

TOWN OF OLD SAYBROOK
BOARD OF SELECTMEN

CARL P. FORTUNA JR., FIRST SELECTMAN

SCOTT M. GIEGERICH, SELECTMAN

MATTHEW PUGLIESE, SELECTMAN

302 Main Street • Old Saybrook, Connecticut 06475-2384
Telephone (860) 395-3123 • Fax (860) 395-3125

AMENDED MEETING AGENDA

Tuesday, March 26, 2024
6:00 p.m.

Old Saybrook Town Hall – **Second Floor Conference Room**

Public Zoom Link:

<https://zoom.us/j/97813035481?pwd=QkE1OVFXZlhIRTVTaGhMdjZKMkNOQT09>

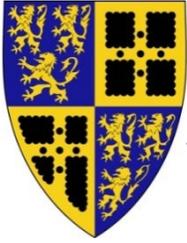
Dial In: 929-436-2866

Meeting ID: 978 1303 5481

Passcode: 302302

One Tap Mobile: <tel://9294362866,,97813035481#>

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. COMMENTS FROM THE PUBLIC**
- IV. COMMENTS FROM THE SELECTMEN**
- V. APPROVAL OF MINUTES:** Board of Selectmen Meeting March 13, 2024
- VI. BUSINESS BEFORE THE BOARD**
 - A.** Discussion and possible action to approve the Town of Old Saybrook Early Voting Plan.
 - B.** Discussion and possible action on Harbor Management Commission recommendation to the Board of Selectmen for ordinance revisions to Waterways Chapter 209.
 - C.** Discussion and possible action on Call of Annual Town Budget Meeting.
 - D.** Building Permit fee refund request from Tod DeMarco: 54 Owaneco Trail.
 - E.** Appointments
 1. Zoning Board of Appeals. Alternate member resignation. This appointment is for the unexpired portion of a 2-year term due to end 11/2025.
 - F.** Resiliency Grant application
 - G.** 155 Ingham Hill Road (Brown property) §8-24 application
 - H.** Authorizing Resolution Department of Emergency Management and Homeland Security (DEMHS) Region 2
- VII. ADJOURNMENT**



TOWN OF OLD SAYBROOK
BOARD OF SELECTMEN

CARL P. FORTUNA JR., FIRST SELECTMAN

SCOTT M. GIEGERICH, SELECTMAN

MATTHEW PUGLIESE, SELECTMAN

SPECIAL MEETING MINUTES
Wednesday, March 13, 2024
3:30 p.m.

Old Saybrook Town Hall – First Floor Conference Room

Direct link to the recording: <https://youtu.be/hSjxaMsJM-0>

It is also included in the following playlists:

Board of Selectmen Meetings: _

<https://www.youtube.com/playlist?list=PLKX0JMf1KPP9SQAHO0GUQCR3yLtNYxKOWK>

- I. **CALL TO ORDER** – all members present.
- II. **PLEDGE OF ALLEGIANCE** – recited.
- III. **COMMENTS FROM THE PUBLIC** – none.
- IV. **COMMENTS FROM THE SELECTMEN** Mr. Fortuna commented on a postcard he received in memory of David Brown; he mentioned that the town hall A/C project is underway, that the PERF contract has been signed and an introductory meeting occurred; that the Main St. Connection Park funding had come in from the State and he read an email distributed to the Kate Board of Trustees from its Chairman about the awesomeness of The Kate.
- V. **APPROVAL OF MINUTES:** Board of Selectmen Meeting February 13, 2024. – *A MOTION was made to approve February 13, 2024 meeting minutes.*
PUGLIESE/ GIEGERICH
MOTION CARRIED UNANIMOUSLY
- VI. **BUSINESS BEFORE THE BOARD**
 - A. Discussion and possible action on the allocation of Selectman Pugliese’s stipend payments.
Mr. Pugliese explained that in his new position as Deputy Director of DECD, he cannot have another paid position, but he can still serve on the Board of Selectmen. Therefore, he would like to donate the remaining portion of his stipend for this year as follows: \$1404.81 to the P & R capital account; \$1400 to the library for their expansion project; \$500 to YFS for their Boys and Girls council to scholarship students for summer conference and \$1,000 to the BOE off budget account for low-income students that need field trip funds and athletic equipment. *A MOTION was made to approve donation of the remaining portion of stipend.*
FORTUNA/GIEGERICH
MOTION CARRIED UNANIMOUSLY
 - B. Discussion and possible action on the appointment of a town attorney.
With Attorney Cronin’s retirement, Berchem Moses was installed as town attorney. *A MOTION was made to approve the appointment of Berchem Moses as town attorney.*
FORTUNA/GIEGERICH
MOTION CARRIED UNANIMOUSLY

C. TIF Advisory Committee

Mr. Fortuna stated that this committee does exist right now though it is inactive. Several members are no longer on boards. As a result, the new members are now Bruce Carlson, Jennifer Donahue, Berchem Moses and Chris Costa in addition to Mr. Fortuna, Norm Prevost from Planning, Sandy Roberts from EDC, Lee Ann Palladino and Norm Wood. *A MOTION was made to approve new members.*

FORTUNA/GIEGERICH

MOTION CARRIED UNANIMOUSLY

D. Tax Refunds

The Tax Collector gave the Board a schedule of refunds and a *MOTION was made to approve.*

FORTUNA/PUGLIESE

MOTION CARRIED UNANIMOUSLY

E. Transfer Station Fee Schedule

Mr. Fortuna reviewed a schedule that was handwritten from his meeting with Mr. Claffey. It basically raises the fees on bulky waste. He will get this schedule to the other members of the Board of Selectmen for discussion next time.

F. Tree Committee

Mr. Fortuna suggested that the Conservation Commission undertake this committee and he will be in touch with the chairperson.

G. Appointments

1. Historic District Commission – Regular member resignation vacancy.

Elevation alternate member Paul Knierim. This appointment is for the unexpired portion of a 5-year term due to end 12/2026. *A MOTION was made to approve the appointment of Paul Knierim.*

FORTUNA/GIEGERICH

MOTION CARRIED UNANIMOUSLY

2. Historic District Commission – Regular member resignation vacancy. This appointment is for the unexpired portion of a 5-year term due to end 12/2027.

