ensued about hydrilla and its impact/risk to the lake and how that is being monitored by Gate Monitors. Discussion's included narrowing the window of time that people can launch their boats. S. Everett said that he will review the hours and see if there can be revisions made for high traffic times.

M. Roickle said there are two marina owners that have the majority of boats that are put on the lake. Before any boat is put on any Connecticut body of water, the boat must be registered, including horsepower and testing for invasive species. One of the thoughts is that Marine Patrol/Recreation Director could go down to the two marina owners and inspect the boats before they get put into the water.

No decision was made on the gate keys and the BOS will await recommendations from LMAC.

- 7.3 Request from Connecticut Cycling Advancement Program to use Columbia Roads for The Breakaway Benefit on May 18, 2024.** S. Everett MOVED to APPROVE the Request from Connecticut Cycling for The Breakaway Benefit Bike Race through Columbia. MOTION CARRIED 5.0.

**7.4 Discussion of supporting LMAC's recommendation for a pilot program in the town beach cove to repair damages to the lake bottom resulting from erosion..**

M. Roickle provide the LMAC subcommittee report on the town beach and stormwater pipe drainage/sand migration and erosion into the lakebed. M. Roickle said the objective is to identify immediate and long-term solutions to repair current lakebed erosion damages and minimize future erosion damage due to the increased precipitation, intensity and velocity of stormwater flowing from the Town Beach drainpipe.

M. Roickle provided the background information:

- Historically for decades sand from the town beach has eroded into the lake water and lakebed carried by wind and water currents into the cove area next to the town beach and beyond. Periodically, at times, on an annual basis the sand was collected by the town from the cove area and placed back on the beach.
- In the past 3 years events have exacerbated the migration by significantly increased precipitation in the amount and intensity Of rain caused more sand/sediment to enter the lakebed from the town beach stormwater drainpipe between the beach & 16 Lake Road. It created significant erosion into that cove area section. Less to no collection of sand was returned to the town beach caused a significant increase in the sand accumulation into the adjacent cove area and beyond.
- The Resulting sand migration has created detrimental recreational and environmental impact on the lakebed cove adjacent to the town beach as migrating sand is covering over 150' of the shoreline from the beach to Nuffer Road area times about 20 or more feet from the seawall into the lakebed area. In addition, there is more square footage to be assessed at the next lake drawdown as an area of sand was already underwater from the recent rains and the beginning of the lake refill.

M. Roickle shared the pilot project motion that LMAC would like to present to the BOS.

LMAC advises the Town of Columbia's Board of Selectman to initiate a Pilot Project to meet immediate and long-term needs in the area outlined in the attached map showing significant sediment displacement damage from the stormwater drainpipe, known as the Town Beach Pipe, located at 16 Lake Road in order to:

- Conduct emergency repairs when the lake's water level allows to regrade the sediment displacement damage on the lakebed.
- To evaluate options to repair the Town Beach pipe and/or design and install devices as a Velocity Dissipation Device and/or devices upstream from the lake in order to reduce the water flow velocity during intense rainstorms to minimize the erosion damage into the lake with a goal of installation of

approved device(s) at the next period for construction on the lake after the October 15, 2024, drawdown.

- The Pilot Project will be a collaborative effort of the Town Administrator, the Department of Public Works, IWWC, LMAC and consultants as needed as a Hydrology Engineer, to evaluate best practice approaches to regrade sediment displacement, to design and install approved devices, and to apply town guidelines for construction on the lake. Follow up actions will include milestones analyzing Pilot Project results to assess the value for potential future uses on the lakebed.

Discussion ensued about putting together a subcommittee for both the roads and the lake drainage. Some volunteers have tentatively agreed to be part of the subcommittee.

S. Everett MOVED to create a town subcommittee that will work with the Board of Selectmen and Public Works Director on road drainage issues, erosion issues and recreation areas concerns and advise back to the Board of Selectmen.  
MOTION CARRIED 5.0.

**8. COLUMBIA LAKE / DAM / BEACH: None.**

**9. APPOINTMENTS / RESIGNATIONS:**

**9.1 Resignation of Melissa McKim-Cuevas, Animal Control Officer.**

**9.2 Re-appointment of Mike Olzacki, Animal Control Officer.** S. Everett MOVED to Re-appoint Mike Olzacki as Animal Control Officer. MOTION CARRIED 5.0.

**9.3 Re-appointment of Allison Leue, Assistant Animal Control Officer.** S. Everett MOVED to Re-appointment of Allison Leue as Assistant Animal Control Officer. MOTION CARRIED 5.0.

**9.4 Resignation of Marjorie Golden-Mossberg from CONA.**

**10. TOWN ADMINISTRATOR REPORT:**

**10.1 Early Voting March 26<sup>th</sup> through March 30<sup>th</sup> from 10 am - 6 pm, Yeomans Hall.** M. Walter said the early voting will be taking place and will be staffed with both parties and a moderator. He said we had to change our vaults with electronic locks and the ballots will be locked in the old vault.

**10.2 Tax and Business Incentive Program Ordinance.** M. Walter said the Economic Development Committee met and felt the Tax and Business Incentive Program would be a good idea that would help businesses promote growth of the town's tax base, encourage new construction and support business investment in new machinery, equipment and other personal property to expand their operations. and incentivize business investments or expand on their footprint or in machinery. Many surrounding towns have a tax business center program and it's governed by State Stature 12-65b.

<b>Tax and Business Incentive Program</b>			
Graduated Abatement			
Project Value			
Year	\$3,000,000.00	\$500,000.00	\$25,000.00
1	80%	80%	50%
2	70%	70%	50%
3	60%		50%
4	50%		
5	40%		
6	30%		
7	20%		

M. Walter said he will have to do some more research and get back to the BOS for feedback on what they think would be an equitable reduction.

- 10.3 **TextMyGov officially launching the week of April 1, 2024.**
- 10.4 **Final Town of Columbia Audit Report for FY 2022-2023.**
- 10.5 **Update on Hunt Road Bridge Culvert.** M. Walter said the full box culvert is built and the next thing that needs to be completed is weatherproofing the sides, building the wing walls and backfilling and paving. Completion is expected by the end of April.
- 10.6 **Hop River Road Bridge is Closing April 1, 2024.** M. Walter said deconstructing of original culvert starts Monday and construction is anticipated to be completed in December.

**11. CORRESPONDENCE:**

- 11.1 **The Willimantic Chronicle**
  - **Series of guided hikes in area this month.**
- 11.2 **Calendar of Columbia FY 24/25 Budget Process.**
- 11.3 **CT State Trooper Monthly Report for February 2023.**
- 11.4 **Letter from Tax Office recognizing Dan Johnson.**
- 11.5 **Letter from Registrar of Voters Regarding April 2, 2024 Republican & Democratic Primaries.**
- 11.6 **Thank you Letter from Greg & Leslie Brand for DPW Tree Cleanup at 6 Woodward Road.**

**12. BUDGET:**

- 12.1 **Transfers:** None.
  - 12.2 **Refunds:** S. Everett MOVED to APPROVE the Refunds as Presented, Totaling \$1,705.03. MOTION CARRIED 5.0.
- 13. APPROVE PAYMENT OF BILLS:** S. Everett MOVED to APPROVE the Payment of Bills Totaling \$288,742.14, consisting of 2023-2024 Emergency, 2023-2024 Regular, Credit Card, and Paychex. MOTION CARRIED 5.0.

