

EAST LYME BOARD OF SELECTMEN
REGULAR MEETING OF APRIL 15, 2020
MINUTES

This meeting was held via Zoom online meeting services and was available for the public to view and listen via videoconference and dial-in options.

PRESENT: Mark Nickerson, Kevin Seery, Rose Ann Hardy, Marc Salerno, Dan Cunningham and Paul Dagle
ALSO PRESENT: Finance Director Anna Johnson, Tax Collector John McCulloch, Public Works Director Joe Bragaw, Deputy Director of Public Works Bill Scheer, and Town Engineer Victor Benni

First Selectman Nickerson called the meeting to order at 7:30 p.m. He stated that since we are all participating remotely and could not stand to face the Flag, please Pledge Allegiance to the Flag where you are.

Mr. Nickerson reported that it was planned to allow questions to be sent using a chat feature, but that does not appear to be working properly. He stated that tonight's meeting did not include an item for public comment for this reason, and he reported that the kinks will be worked out and the next meeting is expected to include public comment. Mr. Nickerson thanked everyone for their patience and understanding.

1c. Approval of Minutes

MOTION (1)

Mr. Seery MOVED to approve the Special Meeting minutes of March 2, 2020, as submitted; the Special Meeting minutes of March 4, 2020, as submitted; the Regular Meeting minutes of March 4, 2020, as submitted; and the Special Meeting minutes of March 16, 2020, as submitted.

Seconded by Mr. Salerno.

Motion passed 6-0 for the Special Meeting of March 16, 2020, as submitted.

Motion passed 5-0-1 for the Special Meeting minutes of March 2, 2020, as submitted; the Special Meeting minutes of March 4, 2020, as submitted; the Regular Meeting minutes of March 4, 2020, as submitted. IN FAVOR; Nickerson, Seery, Hardy, Salerno and Cunningham. ABSTAINED; Dagle.

1d. Consent Calendar

MOTION (2)

Mr. Seery MOVED to approve the consent calendar for April 15, 2020, in the amount of \$22,819.17.

Seconded by Mr. Cunningham. Motion passed 6-0.

2a. Direct the Board of Finance to approve the budget and set the mil rate

MOTION (3)

DISCUSSION: Mr. Nickerson stated that as directed by Governor Lamont's executive order regarding such, the Board of Selectmen are required to direct the Board of Finance to adopt the budget and set the mil rate. He stated that the entire process will be open to the public, and the Town is working on how to proceed based on this order. Mr. Seery MOVED that in adherence to the Governor's Executive Order 7i, paragraph 13, the Board of Selectmen authorizes the budget making authority in East Lyme, namely the Board of Finance, to adopt a budget for the July 1, 2020 to June 30, 2021 fiscal year and to set a sufficient mil rate...without holding votes at a town meeting and without complying with the annual town referendum requirement. The Board of Finance shall comply with the public meeting requirements consistent with the requirements set forth in Governor's Executive Order 7B and shall

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Board of Selectmen Regular Meeting
April 15, 2020

1 of 6

Apr 17 2020 AT 1:30 AM (PM)

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EAST LYME TOWN CLERK

take all reasonable steps to publicize the draft municipal budget for said fiscal year and to receive public comment via email or other means.

Seconded by Mr. Salerno. Motion passed 6-0.

3a. Hazard Mitigation Plan – 2019 Report

Mr. Benni was in attendance and reported on this item. He stated that this is a five-year plan that was adopted by the Board of Selectmen on February 21, 2018. As per the requirements of the plan, this report is a status update on action items and noted that missing items on this report are either already completed or are for future action. The Board of Selectmen do not have to take any action at this time.

Please note here that the agenda went out of order and item 3c was heard before item 3b.

3c. Tax Collector Matters

MOTION (4)

DISCUSSION: Mr. Nickerson stated that as per Governor Lamont's Executive Order #2020-7S Section 6, the Town has two options to offer taxpayers some relief because of the pandemic; Option 1 is a Deferment Program and Option 2 is a Low Interest Rate Program. Mr. Nickerson reported that after much review and discussion, it has been decided that the Town will offer Option 1 to East Lyme taxpayers which provides a deferment by ninety (90) days of any taxes on real property, personal property or motor vehicles, sewer and assessments from the time such Taxes first became due and payable. It is anticipated that the applications will be included with all tax bills sent to taxpayers, but a final process has not yet been determined. Mr. Nickerson stated that the Town will accept and honor all applications submitted without requiring proof of hardship.