A MOTION was made to approve the appointment of Tom Stevenson.

FORTUNA/GIEGERICH

MOTION CARRIED UNANIMOUSLY

3. Historic District Commission – Alternate member elevation vacancy. This appointment is for the unexpired portion of a 5-year term due to end 12/2026.

A MOTION was made to approve the appointment of Jessica Plant May.

FORTUNA/PUGLIESE

MOTION CARRIED UNANIMOUSLY

4. Zoning Board of Appeals. Alternate member resignation. This appointment is for the unexpired portion of a 2-year term due to end 11/2025. *A MOTION was made to table this item.*

FORTUNA/GIEGERICH

MOTION CARRIED UNANIMOUSLY

Board of Selectmen
Minutes
March 13, 2024

H. Winterization – 129 Nehantic Trail. *A MOTION was made to approve the removal from seasonal classification 129 Nehantic Trail.*

FORTUNA/PUGLIESE

MOTION CARRIED UNANIMOUSLY

VII. **ADJOURNMENT** - *A MOTION was made to adjourn at 4:31 p.m.*

FORTUNA/GIEGERICH

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Carl P. Fortuna Jr., First Selectman

Office of the Secretary of the State of Connecticut

**Suggested Form for Written Certification of Early Voting Location(s)
and Early Voting Plan**

Section I: About Your Town

Name of town: Old Saybrook

Does your town have a population of 20,000 or more? Yes/No* No
*If yes, see Section V.

Section II: Type of Event and Date

Select one: Election, Primary, Special Election, Presidential Preference Primary

Date of Event: April 2, 2024 Presidential Preference Primary

Section III: Required Early Voting Location

Name of location: OLD SAYBROOK TOWN HALL CONFERENCE ROOM FIRST FLOOR

Address of location: 302 Main St Old Saybrook

Contact information (individual who controls access): Joan Strickland & Joan Broadhurst

CVRS live connection? Yes/No Yes

Description of location interior: LARGE CONFERENCE ROOM WITH AVAILABLE ROOM DIVIDER TO CREATE TWO SEPARATE SPACES FOR REPUBLICAN AND DEMOCRAT PRIMARY CHECKERS, CVRS IS ACCESSIBLE AND PHONE LINE FOR CONTACTING FOR CURBSIDE VOTING. 2 ENTRANCE AND EXIT DOORWAYS TO THE ROOM. ONE SIDE OF THE ROOM WILL HAVE PRIVACY BOOTHS AND THE IVS LOCATION, OPPOSITE SIDE WILL HAVE CHECKER TABLE AND BALLOT CLERK WITH 2 SECURED BALLOT DEPOSITORY RECEPTACLES FOR DEMOCRAT AND REPUBLICAN BALLOTS.

Description of location exterior: Town Hall location has 2 marked Handicap spaces in the front entrance with elevator access to first floor conference room location. We will have Early Voting signs and 75' markers, along with a designated parking spot with phone number for Curbside voting. The Town Hall will be able to conduct normal business and any meetings in the additional 2nd floor conference room. Large hallway area can accommodate lines if there is large early voting turnout.

Section IV: Early Voting Plan

Early voting staff: (LIST STAFF AND CONFIRMED ALTERNATES FOR EACH LOCATION)
REGISTRARS : JOAN STRICKLAND & JOAN BROADHURST

MODERATORS: REPUBLICAN PRIMARY EARLY VOTING" EILEEN STIRLING, ANNE EVOLA, AND LARRY HAYDEN
POLL WORKERS: REPUBLICAN : SOPHIE BUGDEN, CHLOE BUGDEN, SEAN COLLISON
MODERATORS: DEMOCRAT DEE MARX AND CARL GARBE, KAREN PRENDERGAST
POLL WORKERS: SHIRLEY COLQUHOUN, GAYLE GIBBONS, AMY ELLIOTT

Location where ballots will be stored each day after early voting: Town Clerk's fireproof Vault in locked cabinet.

Description of tamper-proof, fire-proof receptacle in which early voting ballots will be stored: individual ballot bags will have seals and be locked in cabinet in the Town Clerk's fireproof vault.

Name of the individual responsible for ballot storage and log*:

Town Clerk Sarah Becker will provide access to the Vault, Joan Broadhurst and Joan Strickland will be responsible for access log to locked cabinet in VAULT.

*Election officials should store ballots in a fire-proof, limited-access area and maintain an access log. This log should include the name of anyone who accesses the area, as well as the date, time, and reason for access.

Any Additional Components of Early Voting Plan: INCLUDING BUT NOT LIMITED TO THE FOLLOWING: AN UPDATED EMERGENCY CONTINGENCY PLAN THAT COVERS EARLY VOTING, MATERIALS NECESSARY FOR MODERATOR, BUILDING ACCESS CONFIRMED, PHONE ACCESS CONFIRMED, ETC.

Section V: Optional Additional Location(s) in Towns with a Population of 20,000 or More

Has the town legislative body approved an additional location? Yes/No*

*If yes, please complete the information below.