**14. AUDIENCE OF CITIZENS:** None.

**15. BOARD MEMBER COMMENTS:** None.

16. **EXECUTIVE SESSION: Real estate per State Statutes Section 1-200(6)(D); Pending Litigation per State Statutes Section 1-200(6)(B); Personnel per State Statues Section 1-200(6)(A). None.**
17. **ADJOURNMENT: S. Everett MOVED to ADJOURN at 8:01 PM. MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted by Jennifer C. LaVoie



## ARTICLE II ~~WATERCRAFT VESSELS~~ ON COLUMBIA LAKE TOWN ORDINANCE

### Town of Columbia, CT / Part II: General Legislation / Lake and Beach Use

#### Article II ~~WatercraftVessels~~ -on Columbia Lake

[Adopted 3-7-1964 TM; amended 11-16-1987 TM; 11-15-1988 TM; 4-8-1991 TM]

#### § 190-3 Purpose.

The purpose of this article is to limit ~~watercraftvessels~~ operated on the waters of Columbia Lake to those owned by residents, qualified nonresidents, and qualified temporary residents. All approved ~~watercraftvessel~~ owners and operators shall comply with Connecticut State Boating Regulations as well as applicable Town Ordinances and will use only approved ~~vessels watercraft~~ deemed environmentally safe and appropriate for recreational use on Columbia Lake, CT, a 281-acre waterbody with an average water depth of 14'.

#### § 190-4 Definitions.

As used in this Article II, ~~As used in this Article III~~, the following terms shall have the meanings indicated. ~~Note, the starred definitions are taken from the 2024 State of Connecticut Boating Safety Enforcement Manual (Section 15-121—A1) as used in sections 15-121-A2 to 15-140j-3, to be consistent with the state definitions as taught in State Boat Certification (SBC) and Certificate of Personal Watercraft (CPWO) courses.~~

#### LAKE

Columbia Lake is the 281-acre lake located within the Town.

#### QUALIFIED NONRESIDENT

A Qualified Nonresident is a person not domiciled in the Town, but who is qualified to vote at Town Meetings.

#### QUALIFIED TEMPORARY RESIDENT

A Qualified Temporary Resident is a person not domiciled in Town, but who resides in the Town for four consecutive weeks or more during a calendar year as a bona fide lessee of premises owned by a resident or qualified nonresident.

#### RESIDENT

A Resident is a person with a bona fide permanent domicile in the Town.

#### ~~WATERCRAFTVESSEL\*~~

~~Every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water. Any vessel designed to be propelled by machinery or other mechanisms as hands, oars, paddles, or wind action used or capable~~

~~of being used as a means of traveling or transportation on or under the surface of water or on ice other than a seaplane on the water.~~

#### **MOTORIZED WATERCRAFT/MOTORBOAT\***

~~Any vessel, not more than sixty-five feet in length and propelled by machinery, whether or not such machinery is the principal source of propulsion. Any watercraft propelled by machinery and powered by electricity, internal combustion, jet pump, steam, or other power sources.~~

#### **PERSONAL WATERCRAFT (PWC)\***

~~Any inboard powered vessel less than sixteen feet in length that has an internal combustion engine or an electric system or an electric system powering a water-jet pump as its primary source of motor propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.~~

#### **JETTED ARTICULATED VESSEL (JAV)\***

~~Any vessel that consists of a base pumping unit used to generate water or other media under pressure, an articulated hose used to convey media under pressure, or a jointed or flexible conduit used to convey such media and a device through which high-pressure media is ejected for the purpose of propelling, elevating, or submerging an operator or passenger.~~

#### **SAILBOAT\***

~~Any vessel propelled by sail alone.~~

#### **SAILBOARD\***

~~Any sailboat whose unsupported mast is connected by a swivel or a flexible universal joint to a hull similar to the hull of a surfboard.~~

#### **VESSELS FOR COMMERCIAL USE**

Any ~~watercraft vessel~~ launched in conjunction with any form of business enterprise where money or other compensation is received, whether actual or implied, for employment of the vessel. The only exception is the launch of commercial vessel(s) specifically approved by the Town of Columbia Board of Selectmen and any and all other applicable government authorities for purposes of the management of the lake's ecosystem, permitted structures on the lake, public safety, and other appropriate governmental needs.

#### **RECREATIONAL WATERCRAFT/VESSELS**

Any ~~watercraft vessel~~ used for approved recreational purposes.

**OPERATE\***

Means to navigate or otherwise use a vessel. A vessel is "under way" when it is not moored, anchored, made fast to the shore or aground.

**MARINE PATROL OFFICER:**

A Marine Patrol Officer is a person appointed pursuant to Columbia Town Ordinances, Section 190-15.

**SAFE BOATING CERTIFICATE (SBC) and CERTIFICATE OF PERSONAL WATERCRAFT OPERATION (CPWO):**

To legally operate any boat with a motor or a sailboat 19½ feet in length or longer, a Connecticut resident must possess a Safe Boating Certificate (SBC) by taking a DEEP approved boating safety course, per the ~~2022 CT State Statute~~ CT General Statutes Title 15, Chapter 268, Section 15 – 140 e—~~Safe Boating Certificate~~. All persons must possess a Certificate of Personal Watercraft Operation (CPWO) to legally operate a personal watercraft (PWC) on Connecticut waters, regardless of state residency as required by subsection (b) of Section 15-140j of the CT General Statutes. These should be carried on board at all times while operating the vessel.

**WATER SKIING\***

Includes towing of any person behind a vessel under power, whether such person is connected by a towing line to such vessel or not, and similar forms of activity in which a passenger exits a vessel and uses the suction or wake of the underway vessel to engage in the activity.

**§ 190-5 Limitation of Use of Columbia Lake.**

**A.**

No person shall launch or operate or permit the operation of any ~~vessel~~ ~~motorized watercraft~~ on the waters of Columbia Lake unless such ~~watercraft vessel~~ is owned by a resident, qualified nonresident qualified temporary resident of the Town, owned by the town or ~~watercraft vessel~~ is approved for use on the Lake by the Board of Selectmen.

**B.**

The provisions of this section shall not apply to any ~~watercraft vessel~~ owned by the United States or the State of Connecticut and operated by an officer, employee, contractor, or other permittee thereof in the performance of his duties.

**§ 190-6 Prohibiting Certain Use of Columbia Lake.**

**A.**

No person shall launch or operate any motorized vessel or motorized vehicle or construction equipment on the lake bottom below the high-water mark except by special permit from the Board of Selectmen. The "high-water mark" is defined as the point at which the water of Columbia Lake flows over the spillway at the dam.

**B.**

No person shall launch or operate any motorized motorized watercraft vessel or motorized vehicle or motorized vehicle on the ice of Columbia Lake except by special permit from the Board of Selectmen.

**C.**

No person shall launch or operate any piloted aircraft on or cause any aircraft to take off or land upon the waters of Columbia Lake except in an emergency. The use of drones is prohibited over Columbia Lake by the Department of Energy and Environmental Protection (DEEP) who manage the waters unless specifically authorized by the DEEP Commissioner in a Special Use License.

**D.**

Unless otherwise permitted by Section 190-4, nNo person shall launch or operate a watercraft vessel for commercial use on or under the waters of Columbia Lake.

;

**E.**

Recreational vessels that can be launched on the waters of Columbia Lake shall be restricted to rowboats, sailboats, kayaks, nonmotorized paddle boats, canoes, sailboards, paddle boards, motorboats, pontoon boats, electric boats, electric kayaks, jet boats and jet skis known as personal watercraft (PWC's).

**F.**

Recreational vessels which may not be launched include without limitation, houseboats, vessels with an enclosed cabin, radio or remote-controlled vessels, vessels containing temporary or permanent sleeping arrangements, vessels with any toilet facility and jettied articulated vessels (JAV). Vessels already launched prior to November 2, 2023 must possess a valid, posted exemption sticker per Section 190-I.

**G.**

No person shall discharge from or while using any vessel any sewage, treated or untreated, or any waste derived from sewage.

**H.**

Any vessel exceeding 26 feet in length as listed on its original title, is prohibited to launch on the lake. Vessels exceeding the 26 feet limit prior to November 2, 2023 must possess a valid, posted exemption sticker per Section 190-I.

I.

