

EAST LYME BOARD OF SELECTMEN
REGULAR MEETING OF FEBRUARY 16, 2022
MINUTES

PRESENT: Kevin Seery, Rose Ann Hardy, Dan Cunningham, Bill Weber, Ann Cicchiello and Anne Santoro

ALSO PRESENT: Finance Director Anna Johnson

Mr. Seery called the meeting to order at 7:01 p.m. and Mr. Seery stated that the Pledge of Allegiance was done at the special town meeting.

1b. Additional Agenda & Consent Items

There were none.

1c. Delegations

There were none.

1d. Approval of Minutes

DISCUSSION: Ms. Cicchiello noted that although she was not in attendance at the February 8th special meeting, she has read the minutes and she is comfortable voting on them.

MOTION (1)

Ms. Santoro MOVED to approve the Regular Meeting Minutes of February 2, 2022, as submitted.

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

MOTION (2)

Ms. Santoro MOVED to approve the Special Budget Meeting Minutes of February 8, 2022, as submitted.

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

1e. Consent Calendar

MOTION (3)

Ms. Santoro MOVED to approve the consent calendar for the regular meeting of February 16, 2022, in the amount of \$18,393.18.

Seconded by Ms. Hardy. Motion passed 6-0.

2a. Historic Properties Planning Grant

MOTION (4)

Ms. Santoro MOVED: BE IT RESOLVED that we the Board of Selectmen, constituting the legislative body of the Town of East Lyme, hereby authorizes the First Selectman, Kevin A. Seery, to sign and deliver a certain funding application – Historic Restoration Fund Grant Application for Restoration and Maintenance of the Samuel Smith House and Barn with the State Historic Preservation Office (SHPO) of the State of Connecticut.

Seconded by Ms. Cicchiello. Motion passed 6-0.

FILED

Mar. 3 2022 AT 12:20 AM/PM
Anna Johnson
EAST LYME TOWN CLERK

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2b. Appointment

MOTION (5)

Ms. Santoro MOVED to appoint John Smith, 2 Clarks Lane, Niantic, as a Member on the Zoning Board of Appeals for the Town of East Lyme with a term to expire on January 5, 2026.

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

3a. Schedule Town Meeting

MOTION (6)

Ms. Santoro MOVED:

TOWN OF EAST LYME NOTICE OF SPECIAL TOWN MEETING

Notice is hereby given of a Special Town Meeting of the Town of East Lyme to be held on March 2, 2022 at 7:00 P.M. (E.T.) at the East Lyme Town Hall Upper Meeting Room for the following purposes:

1.

To consider and act upon a special appropriation and transfer in the amount of \$12,500 from CNRE Fund 32 account 32-70-300-500-999 (Town-wide Projects) to an account to be established titled, "Pump-out Boat".

2. To transact any other business proper to come before the meeting.

Dated at East Lyme, Connecticut, this 16th day of February 2022. EAST LYME BOARD OF SELECTMEN

Seconded by Ms. Cicchiello. Motion passed 6-0.

3b. Pension Board Ordinance

Mr. Seery stated that the changes that were made at the last meeting to this ordinance have been made, and it is now ready to schedule for public hearing.

3c. Schedule Public Hearing

MOTION (7)

Ms. Santoro MOVED that NOTICE IS HEREBY GIVEN, of a public hearing to be held by the East Lyme Board of Selectmen on March 2, 2022 at the East Lyme Town Hall at 108 Pennsylvania Avenue, Niantic, Connecticut, to begin immediately following a Special Town Meeting which will commence at 7:00 p.m., to receive comments regarding the following ordinance entitled "ORDINANCE ESTABLISHING A PENSION BOARD". Said ordinance is attached hereto as Exhibit 1, and a copy is available in the Town Clerk's office.

3d. ARP Subcommittee Update

Ms. Santoro reported that the subcommittee has been busy, and they have started hearing presentations from the department heads on their requests. They continue to consider both the department heads and community applications and expect to be able to deliver a report to the Board of Selectmen at their March 16th meeting. The situation continues to remain fluid with the government's final rule being passed down; they will continue to stay on top of any changes.