Name of additional location(s): EXAMPLE TOWN HALL MEETING ROOM

Address of additional location(s):

Contact information (individual who controls access):

CVRS live connection? Yes/No

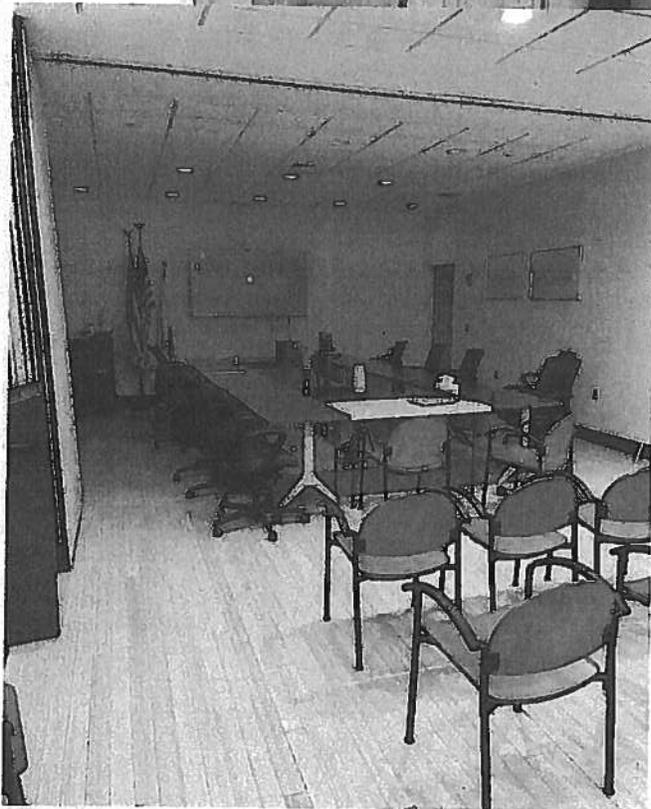
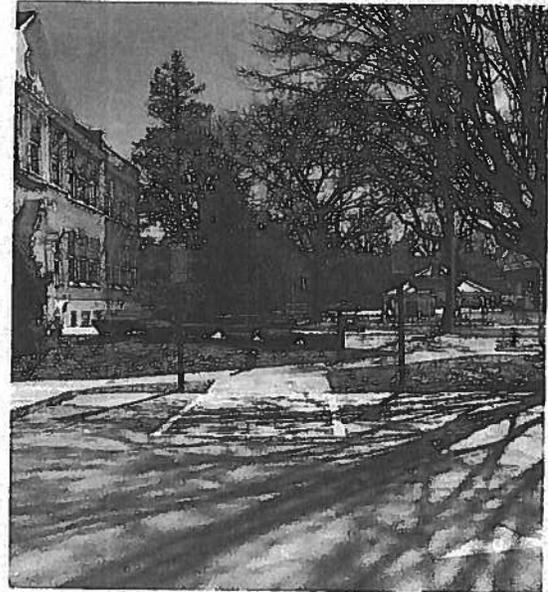
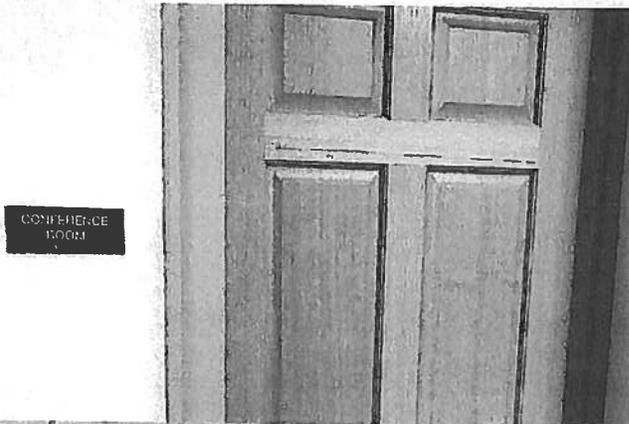
Description of location interior: INCLUDING BUT NOT LIMITED TO THE FOLLOWING: ENTRANCE AND EXIT PLANS, POSITION OF PRIVACY BOOTHS, CHECKER TABLES, IVS LOCATION, AND OF SECURED BALLOT DEPOSITORY RECEPTACLE.

Description of location exterior: INCLUDING BUT NOT LIMITED TO THE FOLLOWING: AT LEAST TWO PARKING SPACES FOR PEOPLE WITH A HANDICAP, 75' MARKERS, A PLACE FOR CURBSIDE VOTING, AND IF A LOCATION IS IN A SCHOOL OR TOWN HALL, HOW BUSINESS WILL BE CONDUCTED WHILE EARLY VOTING OCCURS.

Submitted by: JOAN STRICKLAND & JOAN BROADHURST REGISTRAR OF VOTERS

Date: 02/08/2024

Joan Strickland 2/08/2024
Registrar of Voters



Old Saybrook Town Hall

Chapter 209

WATERWAYS

ARTICLE I
Mooring and Operation of Vessels at North Cove

- § 209-1. **Applicability.**
- § 209-2. **Rules and regulations.**
- § 209-3. **Mooring plan.**
- § 209-4. **Enforcement.**
- § 209-5. **Violations and penalties.**

ARTICLE II
North Cove Dock Master

- § 209-6. **Employment of Dock Master.**
- § 209-7. **Remuneration.**

ARTICLE III
Public Landings on North Cove Road

- § 209-8. **Restriction of use to residents and taxpayers.**

ARTICLE IV
Waterfront Facilities

- § 209-9. **Regulations applying to all facilities.**
- § 209-10. **Ferry Road waterfront regulations.**
- § 209-11. **Sheffield Street waterfront regulations.**

ARTICLE V
Rules and Regulations

- § 209-12. **Power to adopt rules and regulations and erect signs.**
- § 209-13. **Authority to charge and collect fees.**
- § 209-14. **Penalties for offenses.**

ARTICLE VI
Sheffield Street Dock Complex

- § 209-15. **Fishing and crabbing.**
- § 209-16. **Rescission of previous prohibitions.**

[HISTORY: Adopted by the Town Meeting of the Town of Old Saybrook as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Harbor Management Commission — See Charter Ch. 5, Sec. 16; Beach regulations — See Ch. 401, Ch. 8, Art. XI.

ARTICLE I
Mooring and Operation of Vessels at North Cove
[Adopted 5-2-1966]

§ 209-1. Applicability.

- A. The following rules and regulations shall govern the operation and mooring of all vessels within the North Cove area of the Town of Old Saybrook from May 1 through October 31 during each calendar year.
- B. These rules and regulations shall apply to all vessels within the area of North Cove dredged and maintained by the Corps of Army Engineers, having a minimum depth of five feet at mean low water, and as suitably marked by navigational aids, said mooring area hereinafter referred to as the "mooring area."

§ 209-2. Rules and regulations.