The Town of Columbia Board of Selectmen may permit any vessel that had been regularly and validly launched on Columbia Lake prior to November 2, 2023 and that does not meet the criteria listed in Subsections F & H of this Section to continue to be launched on Columbia Lake. In order to continue to be launched on the Lake, any and all such vessels must possess a currently valid and visibly posted exception sticker specifically approved by the Board of Selectmen indicating that the vessel has been found to have been legally 'on the lake' before November 2, 2023 with no subsequent change in ownership.

E.

~~Recreational watercraft on the waters of Columbia Lake shall be restricted to rowboats, sailboats, kayaks, nonmotorized paddle boats, canoes, sailboards, paddle boards, motorboats, pontoon boats, electric boats, electric kayaks, jet boats and jet skis known as personal watercrafts (PWC's).~~

~~The types of watercraft prohibited include houseboats, watercraft with habitable cabins, radio or remote controlled watercraft, watercraft containing temporary or permanent sleeping arrangements, watercraft with any toilet facilities.~~

F.

~~No person shall discharge from any vessel any sewage, treated or untreated, or any waste derived from sewage.~~

G.

~~to launch launchThe maximum length for all watercraft as listed on the original title or certificate of origin is 26' 0" feet or less. launch~~

J.

The practice of wake jumping by any vessel shall be prohibited. For the purpose of this subsection, "wake jumping" means the maneuvering of a vessel within 100 feet of another vessel's stern and in its wake so as to jump or cause the overtaking vessel to become airborne over the vessel's wake.

H.

~~Section 190-6E and Section 190-6G shall not be applicable to a watercraft, that otherwise would have been subject to either Section had they been in effect on November 2, 2023, for the useful life of such watercraft; provided that such watercraft:~~

- ~~(i) had been launched and operated on Columbia Lake during 2023 prior to November 2 in continuous compliance with all then applicable state laws and town ordinances;~~
- ~~(ii) was owned on November 2, 2023, and remains owned by the same resident(s), qualified nonresident(s) or qualified temporary resident(s);~~
- ~~(iii) after November 2, 2023:
  - ~~(a) is operated or otherwise used on the lake only by such owner(s) and occasionally but not regularly by guests of an owner,~~
  - ~~(b) is docked or moored on the lake in the same manner as it was in 2023 and maintained in reasonable condition,~~
  - ~~(c) no modification is made to such watercraft that increases in any fashion its nonconformity with such sections 190-5E and 5G, and~~
  - ~~(d) otherwise remains in compliance with all applicable state laws and town ordinances.~~~~

~~Should a citation for violation of this Section 190-5H be issued, no fine shall be levied under Section 190-7, rather such watercraft shall no longer be covered by this Section and the benefits of this Section shall have been forfeited by the watercraft's owner(s).~~

#### ~~§~~

~~The practice of wake jumping by any vessel shall be prohibited. For the purpose of this subsection, "wake jumping" means the maneuvering of a vessel within 100 feet of another vessel's stern and in its wake so as to jump or cause the overtaking vessel to become airborne over the vessel's wake.~~

#### **§ 190-7 Penalties for Offenses.**

Any person or vessel that violates any provision of this article shall if applicable terminate the current voyage at the request of a Marine Patrol Officer and may be fined \$200. Any such violation which is of a continuing nature shall be deemed a separate violation each time it occurs. Each day a violation continues shall be deemed a new occurrence. If any operating violation is deemed to be reckless or if ongoing operating violations continue in such a fashion that continued violations are deemed to be evidence of reckless disregard of an applicable provision of this ordinance, the Board of Selectmen acting in conjunction with the Connecticut State Police, reserves the right to prohibit the violator from operating the vessel or any similar vessel on the lake for a designated period of time not to exceed one year.

~~Any person who violates any provision of this article shall may be fined shall be fined \$200. Any such violation which is of a continuing nature shall be deemed a separate violation for each time it occurs. Each day the violation continues shall be deemed a new occurrence. If any operating violation is deemed to be reckless or if ongoing operating violations continue in such a fashion that continued violations are deemed to be a reckless disregard of applicable provisions of this ordinance, the Board of Selectmen acting in conjunction with the Connecticut State Police, reserves the right to prohibit the violator on and/or the violating watercraft from being used the lake for a designated period of time not to exceed one year.~~

**§ 190-8 When effective.**

The provisions of this article shall take effect in accordance with § 15-136 of the Connecticut General Statutes. (Date Effective After DEEP & Town Board of Selectmen Approvals)

**§ 190-9 Severability.** If any provision of this article or its application to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application hereof.

## Article III Safety Regulations on Columbia Lake

Town of Columbia, CT / Part II: General Legislation / Lake and Beach Use

### Article III Safety Regulations on Columbia Lake

[Adopted 3-7-1964 TM; amended 5-13-1972 TM; 10-4-1976 TM; 11-16-1987 TM; 11-15-1988 TM; 4-8-1991 TM; 11-16-1992 TM; 4-4-1995 BOS]

#### § 190-11 Purpose.

The purpose of this article is to regulate the operation of ~~motorized watercraft~~motorboats, water-skiing and other water activities as defined below for appropriate recreational use that ensures the protection and safety of the public and property, as well as being environmentally safe, on Columbia Lake, a 281-acre waterbody with an average water depth of 14’.

#### § 190-12 Definitions

As used in this Article III, the following terms shall have the meanings indicated. Note, the starred definitions are taken from the 2024 State of Connecticut Boating Safety Enforcement Manual to be consistent with the state definitions as taught in State Boat Certification (SBC) and Certificate of Personal Watercraft (CPWO) courses.  
1 – A1 as used in sections 15-121-A2 to 15-140j-3,

#### LAKE

Columbia Lake is the 281-acre lake located within the Town.

#### VESSEL\*

Every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water.

#### MOTORBOAT\*

Any vessel, not more than sixty-five feet in length and propelled by machinery, whether or not such machinery is the principal source of propulsion.

#### PERSONAL WATERCRAFT (PWC)\*

Any inboard powered vessel less than sixteen feet in length that has an internal combustion engine or an electric system powering a water-jet pump as its primary source of motor propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.

#### OPERATE\*



Means to navigate or otherwise use a vessel. A vessel is "under way" when it is not moored, anchored, made fast to the shore or aground.

**MARINE PATROL OFFICER:**

A Marine Patrol Officer is a person appointed pursuant to Columbia Town Ordinances, Section 190-15.

**CONNECTICUT DEEP:**

The Connecticut Department of Energy and Environmental Protection is referred to as Connecticut DEEP.

**MARKERS\***

Markers are either a floating or a fixed object to be used to aid or regulate waterway traffic. There shall be three types of markers:

- (i) Regulatory
- (ii) Navigational Markers
- (iii) Special Purpose as an anchorage or mooring area buoy where vessels may be anchored or moored.

**SLOW - NO WAKE\***

A vessel shall not produce more than a minimum wake and shall not attain speeds greater than 6 miles per hour over the ground unless a higher minimum speed is necessary to maintain steerageway when traveling with a strong current. In no case shall the wake produced by the vessel be such that it creates a danger of injury to persons, or persons or will damage vessels or structures of any kind.

**SAFE BOATING CERTIFICATE (SBC) and CERTIFICATE OF PERSONAL WATERCRAFT OPERATION (CPWO):**

To legally operate any boat with a motor or a sailboat 19½ feet in length or longer, a Connecticut resident must possess a Safe Boating Certificate (SBC) by taking a DEEP approved boating safety course, per the CT General Statutes, Section 15 – 140 e. All persons must possess a Certificate of Personal Watercraft Operation (CPWO) to legally operate a personal watercraft (PWC) on Connecticut waters, regardless of state residency as required by subsection (b) of Section 15-140j of the CT General Statutes. These should be carried on board at all times while operating the vessel.