4a. Ex-Officio Reports

There were no reports this evening.

4b. First Selectman's Report

Mr. Seery stated that he has received information regarding the Bipartisan Infrastructure Law, attached hereto as Exhibit 2. He requested that the board members begin to familiarize themselves with this law as it will be coming up for discussion at an upcoming meeting. He reported that the positivity rate continues to go down, but that might be a little misleading as many people now have access to at home tests and are not seeking out PCR testing which is what is tracked. Mr. Seery reported that town emails for the Board of Selectmen and Board of Finance members will be rolled out soon. He reported that he has been in communication with Amtrak regarding their fence replacement project, and that he is collaborating with them to consider other types of fencing as the one they proposed may restrict the view of the water. He will continue to collaborate with them and report back on progress.

5. Communications

There was none.

6. Public Comment

There was none.

7. Selectman's Response

There was none.

8. Executive Session

Mr. Seery stated that there was no reason for an executive session at the moment regarding this matter.

9. Executive Session

MOTION (8)

Ms. Santoro MOVED to enter into executive session at 7:43 p.m. for the purpose of discussing real estate matters, Hathaway Farms / Dominion Building.

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

MOTION (9)

Ms. Santoro MOVED to come out of executive session at 8:25 p.m. with no formal votes taken.

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

9. Adjourn

MOTION (10)

Ms. Santoro MOVED to adjourn the February 16, 2022, regular meeting of the East Lyme Board of Selectmen at 8:25 p.m.

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

Respectfully Submitted By:



Sandra Anderson
Recording Secretary

ORDINANCE ESTABLISHING A PENSION BOARD

ESTABLISHED

1. There is established a five-member Pension Board for the purpose of administration, management, supervision and control of the Town of East Lyme Pension Plan (the "Plan"), as more particularly set forth hereinafter.

COMPOSITION AND TERMS

1. The management and administration of the Plan is hereby vested in the Pension Board, which shall consist of five resident electors of the Town who shall be appointed by the Board of Selectmen.

2. The terms of the Board Members are as follows: three terms shall be filled by appointment until the first Monday of January, 2024; two terms shall be filled by appointment until the first Monday of January, 2026. Thereafter the terms for each of the members shall be four years.

3. One of the members shall be an employee of the town who is a member of the Plan. Two of the members shall be experienced in making investments of the kind in which the pension fund may be invested.

4. The First Selectman and Finance Director and Human Resource Director shall be ex-officio members. They shall not have a vote and shall not be counted in determining a quorum.

POWERS AND DUTIES

1. The Pension Board may make rules and regulations for the administration of the Plan which are not inconsistent with its terms and provisions. The Pension Board may construe the Plan, and its constructions thereof and action thereon in good faith shall be final and conclusive. It may correct any defect or supply any omission or reconcile any inconsistency in such manner and to such extent as it shall deem expedient to carry the same into effect, and it shall be the sole and final judge of such expediency. The Pension Board shall supervise and control the operation of the Plan in accordance with the terms hereof and shall have all powers necessary to accomplish that purpose.

2. The Pension Board may employ such actuarial, legal, consulting and other services as it deems necessary for the proper operation of the Plan or pension fund within the limit of such appropriations as may be made for such purposes. The town, as directed by the First Selectman, may provide administrative support for the Pension Board and shall employ such staff as may be approved by the Board of Selectmen for such purpose.

INVESTMENT POWERS

1. The Pension Board shall manage and control the pension fund and shall invest and reinvest the principal and income of such fund, except so much thereof as the Pension Board shall deem necessary to meet allowances and benefits

hereunder, in securities legal for investment by trustees under the laws of this state. The Pension Board may invest any portion of the pension fund in any group trust or common trust fund exempt from tax under § 501(a) or 584, respectively, of the Internal Revenue Code of 1986, as amended, that holds assets of retirement plans exempt from tax under § 401(a) of such code. Any such group trust or common trust fund shall be considered a part of the Plan.