- A. Vessels anchored within the mooring area are subject to being positioned or relocated by the Harbor Master of the Town of Old Saybrook, or the Deputy Harbor Master. No vessel shall anchor or moor within the mooring area for a period in excess of 72 hours or shall make fast to facilities for a permanent mooring, without the express approval of the Harbor Master or the Deputy Harbor Master.
- B. All ground tackle, anchors, etc., for permanent moorings within the mooring area are to be placed in position by the Harbor Master or the Deputy Harbor Master. Within the meaning of this article, a "permanent mooring" is defined as a place of anchorage for a period exceeding 72 hours. The Harbor Master may charge a fee for placing and positioning equipment for a permanent mooring and removal at the end of the season.
- C. All anchors, ground tackle, and mooring equipment, used in the mooring area, are subject to the approval of the Harbor Master or the Deputy Harbor Master; the Harbor Master, in his or her sole discretion, may declare unsuitable any such equipment.
- D. No garbage, refuse, or waste material of any type is to be discharged within the mooring area.
- E. The maximum speed within the mooring area is five miles per hour or at such lesser speed as is necessary to prevent a hazardous or injurious wake.
- F. Vessels, including dinghies, are permitted to moor to the Town dock only for loading and discharging passengers and/or cargo, and for a period not to exceed 15 minutes duration.

§ 209-3. Mooring plan.

The Harbor Master, upon recommendation of the Harbor Management Commission, may establish and promulgate a mooring plan for the allocation of mooring space within the mooring area.

§ 209-4. Enforcement.

The provisions of this article may be enforced by any officer specified in C.G.S. § 15-137.

§ 209-5. Violations and penalties.

Any person who violates provisions of § 209-2A, B, D or E of this article shall be fined \$100 or an amount voted on by the Harbor Management Commission per calendar day for each breach thereof; any person who violates the provisions of § 209-2F of this article shall be fined \$25 or an amount voted on by the Harbor Management Commission per calendar day for each breach thereof.

ARTICLE II
North Cove Dock Master
[Adopted 5-2-1966]

§ 209-6. Employment of Dock Master.

The Harbor Management Commission, with the consent of the Board of Selectmen, may employ the Harbor Master of the Town of Old Saybrook, or a Deputy Harbor Master thereof, to administer state and local regulations governing the operation of vessels within the North Cove, and the officer so designated shall be known as the "North Cove Dock Master."

§ 209-7. Remuneration.

The North Cove Dock Master shall be remunerated pursuant to appropriate contract provisions by such funds so appropriated by the Town Meeting for these purposes.

ARTICLE III

Public Landings on North Cove Road

[Adopted 11-24-1980 by Ord. No. 17 of the 1980 Code]

§ 209-8. Restriction of use to residents and taxpayers.

The Board of Selectmen is authorized to restrict public landings on North Cove Road to residents and taxpayers of the Town of Old Saybrook.

ARTICLE IV
Waterfront Facilities

[Adopted 11-24-1980 by Ord. No. 19 of the 1980 Code]

§ 209-9. Regulations applying to all facilities.

The following rules and regulations shall govern the use of the waterfront facilities of the Town of Old Saybrook, and the use of the parking areas at the waterfront facilities:

- A. There shall be no parking from 12:00 midnight to 5:00 a.m., at the designated parking areas in the immediate vicinity of all Town-owned waterfront facilities. In addition, all daytime parking in said areas shall be by permit only, and shall be limited to those vehicles displaying a current parking sticker, which shall be issued by the Harbor Management Commission. Parking stickers will be limited to residents and taxpayers of the Town of Old Saybrook, and to persons having a mooring at the North Cove mooring area, for the current boating season. Persons having moorings for the current boating season at North Cove will be limited to parking at the North Cove areas only.
- B. Overnight parking for owners of vessels moored in the North Cove mooring area, members of their families and guests shall be permitted only at the parking areas of the Old Saybrook Junior High School. Parking stickers will not be required for parking in this area.
- C. Parking in the areas designated "load zone" shall be limited to 15 minutes for the purposes of loading and unloading gear and supplies, and the picking up and discharging of passengers.
- D. All items, including boats, oars, lobster pots, lines, etc., left within the areas owned by the Town of Old Saybrook and used as waterfront facilities, except those areas designated for such use, may be removed at the direction of the Harbor Management Commission, and the owner thereof may reclaim the same only upon payment of the expense involved in the removal and storage of said items.
- E. All fishermen must withdraw lines when vessels are approaching Town docks, or underway from Town docks, and shall not interfere with normal vessel operation.
- F. The Harbor Management Commission is hereby authorized to place such signs as it deems sufficient and necessary to warn users of the Old Saybrook waterfront facilities of the regulations contained herein.
- G. Any person who violates any section of this article shall be subject to a fine of \$100 or an amount voted on by the Harbor Management Commission per calendar day.

§ 209-10. Ferry Road waterfront regulations.

The following rules and regulations shall govern the use of the Ferry Road waterfront facilities of the Town of Old Saybrook and the use of the parking areas at those facilities:

- A. All parking shall be by permit only and shall be limited to residents, to taxpayers, or to persons to whom boat slips have been assigned for the current season.
- B. All parking must be in the designated parking areas only.
- C. Access to the dock and to slips must be kept unobstructed at all times.
- D. Vehicles in violation of parking regulations are subject to towing and storage at the owner's expense.
- E. Fishing, lobstering, and boating gear and other equipment of whatever kind must be stored in the area

designated for the purpose. Any equipment left on docks will be subject to removal without notice, and the owner thereof may reclaim the same only upon payment of the expense involved in the removal and storage of said items.

- F. (Reserved)¹
- G. No modifications are to be made to any part of the dock, pilings, stonework, concrete, or blacktop. No pipes bars, metal posts, or other devices are to be driven or in any way attached to any part of any construction on Town property.
- H. Fishing and crabbing are prohibited at all times on the dock complex and on adjacent Town property.
- I. Fish are not to be cleaned or gutted on the dock or on other Town property.
- J. All refuse must be placed in the refuse containers provided.
- K. Any person who violates any of the above regulations shall be subject to arrest and to a fine of \$100 or an amount voted on by the Harbor Management Commission per calendar day.