~~a Connecticut resident must possess by taking a DEEP approved boating safety course, per the 2022 CT State Statutes Title 15, Chapter 268, Section 15 – 140 e – Safe Boating Certificate. A) to –.~~

**WATER SKIING\***

Includes towing of any person behind a vessel under power, whether such person is connected by a towing line to such vessel or not, and similar forms of activity in which a passenger exits a vessel and uses the suction or wake of the underway vessel to

engage in the activity. Examples include waterskiing, tubing, wakeboarding, wake surfing, and knee boarding.

### **MOTORIZED WATERCRAFT**

~~Any watercraft propelled by machinery and powered by electricity, internal combustion, jet pump, steam, or other power sources.~~

### **WATER-SKIING**

~~Per the Connecticut State Boating Regulations, a watercraft is considered to be engaged in water skiing when it is used to tow skiers, tubers or has anyone riding the wake of the watercraft, whether the towline is used or not. This encompasses all towed water sports including without limitation, waterskiing, tubing, wakeboarding, wake surfing, and knee boarding.~~

## **§ 190-12 Regulation of ~~Motorized Watercraft~~Motorboats on Columbia Lake.**

### **A.**

No person shall operate any ~~motorized watercraft~~motorboat on the waters of Columbia Lake during the following hours: between April 1 and September 30 from 10:00 p.m. to 7:00 a.m., and between October 1 and March 31 from 6:00 p.m. to 8:00 a.m. The only exception for the April 1 and September 30 10:00 p.m. to 7:00 a.m. time frame is an electric trolling motor on the bow or stern of a watercraft which is a secondary means of propulsion to move the ~~motorized watercraft~~motorboat through the waters quietly minimizing noise. The trolling motor must operate at a Slow - No Wake speed in order to not produce more than a minimum wake and shall not attain speeds greater than 6 miles per hours in still water.~~can be no more than 6 MPH producing no wake to minimum wake.~~

### **B.**

No person shall operate a ~~motorized watercraft~~motorboat on the waters of Columbia Lake in a figure-eight course or in unreasonable sharp turns. No person while operating a motorboat on the waters of Columbia Lake shall engage in unauthorized pursuit of another vessel or engage in unauthorized racing.

**C.**

No person shall launch or operate on the waters of Columbia Lake, a ~~motorized watercraft~~motorboat with an outboard engine whose horsepower exceeds 80, or a ~~motorized watercraft~~motorboat with an inboard engine whose horsepower exceeds 150. Engine horsepower or other power specifications prior to conversion to horsepower as provided in Section 190-12 C will be measured by the original engine manufacturer's ~~horsepower~~documentation.

No modifications may be made to change any ~~motorized watercraft~~motorboat engine's horsepower operated on Columbia Lake. ~~Motorized watercraft~~A motorboat launched on Columbia Lake may only have one engine, with the exception of ~~a~~a trolling engine capable of propulsion of no more than at a Slow - No Wake speed not greater than 6 miles per hours in still water.

~~capable of a speed of no more than 6 MPH.~~

**D.**

No one shall launch a motorboat powered by systems not designating horsepower such as an electric motor system or by pounds of thrust that exceeds the engine horsepower limits in Section 190-C as measured by the original manufacturers documentation. When a manufacturer does not specify the horsepower of an engine, the units such as, without limitation, \_watts, kilowatts~~skilowatts~~, or pounds of thrust the horsepower shall be determined by such method that the Board of Selectmen shall designate in writing. \_.

**E.**

During permitted hours of operation, no person shall operate any ~~motorized watercraft~~motorboat on the ~~waters of Columbia L~~ake at a speed greater than 6 MPH between sunset to sunrise.

**§ 190-13 Water-skiing, ~~Tubing And Other Water Activity~~ Regulations**

**A.**

Every person who operates a ~~motorized watercraft~~motorboat under power with water-skiers on the ~~waters of Columbia L~~ake shall, if a water-skier falls, cause the ~~motorized watercraft~~motorboat to immediately return, and render assistance to the fallen skier, or cause another motorboat to be in attendance for that purpose.

**B.**

On the lake, nNo person shall erect, and no person engaged in water-skiing shall use or attempt to use any structure for ski jumping.

[Amended 8-3-2021 STM]

**C.**

At no time will a ~~motorized watercraft~~ motorboat under power on the lake pull more than three water-skiers.

**D.**

No person shall engage in water-skiing, and no person shall operate a ~~motorized watercraft~~ motorboat under power towing a person so engaged, on the ~~waters of Columbia Lake~~ lake after sunset.

**E.**

Any person engaging in water-skiing shall leave and return to the shore on a course as nearly perpendicular thereto as possible.

**F.**

Any water-skier must terminate such person's forward motion at least 100 feet from the lake shore or from any swimming area.

**G.**

~~No person shall launch on the lake a vessel and/or activity involving an airborne or underwater component that is part of a vessel or otherwise used with the vessel that allows it to lose contact with the water for more than an incidental moment such as a jetpack, flyboard, self-propelled hydrofoils, efoil boards, ebikes, flyfish tube, or parasailing.~~

H. No person shall launch a vessel to engage in the activity of kitesurfing.

~~No person shall launch or operate any device for airborne or underwater purposes such as a jetpack, flyboard, hydro or efoil boards, flyfish tubing, kite-skiing, or parasailing, on the waters of Columbia Lake.~~

§ 190-14 **Restricted And Limited Areas.**

**A.**

The Board of Selectmen may establish, on the waters of Columbia Lake, areas restricted to the use of persons engaged in swimming and bathing, to the use of ~~motorized watercraft~~motorboats and sailing ~~watercrafts~~vessels, to the use of vessels other than ~~motorized watercraft~~motorboats and ~~sailing sailing watercrafts~~vessels, and to the use of persons engaged in water-skiing or any other recreational activity. The Board shall cause distinctive marking devices, approved by CT DEEP to be placed in such positions that they clearly delineate the boundaries of such restricted areas and denote the nature of the permitted activity. No person shall operate any prohibited watercraft or engage in any prohibited activity in any such restricted area.

~~**B. erand we or a preexisting section; it will be flagged; if submitted TOC needs to provide proof of CT DEEP ordinance approval with date**~~

~~The Board may cause suitable marking devices to be placed on the unrestricted waters of Columbia Lake, not more than 100 feet from the shore and at intervals sufficiently frequent that at each marker adjacent markers are clearly visible. No person shall operate a motorized watercraft between such markers and the shore except when leaving or returning to a dock at the shore and except when the speed of the motorized watercraft is reduced to slow-no-wake. No person shall engage in water-skiing between such markers and the shore except when leaving or returning to the shore on a course as nearly perpendicular thereto as possible. No person shall engage in swimming or bathing beyond 100' from shore except when accompanied by a vessel.~~

**CB.**

~~Marking devices~~Markers, when in place, shall not be removed, defaced, or relocated by unauthorized persons.

**C.**

~~No person shall operate a motorboat at a speed in excess of Slow-No-Wake within one hundred feet of shore, or of a dock, pier, float, or anchored or moored vessel, unless such motorboat is approaching such float, dock, or shore for the purpose of enabling a person engaged in waterskiing to take off or land.~~

**D.**

No person shall operate a personal watercraft at a speed in excess of Slow - No - Wake within two hundred feet of shore, or of a dock, pier, float or anchored or moored vessel, unless said personal watercraft is approaching such float, dock, or shore for the purpose of enabling a person engaged in waterskiing to take off or land.

**ED.**

Swimmers and persons using a flotation device beyond 100 feet from the shore must be accompanied by a vessel and the vessel must be within 25 feet of the person at all times.

**§ 190-15 Marine Patrol Officers.**

The Board of Selectmen, as provided ~~by by law~~the Town Charter and Ct General Statutes Section 57-15 – 154(a) or 7-1514(b), may appoint such Marine Patrol Officers as it deems necessary to enforce the provisions ~~of this article~~pertaining to the launch or use of any vessel on the lake or other use of the lake and the ~~watercraft regulations~~boating laws of the State of Connecticut.

