

BOARD OF SELECTMEN – SPECIAL MEETING

AUGUST 10, 2020

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MINUTES – APPROVED 9-1-2020

Via Zoom

Attendance: First Selectman Paula Cofrancesco and Selectman Donald Shea

Absent: Selectman Derrylyn Gorski

Also, in attendance: Town Attorney Vincent Marino, Finance Director Sheila Lane

Visitors: Sharon Huxley, Jay Polydys, Melissa Belanger, Jamie Stirling, Clark Hurlburt, and Emergency Management Director Rod White.

1. First Selectman Paula Cofrancesco called the meeting of the Board of Selectmen to order via Zoom at 7:04 p.m.

2. **APPROVAL OF MINUTES**

First Selectman Cofrancesco called for a motion of approval for the minutes of the regular meeting of July 21, 2020. The motion of approval was moved by Selectman Shea and seconded by First Selectman Cofrancesco. There were no changes to the minutes. Voting: Cofrancesco, Shea.

Unanimous approval.

3. **DISCUSSION AND POSSIBLE ACTION – TAX REFUNDS**

There was no tax overpayments/miscellaneous to be discussed. No action required at this time.

4. **DISCUSSION & POSSIBLE ACTION – LIGHTING PROPOSAL UPDATE - TABLED**

Town Attorney Vincent Marino reviewed the Eversource incentive agreement and had a few questions to be clarified related to the agreement/contract that is to follow between the Town of Bethany and the company/contractor for the project (Mr. Jay Polydys from Total Energy Connections.)

DISCUSSION

- Town Attorney Vincent Marino clarified that the initial agreement is with Eversource. The letter of agreement is referring to the town's agreeing to participate in an incentive program; His question then to Mr. Polydys was; "Where is the agreement between the Town of Bethany and the contractor that will be installing the lights?"
- Mr. Polydys clarified that the Town's first step is to sign the letter 'referencing the incentive program' agreement with Eversource and then the town will enter into an agreement with the contractor.
- Town Attorney, Vincent Marino, provided feedback and clarification about the procedure for the board to follow in accordance to the Eversource's letter of agreement presented to the Town. Town Attorney Marino clarified that the letter is a joint proposal from Eversource to enter into an agreement with the contractor for a project that has a total project cost of \$50,014.65 less incentives, which brings the project down to about \$22,000.00.
- Town Attorney Marino specified that under the Town Code section 12-1 bidding process, the amount of \$20,000.00 (+) is subject to be placed out for a bid under section 12-1 (A) or can

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move to waive the bid requirement under section 12-1 (B) if it is found that it is for the best interest of the Town to do so.

- Selectman Shea asked, “What is the Board of Finance thinking about this (procedure)?”
- Board of Finance Member Sharon Huxley asked Attorney Marino, “Have you made a finding about the impact of the Governor’s emergency order about the selectmen’s ability to do this without a Town meeting?” If so, that documentation must be on file to be the basis (for the selectmen) to go forward with a decision.
- Town Attorney Marino clarified to Mrs. Huxley and the Board that under the executive order the Board of Selectmen has the authority to take action in lieu of a town meeting, if the action that is taken is necessary for the governance of the town, and in so doing they find that holding a town meeting jeopardizes the health, safety, and welfare of the public.
- Selectman Shea asked; “Is it necessary for the governance of the Town?” Town Attorney Marino clarified that the Board of Selectmen needs to make that decision. Mr. Polydys reiterated that some of the incentives will not be available at a later date.

Motions

In accordance with the Executive Order No. 7S, Section 7, as modified by executive order No. 7CC, section 1; the Board of Selectmen made the motion with an affirmative finding that a “Town Meeting” cannot be held because of the Covid-19 pandemic and moved to take action on the Eversource “Letter of Agreement” referencing project #CT20P00022024. Selectman Cofrancesco moved to act based on the executive order No. 7S, Section 7, as modified by executive order No. 7CC, section 1 ‘affirmative finding’ and Selectman Shea seconded. Voting: Cofrancesco, Shea. **Unanimous Approval.**

The Board of Selectmen found that it is on the best interest and because it is a financial advantage to the Town to waive the bid requirements. A motion to waive the bidding process in accordance with section 12-1 (B) of the Town Code was put in order. Selectman Shea moved to waive the bid requirement and First Selectman Cofrancesco seconded. Voting: Shea, Cofrancesco. **Unanimous Approval.**

The motion to award the contract to and to authorize the First Selectwoman to sign the contract on behalf of the Town with Total Energy Connections, LLC in reference to project #CT20P00022024 was moved by Selectman Shea and seconded by First Selectman Cofrancesco. Voting: Shea, Cofrancesco, **Unanimous Approval.**

5. DISCUSSION & POSSIBLE ACTION – FIRE HOUSE HQs – FLOOR PROJECT UPDATE – TABLED.

Present to discuss the bid on the floor project for the Fire House Headquarters was Emergency Management Director Rod White.

- Mr. White indicated that the project went out to bid on the State DAS website, three contractors attended the site meeting.
- Mr. White has openly received one bid for \$124,800.00; which is \$4,800.00 higher than what the Board of Finance had approved.
- Town Attorney Vincent Marino advised the Board of Selectman that the request for an additional \$4,800.00 be addressed to the Board of Finance for approval.

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The motion to **Table** this item was moved by Selectman Shea pending the decision/approval from the Board of Finance, First Selectman Cofrancesco seconded. Voting: Cofrancesco, Shea. **Unanimous Approval.**

6. DISCUSSION & POSSIBLE ACTION – ROAD WORK – MOVING FORWARD – UPDATE

Continuing to move forward.