§ 209-11. Sheffield Street waterfront regulations.

The following rules and regulations shall govern the use of the Sheffield Street waterfront facilities of the Town of Old Saybrook and the use of parking areas at those facilities:

- A. All parking shall be by permit only and shall be limited to those vehicles displaying a current parking sticker, which shall be issued by the Harbor Management Commission. Parking stickers will be restricted to residents and taxpayers and to persons having a mooring at the North Cove mooring area for the current season.
- B. From 12:00 midnight to 5:00 a.m. there shall be no parking at the Sheffield Street waterfront facilities in the street or on Town-owned waterfront property.
- C. Overnight parking for owners of vessels moored in the North Cove mooring area and for members of their families and guests shall be permitted at the parking areas of the Old Saybrook Junior High School. Parking permits are not required for parking in this area.
- D. Stopping in the loading zone shall be limited to 15 minutes for the purpose of loading and unloading gear and supplies, and the picking up and discharging of passengers.
- E. Cars in violation of parking regulations are subject to towing at the owner's expense.
- F. No alcoholic beverages are to be opened or consumed on the dock complex or on adjacent Town property, including parking areas.
- G. Swimming from the dock and from adjacent Town property is prohibited at all times.
- H. No boats are to be left unattended at the dock.
- I. No boats are to remain at the dock for more than 20 minutes.
- J. Dinghies and prams must be stored in racks at the owner's risk, not left on the ground, on floats, or

1. Editor's Note: Former Subsection F, which required the face of the main dock to be kept clear except under certain circumstances, was repealed 4-26-2022.

§ 209-5

WATERWAYS

§ 209-5

§ 209-11

OLD SAYBROOK CODE

§ 209-11

on the dock.

- K. No boats are to be left on Town property from November 1 to May 1.
- L. Fishermen and crabbers must withdraw lines when vessels are approaching and shall not interfere in any way with the operation of any vessel, nor with loading and unloading.
- .
- M. No fish are to be cleaned or gutted on the dock or on other Town property except in designated areas adjacent to the dock.
- N. No one shall interfere in any way with the operation of a vessel approaching or departing the dock, and no one shall permit himself/herself or his or her property to be an obstruction to such approaches or departures.
- O. Access to the launching ramps must be kept clear and unobstructed at all times.
- P. Activities associated with commercial fishing are not permitted on the dock complex or on this Town-owned waterfront property. The transporting of catch, equipment and bait through the area is prohibited.

Q. Any person who violates provisions of § 209-11 D, F, G, K, L, M, N, O or P of this article shall be fined \$100 or an amount voted on by the Harbor Management Commission per calendar day for each breach thereof; any person who violates the provisions of § 209-11 H, I, or J of this article shall be fined \$25 or an amount voted on by the Harbor Management Commission per calendar day for each breach thereof.

ARTICLE 5
Rules and Regulations
[Adopted 11-24-1980 by Ord. No. 20 of the 1980 Code]

§ 209-12. Power to adopt rules and regulations and erect signs.

The Harbor Management Commission is hereby authorized and empowered to adopt rules and regulations as it deems necessary and advisable for the proper control, use management and maintenance of all Town of Old Saybrook owned and controlled waterfront facilities under the jurisdiction of said Harbor Management Commission. Parking in the vicinity of all said waterfront facilities shall be subject to regulations established by the Harbor Management Commission. The Harbor Management Commission is hereby authorized to place such signs as it deems sufficient and necessary to warn users of the Old Saybrook facilities of the rules and regulations which may be established under the provisions of this article.

§ 209-13. Authority to charge and collect fees.

The Harbor Management Commission is hereby authorized to establish, charge and collect fees for the use of those Town of Old Saybrook owned and controlled waterfront facilities and mooring areas within the jurisdiction and control of said Harbor Management Commission.

§ 209-14. Penalties for offenses.

Any person persons violating any of the rules or regulations established under § 209-12 of this article shall be subject to arrest and to a fine of \$100 or an amount voted on by the Harbor Management Commission per calendar day.

ARTICLE 6
Sheffield Street Dock Complex
[Adopted 3-16-1992 by Ord. No. 19A]

§ 209-15. Fishing and crabbing.

Notwithstanding any ordinance or rule and regulation to the contrary, fishing and crabbing by Old Saybrook residents shall be permitted at all times on the Sheffield Street dock complex and on adjacent Town property. Fish may be cleaned and gutted in designated areas adjacent to the dock. Activities associated with commercial fishing are not permitted on the dock complex or on the adjacent Town-owned waterfront property.

CALL OF ANNUAL BUDGET MEETING

Notice is hereby given that the Annual Budget Meeting and a Special Town Meeting of the electors and citizens qualified to vote in Town Meetings of the Town of Old Saybrook will be held at the Old Saybrook Middle School Auditorium, Sheffield Street, Old Saybrook, Connecticut, on Monday, May 6, 2024, 60 Sheffield Street, at 6:30 p.m. for the following purposes:

ITEM 1: To adopt the annual Budget for the Town of Old Saybrook for the fiscal year July 1, 2024, through June 30, 2025 as recommended by the Board of Finance in the amount of \$51,440,046 and to make appropriations for the schools, highways, bridges, sidewalks, library, cemeteries, fire protection, police department and all other necessary objects and purposes:

General Government: \$21,634,728

Board of Education: \$29,805,318

Pursuant to the provisions of Chapter 8, Section 4 of the Charter of the Town of Old Saybrook, and Section 7-344 of the General Statutes of Connecticut, as amended, to adjourn said Annual Budget Meeting at its conclusion and to submit the question of the adoption of said budget to vote, upon the voting machines of the Town of Old Saybrook, on Tuesday, May 14, 2024, between the hours of 12:00 noon and 8:00 p.m. Said referendum shall take place at the Old Saybrook Senior High School Gymnasium, 1111 Boston Post Road, Old Saybrook, Connecticut.