**§ 190-16 Penalties for Offenses.**

Any person or vessel that violates any provision of this article shall if applicable terminate the current voyage at the request of a Marine Patrol Officer and may be fined \$200. Any such violation which is of a continuing nature shall be deemed a separate violation each time it occurs. Each day a violation continues shall be deemed a new occurrence. If any operating violation is deemed to be reckless or if ongoing operating violations continue in such a fashion that continued violations are deemed to be evidence of reckless disregard of an applicable provision of this ordinance, the Board of Selectmen acting in conjunction with the Connecticut State Police, reserves the right to prohibit the violator from operating the vessel or any similar vessel on the lake for a designated period of time not to exceed one year.

~~Any person who violates any provision of this article shall may be fined shall be fined \$200. Any such violation which is of a continuing nature shall be deemed a separate violation for each time it occurs. Each day the violation continues shall be deemed a new occurrence. If any operating violation is deemed to be reckless or unsafe or if ongoing~~

~~operating violations continue in such a fashion that continued violations are deemed to be a reckless disregard of applicable provisions of this ordinance, the Board of Selectmen acting in conjunction with the Connecticut State Police, reserves the right to prohibit the violator and/or the violating watercraft from being used on the lake for a designated period of time not to exceed one year.~~

## Article IV CONDUCT AT TOWN BEACH

### Town of Columbia, CT / Part II: General Legislation / Lake and Beach Use

#### Article IV **Conduct at Town Beach**

[Adopted 12-3-1991 TM; amended 4-4-2017 TM; 5-10-2017 TM]

#### § 190-17 **Glass containers.**

The use of glass containers at the Town Beach is hereby prohibited.

#### § 190-18 **Launching of ~~Watercraft~~Vessels; Inspections.**

##### A.

~~As used in this Article IV, the following terms shall have the meanings indicated. Note, the starred definitions are taken from the 2024 State of Connecticut Boating Safety Enforcement Manual to be consistent with the state definitions as taught in State Boat Certification (SBC) and Certificate of Personal Watercraft (CPWO) courses.~~

~~For the purpose of this section, the following terms shall have the meanings set forth in this Subsection A:~~

##### TOWN

The Town of Columbia, CT.

##### LAKE

Columbia Lake the 281-acre lake located within the Town.

##### TOWN BEACH

The beach area with a boat launch gate at 2 Lake Road, Columbia, CT

##### BOAT LAUNCH

The boat launch owned, operated, and maintained by the Town of Columbia at the lake which is located at ~~the end of Beach Road~~2 Lake Road. For purposes of this section, "boat launch," in addition to the designated launch ramp, shall also include the launch of any ~~watercraft~~vessel from any other location at the Town beach located ~~on Beach Road~~at 2 Lake Road.



## **INSPECTION PROCEDURES**

Such procedures shall be as established by the Board of Selectmen regarding the inspection of ~~watercraft~~vessel for nonnative aquatic species, required CT Boating Regulations vessel safety items and all approved town ordinances relating to ~~watercraft~~vessels. The Inspection Procedures shall be published on the Town's website and otherwise available in printed format free of charge at the Town Hall or from a Town inspector authorized pursuant to Subsection D.

### **D.**

#### **LAKE**

~~Columbia Lake the 281-acre lake located within the Town.~~

#### **LAKE WATERSHED**

That area of the Town included in the Columbia Lake Watershed Protection Overlay Zones LAR, LBR and/or LCR pursuant to Section 21.4 of the Town's Zoning Regulations, as from time to time amended.

## **NONNATIVE AQUATIC SPECIES**

Aquatic flora and fauna having the potential for rapid growth, dispersion, and displacement of native species within water bodies of the State of Connecticut, as identified from time to time by the Commissioner of the State of Connecticut Department of Energy and Environmental Protection or in the Inspection Procedures. "Nonnative aquatic species" shall also include any aquatic flora or fauna suspected to be such in the absence of a positive identification.

### **TIME PERIODS**

~~Such time periods as the Selectmen shall establish as part of the Inspection Procedures during which an authorized Town employee will be available at the boat launch to conduct inspections in accordance with the Inspection Procedures.~~

### **TOWN**

~~The Town of Columbia.~~

### **VESSEL\***

Every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water.

### **MOTORBOAT\***

Any vessel, not more than sixty-five feet in length and propelled by machinery, whether or not such machinery is the principal source of propulsion.

**PERSONAL WATERCRAFT (PWC)\***

Any inboard powered vessel less than sixteen feet in length that has an internal combustion engine powering a water-jet pump as its primary source of motor propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.

**SAILBOAT\***

Any vessel propelled by sail alone.

**SAILBOARD\***

Any sailboat whose unsupported mast is connected by a swivel or a flexible universal joint to a hull similar to the hull of a surfboard.

**MARINE PATROL OFFICER:**

A Marine Patrol Officer is a person appointed pursuant to Columbia Town Ordinances, Section 190-15.

**TRAILER: WATERCRAFT**

~~Any vessel designed to be propelled by machinery or other mechanisms as hands, oars, paddles, or wind action used or capable of being used as a means of traveling or transportation on or under the surface of water or on ice other than a seaplane on the water.~~

~~For purposes of this ordinance "Watercraft" shall also include any motor vehicle, a trailer or other equipment used to transport and launch a watercraft vessel, all, or any portion of which is immersed in a water body during the course of such launching.~~

**B.**

Use of launch ramp. ~~Watercraft Vessels~~ which require a ~~powered vehicle~~ powered vehicle ~~to~~ be launched at the Town Beach must be launched and removed only from the designated launch ramp.

**C.**

Inspection of ~~watercraft isvessels is~~ required at any location at which such ~~watercraft vessel~~ vessel is launched. On and after the effective date of this article, no person shall launch any ~~watercraft vessel~~ vessel into the lake unless the following conditions are met:

**(1)**

~~Watercraft Motorboats with trailers~~ launched from the boat launch ~~during one of the time periods~~ shall be inspected at the boat launch pursuant to the Inspection Procedures.

**(2)**

Any person otherwise allowed to launch a watercraft vessel into the lake from any location other than the boat launch shall only launch such watercraft vessel after making a self-inspection of such watercraft vessel and any trailer in accordance with the Inspection Procedures.

**(3)**

If nonnative aquatic species are discovered on a watercraft vessel or trailer during any inspection, the inspector will advise the watercraft vessel owner they cannot launch the watercraft vessel. The watercraft vessel and trailer must be removed from the launch area and utilizing the U.S. Fishery and Wildlife Clean, Drain, Dry 5-day procedures to kill the invasive species before returning for another inspection.

**D.**

Designation of inspection officials; inspection schedule and fees. The Town's Board of Selectmen shall designate one or more Town employees to administer the inspection program and procedures described in Subsection C of this section. All such employees shall be under the supervision of the Town's Marine Patrol and shall receive such reasonably appropriate training as is necessary for the identification of, and potential locations on watercraft vessels and/or trailers of, nonnative aquatic species. Fees for such inspections as may be set by the Town's Board of Selectmen shall be specified in the Inspection Procedures.

**E.**

Penalties for noncompliance. Any person who places a watercraft vessel into the lake without complying with all applicable provisions of this article shall be subject to:

**(1)**

The fine imposed pursuant to § 15-180 of the Connecticut General Statutes, as from time to time amended, as enforced by the Town's resident state trooper, Connecticut State Police, or Department of Energy and Environmental Protection Conservation Officer; and

**(2)**

Any additional fine or other penalty specific to this section as may be imposed by § 190-22 of this article.

**§ 190-19 Additional requirements for launching watercraft vessels at the Town Beach.**

No person may launch a watercraft motorboat at the Town Beach without first determining if the designated launch area is vacant. ~~All vehicles must stop at the designated area. All operators must walk to the launch area to determine availability of the area. No watercraft~~

~~may be launched without an individual walking beside the trailer to and from the launch area.~~ Vehicles are not allowed to park or stand in the designated launch area for longer than it takes to launch a boat.