2. The Pension Board may provide by trust, agency, custodian or other agreement with one or more corporate fiduciaries for the custody, safekeeping, handling, investment and reinvestment, under the direction of the Pension Board, of the pension fund's investments.

3. The Pension Board may open in the name of the Town of East Lyme Pension Plan, with one or more banks or trust companies, such accounts as it shall deem necessary for the deposit and withdrawal of the funds received by it and which are to be administered under the terms and provisions of the Pension Plan.

INSURANCE

1. The Pension Board may procure in the name of the Town an appropriate group contract or contracts from any insurance company duly authorized to transact business in the state for the purpose of funding all or a portion of the benefits available from time to time under the Plan. The type of contract or contracts and all terms and conditions thereof shall be determined by the Pension Board on a basis which is consistent with the provisions of the Plan. No publicly owned corporation, insurance company or bank shall be disqualified from being the trustee, agent, custodian or depository or from participating in the funding management of the pension fund pursuant to this section, solely because one or more members of the Pension Board may be an employee, officer, director or minority stockholder of such corporation, insurance company or bank.

REPORTS

1. The Pension Board shall submit annually to the Board of Selectmen a schedule of its estimated expenses necessary for the administration of the Plan and its estimate of the liability of the town to the Pension Board.

2. The Pension Board shall annually report to the Board of Selectmen the financial condition of the Plan, including, at least every other year, an actuarial valuation of assets and liabilities and setting forth such other facts, recommendations and data as may be of value to the members of the Plan and the Board of Selectmen.

This Ordinance shall become effective on March 14, 2022, ten (10) days after publication of notice of its adoption in a newspaper having a substantial circulation within the Town of East Lyme. A copy of the proposed Ordinance is available for review in the East Lyme Town Clerk's Office and on the Town of East Lyme website www.eltownhall.com. Interested persons are invited to attend and be heard. Dated at East Lyme, Connecticut, on this 16th day of February, 2022.

EAST LYME BOARD OF SELECTMEN

BUILDING A BETTER AMERICA

BUILD.GOV

FACT SHEET:

Competitive Infrastructure Funding Opportunities for Local Governments

The Bipartisan Infrastructure Law includes billions of dollars in competitive funding available to cities, towns, and municipalities across dozens of new and existing programs. As local governments begin to rebuild and reinvest in their communities, the Biden-Harris Administration stands ready to support local leaders as they combine funding streams, organize around their priorities, and build local support for long overdue infrastructure projects.

At the U.S. Conference of Mayors Winter Meeting, White House Infrastructure Implementation Coordinator and former New Orleans Mayor Mitch Landrieu will highlight 25 already available or soon-to-be-available sources of funding that local governments – particularly cities – can compete or apply for directly. Listed below is the latest available information on these key programs, including links to agency websites, application timing, and descriptions. Highlighted programs were selected based on their size and cross-cutting objectives. Using these available sources of funds, cities can begin to plan to build in-line with President Biden's economic, equity, climate and resilience, Made in America, and labor goals. The White House will also be releasing a comprehensive guidebook of all available funding from the Bipartisan Infrastructure Law in the coming weeks.

The federal government cannot build a better America alone – it needs state and local leadership to act as coordinators and help prepare communities to benefit from transformative infrastructure funding. Outlined below is a short overview of how cities and towns can begin to prepare, as well as contact information for relevant federal agencies. The support of mayors is essential to fulfilling the Biden-Harris Administration's goal of equitably rebuilding America on time, on task, and on budget. Building back better is going to be a multi-year effort, and we need the help of all local leaders to start building the foundation for years to come.