Mr. Seery MOVED:

WHEREAS, on March 10, 2020, the Governor of the State of Connecticut ("Governor") declared a public health emergency and civil preparedness emergency for the State of Connecticut, pursuant to Connecticut General Statutes Sections 19a-131 and 28-9, in response to the global pandemic of COVID-19 disease associated with a novel coronavirus that is currently affecting multiple countries and states; and
WHEREAS, on March 13, 2020, the President of the United States ("President") declared a national emergency to combat the coronavirus that is currently infecting the population of the United States; and
WHEREAS, the effects of the transmission of COVID-19 has resulted in the spread of infections in Connecticut and throughout the country, as well as resulting in shortages of personal protective equipment and other supplies that could jeopardize public safety and civil preparedness; and
WHEREAS, in response to the issuance of declarations of a public health emergency and civil preparedness emergency by the Governor he has issued a series of Executive Orders setting for the law governing the conduct of the business of state and municipal government during the period of the emergency; and
WHEREAS, on April 1, 2020, the Governor issued Executive Order No. 7S ("EO 7S"), requiring municipalities, by a vote of its legislative body, participate in a "Deferment Program" or "Low Interest Rate Program"; and
WHEREAS, participation in a deferment program by application is in the best interest of the Town of East Lyme.
NOW, THEREFORE, BE IT RESOLVED that the Board of Selectmen of the Town of East Lyme adopts as follows:
1) During the period of March 10, 2020, the date that Governor Lamont declared a public health and civil preparedness emergency, through and including July 1, 2020, the Town of East Lyme shall participate in a deferment program and shall offer to eligible taxpayers, businesses, nonprofits, and residents a deferment by ninety (90) days of any taxes on real property, personal property or motor vehicles, sewer and assessments ("Taxes") from the time such Taxes first became due and payable.

Board of Selectmen Regular Meeting

April 15, 2020

2 of 6

2) Eligible taxpayers, businesses, nonprofits, and residents are those that attest to or document significant economic impact by COVID-19, and/or those that document they are providing relief to those significantly affected by the COVID-19 pandemic. The Town shall consider that all taxpayers, businesses, nonprofits and residents shall be eligible for the deferment program.

Such Application for Deferment shall be submitted to the East Lyme Tax Collector by close of business on July 1, 2020.

Seconded by Mr. Salerno. Motion passed 6-0.

3b. Bond Refunding

MOTION (5)

DISCUSSION: Ms. Johnson reported that it is customary for the Town to re finance bonding when interest rates go down, and it is anticipated that interest rates will continue to improve in the coming weeks and this motion by the Board will allow the Town to be ready to refinance when the time and rates are appropriate.

Mr. Seery MOVED the following:

RESOLVED:

Section 1. Not exceeding \$13,000,000 General Obligation Refunding Bonds (the "Refunding Bonds") of the Town of East Lyme, Connecticut (the "Town") may be issued in one or more series and in such principal amounts as the First Selectman and the Town Treasurer shall determine to be in the best interests of the Town for the purpose of achieving net present value savings and/or to restructure debt service payments. The Refunding Bonds are hereby authorized to refund all or any portion of any one or more series of the Town's outstanding General Obligation Bonds (the "Refunded Bonds"). The Refunding Bonds shall be issued and sold either in a negotiated underwriting or a competitive offering, and at such time or times as the First Selectman and the Town Treasurer shall determine to be most opportune for the Town. If the Refunding Bonds are sold in a negotiated underwriting, the First Selectman and the Town Treasurer shall approve and designate the underwriter. Each series of Refunding Bonds shall mature in such amounts and on such date or dates as shall be determined by the First Selectman and the Town Treasurer in accordance with the provisions of the Connecticut General Statutes, as amended. The Refunding Bonds shall bear interest payable at such rate or rates, including taxable rates, as shall be determined by the First Selectman and the Town Treasurer. The issuance of Refunding Bonds the interest on which is included in gross income for federal income tax purposes is determined to be in the public interest. The Refunding Bonds shall be executed in the name and on behalf of the Town by the manual or facsimile signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, and be approved as to their legality by Robinson & Cole LLP, Bond Counsel. The Refunding Bonds shall be general obligations of the Town and each of the Refunding Bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon, The aggregate denominations, form, details, and other particulars thereof, including the terms of any rights of redemption and redemption prices, the designation of the certifying, paying, registrar and transfer agent, shall be subject to the approval of the First Selectman and the Town Treasurer. The net proceeds of the sale of the Refunding Bonds, after payment of underwriter's discount and other costs of issuance, shall be deposited in an irrevocable escrow account in an amount sufficient to pay the principal of, interest and redemption premium, if any, due on the Refunded Bonds to maturity or earlier redemption pursuant to the plan of refunding. The First Selectman and the Town Treasurer are authorized to appoint an escrow agent and other professionals and to execute and deliver any and all escrow, investment and related agreements necessary to provide for such payments on the Refunded Bonds and to provide for the transactions contemplated hereby. The First Selectman and the Town Treasurer, are authorized to prepare and distribute preliminary and final