**§ 190-20 Connecticut Boater's Guide and Local Ordinances.**

At Inspection, every ~~watercraft~~vessel owner will be provided a copy of the Connecticut Boater's Guide, issued by the Department of Energy and Environmental Protection and copies of the Town of Columbia's ~~watercraft~~vessel and water safety ordinances.

**§ 190-21 Alcoholic beverages.**

The consumption or possession of alcoholic liquors or beverages by any person at the Town-owned public beach is not permitted at any time.

**§ 190-22 Penalties for offenses.**

Any person or vessel that violates any provision of this article shall if applicable terminate the current voyage at the request of a Marine Patrol Officer and may be fined \$200. Any such violation which is of a continuing nature shall be deemed a separate violation each time it occurs. Each day a violation continues shall be deemed a new occurrence. If any operating violation is deemed to be reckless or if ongoing operating violations continue in such a fashion that continued violations are deemed to be evidence of reckless disregard of an applicable provision of this ordinance, the Board of Selectmen acting in conjunction with the Connecticut State Police, reserves the right to prohibit the violator from operating the vessel or any similar vessel on the lake for a designated period of time not to exceed one year.

~~Any person, firm or organization may be fined an amount not more than \$200 for each offense under this article. If any violation is deemed to be reckless or unsafe or if ongoing violations continue in such a fashion that continued violations are reckless and unsafe, the Board of Selectmen acting in conjunction with the Connecticut State Police, reserves the right to prohibit the violator and/or the violating watercraft from being used on Columbia Lake for a designated period of time not to exceed one year.~~

FFY 2023 STATE HOMELAND SECURITY GRANT PROGRAM  
AMENDMENT of MEMORANDUM of AGREEMENT  
CHECKLIST

<b>Instructions for:</b>
<b><i>Received by:</i></b>
<b><i>For the Amendment:</i></b>
<p>A municipal point of contact has been identified</p> <p>The Chief Executive Officer's name and title has been typed in the space provided.</p> <p>The Town Clerk has certified through the use of a raised town seal or notarization that the CEO listed on the FY 2022 HSGP Memorandum of Agreement remains the CEO for the listed municipality.</p>

<b>Instructions for:   Region    Fiduciary Agent</b>
<b><i>Received by:</i></b>
<p>The fiduciary agent's Chief Executive Officer's name and title has been signed in the space provided.</p> <p>The municipality's CEO's name and title has been typed in the space provided</p> <p>The Town Clerk has certified through the use of a raised town seal or notarization that the CEO listed on the FY 2022 HSGP Memorandum of Agreement remains the CEO for the listed municipality.</p> <p>Submit completed MOAs and resolutions to your DESPP/DEMHS Program Manager by email on a quarterly basis prior to completion of FY 2023 expenditures.</p> <p>Please note: The Fiduciary shall complete Custodial Ownership Form for any Municipality that takes ownership of equipment purchased with 2023 HSGP funds by the REPT. (Sample attached, Fiduciary will complete for custodial owners of equipment purchased under the FY 2023 Homeland Security Grant Program).</p>

## AMENDMENT of MEMORANDUM of AGREEMENT

By and Between the State of Connecticut Department of Emergency Services and Public Protection/ Division of Emergency Management and Homeland Security (DESPP/DEMHS)  
And the

Regarding use of Federal Fiscal year 2023 State Homeland Security Grant (HSGP) funding and custodial ownership of regional assets in DEMHS.

1. This is an Amendment to the Memorandum of Agreement (MOA) between DESPP/DEMHS, the municipality of \_\_\_\_\_, the fiduciary agent and the Region \_\_\_ REPT concerning the Federal Fiscal Year 2022 State Homeland Security Grant funding and custodial ownership of regional assets in DEMHS Region \_\_\_.
2. This Amendment is presented as the updated Agreement for Federal Fiscal Year 2023 of the State Homeland Security grant funding.
3. DESPP/DEMHS and municipality of \_\_\_\_\_ agree to the continuation of the FY 2022 Memorandum of Agreement and all terms and conditions set therein for the FY 2023 Homeland Security Grant Program, authorizing DESPP/DEMHS to act as the agent of municipality of \_\_\_\_\_ and allowing the DESPP/DEMHS to retain and administer grant funds provided under 2023 Homeland Security Grant Program (HSGP) for state-administered projects on behalf of the local unit of government, listed below.
4. All references to Federal Fiscal Year 2022 shall be changed to Federal Fiscal Year 2023.
5. Section A6 and Section C1 of the original agreement shall be deleted. Section A4 of the original agreement shall be amended to read:  
For FY 2023, the municipality of \_\_\_\_\_ is eligible to participate in those Federal Fiscal Year 2023 SHSGP regional allocations made through the Region \_\_\_ REPT in the amount of \$400,288.97 (\$361,203.97 for regional projects, \$29,085 for soft target projects, \$10,000 for the regional hazardous materials team) which will be made available to the jurisdictions in Region \_\_\_ in the manner recommended by the Region \_\_\_ REPT in accordance with its approved bylaws, upon execution of the grant application and as accepted by DESPP/DEMHS
6. The State of Connecticut is retaining pass-through funds from 2023 SHSGP in the total amount of \$1,748,256.89 on behalf of local units of government, for projects identified in the following investment justifications designed to benefit and support the state's municipalities:

- Regional Collaboration;
  - Enhancing Information and Intelligence Sharing and Analysis with Federal Agencies, including DHS\*;
  - Addressing Emergent Threats;
  - Capitol Region Metropolitan Medical Response System (MMRS) Medical Preparation and Response;
  - Community Preparedness and Resilience/Citizen Corps.\*;
  - New England Disaster Training Center;
  - Enhancing Cybersecurity\*;
  - Combating Domestic Violent Extremism\*;
  - Enhancing election security\*;
  - Enhancing Connecticut Operational Readiness and Response
- (\*denotes National Priority Project)

6. Section B1 shall be amended to read:  
 “DESPP/DEMHS and municipality of \_\_\_\_\_ enter into Part I of this MOA authorizing DESPP/DEMHS to act as the agent of municipality of \_\_\_\_\_ and allowing the DESPP/DEMHS to retain and administer grant funds provided under **2023 SHSGP** for the **identified state administered local** projects listed above, and also for the fiduciary agent of \_\_\_\_\_ to provide the financial programmatic oversight described below.”

7. Section D shall be amended to read:  
 “D. \_\_\_\_\_ and municipality of \_\_\_\_\_ Responsibilities.  
 1. Municipality of \_\_\_\_\_ agrees to allow the \_\_\_\_\_ to provide financial and programmatic oversight of the Federal Fiscal Year 2023 regional allocation in the amount of \$400,288.97 (\$361,203.97 for regional projects, \$29,085 for soft target projects, \$10,000 for the regional hazardous materials team) targeted to member municipalities in DEMHS Region \_\_\_ and recommended through the Region \_\_\_ REPT in accordance with is approved bylaws. Such funds will be applied to specific projects developed and approved by the Region \_\_\_ REPT and DESPP/DEMHS.”

8. All other terms and conditions of the original MOA, which were not modified by this amendment shall remain in full force and effect.

9. Points of Contact: the following individuals are identified as Points of Contact for the Grantor agency and the Subgrantee:

DESPP/DEMHS	Subgrantee/Regional Fiduciary	Regional Emergency Planning Team Chair
Brenda Bergeron, Deputy Commissioner		
<a href="mailto:Brenda.bergeron@ct.gov">Brenda.bergeron@ct.gov</a>		

10. Approvals and acceptances: the signature below, or on behalf of the above named grantee, indicates acceptance of the above references award and further certifies that the signee has the authority to execute this agreement on behalf of the grantee;

I acknowledge that I have read, understand and will comply with the aforementioned conditions and the conditions of the original MOA.