The adoption of said budget, as recommended by the Board of Finance shall be placed on the voting machines of the Town of Old Saybrook in two parts, the first part being for the budget of the General government, including the Bonded Indebtedness, in the amount of \$21,634,728 and the second part being for the budget of the Board of Education in the amount of \$29,805,318. Said questions will be placed on the voting machines under the following heading:

Question #1. SHALL THE TOWN ADOPT THE GENERAL GOVERNMENT PART OF THE ANNUAL BUDGET OF THE TOWN OF OLD SAYBROOK IN THE AMOUNT OF \$21,634,728 AS RECOMMENDED BY THE BOARD OF FINANCE IN ACCORDANCE WITH ITEM #1 OF THE CALL OF THE ANNUAL TOWN BUDGET MEETING OF MAY 6, 2024?

YES
NO

Question #2. SHALL THE TOWN ADOPT THE BOARD OF EDUCATION PART OF THE ANNUAL BUDGET OF THE TOWN OF OLD SAYBROOK IN THE AMOUNT OF \$29,805,318 AS RECOMMENDED BY THE BOARD OF FINANCE IN ACCORDANCE WITH ITEM #1 OF THE CALL OF THE ANNUAL TOWN BUDGET MEETING OF MAY 6, 2024?

YES
NO

ITEM #2. To adopt the following resolution: In accordance with the provisions of Section 12-142 of the General Statutes of Connecticut, as amended, that the property taxes assessed and levied by the Town of Old Saybrook on the Grand List of October 1, 2023 be paid in two semi-annual installments, the first being due and payable on July 1, 2024 and the second to be due and payable on January 1, 2025 with the exception of real property and personal property tax bills under \$100.00, payable in one payment on July 1, 2024; motor vehicle taxes due and payable in one installment on July 1, 2024; and Supplemental Motor Vehicle tax bills due and payable in one installment on January 1, 2025.

ITEM #3. To authorize and empower the Board of Selectmen to borrow such sums of money from the Town of Old Saybrook fund balances and/or from other sources as the Board may deem necessary, in anticipation of tax revenues, to pay the appropriations of the budget for the fiscal year July 1, 2024 to June 30, 2025.

ITEM #4.

As allowed under the provisions of Section 12-129n of the General Statutes of Connecticut, to act upon the recommendation of the Board of Finance to provide tax relief to certain homeowners of the Town of Old Saybrook aged 65 or over, or permanently and totally disabled, under the following conditions:

- a) That the homeowner meets the requirements for age and/or disability under the specific provisions of Section (1) and (2) of Section 12-129n (a) of the General Statutes of Connecticut.
- b) That the homeowner be a taxpayer of the Town of Old Saybrook for a period of one year next immediately preceding their receipt of tax benefits under this program.
- c) That the homeowner meets the income requirements for eligibility for tax relief under the provisions of Section 12-129b of the General Statutes of Connecticut.
- d) That the total amount of relief allowed to taxpayers under this program for the Town of Old Saybrook fiscal year beginning July 1, 2024, shall not exceed the sum of \$90,000.00.
- e) The relief provided under this program to a qualified taxpayer shall not exceed an amount which, when added to relief for such taxpayers, is eligible under the provisions of Section 12-129b to Section 12-129d, inclusive, or Section 12-170aa of the Connecticut General Statutes, which in the aggregate, exceed 75% of the property tax for which such taxpayers would be liable but for the benefits hereunder and under said above-referred two sections.
- f) That if deemed necessary by the Old Saybrook Tax Assessor and Tax Collector, by reason of time constraints, the property tax relief program for the tax year beginning July 1, 2024, may be implemented by Certificates of Correction (for the full amount of the relief) issued with respect to the installment of taxes due and payable January 1, 2025.

Signed by:

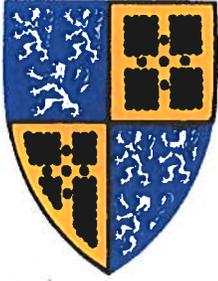
Carl P. Fortuna, Jr., First Selectman

Scott Giegerich, Selectman

Matthew Pugliese, Selectman

Dated at Old Saybrook, Connecticut, this 26th day of March 2024.

ATTEST: _____
Sarah V. Becker, Town Clerk



TOWN OF OLD SAYBROOK
Land Use Department

302 Main Street • Old Saybrook, Connecticut 06475-1741
Telephone (860) 395-3131 • FAX (860) 395-1216

MEMORANDUM

Via Hand Delivery

To: Carl Fortuna, First Selectman
Bruce Carlson, Chairman, Board of Finance *CME*
Bruce Carlson, Chairman, American Rescue Plan Act (ARPA) Committee

From: Christina M. Costa, Town Planner

Date: March 22, 2024

Subject: **Request for Grant Application Match Funding
2024 Long Island Futures Fund Grant Application**

This memorandum serves as a request for consideration of a grant match funding for the Land Use Department to proceed with preparing a grant application for the 2024 Long Island Sound Futures Fund (LIS FF) to investigate alternative strategies to enhance coastal resilience from Chapman Beach to Indiantown.

The total grant amount requested is anticipated to be approximately \$350,000.00 and will require a match commitment from the Town of \$175,000. The Land Use Department respectfully request the commitment of \$87,500.00 from American Rescue Plan Funds and \$87,500.00 from the Board of Finance so that we can proceed with this application.

Attached please find a more detailed summary of the 2024 grant proposal for your review.

Thank you for your consideration of this request.