- First Selectman Cofrancesco noted that Tilcon was back in Town to do some additional curbing and aprons. Tilcon will be bringing a subcontractor in to help complete the work because of their scheduling. Also, they still need to finish backfilling on some of the roads' edging.
- Selectman Shea also noted that there are 19 more roads to finish.
- First Selectman Cofrancesco indicated that the Town will establish what phase 2 cost and then tentatively re-evaluate the cost for phase 3, because Tilcon is scheduled to return in October.

7. DISCUSSION AND POSSIBLE ACTION – STATUS OF AIRPORT HANGAR UPDATE - TABLED

8. DISCUSSION & POSSIBLE ACTION – SIMPSON PROPERTY – ON HOLD (IN PROBATE)

First Selectman Cofrancesco stated this is on hold and in probate court. **Tabled.**

9. DISCUSSION & POSSIBLE ACTION – SIMPLE RECYCLING (SOFT RECYCLABLES) – ON HOLD

First Selectman Cofrancesco noted that this item will stay on hold until the businesses Simple Recycling works can re-open. **Tabled.**

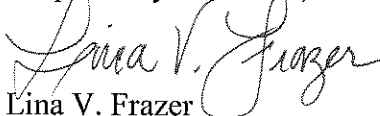
10. POST-STORM UPDATE

- Right before the meeting there were fewer than 3 houses left on the outage map.
- At that point the Town had over two-dozen trucks working to restore energy for residents.

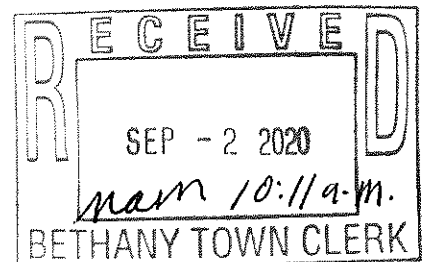
11. ADJOURNMENT

At 8:07 p.m., it was moved by Selectman Shea and seconded by First Selectman Cofrancesco to adjourn the regular meeting. **Unanimous approval.**

Respectfully submitted,



Lina V. Frazer
Meeting Clerk



TOWN OF BETHANY

RESOLUTION OF

THE BOARD OF SELECTMEN AND THE BOARD OF FINANCE

**IN ACCORDANCE WITH
EXECUTIVE ORDER NO. 7S, SECTION 7,
AS MODIFIED BY EXECUTIVE ORDER NO. 7CC, SECTION 1**

WHEREAS, on March 10, 2020, Governor Lamont issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and,

WHEREAS, pursuant to such declaration, Governor Lamont has issued sixty-five (65) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic; and

WHEREAS, in the Town of Bethany, the legislative body of the town is the Town Meeting.

WHEREAS, on April 1, 2020, Governor Lamont issued Executive Order No. 7S, section 7, which authorized the Board of Selectmen to, under certain conditions and circumstances, act in place of the Town Meeting during the public health and civil preparedness emergency; and,

WHEREAS, in the Town of Bethany, the Board of Finance is the budget-making authority of the Town; and,

WHEREAS, on April 21, 2020, Governor Lamont issued Executive Order No. 7CC, which modified Executive Order No. 7S, section 7, wherein he authorized the Board of Selectmen, as the legislative body, and the Board of Finance, as the budget-making authority, to authorize certain actions enumerated therein, by a majority vote of each body, to include any financial actions required by, *inter alia*, a contract or agreement, providing that there is a specific finding that such action is necessary to permit the orderly operation of the municipality and that there is a need to act immediately during the public health and civil preparedness emergency in order to prevent significant financial loss; and,

WHEREAS, Executive Order No. 7S, section 7 requires that in so acting, Board of Selectmen and the Board of Finance comply with public meeting requirements consistent with requirements set forth in Executive Order 7B; and,

WHEREAS, Executive Order No. 7S, provides in section 7 that "[n]othing in this order shall be construed to prohibit a municipality from conducting any in-person meeting, approval process, or referendum, provided such municipality first consults with local or state public health officials and conducts such meeting, approval process, or referendum in a way that significantly reduces the risk of transmission of COVID-19;" and,

WHEREAS, the Board of Selectmen and the Board of Finance find that under the current public health emergency caused by COVID-19 and how that virus is spread, there is no reasonable way to conduct an in-person town meeting or referendum that significantly reduces the risk of transmission of COVID-19 among those who would be assembled.

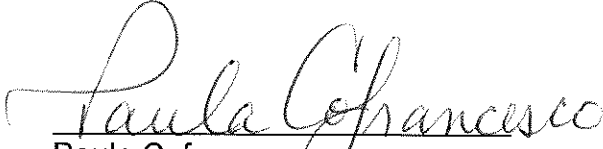
ACTION OF BOARD OF SELECTMEN

NOW THEREFORE, IT IS HEREBY RESOLVED, by the majority vote of the Board of Selectmen of the Town of Bethany, at a duly noticed meeting via Zoom held on August 10, 2020, in accordance with Executive Order No. 7S, section 7, as modified by Executive Order No. 7CC, section 1, it is hereby found that action is necessary on Project #CT20P00022024 (the "Project") to permit the orderly operation of the Town and there is a need to act immediately on the Project during the public health and civil preparedness emergency in order to prevent significant financial loss; and,

IT IS FURTHER RESOLVED THAT in accordance with section 12-1 (B) of the Town Code, the Board of Selectmen find that it is in the best interest of the Town to waive the bid requirements; and,

IT IS FURTHER RESOLVED THAT the Project is awarded to Total Energy Connections, and the First Selectwoman is authorized to execute all documents on behalf of the Town related to the Project.

DATED at Bethany, Connecticut, this 10th day of August, 2020.


Paula Cofrancesco
Its First Selectwoman, duly authorized