*Per the Notice of Funding Opportunity, States shall review their written consent agreements yearly and ensure that they are still valid. If a written consent agreement is already in place from previous fiscal years, DHS/FEMA will continue to recognize it for FY 2023, unless the written consent review indicates the local government is no longer in agreement.*

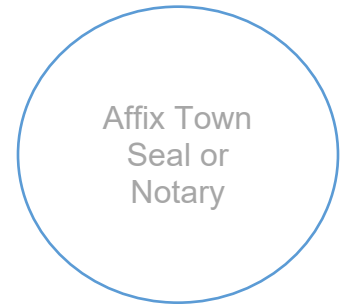
If the town, town CEO, or other designated agent do not agree or approve of the Amendment they must contact DESPP/DEMHS within 30 days of receipt of this Amendment. If DESPP/DEMHS is not notified within the 30 days, the Amendment will be considered incorporated into the original agreement.

Through this amendment towns are not required sign MOAs each fiscal year as long as the authorized signing agent has not changed. **This Amendment may be accepted by notification through e-mail and submitted to DEMHS through the regional fiduciary, with a notarization that the town CEO signatory on the FY 2022 MOA remains as the CEO.**

**For the municipality of \_\_\_\_\_:**

\_\_\_\_\_  
CEO Typed Name

\_\_\_\_\_  
Title



**For the \_\_\_\_\_ as the Region \_\_\_\_ Fiduciary Agent:**

\_\_\_\_\_  
Its Chief Executive Officer  
Duly Authorized  
Signed Name

\_\_\_\_\_  
Date

**For the Department of Emergency Services and Public Protection:**

\_\_\_\_\_  
Deputy Commissioner  
Brenda M. Bergeron  
Duly Authorized

\_\_\_\_\_  
Date



U.S. Department of Homeland Security  
Washington, D.C. 20472

**AGREEMENT ARTICLES**  
**Homeland Security Grant Program**

**GRANTEE:** Connecticut Department of Emergency  
Services and Public Protection  
**PROGRAM:** Homeland Security Grant Program  
**AGREEMENT NUMBER:** EMW-2023-SS-00046-S01

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### **Article I - Summary Description of Award**

The purpose of the FY 2023 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goal to Strengthen National Preparedness and Resilience. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. This HSGP award consists of State Homeland Security Program (SHSP) funding in the amount of \$4,847,500. This grant program funds a range of activities, including planning, organization, equipment purchase, training, exercises, and management and administration across all core capabilities and mission areas.

### **Article II - HSGP Performance Goal**

In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, recipients must demonstrate how the grant-funded project addressed the core capability gap associated with this project and identified in the Threat and Hazard Identification and Risk Analysis (THIRA) or Stakeholder Preparedness Review (SPR) or sustains existing capabilities as applicable. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.

### **Article III - DHS Standard Terms and Conditions Generally**

The Fiscal Year (FY) 2023 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2023. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations.

All legislation and digital resources are referenced with no digital links. The FY 2023 DHS Standard Terms and Conditions will be housed on dhs.gov at [www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions](http://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions).

#### **Article IV - Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances Non-Construction Programs, or OMB Standard Form 424D Assurances Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency.

II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002.

III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. section 170.315, certify that their policies are in accordance with OMBs guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

#### **Article V - General Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS.

II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel.

III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.

IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.

V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

#### **Article VI - Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

#### **Article VII - Activities Conducted Abroad**

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

#### **Article VIII - Age Discrimination Act of 1975**

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

#### **Article IX - Americans with Disabilities Act of 1990**

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101-12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

#### **Article X - Best Practices for Collection and Use of Personally Identifiable Information**

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

#### **Article XI - Civil Rights Act of 1964 - Title VI**

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. section 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

#### **Article XII - Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. section 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

#### **Article XIII - Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

#### **Article XIV - Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

#### **Article XV - Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. sections 8101-8106).

#### **Article XVI - Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two

or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons.

#### **Article XVII - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX**

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

#### **Article XVIII - E.O. 14074 - Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety**

Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.

#### **Article XIX - Energy Policy and Conservation Act**

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. section 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

#### **Article XX - False Claims Act and Program Fraud Civil Remedies**

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

#### **Article XXI - Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

#### **Article XXII - Federal Leadership on Reducing Text Messaging while Driving**

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.

#### **Article XXIII - Fly America Act of 1974**

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. section 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

#### **Article XXIV - Hotel and Motel Fire Safety Act of 1990**

Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. section 2225a.

#### **Article XXV - John S. McCain National Defense Authorization Act of Fiscal Year 2019**

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. sections 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute - as it applies to DHS recipients, subrecipients, and their contractors and subcontractors - prohibits obligating or expending federal

award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

#### **Article XXVI - Limited English Proficiency (Civil Rights Act of 1964 - Title VI)**

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. section 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

#### **Article XXVII - Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

#### **Article XXVIII - National Environmental Policy Act**

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

#### **Article XXIX - Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

#### **Article XXX - Non-Supplanting Requirement**

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

#### **Article XXXI - Notice of Funding Opportunity Requirements**

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

#### **Article XXXII - Patents and Intellectual Property Rights**

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. section 401.14.

#### **Article XXXIII - Procurement of Recovered Materials**

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. section 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection

Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

#### **Article XXXIV - Rehabilitation Act of 1973**

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973) (codified as amended at 29 U.S.C. section 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

#### **Article XXXV - Reporting of Matters Related to Recipient Integrity and Performance**

General Reporting Requirements:

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

#### **Article XXXVI - Reporting Subawards and Executive Compensation**

Reporting of first tier subawards:

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

#### **Article XXXVII - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**

Recipients must comply with the Build America, Buy America provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

(1) all iron and steel used in the project are produced in the United States-this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) all manufactured products used in the project are produced in the United States-this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) all construction materials are manufactured in the United States-this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below.

(a) When the Federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:

(1) applying the domestic content procurement preference would be inconsistent with the public interest;

(2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.



A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at "Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov.

The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the Build America, Buy America provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

#### **Article XXXVIII - SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

#### **Article XXXIX - Terrorist Financing**

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

#### **Article XL - Trafficking Victims Protection Act of 2000 (TVPA)**

Trafficking in Persons:

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. section 7104. The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

#### **Article XLI - Universal Identifier and System of Award Management**

Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

#### **Article XLII - USA PATRIOT Act of 2001**

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. sections 175-175c.

#### **Article XLIII - Use of DHS Seal, Logo and Flags**

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

#### **Article XLIV - Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

#### **Article XLV - Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws.

DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and

executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

#### **Article XLVI - Applicability of DHS Standard Terms and Conditions to Tribes**

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

#### **Article XLVII - Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to: [ASK-GMD@fema.dhs.gov](mailto:ASK-GMD@fema.dhs.gov) if you have any questions.

#### **Article XLVIII - Disposition of Equipment Acquired Under the Federal Award**

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state sub-recipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures.

#### **Article XLIX - Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308.

For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved.

For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work.

You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

#### **Article L - Indirect Cost Rate**

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

> From: Margaret Barrea <[stuemac2@icloud.com](mailto:stuemac2@icloud.com)>

> Sent: Thursday, March 7, 2024 3:11 PM

> To: Jennifer C. LaVoie <[jlavoie@columbiact.org](mailto:jlavoie@columbiact.org)>

> Subject: Memorial bench

>

> [You don't often get email from [stuemac2@icloud.com](mailto:stuemac2@icloud.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

>

> To whom it may concern, my family is interested in purchasing a memorial bench in memory of our parents , Peter & Gertrude Naumec. We understand the process and approximate price. We were hoping it could be placed at the Murphy House . We would like the raised engraved plack, stating "In loving memory " and their names . Please let me know what the next step is. Thanks Peg Barrea.