END OF MEMORANDUM

**Request for Match Funding
2024 Long Island Sound Futures Fund Grant Application
Match Requirements to
Investigate Alternative Strategies for Enhancing Coastal Resilience
Extending from Chapman Beach to Indiantown**

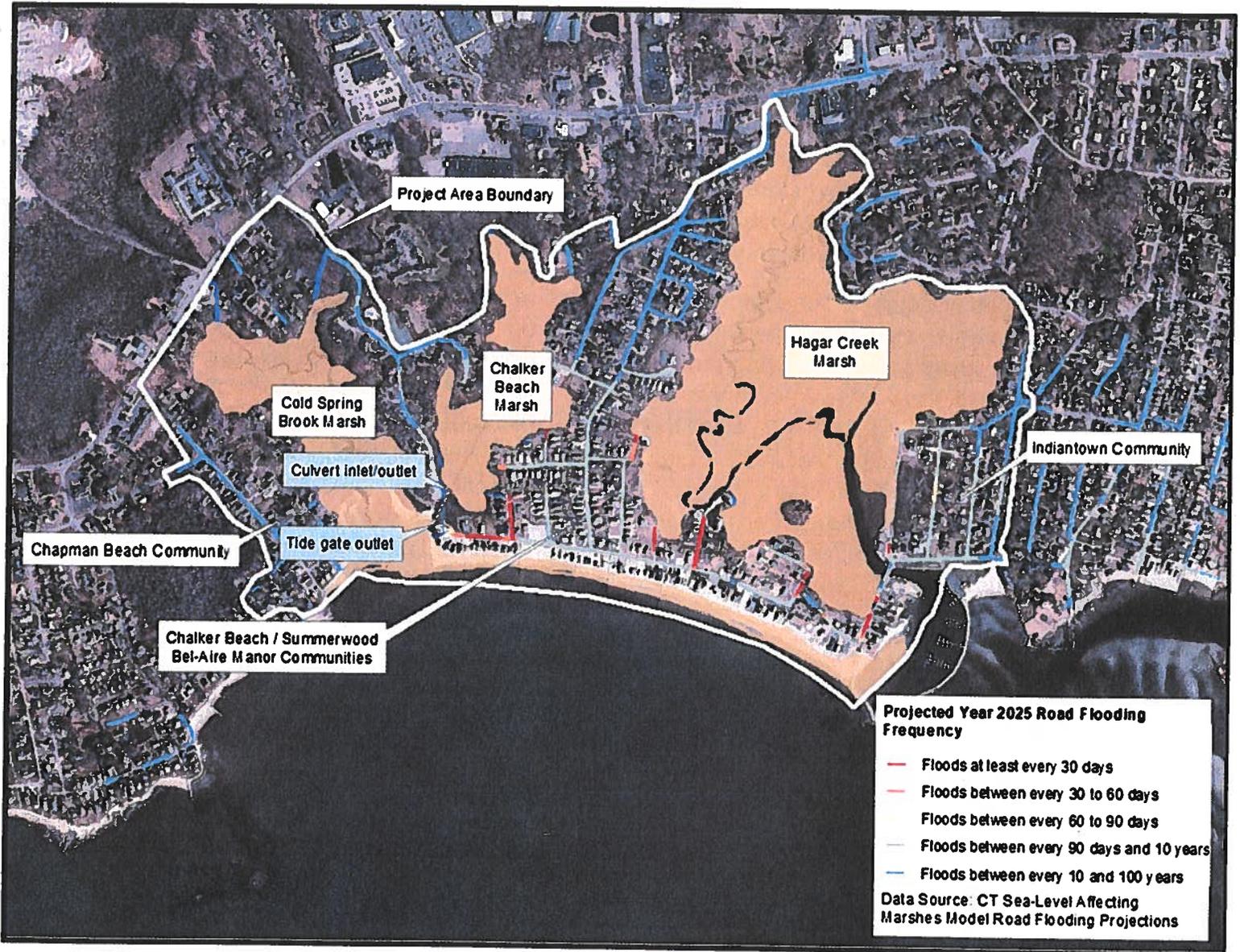
In 2023, the Town applied for but was not awarded funding through the Long Island Sound Futures Fund (LIS FF) to investigate flood management, tidal marsh and beach management concerns in the shoreline area extending from Chapman Beach (Westbrook) to Indiantown (Old Saybrook). Based upon feedback provided by the Fund on the 2023 grant application, the Department of Land Use recommends that the Town reapply for grant funding to contract for consulting engineering services to investigate flood control and marsh and beach management alternatives to enhance coastal resilience within the proposed project area. The expected results of the proposed investigation will include information needed to prepare State and federal permit applications for any recommended coastal resilience regulated activities. LIS FF grant application guidelines require the Town to provide 50% of its requested grant amount (~ \$350,000) in matching funds (~\$175,000). Staff request that required matching funds be provided by committing \$87,500 in ARPA funds and \$87,500 from the Board of Finance. If grant funding is awarded, funds are expected to be expended in calendar years 2025-2026. Grant awards are expected to be announced in November 2024. Qualifying project costs incurred after October 1, 2024, are eligible for reimbursement with awarded funds.

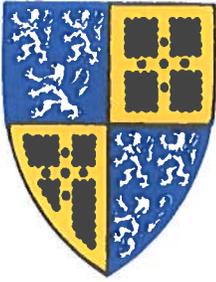
The proposed investigation of potential flood mitigation and coastal resource restoration alternatives will evaluate the feasibility of potential project alternatives including conceptual designs for select preferred alternatives. The preferred alternatives supported by the Town will likely require additional analysis to prepare permit and construction scale design information requirements. Once this information is obtained, additional funding would be applied for to proceed to the permitting and final design phase, followed by the selected project(s) construction. The proposed data collection/feasibility analysis, project(s) design and construction phase sequencing are generally accepted as the most prudent approach to preparing responses to coastal resilience concerns currently being evaluated through the current Four Shore Coastal Resilience Planning initiative.

The proposed feasibility analysis and preliminary design alternatives evaluation are expected to include:

- Modelling of sediment (sand) transport and hydro-dynamic modelling of coastal storm surge and stormwater at a scale needed to support the design of preliminary flood mitigation and tidal marsh/beach management practices.
- Modifications to or replacement of the Chalker Beach tide gate and culverts and modifying drainage patterns within the marsh to support a healthy suite of marsh vegetation and provide neighborhood scale flood mitigation.

- Preparing alternative management practices of marsh creek outlets and replacement of project area groins affecting sediment transport
- Identifying the most problematic flood management areas under alternative precipitation events and sea level rise scenarios in terms of flooding depth, frequency, and mitigation design challenges
- Recommending upland flood management practice concepts (e.g. berms/stabilized marsh edge slopes, stormwater culvert tide flex valves, etc.) where flood mitigation is practical/feasible.