25 Competitive Infrastructure Funding Opportunities for Local Governments¹

Transportation

1. **Rebuilding American Infrastructure Sustainably and Equitably (RAISE) Grants**– This existing competitive grant program at the Department of Transportation provides \$7.5 billion with an additional \$7.5 billion subject to Congressional approval in funding for road, rail, transit, and other surface transportation of local and/or regional significance. Selection criteria safety, sustainability, equity, economic competitiveness, mobility, and community connectivity. **Applications will open in the first quarter of 2022.**
2. **Port Infrastructure Development Program Grants** – This existing \$2 billion Department of Transportation program funds investment in the modernization and expansion of U.S. ports to remove supply chain bottlenecks, ensure long-term competitiveness, resilience, and sustainability while reducing impacts to the environment and neighboring communities. The infrastructure law expanded the program’s eligibilities to include projects that improve goods movement, as well as port electrification projects, idling reduction solutions, equipment charging infrastructure and related worker training initiatives. **The Department of Transportation expects to open applications in February 2022.**
3. **Bus & Bus Facilities Competitive Grants** – This existing \$2 billion program at the Department of Transportation provides capital funding to replace, rehabilitate, purchase, or lease buses and bus related equipment and to rehabilitate, purchase, construct, or lease bus-related facilities – as well as capital funding for low or no emissions bus projects. Fiscal Year 2021 grant selections will be announced soon. **Applications are expected to open for the Fiscal Year 2022 grant program in the first quarter of 2022.**
4. **National Infrastructure Project Assistance (also known as “Megaprojects” or MEGA)**– This \$5 billion competitive grant program supports multi-modal, multi-jurisdictional projects of regional or national significance. Communities are eligible to apply for funding to complete critical large projects that would otherwise be unachievable without assistance. **Selection criteria for the program will be posted on the Department of Transportation website in February 2022.**
5. **Infrastructure for Rebuilding America (INFRA) Grants** – This Department of Transportation program supports highway and rail projects of regional and economic significance. **Applications will open in the first quarter of 2022. Learn more about how to apply here.**

¹ Funding amounts includes programs’ contract authority, advanced appropriations and mandatory appropriations. Funding subject to appropriations not included.

6. **Safe Streets and Roads for All** – This new \$5 billion competitive grant program at the Department of Transportation will provide funding directly to and exclusively for local governments to support their efforts to advance “vision zero” plans and other complete street improvements to reduce crashes and fatalities, especially for cyclists and pedestrians. **Applications are expected to open in May 2022.**
7. **Charging and Fueling Infrastructure Grants** – In addition to the \$5 billion formula program distributed to states, this \$2.5 billion discretionary grant program at the Department of Transportation will fund the strategic deployment of publicly accessible electric vehicle charging infrastructure, as well as hydrogen, propane, and natural gas fueling infrastructure, along designated alternative fuel corridors and in communities. **The Department is seeking comments on program design by January 28th [here](#), and after January 28th [here](#).**
8. **Clean School Bus Program** – This new \$5 billion competitive grant program at the Environmental Protection Agency (EPA) will provide funding to replace existing school buses with low- or zero-emission school buses. **Applications for funding will be made available [here later this spring](#).**
9. **Reconnecting Communities** – The Bipartisan Infrastructure Law creates a first-ever \$1 billion program at the Department of Transportation to reconnect communities divided by transportation infrastructure – particularly historically disadvantaged communities too often nearly destroyed or cut in half by a highway. This new competitive program will provide dedicated funding to state, local, metropolitan planning organizations, and tribal governments for planning, design, demolition, and reconstruction of street grids, parks, or other infrastructure to address these legacy impacts. **Applications will open in the second quarter of 2022.**
10. **Rural Surface Transportation Grant** - This new \$2 billion competitive grant program at the Department of Transportation will improve and expand surface transportation infrastructure in rural areas, increasing connectivity, improving safety and reliability of the movement of people and freight, and generate regional economic growth. This amount includes specific set asides for small projects (\$200 million), rural roadway lane departure improvements (\$300 million), and the Appalachian Development Highway System (\$500 million). **Applications will open in the first quarter of 2022.**