>

> Sent from my iPad

> Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

>

**From:** Ann Dunnack <[anndunnack@gmail.com](mailto:anndunnack@gmail.com)>  
**Sent:** Monday, March 18, 2024 7:20 PM  
**To:** Mark Walter <[townadministrator@columbiact.org](mailto:townadministrator@columbiact.org)>  
**Subject:** Fwd: Hop River

BOS

Mark,

Brandon MacClean, who currently serves on the Hop River Mills Preserve Committee, has disappeared. He has not attended a meeting, nor answered any emails in more than a year. I would like to remove him from the Committee and replace him with Guy Wanegar. (See below) Can you arrange this with the BOS?

Thanks,

Ann

----- Forwarded message -----

**From:** Guy Wanegar <[guywan2@yahoo.com](mailto:guywan2@yahoo.com)>  
**Date:** Sun, Mar 17, 2024 at 10:18 AM  
**Subject:** Hop River  
**To:** [anndunnack@gmail.com](mailto:anndunnack@gmail.com) <[anndunnack@gmail.com](mailto:anndunnack@gmail.com)>

Good morning Ann (or whatever time of day it is when you open this). I am volunteering with Joan Hill at the Hop River site. She informed me that there is a vacancy on the board and I would like to be considered for that roll. I am on the Horace Porter Building Committee now, if the selectmen need a reference. Thank you for your time. Best, Guy Wanegar

--

Ann Dunnack

[anndunnack@gmail.com](mailto:anndunnack@gmail.com)

860-228-3992

# Hop River Trail Alliance public hearing set

**TRACI HASTINGS**  
@THECHRONICLECT

ANDOVER — Here's your sign to attend a public informational meeting on local trails in Andover.

The Hop River Trail Alliance will conduct the public hearing for input on the installation of signage along the multi-town trail system.

The installation is funded through a Recreational Trails Grant from the Connecticut Department of Energy and Environmental Protection.

The trail winds through Bolton, Columbia, Coventry, Manchester and Vernon as well as Andover, on a former railroad bed along the Hop River. The path also runs through the Belding Wildlife Area,

Bolton Notch State Park, Hop River State Park and Valley Falls Park.

While the trail, like the railroad tracks before it, is continuous throughout the six towns, each town has separate access points with parking areas so visitors can "hop" on at various points most convenient to them. There is no fee to access the trail.

The Hop River Trail Alliance is a group of volunteers who maintain the trails, clearing tree limbs and debris and keeping

The hearing will be held Wednesday at 7 p.m. in the community room at the Andover Town Hall, located at 17 School Road. There will also be a virtual option for those who cannot be present in person.



Chad LeBaron

## Andover Town Hall at 17 School Road.

Those interested in participating over the Zoom online platform can email the alliance at [hoprivertailalliance@gmail.com](mailto:hoprivertailalliance@gmail.com). The subject of the email should be "public meeting zoom."

Those who require any accommodations in order to attend the meeting should contact the Department of Energy and Environmental Protection, at 860-418-5910 or my email at [deep.accommodations@ct.gov](mailto:deep.accommodations@ct.gov).

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## State lawmakers seek to help rein in street takeovers

# Discovery Zone in violation of ADA

**TRACI HASTINGS**  
@THECHRONICLECT

COLUMBIA — The owner of a chain of early childhood centers in Columbia, Hebron and Marlborough has entered into a settlement agreement after being found in violation of the Americans with Disability Act.

The day care facility, the Discovery Zone Learning Center, is owned by Robin Green of Marlborough.

Green served as State

Representative for the 55th district towns of Andover, Bolton, Hebron and Marlborough from 2016 through 2022.

During her tenure in the state legislature, Green became a ranking member of the Committee on Public Safety and Security and served on the Committee of Children, the Committee of Public Health and the Women's Caucus. Before she opened her first Discovery Zone center, she was employed by the Village

for Families and Children, and worked for the Capital Regional Educational Council; she also served with both the national and the state associations for the Education of Young Children.

Green decided not to seek re-election in 2022, saying at that time she wanted to focus more on her business and her family, especially as the coronavirus pandemic had taken a toll on the child-care industry.

See DISCOVERY ON PAGE 4



Traci Hastings

**The Discovery Zone Learning Center is owned by Robin Green of Marlborough.**



# Discovery Zone in violation of ADA

## Continued from Page 1

On March 22, the US Attorney for the State of Connecticut, Vanessa Roberts Avery, announced an agreement had been entered into with the Discovery Zone Learning Center to resolve allegations a child on the autism spectrum had been discriminated against. Avery noted the center had fully complied with the investigation and agreed to revise its policies to remain compliant with the American with Disabilities Act in the future.

The investigation was instigated when a complaint was made to the US Department of Justice, alleging the discrimination. The matter was handled by Assistant US Attorney Stewart Dearing. The investigation determined that the learning center failed to reasonably modify programming to accommodate the child, which resulted in the exclusion of the child from childcare programs. Under the terms of the settlement, the learning center has agreed to not discriminate against children with

disabilities in the future, and will establish new policies for handling requests for reasonable accommodations under ADA. Staff will receive new training and the center will also pay \$1,500 to the complainant.

Green did not respond to requests for comment.

The settlement agreement will be effective for three years, during which time the US Attorney's Office will be monitoring compliance.

"No family should have to worry that their child will be excluded from group childcare because the child is disabled," Avery said. "I want to commend the Discovery Zone Learning Center for doing the right thing by cooperating with our investigation and agreeing to comply with the ADA going forward."

Anyone with a complaint of discrimination under the ADA may contact the US Attorney's Office at 203-821-3700 to speak with a Civil Rights Intake Specialist. To learn more about the ADA and civil rights, go online to [ada.gov](http://ada.gov) or [justice.gov/crt](http://justice.gov/crt).

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# Fair Rent Commission



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# Bridge construction set to begin

**NICOLE ZAPPONE**  
@THECHRONICLECT

COVENTRY — The project detour of Hop River Road is scheduled to begin April 1. This project will allow the bridge to be opened to vehicular traffic by the end of the 2024 construction season.

The bridge currently running through Coventry and Columbia will be an extensive detour utilizing Route 6, Pucker Street, South Street and Bunker

Hill Road.

According to Coventry Town Manager James Drumm, the project's total cost is \$3,643,022.

“Initially, the project was budgeted for 80% by the state and 20% by the town, but the state had additional federal infrastructure funds that needed to be spent by a certain time,” Drumm said. “The state then announced that they were going to add that funding to all the bridge projects, including ours.”

Drumm said other towns struggled to get the 20% to fund their projects, but Coventry was lucky to get the additional funding.

The engineering for the project was done in the summer of 2023, and then a construction company was hired. Many new parts had to be bought for this project because the old bridge will be demolished.

There will be new beams and footing for the bridge.

“We’re planning for the  
**See BRIDGE ON PAGE 4**



Nicole Zappone

**Coventry Town Manager James Drumm talks about the bridge project and the duration of the detour.**

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**TOP TRAINING HUBS**





Nicole Zappone

**The Hop River Road bridge project is expected to start on April 1 and be closed until Nov. 17.**

## Bridge construction to begin April 1

**Continued from Page 1**

construction this summer,” Drumm said. “The demolition will be done first, and the project should be completed by Nov.17.”

Drumm added this project is a joint effort with Columbia, but Coventry is the lead.

The existing structure was built in 1955 and rehabilitated in 1989. It is a two-span steel beam structure supported by concrete-capped stone masonry abutments and a central pier.

The total structure length is 111 feet, and the curb-to-curb roadway width is 12 feet.

“This is a wonderful

project because it is 100% funded,” Drumm said. “It’s a big improvement because it’s a single-lane bridge.”

The new bridge will be a two-lane crossing, which Drumm said may create a little more traffic, but it will be OK.

“Some trucks, like pick-up trucks, may find it difficult to cross single-lane bridges,” Drumm said. “However, when this project is complete, they will be able to pass through.”

Drumm said even though the project is projected to be completed by Nov. 17, the construction company is known for finishing early.