TOWN OF OLD SAYBROOK
Board of Selectmen

302 Main Street • Old Saybrook, Connecticut 06475-1741
Telephone (860) 395-3131 • FAX (860) 395-1216

INTEROFFICE MEMORANDUM

Via Hand Delivery

To: Nick Prevost, Chairman, Planning Commission
From: Carl P. Fortuna, First Selectman
Date: March 25, 2024
Subject: **“155 Ingham Hill Road” Request for Approval of Municipal Improvement per C.G.S. §8-24 for the Purchase of Land (12.6 ac)**
Assessor’s Map 51 / Lot 6) Residence AA-1 District

The Town of Old Saybrook has an option agreement dated September 3, 1999, to purchase the above referenced property. The Town is seeking your approval to exercise this option to acquire 155 Ingham Hill Road. The parcel is contiguous to Town owned land including Great Cedars Conservation Area and the Preserve. It is 12.6 acres in size consisting primarily of upland area suitable for municipal purposes. Once the property is acquired, the Town will investigate potential uses for the land that is consistent with Town Plan of Development.

The acquisition of this property is consistent with Implementation Action Items for Strategic Acquisition outlined in the Natural Resources Section of the 2023 Old Saybrook Plan of Conservation & Development.

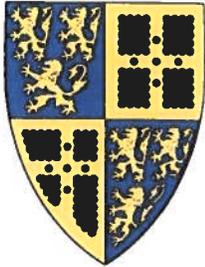
Policy 1a Expand on the Preserve by identifying adjacent properties for acquisition and preservation, as well as adding to the Town’s upland open space holdings in the areas north of I-95

Policy 1c. Identify properties for acquisition that would provide connections between existing open space, critical habitat areas, and recreational greenways, including Great Cedars East and West

If the Commission agrees with this recommendation, please approve this proposal as a Municipal Improvement consistent with the Town’s plans for conservation and development.

Thank you for your consideration of this matter.

END OF MEMORANDUM



TOWN OF OLD SAYBROOK
SELECTMEN'S OFFICE

302 Main Street • Old Saybrook, Connecticut 06475-2384
Telephone (860) 395-3123 • Fax (860) 395-3125

**AUTHORIZING RESOLUTION of THE TOWN OF OLD SAYBROOK,
BOARD OF SELECTMEN**

CERTIFICATION:

I, Sarah Becker, the Town Clerk of the Town of Old Saybrook, do hereby certify that the following is a true and correct copy of a resolution adopted by the Board of Selectmen at its duly called and held meeting on March 26th, 2024 at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect:

RESOLVED, that the Board of Selectmen may enter into with and deliver to the **State of Connecticut Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security** any and all documents which it deems to be necessary or appropriate; and

FURTHER RESOLVED, that Carl P. Fortuna, Jr., as First Selectman of the Town of Old Saybrook, is authorized and directed to execute and deliver any and all documents on behalf of the Board of Selectmen and to do and perform all acts and things which he/she deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

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

Instructions for: TOWN OF OLD SAYBROOK
Received by: Sarah Becker, Town Clerk
For the Amendment:
<input checked="" type="checkbox"/> A municipal point of contact has been identified
<input checked="" type="checkbox"/> The Chief Executive Officer's name and title has been typed in the space provided.
<input checked="" type="checkbox"/> 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.

Instructions for: Region 2 Fiduciary Agent
Received by: <name>
<input type="checkbox"/> The fiduciary agent's Chief Executive Officer's name and title has been signed in the space provided.
<input type="checkbox"/> The municipality's CEO's name and title has been typed in the space provided
<input type="checkbox"/> 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.
Submit completed MOAs and resolutions to your DESPP/DEMHS Program Manager by email on a quarterly basis prior to completion of FY 2023 expenditures.
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).

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

TOWN OF OLD SAYBROOK

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 TOWN OF OLD SAYBROOK the fiduciary agent Lower CT River Valley COG and the Region 2 REPT concerning the Federal Fiscal Year 2022 State Homeland Security Grant funding and custodial ownership of regional assets in DEMHS Region 2.
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 TOWN OF OLD SAYBROOK 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 TOWN OF OLD SAYBROOK 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 TOWN OF OLD SAYBROOK is eligible to participate in those Federal Fiscal Year 2023 SHSGP regional allocations made through the Region 2 REPT in the amount of \$475,288.97 (\$361,203.97 for regional projects, \$29,085 for soft target projects, \$10,000 for the regional hazardous materials team and an additional \$75,000 for the regional bomb squad) for Region 2, which will be made available to the jurisdictions in Region 2 in the manner recommended by the Region 2 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 TOWN OF OLD SAYBROOK enter into Part I of this MOA authorizing DESPP/DEMHS to act as the agent of municipality of TOWN OF OLD SAYBROOK 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 Lower CT River Valley COG to provide the financial programmatic oversight described below.”

7. Section D shall be amended to read:

“D. Lower CT River Valley COG and municipality of TOWN OF OLD SAYBROOK Responsibilities.

1. Municipality of TOWN OF OLD SAYBROOK agrees to allow the Lower CT River Valley COG to provide financial and programmatic oversight of the Federal Fiscal Year 2023 regional allocation in the amount of \$475,288.97 (\$361,203.97 for regional projects, \$29,085 for soft target projects, \$10,000 for the regional hazardous materials team and an additional \$75,000 for the regional bomb squad) targeted to member municipalities in DEMHS Region 2 and recommended through the Region 2 REPT in accordance with is approved bylaws. Such funds will be applied to specific projects developed and approved by the Region 2 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	Lower CT River Valley COG	Scott Bisson
Brenda.bergeron@ct.gov	sbeckman@rivercog.org	Bisson.Scott@northhaven-ct.gov

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;

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 XLVII	Acceptance of Post Award Changes
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Article L	Indirect Cost Rate

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.

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 OMB's 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. 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 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 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.