Climate, Energy & Environment

1. **Building Resilient Infrastructure and Communities Program** – This existing Federal Emergency Management Agency (FEMA) program will distribute \$1 billion to support communities undertaking hazard mitigation projects to reduce the risks they face from disasters and other natural hazards. FY21 applications are open until January 28th, 2022 and hundreds of millions of dollars in funding remains available. Communities will apply as sub-applicants

under their states. **Applications for FY22 are expected to open no later than September 30th, 2022.**

2. **Flood Mitigation Assistance** – \$3.5 billion from this existing FEMA program can be used for projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the National Flood Insurance Program. FY21 applications are open until January 28th, 2022. Communities will apply as sub-applicants under their states. **Applications for FY22 are expected to open no later than September 30th, 2022.**

★ 3. **Brownfields Remediation Program** – This existing EPA program will provide \$1.2 billion in grants and technical assistants to communities to assess and safely clean-up contaminated properties and offer job training programs. Communities are currently able to request funding for Targeted Brownfields Assessments through their regional EPA office. **Additional competitive funding opportunities will be announced this spring.**

4. **Energy Efficiency and Conservation Block Grants** – This Department of Energy block grant program will provide \$550 million to states, local governments, and tribes for projects that reduce energy use, increase energy efficiency, and cut pollution. **The first funding opportunity is expected for release in the Fall of 2022.**

5. **Grants for Energy Efficiency and Renewable Energy Improvements in Schools** – This new Department of Energy Program will provide \$500 million for local government education agencies and nonprofit partners to make energy efficiency, renewable energy, and clean vehicle upgrades and improvements at public schools. **The opportunity to apply for funding is expected to be open in the Fall of 2022.**

6. **Energy Improvement in Rural or Remote Areas** – This new Department of Energy program will provide \$1 billion to entities in rural or remote areas (defined as cities, towns, or unincorporated areas with fewer than 10,000 inhabitants) to increase environmental protection from the impacts of energy use and improve resilience, reliability, safety, and availability of energy. **Applications for funding are expected to be open in the Fall of 2022.**

7. **Grants for Energy Efficiency and Resilience Code Adoption** – This Department of Energy program will provide \$225 million to state energy agencies, in partnership with local building code agencies, codes and standards developers, utilities, and other entities, to enable sustained, cost-effective implementation of updated building energy codes to save customers money on their energy bills. **Applications for funding are expected to be open by the end of 2022.**

8. **Regional Clean Hydrogen Hubs** – This new Department of Energy program will provide \$8 billion to support the development of at least four regional clean hydrogen hubs to improve clean hydrogen production, processing, delivery, storage, and end use. **Applications for funding will open in the Summer of 2022.**
9. **Community Wildfire Defense Grant Program** – This new \$1 billion program at the Department of Agriculture will provide grants to communities at risk from wildfire to develop or revise their community wildfire protection plans and carry out projects described within those plans. It will include a mix of formula and competitive funds. **Applications are expected to open early in 2023.**

Broadband, Cyber, and Other Programs

1. **ReConnect Program** – This existing Department of Agriculture program will provide almost \$2 billion in loans and grants for projects that provide broadband in rural areas. **Applications will likely open in the 3rd quarter of 2022 (and towns in rural areas can apply to the current \$1.15B in loans and grant funding, application deadline: February 22, 2022).**
2. **Middle Mile Grants Program** – This new \$1 billion program at the Department of Commerce provides grants for the construction, improvement or acquisition of middle mile broadband infrastructure. **Applications will likely open during the second quarter of 2022.**
3. **State and Local Cybersecurity Grant Program** – This new \$1 billion program at the Department of Homeland Security makes available federal funds to state, local, and tribal governments to address cybersecurity risks and cybersecurity threats to information systems that they own or operate. **Applications will likely open during the third quarter of 2022.**
4. **Smart Grid Investment Grant Program and Energy Sector Operational Support For Cyber Resilience Program** – These two Department of Energy programs will provide \$3 billion and \$50 million, respectively, for electric utilities, including municipal and co-operative utilities, to modernize the electricity grid and increase resilience to cybersecurity threats. **Applications for the Smart Grid program are expected to be open by the end of 2022, and applications for the Cyber Resilience program are expected to be open in the Summer of 2022.**
5. **Water & Groundwater Storage and Conveyance** – This existing \$1 billion program at the Department of Interior provides funding for water storage projects with capacity between 2,000 and 30,000 acre-feet – as well as projects



convey water to or from surface water or groundwater storage. **The Department will hold its final stakeholder sessions this month and open applications later this spring.**