Official Statements of the Town for use in connection with the offering and sale of the Refunding Bonds, and they are hereby authorized to execute and deliver on behalf of the Town a Bond Purchase Agreement, a Continuing Disclosure Agreement, a Tax Regulatory Agreement and such other documents necessary or desirable for the issuance of the Refunding Bonds and the payment of Refunded Bonds.

Section 2. This resolution shall be effective until July 1, 2021.

Seconded by Mr. Cunningham. Motion passed 6-0.

3d. PEGPETIA Grant

DISCUSSION: Mr. Nickerson introduced Mr. Mike Mainz to speak on this matter. Mr. Mainz is a member of the Cable TV Advisory Board Committee, and an active volunteer with Town in regard to IT needs. Mr. Mainz explained that every cable tv/internet subscriber pays a fee on their bill which funds these grants, which are to benefit the technology needs of the Town including the Board of Education. Should the town receive this grant, the funds will be used to upgrade and integrate the audio/visual needs of the entire town, concentrating on the Emergency Operations Center, Board of Education and Town Hall.

MOTION (6)

Mr. Seery MOVED to authorize the First Selectman to execute the Public, Educational and Governmental Programming and Education Technology Investment Account (PEGPETIA) Grant in the amount of \$85,307.44.

Seconded by Mr. Dagle. Motion passed 6-0.

3d1. PEGPETIA Grant – appropriation

MOTION (7)

Mr. Seery MOVED to appropriate the Public, Educational and Governmental Programming and Education Technology Investment Account (PEGPETIA) Grant in the amount of \$85,307.44 in the CNRE Fund 32 for which corresponding revenue and expenditure accounts will be established titled, "PEGPETIA Grant" and forward to the Board of Finance for approval.

Seconded by Mr. Dagle. Motion passed 6-0.

3e. Emergency Expenditures

DISCUSSION: Ms. Johnson explained that the three items below are needed in response to additional monies that need to be expended in response to the Coronavirus pandemic. She stated that she worked closely with the Chief and Administrative Sargent on the Dispatch OT item and they feel confident that this will be sufficient to get to the end of the fiscal year.

MOTION (8)

3e1. Mr. Seery MOVED to authorize the use of up to \$50,000 available in account 01-01-114-100-127 (Health/Dental Care) for the purpose of State of Connecticut Executive Order 7-P for housing related expenditures for First Responders and Health Care Workers and forward to the Board of Finance for approval.

Seconded by Mr. Salerno. Motion passed 6-0.

MOTION (9)

3e2. Mr. Seery MOVED to approve a transfer in the amount of \$11,000 from account 01-25-216-100-412 (PT Clerical-Police) to account 01-25-215-100-214 (Dispatch OT) and transfer \$18,865 from account 01-01-120-200-500 (Contingency) as follows: \$8,525 to 01-25-215-100- 213 (PT Dispatchers) and \$10,340 to 01-25-215-100-214 (Dispatch OT) and forward to the Board of Finance for approval.

Seconded by Mr. Dagle. Motion passed 6-0.