6. **Emergency Watershed Protection Program** – This existing Department of Agriculture program will provide \$300 million in technical and financial assistance to project sponsors for the design and construction of measures to help repair damages from a recent disaster. **Applications open in February.**

Other Opportunities

The law further significantly increased the amount of non-competitive formula funding that will flow first to states and then on to cities and local governments. Examples include funding available through Surface Transportation Block Grant sub-allocations for local governments, which now include significantly expanded the flexibilities for cities to determine how these funds can be used, as well as increases for states' Clean Water and Drinking Water State Revolving Funds. We encourage cities to reach out to the state or regional offices for various federal agencies, as well as state governments' infrastructure coordinators, to better understand forthcoming increases in formula funding.

Getting Ready to Apply for and Receive Federal Infrastructure Funds

Building a better America is a shared endeavor no one can do alone, and investing federal infrastructure dollars will require significant coordination between cities, states, Tribal governments, community stakeholders, and other key partners.

Earlier this month, the White House Infrastructure Implementation Coordinator sent a letter to Governors recommending a series of preparatory actions, including appointing infrastructure coordinators to manage the flow of funds to their states. Cities can also begin to coordinate across their departments and with metropolitan planning organizations (MPO) to:

1. Prioritize your community's capital needs and develop a project pipeline – taking time to think about the projects previously considered impossible due to lack of funding or regional coordination. This is a once-in-a-generation funding opportunity that will require bold, inclusive thinking.
2. Use the forthcoming Bipartisan Infrastructure Law Guidebook to identify federal funding streams to target.
3. Ensure all transit, railway, road, highway, and bridge projects are a part of your MPO's Transportation Improvement Plan.
4. Begin mapping sites for electric vehicle and alternative fuel charging stations.
5. Inventory and map the lead pipes in your city. Read through the Biden-Harris Lead Pipe and Paint Action Plan here for additional federal resources for this effort.
6. Work with your state's broadband agency to ensure your city or region's needs are appropriately mapped and inventoried.

7. Establish relationships with the regional offices for key federal agencies, who can help direct you to resources and provide technical assistance.

The American Rescue Plan also provided over \$350 billion in critical resources to every state, county, city, and unit of local government to support their response to the COVID-19 public health emergency, including in making the investments needed to ensure a durable and equitable economic recovery. Cities should look to leverage those resources to help prepare for the transformative investments included in the Bipartisan Infrastructure Law including training the workers needed to build high quality infrastructure; hiring back the public sector workers needed to help manage potential federal investments; and getting a jump start on water, sewer, and broadband projects that could complement investments from the infrastructure law.

We recognize local capacity may be strained due to the pandemic, historic underinvestment, or just the challenges of day-to-day governance. A city's lack of capacity to apply for federal funds can create significant inequities – and for many communities, this will be their first time applying for funds from a suite of federal agencies. While many funding streams in the Bipartisan Infrastructure Law specifically set aside funds for disadvantaged communities, the White House Infrastructure Implementation Team will be engaging states, Tribal governments, territories, federal agencies, philanthropies, and others to leverage all available resources to quickly deliver the necessary technical assistance and capacity to underserved communities.

Agency Contact Information

Environmental Protection Agency: State&Local@epa.gov

Department of Transportation: intergov@dot.gov

Department of Interior: OIEA@ios.doi.gov

Department of Commerce: CommerceIGA@doc.gov

Department of Energy: DL-RegionalSpecialists@hq.doe.gov

Department of Agriculture: EIA@usda.gov

Department of Homeland Security: dhs.iga@hq.dhs.gov

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