MOTION (10)

3e3. Mr. Seery MOVED to approve a transfer in the amount of \$8,220 from account 01-01-120-200-500 (Contingency) to account 01-25-217-100-612 (PT FF NFD) and forward to the Board of Finance for approval. Seconded by Mr. Salerno. Motion passed 6-0.

3f. SCRRRA/East Lyme MSW Ordinance Amendment

DISCUSSION: Mr. Bragaw stated that a few months ago the Board of Selectmen approved the transfer of waste management services from the Preston location to the Lisbon location. This action will require a modification of the MSW Ordinance, which will require a public hearing. Mr. Nickerson stated that we will work on how to run a public hearing during this time of social distancing, and we will take this matter up at the next regular meeting and will have enough time to complete the ordinance modification processes before the deadline.

4a. Ex-Officio Reports

Mr. Salerno stated that the Town Building Committee will be holding a Zoom meeting on Thursday evening.

Mr. Seery wanted to express his gratitude for all that are working to keep the most up to date information available for our residents. He also reminded people to please try to continue to support our local restaurants and businesses through pickup and delivery services where available.

Mr. Dagle reported that the Public Safety Building Vision Committee established an updated bid due date of April 24, 2020 for public safety building project. They will publish information on the public bid opening when the plans have been arranged. He thanked everyone for their support and understanding during this difficult time.

Mr. Cunningham also stated that he is thankful for everyone's support and hard work up to this point, and in advance of all the challenges ahead of us.

Mrs. Hardy reported that the Meals on Wheels program continues to operate, and that Cathy Wilson and the Senior Center staff continue to work hard to support our community during this crisis. There have been minimal transportation requests for medical appointments, as expected during this time. She stated that she is pleased to see so many people out getting fresh air and exercising while maintaining the rules for social distancing.

4b. First Selectman's Report

Mr. Nickerson stated that he is very pleased to see that our community has come together in a wonderful way during this crisis. He thanked the Board of Selectmen for their leadership and partnership, especially during these trying times. He reported that the Town has come to an agreement with the Town Employees Union (UPSEU) through an MOU that is fair for both the Town and the employees. He stated that keeping everyone safe is the first priority, and we will continue to take whatever measures are necessary. He stated that our first responders are doing an amazing job and thanked them all for their dedication and hard work, and he commended Chief Finkelstein on his leadership during this crisis. As everyone is aware, PPE is in short supply everywhere and we are doing the best that we can with what we have. After a meeting with the Governor, he anticipates that a new order will be issued in the coming days that will require everyone to wear a mask all the time when out in public. As social distancing continues, he is hopeful that boards and commissions will get back to work via videoconferencing in April if needed, and that he is hopeful that we can get back to a normal meeting schedule in May. Mr. Nickerson reported that as of this meeting, the Building Department had received twenty building permits this week alone, noting that people are taking advantage of the social distancing rules and getting projects done in their homes. He stated that the one way rule for walking on the Boardwalk seems to be working well, and noted that if you do not feel that walking in public, such as on the boardwalk, is safe for you personally, there are many open space options around town for getting fresh air and exercise. He reported that he has been in contact with the First Selectman in Old Lyme and will work collectively on a viable solution should we still be social distancing as it gets warmer and people begin to populate the beaches. The budget process will proceed under special orders, and we will be

working hard with the Board of Finance and Board of Education to get through this year's process. A special meeting of the Board of Selectmen will be scheduled for next week to discuss the budget. Mr. Nickerson asked the Board members and members of the public to please email him with any questions they might have, as well as any suggestions or comments that might assist in improving the videoconference meeting procedure.

5. Executive Session

MOTION (11)

Mr. Seery MOVED to enter into executive session for the purpose of discussing legal matters.

Seconded by Mr. Dagle. Motion passed 6-0.

The Board Members entered into Executive Session at 9:00 pm and returned at 9:25 p.m.

MOTION (12)

Mr. Seery MOVED to exit executive session at 9:25 p.m. and he reported that no formal votes were taken.

Seconded by Mr. Dagle. Motion passed 6-0.

MOTION (13)

Mr. Seery MOVED to adjourn the regular meeting of the East Lyme Board of Selectmen at 9:26 p.m.

Seconded by Mr. Cunningham. Motion passed 6-0.

Respectfully Submitted By:

Sandra Anderson

Recording Secretary